



# LAND AT DEAL GROUND AND MAY GURNEY

Environmental Statement Addendum – Chapter 03: Methodology and Limitations

Serruys Property Company Limited

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## 3 METHODOLOGY AND LIMITATIONS

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### 3.1 INTRODUCTION

Where an EIA is required for a proposed development, information on the likely significant effects of the development must be provided by the applicant in an ES to accompany the planning application. The outline scheme was subject to the EIA process.

Regulation 3 of the EIA Regulations states:

*The relevant planning authority...must not grant planning permission or subsequent consent for EIA development unless as EIA has been carried out in respect of that development.*

When considering the reserved matters for the outline scheme it is necessary to consider how the EIA Regulations apply to 'subsequent applications' which are defined as meaning (as set out in EIA Regulation 2):

*An application for approval of a matter where the approval – is required by or under a condition to which a planning permission is subject; and must be obtained before all or part of the development permitted by the planning permission may be begun.*

The EIA Regulations therefore prohibit development consent being granted, including those for subsequent applications, unless there is an assessment of the likely significant effects of the development. The EIA Regulations seek to ensure the determining authority makes its decision in the full knowledge of any likely significant environmental effects.

Since the outline consent was EIA development, it follows that any subsequent applications pursuant to that planning permission will also be ones that relate to EIA development and will thus have to be determined by reference to an ES.

In relation to the outline scheme, it is necessary to consider the EIA Regulations on the basis set out in Regulation 9 for 'subsequent applications' since this applies where an ES has already been submitted. Regulation 9(2) states that where the environmental information (in this instance the previous ES, addendum and associated environmental information) already before the authority is considered adequate, the authority should take this into account in its decision for a subsequent consent. Regulation 9(3) states that where the environmental information is not considered adequate to assess the significant effects of the development on the environment, a notice must be served under Regulation 25. Alternatively, the applicant can submit further environmental information voluntarily – this is the route taken in the provision of this ESA. It should be noted that there are no requirements in the Regulations as to the format and content of an ESA.

### 3.2 SCOPING

Given the near ten-year passing of time between the outline application and consent in addition to the change in EIA Regulations plus the professional view for the reserved matters application to be robust in

terms of the legislation, further scoping requests have been made in line with the 2017 Regulations and opinions issued that have formed the contents and format of the ESA. The initial scoping request was submitted by Lanpro on 26<sup>th</sup> September 2022. Opinions were received from from the three local planning authorities (LPAs) (Broads Authority - BA/2022/0350/SCOPE on 2<sup>nd</sup> November 2022; Norwich City Council (NCC) 22/01225/EIA2 on 23<sup>rd</sup> November 2022; and South Norfolk - 2022/1847 on 7<sup>th</sup> December 2022) – the request and opinions are contained within appendix 3.1. An addendum in addition to that already submitted and received was submitted by Triptych PD on 27<sup>th</sup> February 2023 to specifically scope out the 2017 Regulations subject of risk of major accidents and disasters and agree the viewpoints for the LVIA, which had been scoped in by the Broads Authority (BA/2022/0350). Following various liaison and discussion, opinions were received NCC on 10<sup>th</sup> May 2023 (23/01243/EIA) and South Norfolk on 25<sup>th</sup> May 2023 (2023/0578) – these confirmed that based on the information contained within the request, major risks of accidents and disasters could be scoped out and the LVIA viewpoints and methodology were agreed (appendix 3.2). No direct response was received from the Broads Authority, but it is understood liaison occurred between the three LPAs.

### 3.3 METHODOLOGIES AND LIMITATIONS

It is on the basis of the two requests and five opinions received that this ESA has progressed. Specific technical methodologies and limitations are reported in each chapter, as appropriate. It is confirmed that there was no limitation that resulted in robust conclusions not being able to be drawn.

#### 3.3.1 Construction Programme

In terms of the relevant technical assessments, these have been undertaken based on the following programme:

**Table 3.1 – Construction Programme/Timetable**

Phase	Start Date	End Date
Submission of reserved matters application for all phases	June 2023	June 2023
Determination period for pre-commencement conditions	January 2024	June 2025
Phase 1 construction – May Gurney site	July 2025	September 2029
Phase 2 construction – road infrastructure	October 2029	September 2031
Phase 3 construction – Deal Ground site	October 2030	September 2038

### 3.4 COMMITTED DEVELOPMENT

Further to the scoping opinions received (appendix 3.1), the following have been taken into consideration where necessary in the relevant technical assessments:



**Table 3.2 – Committed Development**

App Number:	2019/2318
App Type:	Full
Location :	Phase 2, Land off White Horse Lane, Trowse
Proposal :	Erection of 83 no. dwellings, vehicular access, landscaping, open space and associated infrastructure
Decision	Approved
App Number:	2022/2148
App Type:	Outline
Location :	Land north of Caistor Lane Caistor St Edmund
Proposal :	Hybrid Application: Part 1. Detailed proposals for a 25.5 hectare country park together with associated infrastructure. Part 2. Outline proposals with all matters reserved, except for access, for a residential development of up to 180no. dwellings, serviced site for a new 420 place primary school, serviced site for a new community building, Step 7 FA Standard football pitch and a package of improvements to Caistor Lane.
Decision	Pending consideration

Application Ref	Description	Distance to Site
22/00434/F Anglia Square (Yet to be determined)	Hybrid (Part Full/Part Outline) application for the comprehensive redevelopment of Anglia Square, and car parks fronting Pitt Street and Edward Street for: up to 1,100 dwellings and up to 8,000sqm (NIA) flexible retail, commercial and other non-residential floorspace including Community Hub, up to 450 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses), car club spaces and associated works to the highway and public realm areas. Due to the size of this application, all plans and documents can be viewed online at <a href="http://www.norwich.gov.uk/angliasquare">www.norwich.gov.uk/angliasquare</a> .	Approx 2km to north west of the site.
17/01647/VC Land north of Carrow Quay  (Phase 4 along the riverside remains to be constructed)	Variation of Condition 1 of previous permission 13/01270/RM to allow revised plans. [Reserved Matters with full details of external appearance, landscape, layout and scale of development, to provide 250 No. residential flats (Class C3), 113sqm offices (Class B1a), 279sqm groundsman's facilities (Class B8), and 401sqm of flexible office space (Class B1a) and community uses (Class D1/D2) with 126 No. parking spaces, associated highways works and provision of a Riverside Walk, consequent to previous outline planning permission	Adjacent site to the north of the River Wensum

	11/02104/O 'Outline application with full details of access for residential-led development of between 200 and 250 No. residential flats (Class C3) and 140 No. car parking spaces with commercial office space (Class B1a), groundsman's facilities (Class B8), community uses (Class D1/D2) and associated works including Riverside Walk and access road'. The proposals include details for approval of Conditions 1(a), 1(b), 2(b), 3, 4(a), 4(b), 4(c), 5, 6, 7, 8(a), 8(b), 12, 20, 22(a), 22(b), 22(c), 22(e), 25, 26, and 30(a) of outline planning permission 11/02104/O applicable to the form of development as proposed in these Reserved Matters.]	
22/00540/EIA2 Carrow Works, King Street	EIA Scoping Opinion Request for mixed use re-development at Carrow Works, Norwich.	Adjacent site to north west of railway line

In addition, the proposals on the adjacent Carrow Works site, which whilst are not submitted/approved, but are reasonably foreseeable have been considered (NCC reference: 22/00540/EIA2).

Environmental Statement Addendum – Chapter 03: Methodology and  
Limitations  
Appendix 3.1

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26<sup>th</sup> September 2022

**Lanpro Project Number – 3627**

Dear Tracy,

**The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Request for Scoping Opinion (Regulation 15) for the development of a mixed use residential and commercial development on land known as Deal Ground, Bracondale, Norwich on behalf of Serruys Property Company Limited**

Please accept this letter as confirmation that we seek a Scoping Opinion in regard to the content of an Environmental Statement.

**EIA Scoping Opinion**

Our initial discussions with your department have confirmed that an Environmental Statement will be required to accompany the reserved matters planning application as additional environmental effects are anticipated.

This scoping request sets out the intended scope of an Environmental Statement (ES), and the topics to be addressed within this. The ES will provide a description of the site, confirm the description of the development and identify the significant environmental effects.

Regulation 15 2b) of the Environmental Impact Assessment Regulations 2017 states that a scoping request for a subsequent application (In this case reserved matters) must be accompanied by the following documents:-

*“(i) a plan sufficient to identify the land;*

*(ii) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which the subsequent application is made;*

*(iii) an explanation of the likely significant effects on the environment which were not identified at the time planning permission was granted; and*

*(iv) such other information or representations as the person making the request may wish to provide or make."*

It is the responsibility of the LPA to publish a Scoping Opinion and as such; Serruys Property Company seek the Local Planning Authority's view on what topics should be included within the Environmental Statement.

## **Planning Permission and the Subsequent Application – Regulation 15 (2)(b)(ii)**

This Scoping Request has been prepared in preparation for an application for all reserved matters except access relating to outline planning permission (LPA reference 12/00875/O) for *"Outline planning application (full details of access) for a mixed development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3): a restaurant/dining quarter and public house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures inc earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats."*

The Environmental Impact Assessment Regulations 2017 state that "subsequent application" means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject; and
- (b) must be obtained before all or part of the development permitted by the planning permission may be begun.

## **An Explanation of the Likely Significant Effects which were not identified at the time planning permission was granted as Required under Regulation 15 (2)(b)(iii)**

The previous outline planning permission was accompanied by a comprehensive Environmental Statement which covered the following topics:-

1. Introduction
2. Description of Project and Background to the Proposals
3. Planning Context
4. Ground Condition Survey
5. Noise and Vibration
6. Transport
7. Flood Risk Assessment
8. Archaeology
9. Ecology

10. Socio-Economic Issues
11. Landscape
12. Air Quality
13. Conclusions.

We have reviewed the content of the Environmental Statement previous produced and assessed whether significant effects that were not previously identified are likely by each topic below.

### *Ecology*

A chapter in relation to ecological issues was included within the previous Environmental Statement, including the necessary survey work to support this.

The Site is subject to a single non-statutory nature conservation designation in the form of Carrow Abbey Marsh County Wildlife Site, located within the east of the Site comprising a mosaic of tall fen and herb vegetation and associated ditches, scrub and Willow Carr.

The Site comprises a number of differing habitats as a legacy from its former use as industrial to the north (Deal Ground) and its current commercial use to the south (May Gurney).

An impact assessment carried out as part of the previous Environmental Statement found that no habitats of substantive nature conservation value, habitats of principal importance, or habitats listed within the UK or local Biodiversity Action Plans as requiring protection, will be significantly, adversely affected by the development. Habitat enhancements are also proposed in conjunction with the landscaping scheme for the Site.

As part of the Reserved Matters planning application updated habitat and species surveys will be provided.

Given the nature of the scheme, the time that has elapsed since the previous decision, and the presence of the County Wildlife Site, we anticipated that a chapter on Ecology will be required as part of a second stage Environmental Statement.

### *Landscape and Visual*

The previous Environmental Statement was accompanied by a Landscape and Visual Assessment, which included an in-depth assessment of all locations from where the development may be potentially visible, including key vista and viewpoints which were considered most significant. The Environmental Statement sets out mitigation and enhancement measures as part of the development.

Since the time of the outline planning approval, there has not been any change to landscape designations across the Site. The nature of the scheme is similar to that assessed previously and it is not considered that the circumstances on or around the Site have changed to an extent that significant effects would arise on landscape and visual amenity.

As such, we consider that the issue of landscape and visual amenity does not need to be included within an Environmental Statement at this second stage of the Project.

### *Flood Risk*

A Flood Risk Assessment formed part of the previous Environmental Statement. Significant parts of the Site are located within flood zones 2 and 3.

As part of the Project revised flood modelling is being undertaken which could theoretically change the impacts of the scheme that were previously assessed.

The issues of water quality and nutrient neutrality will need to be addressed. A shadow Habitat Regulations Assessment would be included within the Environmental A

We therefore suggest that Flood Risk should be included within a second stage Environmental Statement at this stage.

### *Transport*

It is proposed that the Site will be accessed from The Street as set out within the approved details on the extant outline approval. Details of the spine road were provided as part of the approval, with off-site highways works required through condition.

IEMA Guidelines includes two criteria as a screening process to be considered in determining need for / extent of further assessment: 1. Highway links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%) and 2. Any specifically sensitive areas where total traffic flows have increased by 10% or more.

The previous Environmental Statement included a chapter in relation to transport. This stated that the impact analysis demonstrates that the change between the without and with development scenarios for the proposed development is only marginally significant, and even less so taking into account the effect of the committed development that would be replaced by the proposed development. Given this we would not anticipate that there is a need for an Environmental Statement to assess this topic at the second stage.

We therefore recommend that traffic is not included within a second stage Environmental Statement.

### *Built Heritage*

Built Heritage was not assessed within the previous Environmental Statement for the outline stage of the scheme. There is one grade II listed building on Site which will be retained.

We therefore do not consider that significant impacts on built heritage are likely and therefore it is not necessary to include this topic within a second stage Environmental Statement.

### *Archaeology*

Archaeology was not assessed within the previous Environmental Statement for the outline stage of the scheme. There are no scheduled monuments within the vicinity of the Site.

We therefore do not consider that significant impacts on archaeology are likely and therefore it is not necessary to include this topic within a second stage Environmental Statement.

#### *Air Quality*

As part of the first stage Environmental Statement, air quality was assessed. This found at the time that Nitrogen Dioxide and Particulate Matter background concentrations were significantly below air quality strategy objectives before and after development. Furthermore, it found that emissions to atmosphere from construction machinery and construction traffic will have a negligible impact on air quality. Looking at traffic flows, the impact on emissions would be negligible.

We therefore consider that air quality should not be included within the second stage environmental assessment.

#### *Noise and Vibration*

Noise and vibration were assessed as a topic within the first stage Environmental Statement.

This found that predicted traffic volume increases from the Proposed Development will have a negligible effect on traffic noise levels on the local roads around the Site. The access road within the Proposed Development will, as expected, be subject to increased traffic noise levels. However, these traffic noise levels are within the baseline levels already measured at the Site due to traffic on other local roads.

We therefore consider that noise and vibration should not be included within the second stage environmental assessment.

#### *Ground Conditions*

Ground conditions were assessed within the first stage Environmental Assessment. This identified potential sources of contamination and proposed further monitoring and remediation.

Given that a thorough site investigation has already been undertaken at the first stage and that the results are unlikely to change significantly, we consider that ground conditions do not need to be included in the second stage Environmental Assessment.

#### *Socio-economic and Health*

Socio-economic impacts were assessed at the first stage of the Project and a topic included within the Environmental Statement. The Environmental Statement notes that whilst a number of minor adverse impacts have been identified, a number of mitigation measures are proposed which will reduce the scope and extent of any impacts and those residual impacts are likely to be outweighed by the various beneficial impacts identified.

Given the time that has elapsed since the initial assessment and the nature of potential socio-economic and health impacts we consider that these topics should be assessed in the second stage of the Environmental Statement.



It should be noted that changes in May 2017 the Environmental Impact Assessment (EIA) Regulations clarified that 'population and human health' are on the list of topics that are considered in an EIA. We propose to include this topic within the same chapter.

### *Cumulative Impacts*

The Project is located within the area of the emerging East of Norwich Strategic Regeneration Area SPD.

A review of sites within the surrounding environs, in conjunction the District Council's Planning Register has identified the following proposed developments that are of such a nature and proximity to the Site to have the potential to generate cumulative impacts when considered in context with the Proposed Development. These will be subject to further review regarding the nature of predicted impacts and considered for inclusion in the cumulative impact assessment. This list, which should be read in conjunction with the Cumulative Sites Map (please see Appendix 3), may not be exhaustive, and will be finalised through the EIA process in discussion with the District Council and statutory consultees:

ID	Location	Proposal	Status/Reference
<b>Within 2km Radius</b>			
1	Land north of Carrow Quay	Variation of Condition 1 of previous permission 13/01270/RM to allow revised plans. [Reserved Matters with full details of external appearance, landscape, layout and scale of development, to provide 250 No. residential flats (Class C3), 113sqm offices (Class B1a), 279sqm groundsman's facilities (Class B8), and 401sqm of flexible office space (Class B1a) and community uses (Class D1/D2) with 126 No. parking spaces, associated highways works and provision of a Riverside Walk, consequent to previous outline planning permission 11/02104/O 'Outline application with full details of access for residential-led development of between 200 and 250 No. residential flats (Class C3) and 140 No. car parking spaces with commercial office space (Class B1a), groundsman's facilities (Class B8), community uses (Class D1/D2) and associated works	

		including Riverside Walk and access road'.	
<b>Within 5km Radius</b>			
1	Anglia Square	<i>Hybrid (Part Full/Part Outline) application for the comprehensive redevelopment of Anglia Square, and car parks fronting Pitt Street and Edward Street for: up to 1,100 dwellings and up to 8,000sqm (NIA) flexible retail, commercial and other non-residential floorspace including Community Hub, up to 450 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses), car club spaces and associated works to the highway and public realm areas. Due to the size of this application, all plans and documents can be viewed online at <a href="http://www.norwich.gov.uk/angliasquare">www.norwich.gov.uk/angliasquare</a>.</i>	To be determined – 22/00434/F

We also note that there has been an Environmental Impact Assessment Screening Request at the 'Carrow Works' site close to the site, however at this time there has not been a planning application.

There are no other developments in the immediate vicinity of the Site which are existing and/or approved, which cumulatively will give rise to significant effects.

## Conclusion

It is considered that the proposal will likely have significant effects on the environment but only in relation a small number of specific areas. We therefore consider that a further, second stage Environmental Statement should focus on the following topic areas:-

- Ecology
- Flood Risk
- Socio-Economic Impacts
- Cumulative Impacts

On this basis it is offered that an Environmental Statement (ES) be prepared specifically to address these issues.

I trust that the information provided is sufficient to enable a prompt response to this scoping opinion request within the statutory timeframe so that we may proceed with the submission of the reserved matters planning application as soon as possible.

Yours sincerely,



**Graham Robison-Hodges MRTPI**  
**Associate Director**

CC: Blanaid Skipper, South Norfolk Council

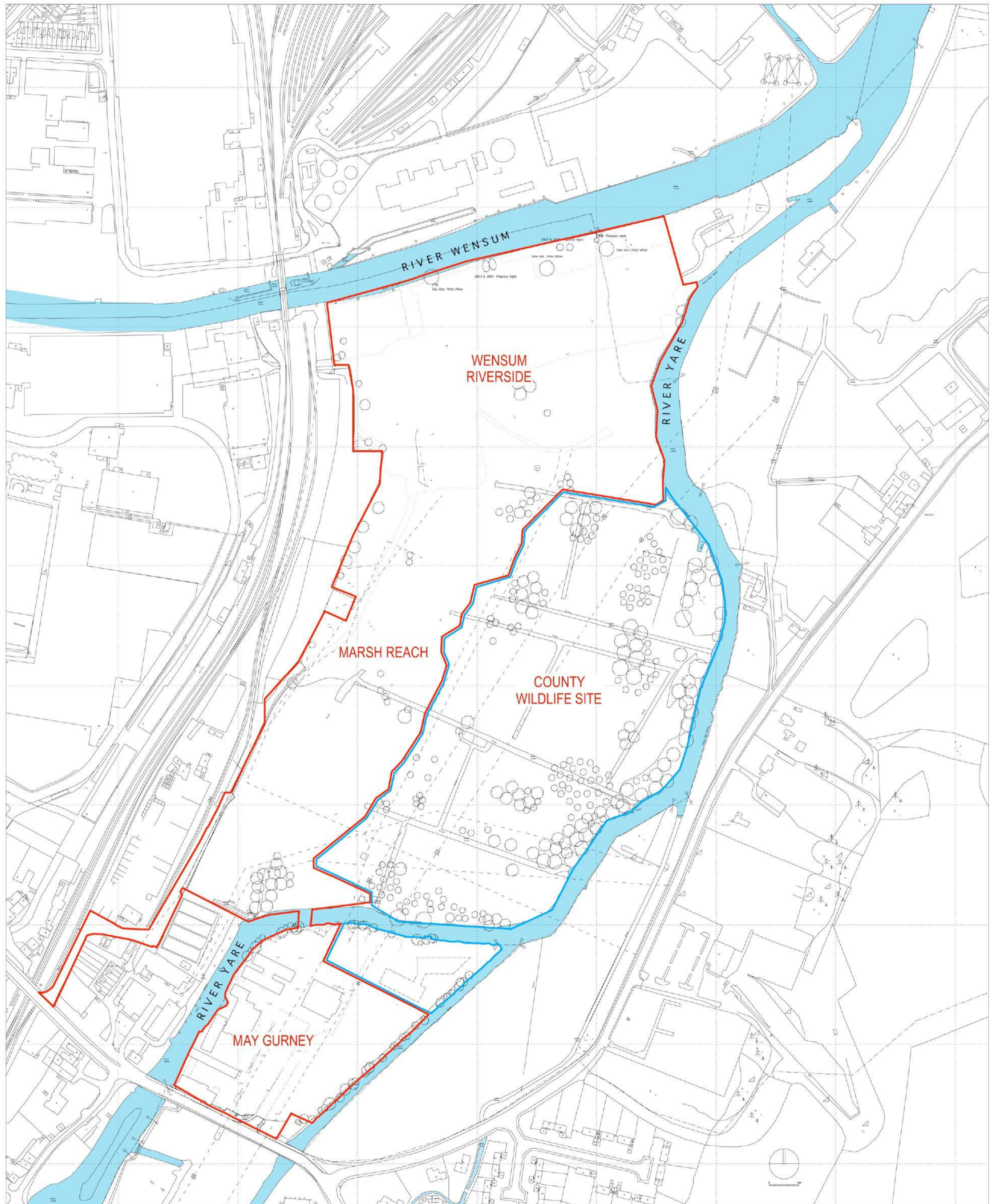


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## Appendix 1 – Site Plan







Akis Chrisovelides  
Serruys Property Company Ltd

23 November 2022

By email

Our Reference: 22/01225/EIA2  
Your reference: 3627  
Contact: Sarah Hinchcliffe (Senior planner)

Dear Akis

**EIA Scoping Opinion Request for the development of a mixed use residential and commercial development on land known as Deal Ground, Bracondale, Norwich.**

Thank you for the letter and accompanying 'EIA Scoping Report' submitted by Lanpro seeking a 'scoping opinion' under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as 'the EIA Regs'), received by the Council on the 26th September 2022.

EIA Screening Opinion

Norwich City Council as local planning authority provided a screening opinion on 27<sup>th</sup> September which concluded that reserved matters applications are defined as a "subsequent application" within the Regulations ([regulation 2\(1\)](#)).

The baseline environmental information relating to the site will have changed and legislation (including substantial revisions to the EIA Regulations), the policy framework and guidance has also been revised/updated since the initial Environmental Statement received 2012 and addendum reports received 2013 as part of outline application ref 12/00875/O.

Therefore, "further information" is required to assess the significant effects of the development on the environment.

The Development Proposed

The 19 hectare site is located to the south east of Norwich city centre. The site was last used in 1995 and constitutes former industrial land previously used by Colman's in conjunction with its operations on the adjacent Carrow Works site.

The EIA Scoping request describes the proposed development as consisting of;

All reserved matters except access relating to outline planning permission (LPA reference 12/00875/O) for "Outline planning application (full details of access) for a mixed development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3): a restaurant/dining quarter and public

house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures inc earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats.”

### EIA Scoping Opinion

We note that you have reviewed the content of the Environmental Statement produced in support of the outline planning application ref 12/00875/O and on a topic by topic basis have formed an opinion as to the content of an Environmental Statement which will be produced to accompany a future application for all reserved matters except access.

Following consultation with statutory and non-statutory bodies, the local planning authority has considered the extent of issues to be considered in an assessment of environmental effects and reported as further information within an Environmental Statement.

The local planning authority has consulted statutory and non-statutory bodies.

Responses have been received from:

- Natural England
- Historic England
- Norfolk County Council – including fire and rescue, minerals and waste and Lead Local Flood Authority
- Norfolk County Council - Highway Authority
- Norfolk Historic Environment Service
- Norfolk Constabulary
- Norwich City Council – Design and Conservation
- Marine Management Organisation
- Whitlingham Charitable Trust
- Network Rail

Full consultation responses from the above are attached to this response in Appendix 1.

The Environment Agency, Broads Authority, Norfolk Wildlife Trust, Yare Valley Society, Anglian Water, Trowse with Newton Parish Council, Water Management Alliance and UK Power Networks were also consulted, however to date no response has been received. Any further responses that are received will be provided under separate cover.

Of significance is the fact that the site forms part of the larger East Norwich Strategic Regeneration Area (ESRA) for which a masterplan has been endorsed by Norwich City Council in November 2021 (Stage 1) and June 2022 (Stage 2). The first draft of a Supplementary Planning Document (SPD) was also consulted upon and endorsed by members in June 2022. A final draft of the SPD will be consulted upon with timing contingent on the Greater Norwich Local Plan (GNLP) adoption process. A draft East Norwich policy and site allocation is under consideration as part of the GNLP adoption process, the SPD is intended to inform the East Norwich policy within the GNLP.

The local planning authority is of the opinion that the EIA Scoping Request submitted and dated 26<sup>th</sup> September 2022 does not identify all of the topics or all of the matters within the identified topics where further information is required to allow full consideration as to whether significant environmental effects could arise as a result of the development. Comments relating to each topic which should be scoped into the Environmental Statement (ES) are set out below within the Council's EIA Scoping Opinion, which has had regard to the EIA Regs. In addition for the topics which have been scoped out guidance is provided as to the information which should supplement the reserved matters planning submission.

### **Topics scoped in**

#### **Ecology - Biodiversity and Nature Conservation**

The proposed inclusion of a chapter on Ecology as part of the Environmental Statement is welcomed. This chapter should be informed by the proposed updated habitat and species surveys referred to in your Scoping Request letter (dated 26th Sept 2022) and should include consideration of the presence of Japanese Knotweed.

It is important that the Ecology chapter is informed by up-to-date environmental information, available from the Norfolk Biodiversity Information Service (NBIS), including the use of accurate boundaries for statutory and non-statutory wildlife sites. Importantly it should be noted that your Site Plan (Appendix 1) indicates an incorrect boundary for Carrow Abbey Marsh County Wildlife Site which is located partially within the application red line boundary. It is important that this is rectified.

Ecological impacts should be assessed in line with current best practice and carried out by a suitably qualified and experienced ecologist(s).

The scheme should adhere to the ecological mitigation hierarchy and avoid impacts in the first instance. Where impacts cannot be avoided, mitigation measures will need to be identified, and compensation provided. In addition, the development will be expected to deliver a measurable gain in biodiversity, with the requirement for a minimum 10% biodiversity net gain (BNG) which becomes mandatory for all applications determined from autumn 2023.

It is also important to note that the ES will be required to consider nutrient neutrality with the requirement for the development to demonstrate that it is nutrient neutral. This will require information to be provided to allow the local planning authorities to carry out a Habitat Regulation Assessment (HRA).

Account should be taken of the Natural England consultation response in full (see attached Appendix 1). Although generic in some of its content this sets out the wide range of environmental information expected to be included within the scope of an ES to allow an assessment of environmental effects to be carried out. This includes Biodiversity Net Gain of at least 10% and nutrient neutrality (covered in more detail in the flood risk - water quality section).

The ES should review the potential presence of any Priority Habitats and Species nearby (as per section 41 of the Natural Environment & Rural Communities Act), so that the potential for indirect impacts on these ecological features can be assessed.

The adjacent site contains Carrow Abbey Marsh County Wildlife Site (CWS), a non-statutory designated site, with Trowse Meadows CWS adjacent to this to the south.



The habitats of the CWS are potentially vulnerable to increases in air pollution (further information on the impacts of air pollution on important habitats can be found on the APIS website - <http://www.apis.ac.uk/> ). It is noted that neither Air Quality or Noise & Vibration are suggested for inclusion in the Environmental Statement. However, given the presence of the CWS and Whitlingham Country Park, Local Nature Reserve (statutory designated site which does not appear to have been recognised in the Environmental Statement for the outline application) nearby it is recommended that indirect effects such as noise or dust impacts from the construction phase on statutory and non-statutory designated sites should be scoped in to the Ecology chapter to fully assess impacts on ecological receptors resulting from noise, dust and vibration generated as a result of the proposed development.

The previously submitted ES identifies Whitlingham Country Park as an important local resource and one that would be available to new residents, but does not consider the capacity of the park to accommodate increased visitor numbers associated with the proposal, nor the consequences of any failure to be able to meet the additional demand created by the development on nearby protected sites. Consequently, the impact of the development on the Country Park, and any necessary mitigation arising from it, should be identified and set out as part of the EIA Process, falling under the headings of Socio-Economic Impacts (recreation and wellbeing) and Ecology (recreational pressures) to capture changes in demand for recreation facilities.

### **Flood Risk - Hydrology and Water Quality**

As you suggest, any more up to date flood modelling that is available should be used to gain an up-to-date account of the flood risk present at the site. In addition, there is understood to be updated flood incident data, hydrological and hydrometric data, Lidar data, an updated hydrological data set (including rainfall data), flood mapping from all source layers, an updated SFRA for the Greater Norwich Area, groundwater flood risk information, climate change evidence, publication of the SuDS Manual in 2015 and updates to the NPPF in relation to managing flood risk.

Account should be taken of the detailed Lead Local Flood Authority consultation response in full (see attached Appendix 1) in relation to assessment of flood risk.

Significant changes in flood risk may have a consequential impact upon other topics such as landscape and visual impacts if layout or density changes are required.

This proposal falls within the Impact Risk Zone of European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice sent to all relevant Local Planning Authorities dated 16th March 2022 ([see Appendix 2](#)) which is relevant to decisions for reserved matters applications.

As the development will give rise to an increase in wastewater flows the need for a foul drainage strategy, including an up-to-date assessment of capacity within the local sewerage network is required. The announcement from Natural England regarding nutrient neutrality due to wastewater impacts on designated sites requires additional evidence needed to demonstrate that the development will be able to avoid adverse effects on the Wensum and Broads river catchments prior to any consent being granted. As previously mentioned a Habitats Regulations Assessment which has been informed by advice on nutrient neutrality should be included for proposals with the potential to affect water quality resulting in nutrient impacts on European Sites, to allow consultation with Natural England at the planning application stage.

Carrow Abbey Marsh CWS includes wetland and water dependant habitats which are potentially vulnerable to changes in local hydrology such as groundwater flow and mobilisation of site contaminants. Travel times through local aquifers should be considered and the potential for historical contaminants mobilised during construction, or operational phase wastewater or road run-off to reach and impact the nearby CWS should be considered as part of the ES. Therefore, the potential for impacts on the nearby CWS from changes in groundwater flows or from increased risks of groundwater contamination from the construction and operational phases of the development should be included in the ES.

### **Socio-economic and health – including population and human health**

(Population, housing, education, community facilities and services, open space and recreation, employment, existing centres, tourism).

Where there is likely to be an impact on local services, the Environmental Statement should indicate how the proposal plans to mitigate these impacts and what delivery mechanism/sources of funding may be available e.g., Community Infrastructure Levy, Planning Obligations, and the potential use of planning conditions.

The impact of the development on Whitlingham Country Park, and any necessary mitigation arising from recreational impacts, should be identified and set out as part of the assessment of Socio-Economic Impacts (recreation and wellbeing).

A key element of supporting healthy communities is increasing people's safety and wellbeing including ensuring that crime and disorder does not undermine community cohesion (giving people a high quality of life). Norfolk Constabulary suggest that given the time that has elapsed since the initial ES, the nature of potential socio-economic and current planning policy context, the EIA scope should further address the issue of crime and disorder, the impact that the proposal will have on police resources plus outline any additional provision / mitigation will be made to ensure that police have sufficient resources.

To inform the EIA work, the 2020 Arup study / report 'Improving the Status of the Emergency Services within the English Planning System' commissioned by the National Police Estates Group should be carefully considered and referenced.

### **Additional topics to include within an extended scope of Environmental Statement**

#### **Air Quality**

The potential impact on air quality was assessed as part of the outline planning application. However, the air quality environment is considered to have significantly changed due to the repercussions of the Coronavirus Pandemic and development which has occurred subsequent to the date of the previous application. Therefore, it is considered that the impact on air quality should be re-assessed and added to the scope of the additional environmental information. This assessment should include the impact of development of the site on the adjacent Air Quality Management Area and an assessment of air quality, in particular PM2.5, in accordance with the provisions of the Environment Act 2021.

An assessment of the impacts on air quality should not be limited only to dust during construction and more importantly demolition and also changes in traffic generation. It should include emissions of pollutants from all construction plant (including any diesel generators), not just vehicle exhausts.

### **Traffic - Transport and Access**

Since the original Environmental Statement was produced the reported baseline has changed with significant developments completed on the north side of the River Wensum in the vicinity of the football club and the introduction of Carrow Fire Station and changes to the local shop and primary school provision and new housing within the village of Trowse. The May Gurney, Carrow Works and Carrow House sites adjacent have closed with some meanwhile uses taking place within some of the buildings. There have also been some changes to some working behaviours since the Covid-19 pandemic, impacting upon travel patterns. In addition the modelled situation within the original Transport Assessment used forecast years some of which have now passed.

The highway authority has reviewed the information provided and considers that given the age of the original application, a revised Transport Assessment is required. The revised assessment should take into account the wider East Norwich development. In addition, the assessment years will have changed and there will have been changes in traffic levels since the original traffic surveys were undertaken. Consideration will also need to be made regarding access to catchment schools and walking/cycling routes to local facilities and employment areas. The response of the highway authority can be found in Appendix 1.

The local planning authority therefore considers that the potential effects on the environment of transport and traffic associated with this proposed development could be significant, requiring further inclusion within the Environmental Statement.

### **Climate change**

The 2017 EIA Regulations require an assessment of the impact of the project/development on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change.

A new climate change chapter of the ES should describe the likely climate change hazards and their associated risks to the proposed development and future site users. The contribution of the proposed development to global climate change should also be considered.

A risk assessment of key climate change hazards to the proposed development is required to ensure that the proposed development has included design features to adapt to any adverse future climate change risks. In addition, the proposed development will result in greenhouse gas emissions during construction and operation and these emissions should be assessed quantitatively to minimise the proposed development's impact on global climate change.

Following guidance within the Institute of Environmental Management and Assessment (IEMA) EIA Guide to Greenhouse Gas Assessment (2022) and EIA Guide to Climate Change Resilience and Adaptation a risk assessment should be produced and include the following;

- A policy and desk top review using relevant local, regional and national data;
- Establishment of baseline conditions by modelling climate change scenarios for the site of the proposed development using data from the UK Climate Change Projections for 2030, 2060 and 2090;
- A quantitative assessment of the climate change risks associated with the proposed development;
- A quantitative assessment of the greenhouse gas emissions associated with the proposed development based on available data and industry recognised benchmarks;
- Mitigation of any adverse climate change risks in the form of adaptation measures as part of the proposed development; and
- Mitigation of the impact that the proposed development will have upon climate change should be developed in accordance with relevant local and national policy.
- A 'whole life' carbon options analysis, including end of life pathways for construction materials.
- The environmental effects of the full range of potential energy sources at the site.
- Mitigation should include measures to minimise construction waste and minimise water consumption during demolition and construction and the operational phases of the development.
- Relevant local policy would include Joint Core Strategy for Broadland, Norwich and South Norfolk, Policy 3 which requires development to include sources of 'decentralised and renewable or low carbon energy' providing at least 10% of the scheme's expected energy requirements and provisions within emerging/draft Policy 2 of the Greater Norwich Local Plan.
- The development will be taking place as we are about to enter into a new low carbon phase of building construction. How the development will meet the Future Homes Standard/Future Buildings Standard requirements moving forward needs to be explained.

The Environmental Statement should acknowledge that large parts of the site are located within the administrative area of Norwich City Council and that the council declared and passed a climate emergency motion in January 2019 and have adopted an Environmental Strategy 2020 – 2025. In November 2021 Norwich Climate Commission a new independent climate commission was launched to support the city's goal of reaching net zero carbon emissions by 2045 and provide leadership and advice regarding climate change and sustainability. The commission will feed into the Norwich 2040 Vision which includes combating climate change as part of 'a liveable city' as one of its key themes.

**Topics that you have scoped out include;**

**Landscape and Visual Impacts:**

Since the original ES and associated LVIA was put together there have been revised Guidelines for Landscape and Visual Impact Assessment 2013 ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management and the introduction of National Character Areas in 2014. In addition the baseline of the site has changed due to the removal of large scale buildings and electricity pylons that once crossed the site and the surrounding landscape, with the cables being buried underground.

An updated cumulative Landscape and Visual Impact Assessment (LVIA) will be required with regard to extant (development north of the River Wensum at Carrow Quay) and emerging proposals which form part of the wider draft strategic site allocation.

The development site may impact on The Broads National Park adjacent. Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Consideration should be given to the direct and indirect effects on this designated landscape and in particular the effect upon its purpose for designation. The management plan for the designated landscape may also have relevant information that should be considered.

However, the effect has to be significant to trigger the need for inclusion within the Environmental Statement, and given the general condition of the landscape on the edge of this part of Norwich and the impacts of the existing edge of city development around the railway and associated industry it is not considered that the potential impacts of this proposed development would be significant. This is not implying that the development will have no negative impacts on the townscape/landscape character and the effects should certainly be considered at the reserved matters application stage with sufficient regard given to screening and integrating the development into the edge of city location. Any subsequent application would benefit from an addendum to the Landscape and Visual Impact Assessment to assess the baseline changes identified.

#### **Archaeology and Heritage:**

Built heritage did not feature as a specific topic within the outline application Environmental Statement, although there was some consideration of the industrial heritage of the area within the landscape section.

Historic England highlight the fact that a considerable amount of work has been undertaken recently on the sites which fall within the East Norwich Regeneration area. This includes a designation review, heritage assessments and master planning. This has resulted in two additional buildings on the sewage works site adjacent being listed.

In addition, policy and guidance has also been updated and introduced. The National Planning Policy Framework has been updated. The National Design Guide and National Model Design Code have been published. These outline and illustrate the government's priorities for well-designed places in ten characteristics, including context and identity, which should respond to local character. Historic England have issued guidance on assessing the setting of heritage assets, The Setting of Heritage Assets, Historic Environment Good Practice in Planning Note 3 (2015, revised in 2017).

Historic England's new tall building guidance and guidance on the setting of listed buildings/designated heritage assets should be referenced and followed in any assessment undertaken.

<https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

Historic England's consultation response can be found in full within the attached Appendix (see attached Appendix 1).

Although the understanding of the significance of the East Norwich Regeneration Area site has increased since the granting of outline consent, the areas of greatest significance are located on the adjacent Carrow Works site. The newly listed buildings closest to the site are separated by the River Yare and mature trees/vegetation. However, in view of the significance of the heritage assets on and near to the site the reserved matters applications should contain sufficient information on the historic environment at a level to understand the significance of the site and surrounding area and to allow the potential impact of the proposals upon this to be assessed. This will enable an appropriate layout, scale and appearance of proposed development to be secured to ensure that the site as a whole is developed in a way which sustains and enhances the historic environment.

Any subsequent application should be accompanied by a sufficiently detailed Design and Access Statement which includes an assessment of any impacts of the proposals on the significance of designated heritage assets. The application would also benefit from an updated Landscape and Visual Impact Assessment with reference to built/industrial heritage.

Norfolk Historic Environment Service highlight that with reference to archaeology the baseline information regarding this site has not changed since 2012.

They explain that in 2011 a purposive geoarchaeological/paleoenvironmental borehole (window sample) survey was undertaken. This amongst other things revealed the presence of peat deposits adjacent to the current course of the Wensum. No radiocarbon dating of the peat deposits was undertaken and no specialist paleoenvironmental analysis, such as Palynology was undertaken. Peat deposits of Norfolk are now regarded as undesignated heritage assets in their own right, due to their potential to contain remains of paleoenvironmental significance.

In order to better understand the significance of the peat deposits and how that significance might be affected by the consented development a second purposive geoarchaeological/paleoenvironmental borehole (window sample) survey will be required which should also include radiocarbon dating and specialist paleoenvironmental work.

The local planning authority considers that the potential for significant environmental effects to arise from the development in regard to archaeological heritage is unlikely. The matter can be assessed as part of the planning application process with the use of additional conditions if necessary to secure the further survey works.

### **Noise and Vibration**

Norfolk County Council as Minerals and Waste Authority, Tarmac as operators of the Trowse Aggregates Railhead and Coated Stone Plant' adjacent and Network Rail as statutory undertaker responsible for railway infrastructure with an interest in freight and operational facilities including the rail connected bulk aggregates facility and Crown Point Depot maintenance facility, have made representations to suggest that impacts

of new uses proposed as part of the development on the existing safeguarded aggregate railhead and freight and operational facilities should be assessed in accordance with the 'agent of change' principle and Policy CS16 of the Norfolk Minerals and Waste Core Strategy (see Appendix 1). These were issues which were considered as part of the original Environmental Statement for the outline application in some detail resulting in bespoke planning conditions to secure necessary mitigation measures and layout considerations. The principle of the uses proposed was established at outline application stage.

The local planning authority's environmental quality officer has commented that while noise and vibration will have to be reassessed to take into account the changes of the current proposal and changes in legislation, this does not need to form part of a second stage of the EIA.

There are not understood to have been any changes in the operation of the railhead and asphalt plant since 2012. A combination of specific mitigation measures informed by recent legislation (which remain to be secured through the outline planning conditions) and reserved matters considerations such as layout, scale, appearance and landscaping will enable the noise and vibration impacts on new residents of the Deal Ground and specific mitigation measures required to ensure that the continued operation of the mineral railhead and asphalt plant are not prejudiced, to be considered through the standard application process when appraising the reserved matters applications. There is therefore no need for these topics to form part of the further environmental information.

### **Ground conditions - Soils, Geology and Contamination**

Since the submission of the original Environmental Statement and the grant of outline planning permission it is understood that some site clearance has taken place including the breaking up and removal of hard standing. Although not likely to be of significance to scope in to the further environmental information required, the implications of this activity and the resultant exposure of bare ground on areas of the site that were once covered by hard surfacing need to be fully understood. This together with any changes to toxicological data and chemical character of the site would form part of the normal planning considerations for the site when dealing with information on contamination required as part of the conditions of the outline planning consent.

### **Cumulative impacts**

The Council considers that a development of this size in combination with other existing and approved developments, has the potential to give rise to significant environmental impacts.

You correctly identify the site as forming part of the East Norwich Strategic Regeneration Area (ENRA). Although recognising that the emerging status of the ENRA does not at this point relate to committed development in the development plan it should be acknowledged that the draft Greater Norwich Local Plan policy and associated adopted masterplan and draft supplementary planning document (SPD) seek to allocate sites in this area (including the Deal Ground/May Gurney sites) for up to 4000 dwellings. The policy context is therefore changing quite significantly since the initial ES. The advice from Natural England (see Appendix 1) in relation to the type of projects to include when providing an assessment of cumulative and in-combination effects should be followed. Within their response Natural England state that plans and



projects that are reasonably foreseeable should be included within the cumulative assessment and the works on the adjacent Carrow Works site would fall into this category which to date has been subject to an EIA Scoping request dealt under application reference 22/00540/EIA2.

Clearly this is an application at the edge of Norwich City Councils administrative area and any relevant committed developments in Norwich, South Norfolk and the Broads Authority areas must be considered.

Cumulatively, other specific developments within Norwich City Councils administrative area alongside this proposal location, which could give rise to significant environmental effects are identified below.

### Cumulative Schemes

Reference is made to a Cumulative Sites Map within an Appendix 3, this was not provided with your scoping letter. However, a list of committed sites within the surrounding area which due to their scale and location have the potential to generate cumulative impacts are listed below.

Application Ref	Description	Distance to Site
22/00434/F Anglia Square (Yet to be determined)	Hybrid (Part Full/Part Outline) application for the comprehensive redevelopment of Anglia Square, and car parks fronting Pitt Street and Edward Street for: up to 1,100 dwellings and up to 8,000sqm (NIA) flexible retail, commercial and other non-residential floorspace including Community Hub, up to 450 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses), car club spaces and associated works to the highway and public realm areas. Due to the size of this application, all plans and documents can be viewed online at <a href="http://www.norwich.gov.uk/angliasquare">www.norwich.gov.uk/angliasquare</a> .	Approx 2km to north west of the site.
17/01647/VC Land north of Carrow Quay  (Phase 4 along the riverside remains to be constructed)	Variation of Condition 1 of previous permission 13/01270/RM to allow revised plans. [Reserved Matters with full details of external appearance, landscape, layout and scale of development, to provide 250 No. residential flats (Class C3), 113sqm offices (Class B1a), 279sqm groundsman's facilities (Class B8), and 401sqm of flexible office space (Class B1a) and community uses (Class D1/D2) with 126 No. parking spaces, associated highways works and provision of a Riverside Walk, consequent to previous outline planning permission	Adjacent site to the north of the River Wensum



	11/02104/O 'Outline application with full details of access for residential-led development of between 200 and 250 No. residential flats (Class C3) and 140 No. car parking spaces with commercial office space (Class B1a), groundsman's facilities (Class B8), community uses (Class D1/D2) and associated works including Riverside Walk and access road'. The proposals include details for approval of Conditions 1(a), 1(b), 2(b), 3, 4(a), 4(b), 4(c), 5, 6, 7, 8(a), 8(b), 12, 20, 22(a), 22(b), 22(c), 22(e), 25, 26, and 30(a) of outline planning permission 11/02104/O applicable to the form of development as proposed in these Reserved Matters.]	
22/00540/EIA2 Carrow Works, King Street	EIA Scoping Opinion Request for mixed use re-development at Carrow Works, Norwich.	Adjacent site to north west of railway line

**Generally:**

Established methodologies and industry standards should be adopted for any assessments to be undertaken and reported on in the ES.

Any off-site development that is required, such as the provision of new utilities or infrastructure, including bridge and underpass links should be taken into account in the ES.

In respect of all identified potential adverse impacts, the application should be specific about the extent of mitigation proposed and whether a phased mitigation approach is being suggested; that is, whether a specific mitigation method is proposed for a certain level, type or phase of use, with a different type, amount or phase of use triggering a different mitigatory approach. If a phased approach to mitigation is proposed, the suggested trigger points and mitigation methods should be clearly identified.

We trust this response is helpful and I look forward to receiving the reserved matters planning applications in due course. We can confirm that the scope of works set out in your scoping report, as supplemented and revised by the comments of the consultation bodies, interested parties, relevant sections within the Council and the contents of this letter, constitutes the 'scoping opinion' of the Council in this instance in respect of the above proposed development described in your EIA Scoping Report.

Yours sincerely



Sarah Ashurst  
Head of Planning and Regulatory Services

**via e-mail**

Sarah Hinchcliffe  
Planning Services  
**Norwich City Council**  
City Hall  
Norwich  
NR2 1NH

NCC contact number: 0344 800 8020  
Textphone: 0344 800 8011

CC: Cllr Vic Thomson

Your Ref: 22/1225/EIA2  
Date: 11 October 2022  
NCC Member: Cllr Ben Price

My Ref: FW2022\_0929  
Tel No.: 0344 800 8020  
Email: [llfa@norfolk.gov.uk](mailto:llfa@norfolk.gov.uk)

Dear Ms Hinchcliffe,

**Town and Country Planning (Development Management Procedure) (England) Order 2015****EIA Scoping Opinion for the development of mixed use residential and commercial development at The Deal Ground And Former May Gurney Site The Street Trowse Norfolk (Part of East Norwich site).**

Thank you for your consultation on the above site, received on 29 September 2022. We have reviewed the request as submitted and wish to make the following comments:

- The LPA has requested on behalf of the applicant that the LLFA review the original baseline environmental information and the applicants scoping information and advise whether it remains up to date or whether there is evidence of changes in legislation, site conditions or the environs that require the submission of additional information.
- The Lead Local Flood Authority (LLFA) was previously consulted by Norwich City Council on regarding this matter for this site on 26 April 2022. The LLFA provided a response (FW2022\_0439) on 26 May 2022 and this previous response remains relevant at this time.
- The LLFA reminds the LPA and the applicant that the LLFA Development Guidance provides information on the type of information and the level of detail that the LLFA would expect for all Reserved Matter applications, including extant planning applications. The LLFA recommends the applicant engages, through discussions with the LLFA, for a practical application of the LLFA's evidence based requirements where extant planning permission is in place.

- The LLFA notes that in Chapter 7 of the ES, the planning policy applicable at the time was discussed and it would be remiss of the LLFA not to mention that the local and national planning policy has significantly changed in the last 10 years.
- With regard to the updated information for which to base the EIA upon would include the following;
  - The most significant change has been the establishment of the Lead Local Flood Authority (LLFA). The LLFA are required to collect and maintain a record of all flood incidents within the County and to investigate those flood incidents which meet certain criteria. LLFA Flood Investigations are published here: [Flood investigations - Norfolk County Council](#) The Environment Agency will collect and maintain a record strategic flood incidents within their area of jurisdiction. While the local water company will maintain a register of sewer flooding incidents. This all occurred due to the enactment of the Flood and Water Management Act in 2010.
  - Obviously, there is additional, hydrological and hydrometric data available from the locally situated monitoring stations on the River Yare at Trowse and weather station records available too.
  - The Lidar data would have been updated since 2009 and should be applied within the assessment.
  - The LLFA also advises the water quality data has changed and that additional information regarding pollutants such as nitrates and phosphates are now available.
  - An updated hydrological data set and approach is now available called FEH and ReFH2. Both of these approaches contain updated rainfall data and approaches that will alter the basis of all the hydrological calculations
  - The FRA was supported by a 2D flood flow model prepared in 2008 for the site. The Environment Agency regularly updates their flood risk mapping layers from different sources. Current, the Environment Agency has information for the fluvial and coastal flood mapping (extent, depth and velocity), surface water flood risk (extent, depth and velocity) and reservoir flood risk (extent of flooding when river levels are normal and extent of flooding when there is also flooding from rivers). The LLFA notes the hydraulic modelling of watercourses and surface water has been a rapidly advancing discipline within the water management and development management sectors.
  - The latest version of the level 2 SFRA for the greater Norwich area, now provides an updated model extent where it considers the risk at a high level to the development site.
  - Groundwater flood risk is a developing area of knowledge with various datasets being developed at this time. The risk of flooding from groundwater is now also mapped in the Areas Susceptible to Groundwater (AStGWF)

dataset available from British Geological Survey (BGS). Furthermore, the Environment Agency undertook a MODFLOW of water levels in parts of Norwich to represent the conditions in December 1993 (a period of high groundwater levels). The applicant should check whether this information is relevant to this location. In addition, further ground investigation is thought to have been undertaken.

- The evidence base for climate change in the UK (UKCP18 report) has been updated since the permission was granted, and the implications of this evidence base should be assessed in conjunction with the latest available flood mapping that may not yet have taken account of all aspects of this evidence base. For example, while the peak river flows and sea level guidance were released quickly, the peak rainfall intensity application of this evidence base was only published in May 2022.
- The publication of The SuDS Manual (C753) in 2015 along with the Natural Flood Management Manual (C802) in 2022 now also provide an evidence base for developers and decision makers alike.
- The publishing of NPPF in 2012 and its recent update in 2021 along with the updated guidance (published in August 2022) has also put in place a significant change in the national policy on the management of flood risk in relation to proposed development which includes the sequential placement of types of development within a site, the use of sustainable drainage systems, resilience and resistance measures, long term maintenance and management arrangements, and the agreed emergency evacuation plan arrangements.

The LLFA makes the further observations that in the South Norfolk Local Planning Authority submission for the same site, the applicant provided a letter requesting an Environmental Impact Assessment (EIA) Scoping Opinion from South Norfolk LPA, the Local Planning Authority (LPA) (Deal Ground and Former May Gurney Site, Bracondale, Norwich, Environmental Impact Assessment Scoping Opinion Letter | Lanpro | Ref: 3627 | Dated: 26 October 2022). While it is not part of this application, the LLFA wishes to make Norwich City Council aware of the existence of this letter, that notes the inclusion of flood risk within the second stage Environmental Statement along with updating the hydraulic modelling.

The LLFA also notes that the site is affected by surface water flooding in the 3.33%, 1.0% and 0.1% AEP events as shown by the [Environment Agency \(EA\) Risk of Flooding from Surface Water \(RoFSW\) maps](#). There are a number of small areas of localised surface water flooding (ponding) present in the 3.33%, 1.0% and 0.1% AEP, concentrated to the paved areas between existing buildings and with the majority situated in the northern half of the site. We would expect this to be addressed as part of any future FRA and Drainage Strategy along with all other sources of flooding.

Whether or not an EIA is required, due to the significance of surface water, groundwater and fluvial flood risk on the site and their interaction, the LLFA consider that the following issues should be considered and addressed:

We strongly recommend that any EIA includes, or any planning application for development is accompanied by a FRA / surface water drainage strategy to address:

- All sources of flood risk, including those from ordinary watercourses, surface water and groundwater to the development.
- How surface water drainage from the development will be managed on-site and show compliance with the written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems (SuDS) are put in place.
- How any phasing of the development will affect the overall drainage strategy and what arrangements, temporary or otherwise, will need to be in place at each stage of the development in order to ensure the satisfactory performance of the overall surface water drainage system for the entirety of the development.

This supporting information would assess the potential for the development to increase the risk of flooding from the proposal or how surface water runoff through the addition of hard surfaces will be managed. It will show how this will be managed to ensure that the development does not increase flood risk on the site or elsewhere, in line with National Planning Policy Framework (NPPF) (Paragraph 167).

In this particular case this would include appropriate information on:

- Appropriate assessment and mitigation of all sources of surface water flooding onsite/originating from offsite that may affect the development, in addition to risk of groundwater flooding.
- Sustainable Drainage Systems (SuDS) proposals in accordance with appropriate guidance including “Non-statutory technical standards for sustainable drainage systems” March 2015 by Department for Environment, Food and Rural Affairs.
- At least one feasible proposal for the disposal of surface water drainage should be demonstrated and in many cases supported by the inclusion of appropriate information. It is important that the SuDS principles and hierarchies have been followed in terms of:
  - surface water disposal location, prioritised in the following order: disposal of water to shallow infiltration, to a watercourse, to a surface water sewer, combined sewer / deep infiltration (generally greater than 2m below ground level).
  - the SuDS components used within the management train (source, site and regional control) in relation to water quality and quantity.
  - identifying multifunctional benefits including amenity and biodiversity.
- The drainage strategy should also contain a maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.
- We welcome that the applicant indicates that a Flood Risk Assessment (FRA) will be undertaken based on the requirements of the NPPF. We also welcome that the applicant indicates that an FRA will include a drainage strategy and will design appropriate SUDS features in accordance with policy guidelines. The LLFA would like to draw the attention of the applicant and the LPA to the recent updates to the Flood Risk and Coastal Change Planning Policy Guidance (August 2022).

- The Lead Local Flood Authority (LLFA) reminds the applicant that NPPF states in paragraph 169 (a) that “the systems used should take account of advice from the lead local flood authority”. The LLFA publishes further guidance for developers can be found on our website at <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

Please note, if there are any works proposed as part of this application that are likely to affect flows in an ordinary watercourse, then the applicant is likely to need the approval of the County Council. In line with good practice, the Council seeks to avoid culverting, and its consent for such works will not normally be granted except as a means of access. It should be noted that this approval is separate from planning.

Further guidance for developers can be found on our website at <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

Yours sincerely,

Sarah

**Sarah Luff**  
**Strategic Flood Risk Planning Officer**  
Lead Local Flood Authority

***Disclaimer***

*We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue.*

Date: 13 October 2022  
Our ref: 408936  
Your ref: 22/01225/EIA2



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**BY EMAIL ONLY**

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Dear Sir/Madam,

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017):** EIA Scoping Opinion request for a mixed use residential and commercial development

**Location:** Deal Ground Bracondale Norwich

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 04 October 2022, received on 04 October 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on [environmental assessment, natural environment and climate change](#).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully,

Jacob Goodwin  
Consultations Team

## Annex A – Natural England Advice on EIA Scoping

### General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

### Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.



## **Environmental data**

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk).

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

## **Biodiversity and Geodiversity**

### **General principles**

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

## **Designated nature conservation sites**

### **Water Quality/Nutrient Neutrality Advice**

This proposal falls within the Impact Risk Zone of European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities. When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality.

Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. For large scale developments, Natural England may provide advice on a cost recovery basis through our [Discretionary advice service](#).

All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

### **Nationally designated sites**

The development site is within or may impact on the following **Site of Special Scientific Interest:**

- Eaton Chalk Pit Site of Special Scientific Interest (SSSI)

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov).

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geportal](#).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

### **Regionally and Locally Important Sites**

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

### **Protected Species**

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

### **District Level Licensing for Great Crested Newts**

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

### **Priority Habitats and Species**

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

### **Ancient Woodland, ancient and veteran trees**

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland,

ancient and veteran trees.

## **Biodiversity net gain**

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

## **Landscape**

### **Nationally Designated Landscapes**

The development site is within or may impact on The Broads National Park.

The NPPF (paragraph 176) provides the highest level of planning protection for these nationally designated landscapes.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). [Planning Practice Guidance](#) confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Consideration should be given to the direct and indirect effects on this designated landscape and in particular the effect upon its purpose for designation. The management plan for the designated landscape may also have relevant information that should be considered in the EIA.

### **Landscape and visual impacts**

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of

Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

### **Heritage Landscapes**

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

### **Connecting People with nature**

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

## Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

## Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) <sup>[1]</sup>. A priority action in

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<sup>[1]</sup> [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)



the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub> against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

## Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

## Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the [Committee on Climate Change's \(CCC\) Independent Assessment of UK Climate Risk](#), the [National Adaptation Programme \(NAP\)](#), the [Climate Change Impacts Report Cards](#) (biodiversity, infrastructure, water etc.) and the [UKCP18 climate projections](#).

The Natural England and RSPB [Climate Change Adaptation Manual](#) (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's [Nature Networks Evidence Handbook](#) (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's [Carbon Storage and Sequestration by Habitat report](#) (2021) and the British Ecological Society's [nature-based solutions report](#) (2021) provide further information.

### **Contribution to local environmental initiatives and priorities**

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.





Norwich City Council Planning Services

Norwich City Council

By email only:

planning@norwich.gov.uk

23 October 2022

Dear Sir/Madam

**Application Number: 22/01225/EIA2**

**Location: Deal Ground Bracondale Norwich**

**Proposal: EIA Scoping Opinion request for a mixed use residential and commercial development.**

I am writing on behalf of the Whitlingham Charitable Trust, and in response to the recent consultation letter concerning the request for an EIA Scoping Opinion to inform a Reserved Matters planning application for development on the Deal Ground & May Gurney sites.

The Whitlingham Charitable Trust (WCT) welcome the opportunity to comment on the content ('scope') of the Environmental Statement (ES) which will accompany the reserved matters application.

By way of introduction and background, the WCT is a charitable body responsible for the care and management of Whitlingham Country Park. The WCT has a year lease for the Country Park until 2088, with rights for renewal. As such, the trust has a duty to consider the consultation request for scoping opinion both as the operator of the park and as a party with a material interest in land adjacent the application site.

Whitlingham Country Park extends to approximately 15.5ha and encompasses woodland, wildflower meadows and two large 'broads'. It is the responsibility of the WCT to manage and conserve the Country Park for the recreation and enjoyment of members of the public who wish to enjoy its amenities for quiet and peaceful pursuits in a rural environment. The Park is open to the general public and largely self-financing, with the principal source of revenue derived from car parking charges.

Turning to the request for Scoping Opinion, it is clear that the addition of 670 new homes as envisioned by the outline planning consent will increase pressure on the Country Park through increasing visitor numbers.



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It is also clear that the proposed development comes forward in the context of a recognised need to provide additional, useable and attractive green infrastructure within the Greater Norwich area in order to mitigate the substantial growth proposed for this area.

In September 2007 the Greater Norwich Development Partnership (GNDP) undertook an Open Spaces Indoor Sports and Community Recreation Assessment (OSISCRA) using Planning Policy Guidance 17 (PPG17) assessment methodology. This OSISCRA concluded that there was a requirement in 2007 to deliver 87.5 sqm of combined formal, seminatural, amenity, play, sports and outdoor spaces per person resident in South Norfolk Council area. The OSISCRA went on to conclude that South Norfolk Council did not have a large enough network of public open spaces (at the start of the adopted Joint Core Strategy review) to meet the needs of the District. Since 2007, this Habitat Regulations problem within South Norfolk has worsened due to large scale housing growth and the Council's failure to implement a strategy to deliver new natural and semi-natural green spaces to manage this impact.

Whilst the current Joint Core Strategy identifies the potential to create a new Country Park at Bawburgh Lakes to mitigate the impact of its growth strategy, this site remains undelivered. The Joint Core Strategy for Norwich, Broadland and South Norfolk Annual Monitoring Report strategy 2016- 2017 published April 2018 (AMR) has since confirmed that there has been no net increase in the amount of natural and semi-natural open spaces delivered within the South Norfolk area since the 2007 assessment and thus, the impact of the existing Local Plan growth strategy – including the May Gurney and Deal Ground sites - remains unmitigated.

As an existing area of publicly accessible greenspace, Whitlingham Country Park is one of the sites which currently serves this demand. In keeping with the finding that there is an undersupply of this kind of space, the park is very well used and, arguably, operating at close to capacity already. The impacts of increased use of the park were demonstrated during the Covid 19 Lockdown period and, whilst visitor numbers have returned to more typical levels since the lifting of lockdown restrictions, the park is still recovering from the effects of that period of increased use and is undertaking extensive repair works to paths, car parks and other infrastructure as part of this 'recovery' effort.

In addition to this role in the health and wellbeing of the local community, Whitlingham Country Park also has an important role in reducing recreational pressure on more environmentally sensitive sites by providing informal recreation and greenspace to the residents of Norwich and its environs, thus diverting residents of the local area away from The Broads and existing Natura 2000 sites, SAC's and SSSI's.

The impacts of recreational pressure on these protected sites are well understood (see, for example the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy, March 2021), and it is recognised that provision of good quality open space in a less environmentally sensitive area is one of the best ways to reduce harm to these protected sites.

Such provision reduces recreational pressure on those more environmentally sensitive locations, resulting in notable ecological benefits. However, sites like Whitlingham Country Park can only do this if they are properly resourced and suitable sized to serve the population they serve. Any proposal that significantly increases that population must consider the effects on the Park and its capability to manage increased visitor numbers. The proposal should also consider the impact of any failure to manage such an increase.

Whilst the Outline Consent does not allow for any direct link into the Country Park (unlike the wider East Norwich Masterplan proposal), the development proposed at the Deal Ground Site would introduce a substantial new residential population (670 new homes) on the doorstep of the Country Park and, in doing so, add further demand to an already over-stressed resource.

The previously submitted EIA identifies the Country Park as an important local resource and one that would be available to new residents, but does not consider the capacity of the park to accommodate increased visitor numbers associated with the proposal, nor the consequences of any failure to be able to meet the additional demand created by the development on nearby protected sites.

Consequently, the impact of the development on the Country Park, and any necessary mitigation arising from it, should be identified and set out as part of the EIA Process, falling under the headings of Socio-Economic Impacts (recreation and wellbeing) and Ecology (recreational pressures). It is the request of the WCT, in response to consultation, that these items are considered in the Environmental Statement (i.e. are 'scoped in', during the Scoping exercise undertaken by the local planning authorities).

Whilst EIA's have historically focussed on direct environmental impacts (e.g. loss of habitat), guidance on EIAs confirms that possible impacts on humans should also be considered. This includes socio-economic impacts arising from the development and, specifically in this instance, changes in demand to recreation facilities.

Proper consideration of these issues within the Environmental Statement will require engagement with the Whitlingham Charitable Trust in order to understand existing usage, pressures and, as such, the ability of the park to meet the additional pressures imposed on it by the proposed new development. To this end, the WCT are happy to work with the applicants in order to fully understand the socio-economic and ecological impacts of the proposed development

I trust the above sets out the WCT's position clearly and concisely, and I would be grateful if you would consider this representation when preparing the response to the Scoping Request.

Should you wish to discuss this consultation response further please do not hesitate to contact me.

Kind regards



Fergus Bootman MRTPI



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## Moore, Suzanne

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**From:** SM-MMO-SH - MFA Marine Consents (MMO) <marine.consents@marinemangement.org.uk>  
**Sent:** 20 October 2022 16:14  
**To:** PLANNING  
**Subject:** FW: PAC Deal Ground 22/01225/EIA2  
**Attachments:** ufm32\_Reconsultation\_Letter\_Empty.rtf

CAUTION! This email originates from outside Norwich City Council.

Do not click on any links or open any attachments if you have any doubts about the email - please just delete the email.

### Marine Licensing, Wildlife Licences and other permissions

Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

### Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### Marine Licensing

**Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.**

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the [coastal concordat](#) and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages:

[check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### **Environmental Impact Assessment**

With respect to projects that require a marine licence the [EIA Directive \(codified in Directive 2011/92/EU\)](#) is transposed into UK law by [the Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(the MWR\), as amended](#). Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

### **Marine Planning**

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

### **Minerals and waste plans and local aggregate assessments**

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Regards  
Andy

Andy Davis | Administration Officer Business Support Team | Marine Management Organisation

Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH

[Andrew.Davis@marinemanagement.org.uk](mailto:Andrew.Davis@marinemanagement.org.uk) | Tel: +44 02080265093 Mob: 07920365419  
[Website](#) | [Twitter](#) | [Facebook](#) | [Linkedin](#) | [Blog](#) | [Instagram](#) | [Flickr](#) | [YouTube](#) | [Google+](#) | [Pinterest](#)

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---

**From:** [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk) <[planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)>  
**Sent:** 04 October 2022 13:42  
**To:** SM-MMO-SH - MFA Marine Consents (MMO) <[marine.consents@marinemanagement.org.uk](mailto:marine.consents@marinemanagement.org.uk)>  
**Subject:** PAC Deal Ground 22/01225/EIA2

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## Consultation: Deal Ground, Norwich EIA

Comments provided to Strategic Planning.

---

Thank you for consulting us on the above consultation.

### **Arboriculture:**

Not Consulted

Should you have any queries with the above comments please contact Anne Crotty (Senior Arboriculture and Woodland Officer) [anne.crotty@norfolk.gov.uk](mailto:anne.crotty@norfolk.gov.uk)

### **Ecology:**

Thank you for your consultation on the above scoping opinion.

The proposed inclusion of a chapter on Ecology as part of a second stage Environmental Statement is welcomed. This chapter should be informed by the proposed updated habitat and species surveys referred to in the Scoping Request letter (dated 26<sup>th</sup> Sept 2022).

It is important that the Ecology Chapter is informed by up-to-date environmental information, available from the Norfolk Biodiversity Information Service (NBIS), including the use of accurate boundaries for statutory and non-statutory wildlife sites; for example, it should be noted that the Site Plan (Appendix 1) indicates an incorrect boundary for Carrow Abbey Marsh County Wildlife Site which is located partially within the application red line boundary.

It is noted that neither Air Quality or Noise & Vibration are to be included in the second stage ES, however, it will be necessary for the Ecology chapter to fully assess impacts on ecological receptors resulting from noise, dust and vibration generated as a result of the proposed development.

Please note that ecological impacts should be assessed in line with current best practice and carried out by a suitably qualified and experienced ecologist(s).

The scheme should adhere to the ecological mitigation hierarchy and avoid impacts in the first instance. Where impacts cannot be avoided, mitigation measures will need to be identified, and compensation provided. In addition, the development will be expected to deliver a measurable gain in biodiversity, with the requirement for a minimum 10% biodiversity net gain (BNG) which becomes mandatory for all applications determined from autumn 2023.

It is also important to note that the ES will be required to consider Nutrient Neutrality with the requirement for a Habitat Regulation Assessment (HRA) to be carried out by the LPA.

Should you have any queries with the above comments please contact James Fisher (Principal Ecologist) [james.fisher@norfolk.gov.uk](mailto:james.fisher@norfolk.gov.uk)

### **Landscape:**

I have no additional comments to make in respect of Landscape Designations. Should the design of the proposals have changed at all, the Landscape and Visual Assessment (LVIA) should be amended and updated to reflect this. This is especially important with any blocking or positioning of buildings, effected sightlines/views and alike. The LVIA should be part of an iterative process alongside design to ensure that

impacts (both landscape and visual) are minimised where possible and that Landscape design is considered from an early stage to ensure a well-designed proposal that not only works with but complements the surrounding landscape and townscape. To this effect I would also reiterate my colleague's comments above that it should be noted Site Plan (Appendix 1) indicates an incorrect boundary for Carrow Abbey Marsh County Wildlife Site which is located partially within the application red line boundary

Should you have any queries with the above comments please contact Emily Smith (Principal Landscape Architect) [emily.smith2@norfolk.gov.uk](mailto:emily.smith2@norfolk.gov.uk)

**Public Rights of Way/Access:**

Not Consulted

Should you have any queries with the above comments please contact Sarah Leece (Green Infrastructure Officer, Public Rights of Way) [sarah.leece@norfolk.gov.uk](mailto:sarah.leece@norfolk.gov.uk)



**via e-mail**

Ms S Hinchcliffe  
Norwich City Council  
City Hall  
St. Peters St., Norwich  
NR2 1NH

NCC contact number: 0344 800 8020  
Text relay no.: 18001 0344 800 8020

Your Ref: 22/01225/EIA2  
Date: 31 October 2022

My Ref:  
Tel No.: 01603 222349  
Email: richard.drake@norfolk.gov.uk

Dear Ms Hinchcliffe

**RE: EIA scoping response for reserved matters application for a maximum of 670 dwellings, commercial uses, and associated infrastructure and works, with the exception of access.  
Deal Ground/May Gurney site, Norwich**

Thank you for consulting Norfolk County Council in its capacity as the Mineral and Waste Planning Authority, regarding the EIA scoping opinion for the proposed reserved matters application at Deal ground/May Gurney.

The site of the proposed development is adjacent to a safeguarded mineral infrastructure facility, the Trowse mineral railhead and asphalt plant, which is a major import point of roadstone into the county. Norfolk County Council in its capacity as the Mineral Planning Authority has a statutory duty to ensure that the operations of safeguarded mineral bulk transport, handling and processing facilities are not prejudiced by non-mineral development nearby. The railhead operates within deemed planning consent and has no limits regarding operational hours nor noise limits on the boundary adjacent to the Deal Ground. Due to the need to meet rail network scheduling requirements, railhead unloading operations may take place at any time, and unloading can take several hours. The Asphalt plant has a planning permission which includes hours of operation and noise limits adjacent to the Deal Ground.

The Mineral Planning Authority responded to the planning application 12/0875/O highlighting the potential impacts to potential residents, particularly noise impacts, from the operation of the railhead. Paragraph 187 of the NPPF, sets out a principle that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'. The applicant in this case is the 'agent of change' and the NPPF (Paragraph 187) state that they 'should be required to provide suitable mitigation before the development has been completed.

*Continued.../*

An Environmental Statement will need to provide an assessment of the potential for noise impacts on the residents of the Deal Ground both inside properties and within outside space, and what potential mitigation will be required so that the continued operation of the mineral railhead and asphalt plant are not prejudiced by the potential for noise complaints.

Norfolk County Council as the statutory authority for Mineral Planning in Norfolk wishes to be kept informed as this proposal is progressed through the application process.

If you have any queries regarding this response please contact Richard Drake (Senior Planner, Minerals and Waste Policy) by email at [richard.drake@norfolk.gov.uk](mailto:richard.drake@norfolk.gov.uk) or telephone 01603 222349.

Yours Sincerely

**Caroline Jeffery**  
**Principal Planner (Minerals and Waste Policy)**

## Moore, Suzanne

---

**From:** PLANNING  
**Sent:** 01 November 2022 10:45  
**To:** Hinchcliffe, Sarah  
**Subject:** FW: PAC Deal Ground 22/01225/EIA2  
**Attachments:** 2022 10 25 Deal Ground Bracondale Norwich 22\_01225\_EIA2 - Historic England advice.pdf; 2022 06 26 Deal Ground Bracondale.pdf

Consultation Response – DC Tech to action

---

**From:** Martin, Eric <Eric.Martin@HistoricEngland.org.uk>  
**Sent:** 28 October 2022 10:20  
**To:** PLANNING <planning@norwich.gov.uk>  
**Subject:** PAC Deal Ground 22/01225/EIA2

### **Deal Ground, Bracondale, Norwich Application No.22/01225/EIA2 - EIA Scoping Opinion request for a mixed use residential and commercial development.**

Please find attached Historic England advice relating to the above planning application consultation. If you have any questions or would like to discuss our recommendations please do not hesitate to contact us.

With regards

Eric Martin

Eric Martin | Business Officer  
Regions: East of England  
Tel: 01223 582737

Historic England | Brooklands  
24 Brooklands Avenue | Cambridge | CB2 8BU

<http://www.historicengland.org.uk/>



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**From:** [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk) <[planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)>  
**Sent:** 04 October 2022 13:30

**To:** East of England Region <[e-east@HistoricEngland.org.uk](mailto:e-east@HistoricEngland.org.uk)>

**Subject:** PAC Deal Ground 22/01225/EIA2

Please see attached planning application consultation notification.

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**From:** [clare.campbell@HistoricEngland.org.uk](mailto:clare.campbell@HistoricEngland.org.uk)  
**To:** [PLANNING](#)  
**Subject:** Historic England advice on Application no(s) 12/00875/O  
**Date:** 26 May 2022 21:08:05  
**Attachments:** [1200875O\\_HERef\\_P00150454\\_L408332.doc](#)

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Dear Mr Whittaker,

Please find attached our advice on the following site -

Deal Ground, Bracondale and May Gurney Site, Trowse, Norwich  
Application No(s):12/00875/O

Please find our advice attached.

Yours sincerely,

Clare Campbell  
Team Leader - Development Advice  
E-mail: [clare.campbell@HistoricEngland.org.uk](mailto:clare.campbell@HistoricEngland.org.uk)

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Historic England

Mr Ian Whittaker  
Planning Services, Norwich City Council  
City Hall  
St Peter's Street  
Norwich  
Norfolk  
NR2 1NH

Direct Dial: 01223 582738

Our ref: P00150454

26 May 2022

Dear Mr Whittaker

**DEAL GROUND, BRACONDALE AND MAY GURNEY SITE, TROWSE, NORWICH**  
**Application No. 12/00875/O**

Thank you for writing to Historic England to seek our advice on whether the baseline information provided with the application is up to date or requires additional information, and if it could be provided in the anticipated delivery phases.

The significance of the historic environment

The site includes designated heritage assets and the surrounding area has a rich heritage including a number of highly graded designated heritage assets. There is potential for the setting and significance of these to be affected by the development.

The May Gurney and Deal Ground site includes the listed bottle kiln and two engine houses for the sewage works, all listed grade II. Part of the site lies within the Trowse Millgate Conservation Area. The Deal Ground includes land which was historically the flood plain of the River Yare and has remained undeveloped, making it a positive element in the setting of several heritage assets. The grade I listed St Andrews church, Trowse, is close to the south western corner. The grade II Registered Park and Garden, Crown Point, lies to the east and contains the grade II\* Whitlingham Hospital and several grade II listed buildings.

Historic England's initial advice on the application identified the need for information on the siting, scale, form, massing of the housing fronting The Street in Trowse, because of the potential for this to result in harm to the conservation area. Information on the repair of the grade II bottle kiln was also sought through a recommended condition.

Just to the west of the site is the Carrow Works site, a fascinating site with a rich history encompassing the medieval monastic period through to the nineteenth and twentieth century industrial works of the Colman's factory with its strong identity with the city and the associated domestic buildings and landscape. It includes the Scheduled Monument, Carrow Priory and grade I listed Carrow Abbey, grade II\*



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Conservatory to Carrow House as well as several grade II listed buildings. It lies within the Bracondale Conservation Area.

Historic England's advice on the initial application also highlighted the potential for the tall blocks to affect the long views to the historic core of the city with its rich assembly of heritage assets, including the Castle and Cathedral.

### Changes since the outline application

As you will be aware, a considerable amount of work has been undertaken recently on these sites which fall within the East Norwich Regeneration area. This includes a designation review, heritage assessments and master planning.

Historic England is supportive of the overall vision for the regeneration of East Norwich as set out in the master plan. We have provided detailed comments on the draft master plan which will be relevant when considering the reserved matters for these sites, letters dated 11 November 2021 and 24 February 2022. Responding to the existing heritage and character of the area will be fundamental in creating a successful new place in this location in terms form, style and layout.

Since the previous permission, the two additional buildings on the sewage works site have been listed.

In addition, policy and guidance has also been updated and introduced. The National Planning Policy Framework has been updated. The National Design Guide and National Model Design Code have been published. These outline and illustrate the government's priorities for well-designed places in ten characteristics, including context and identity, which should respond to local character. Historic England have issued guidance on assessing the setting of heritage assets, The Setting of Heritage Assets, Historic Environment Good Practice in Planning Note 3 (2015, revised in 2017).

### Baseline information

The Environmental Statement does not include a heritage or historic environment chapter.

### Recommended updates

In view of the significance of the heritage assets on and near to the site, and in the historic city, the baseline information and reserved matters applications should contain sufficient information on the historic environment. This should be to a level to





Historic England

understand the significance of the site and surrounding area and the potential impact of the proposals upon this.

Considering both the significance of the site, the understanding of which has increased since the granting of outline consent, and the changes in policy and guidance, Historic England advise that additional assessment is required to update the baseline information and to inform the reserved matters application.

Given the need to ensure the development of all three phases sustains and enhances the historic environment, we recommend the baseline work is done at the first stage. There should be sufficient information from the first phase on this and subsequent phases, to ensure the site as a whole is developed in a way which sustains and enhances the historic environment.

If it would be helpful to discuss any of these points further, please do contact us.

Yours sincerely

**Clare Campbell**

Team Leader - Development Advice

E-mail: [clare.campbell@HistoricEngland.org.uk](mailto:clare.campbell@HistoricEngland.org.uk)



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## Moore, Suzanne

---

**From:** John Percival <john.percival@norfolk.gov.uk>  
**Sent:** 04 November 2022 15:19  
**To:** Hinchcliffe, Sarah  
**Cc:** PLANNING; Planning (SNC); Naomi Chamberlain  
**Subject:** 22/01225/EIA2 -EIA Scoping, Deal Ground Bracondale Norwich , 2022/1847 The Deal Ground And Former May Gurney Site, The Street, Trowse

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### Our Refs CNF43138

Dear Sarah and Blanaid,

### **22/01225/EIA2 Deal Ground Bracondale Norwich , 2022/1847 The Deal Ground And Former May Gurney Site, The Street, Trowse**

Thank you for reminding me regarding the above consultation and apologies for the delay in replying, we have also been consulted by my Norfolk County Council colleague Naomi Chamberlin who has already responded.

Although the baseline information regarding this site has not changed since 2012 what we think in terms of internal policy in one specific area has changed.

In 2011 a purposive geoarchaeological/paleoenvironmental borehole (window sample) survey was undertaken. This amongst other things revealed the presence of peat deposits adjacent to the current course of the Wensum. No radiocarbon dating of the peat deposits was undertaken and no specialist paleoenvironmental analysis, such as Palynology was undertaken.

We now regard the peat deposits of Norfolk as undesignated heritage assets in their own right, due to their potential to contain remains of paleoenvironmental significance.

In order to better understand the significance of the peat deposits and how that significance might be affected by the consented development a second purposive geoarchaeological/paleoenvironmental borehole (window sample) survey is required which will also include radiocarbon dating and specialist paleoenvironmental work.

We therefore recommend that below-ground archaeology is scoped in to the current EIA process.

If you have any queries please don't hesitate to contact me.

Regards

John Percival

**John Percival, Historic Environment Senior Officer (Strategy and Advice)**  
Community and Environmental Services  
Tel: 01362 869275 | Mobile: 07775 697616

County Hall, Martineau Lane, Norwich, Norfolk NR1 2SG

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Norfolk County Council introduced *Standards for Development-led Archaeological Projects in Norfolk* on 1 May 2018. Please visit <https://www.norfolk.gov.uk/libraries-local-history-and-archives/archaeology-and-historic-environment/planning-and-the-historic-environment> for copies.

---

**From:** Hinchcliffe, Sarah <SarahHinchcliffe@norwich.gov.uk>  
**Sent:** 02 November 2022 15:34  
**To:** John Percival <john.percival@norfolk.gov.uk>  
**Subject:** 22/01225/EIA2 - Deal Ground EIA Scoping

**WARNING:** External email, think before you click!

Hi John,

I cannot remember whether Maria suggested that you were going to comment on this?

I think in the Environmental Statement for the outline back in 2012/13 archaeology was scoped out. So unless anything has changed, new information brought anything additional to light I assume that you will not want to comment on the above EIA scoping?

Thanks

**Sarah Hinchcliffe Bsc MA MRTPI**  
**Senior Planner**  
Development and City Services  
**Norwich City Council**

01603 989413  
My working days are Monday – Friday  
My pronouns are she/her

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## Moore, Suzanne

---

**From:** Dan Walker <dan@dlwalker.net>  
**Sent:** 11 November 2022 11:46  
**To:** Hinchcliffe, Sarah  
**Subject:** 22/01225/EIA2 - EIA Scoping Opinion Request for a Mixed Use Residential and Commercial Development on Land at Deal Ground, Bracondale, Norwich

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Our ref: DW/CEW- T5

Dear Mrs Hinchcliffe

1. We act on behalf of Tarmac Trading Limited (“Tarmac”) in respect of certain planning and estates matters.
2. Tarmac are the operators of the Trowse Aggregates Railhead and Coated Stone Plant situated off Bracondale in Trowse (“the site”).
3. The operations at the site are acknowledged under both under the Norwich City Local Plan and the Norfolk Minerals Local Plan as a strategically significant site, and is safeguarded as a Minerals Infrastructure Site under the latter Policy Document (both adopted and emerging).
4. The site fulfils a fundamental role in the business strategy for Tarmac in the city of Norwich, and is also a significant component of construction materials supply both to the city and the county of Norfolk.
5. Whilst it is recognised that the submission regarding the subject of this consultation is only a Scoping Opinion Request, Tarmac is disappointed to see a lack of any reference to the site either in relation to safeguarding policy or day to day operation.
6. It is understood that the Scoping Request is being made in support of an application to address all reserved matters except (for access) relating to outline consent ref 12/00875/0.
7. Given that the matters reserved by condition address elements such as layout and design the presence of the site is of significance. Furthermore, it is noted that condition 11 c) specifically requires the need for design specifications **“to be informed by the need to mitigate the impact of noise from adjacent sites, in particular the asphalt plant/railhead..”**.
8. The presence of the Tarmac site is a fundamental baseline matter that needs to be fully detailed as part of any ES that accompanies the reserved matters submission for the Deal Ground Scheme.
9. It is proposed that the interaction effects of design decisions set out in particular under Condition 11 c) needs to be clearly defined to be fully consistent with the Agent of Change principle highlighted in the NPPF and to be consistent with the requirements of Schedule 4 of the EIA Regulations.
10. The operations at the site are subject to control secured by planning conditions in respect of potential amenity impacts on development in the Deal Ground. The Deal Ground development however needs to ensure that appropriate design decisions are made to minimise the scope for conflict between the two premises, and ensure that Tarmac do not suffer any deterioration in working conditions on their site.
11. We trust the above comments are satisfactory and will be taken into account when the council formalises the Scoping Opinion.



Yours sincerely

**Dan Walker MRICS**  
**Chartered Surveyor**

David L Walker Limited, Albion House, 89 Station Road, Eckington, Sheffield, S21 4FW

Tel: 01246 431749

Mob: 07771 995707

Fax: 01246 431863

Email: [Dan@dlwalker.net](mailto:Dan@dlwalker.net)

Please visit our website: [www.davidwalkerlimited.co.uk](http://www.davidwalkerlimited.co.uk)

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Sarah Hinchcliffe  
Norwich City Council  
City Hall  
Norwich  
Norfolk  
NR2 1NH

NCC contact number: 0344 800 8020  
Text Relay - 18001 0344 800 8020

Your Ref: 22/01225/EIA2  
Date: 10 November 2022

My Ref: 9/4/22/1225  
Tel No.: 01603 638009  
Email: [liz.poole@norfolk.gov.uk](mailto:liz.poole@norfolk.gov.uk)

Dear Sarah,

**EIA Scoping Opinion request for a mixed use residential and commercial development. Deal Ground, Bracondale, Norwich.**

Thank you for your consultation regarding the above scoping opinion.

The highway authority has reviewed the information provided and considers that given the age of the original application, a revised Transport Assessment is required. The revised assessment should take into account the East Norwich development (given that there is a submitted, albeit un-validated planning application).

In addition, the assessment years will have changed and there will have been changes in traffic levels since the original traffic surveys were undertaken.

Consideration will also need to be made regarding access to catchment schools and walking/cycling routes to local facilities and employment areas.

If you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely

*Liz Poole*

Major and Estate Development Team Manager  
for Executive Director for Community and Environmental Services

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at [highway.boundaries@norfolk.gov.uk](mailto:highway.boundaries@norfolk.gov.uk) for further details.



FAO: Sarah Ashurst  
Head of Planning and Regulatory Services  
Norwich City Council  
St Peters Street  
Norwich  
Norfolk  
NR2 1NH

Network Rail  
1 Stratford Place  
London  
E20 1EJ

Date: 18 November 2022

Submission by email: [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)

**Network Rail Consultation Response to: 22/01225/EIA2 – EIA (Environmental Impact Assessment) Scoping Opinion request for a mixed use residential and commercial development – On land known as Deal Ground, Bracondale, Norwich**

**Summary of Network Rail's Position:** The scope for the EIA must benchmark existing freight and operational railway uses and mitigate against these impacts in this, or any new, development.

Dear Sir/Madam,

Thank you for consulting Network Rail on the EIA (Environmental Impact Assessment) Scoping Opinion request for a mixed use residential and commercial development on land known as Deal Ground, Bracondale, Norwich. This Network Rail response, within the following sub-sections, will provide;

- **Context**
- **Part A: EIA Scoping Opinion Request – Network Rail Requirements**
- **Part B: Key Consultation Considerations**

**Important:** Any development and Environmental Impact should not impede or threaten existing operational railway uses in this locality, including existing infrastructure use, freight use or any requirements for current and future operations.

Network Rail will provide a more detailed response shortly for Freight considerations, including the current neighbouring Freight site operated by Tarmac.

## **Context**

Network Rail is the statutory undertaker with responsibility for railway infrastructure in England, Scotland and Wales. Therefore, this letter is an operational-led response as statutory undertaker, which focuses on Network Rail's core duties for operation of the rail network, renewal and replacement of the rail network, and the improvement, enhancement and development of the rail network, in all cases in accordance with best practice and in a timely, efficient and economical manner. Network Rail's licence from the Secretary of State can be found here:

- [https://www.orr.gov.uk/sites/default/files/om/netwrk\\_licence.pdf](https://www.orr.gov.uk/sites/default/files/om/netwrk_licence.pdf)

Therefore, Network Rail aims to protect and improve the safety and the maintaining of the railway, including railway and railway related uses (such as freight, depot and infrastructure uses) at present and for future uses.

Network Rail is also an adjacent landowner in Norwich. Subsequently, Network Rail will seek further engagement with the developer and the Council as this application and wider development progresses.

### **Part A: EIA Scoping Opinion Request – Network Rail Requirements**

The EIA scoping request and key considerations for this proposal are of operational importance to Network Rail. Therefore, the EIA scope must assess existing circumstances, including those listed below, and ensure any/all future development is mitigated against.

However, Network Rail would welcome the opportunity to discuss these further. Wherein any relevant additional detail can be discussed and provided on request.

Network Rail Initial EIA Scope Requirements include, (but are not limited to):

- a) Existing rail use impacts, including noise are baselined and fully detailed for any ES matter.
- b) Design decisions that are clearly defined and consistent with the ‘Agent of Change’ principles in the NPPF and consistent with Schedule 4 of the EIA Regulations.
- c) Strategic Significant Mineral Safeguarded Site
  - i. Also referenced in Norwich City Local Plan and the Norfolk Minerals Local Plan
- d) Proximity of operational freight sites next to any proposed residential development
- e) Noise from operational and freight use
- f) Vibrations from operational and freight use, including:
  - i. Adjacent Norwich Trowse Swing Bridge
  - ii. 24-hour use of the adjacent and operational Crown Point Depot
  - iii. Existing & protected freight sites (*See Freight sub-section for more detail*)
- g) Dust (including Air Quality) from the strategic freight and operational sites
- h) Lighting from freight and operational railway
- i) Transport Assessment, inc. (Road) Access Arrangements (*See Liabilities sub-section for more detail*)

**Scope Request:** Network Rail expect the Transport Assessment to assess the following matters:

- i. Road access arrangements, including around and into adjacent Network Rail land
- ii. Transport capacity, including mitigations against increased traffic at both Norwich station and on the neighbouring road network

**Important:** As there could be increased traffic to Bracondale bridge, its suitability to bear this traffic should be discussed with Network Rail's Structures team. There are indications that some areas of the bridge do not have full Construction and Use vehicle loading (notably the bollards on the footways).

## Part B: Key Consultation Considerations

1. Local Development Proposal (Protection) Aspirations
2. Liabilities
3. Freight  
and
4. Asset Protection (ASPRO)

### 1. Local Development Proposal (Protection) Aspirations

This and wider development should be undertaken with full engagement and cooperation with Network Rail, who are a neighbouring landowner and key stakeholder. Network Rail require informed understanding of how future developments in the locality will impact the operational railway.

This cooperation is especially important to enable contributions from 3<sup>rd</sup> parties, which allow for continued provision of important sustainable transport and strategic freight use in this locality as well as the wider Norwich, Norfolk County, and East of England Region.

– For more information, please see sub-sections below, including Liabilities, Freight and ASPRO

### 2. Liabilities

#### Liabilities Key Considerations and Supporting Information:

Network Rail is not satisfied that the developer has any right of way through the structures beneath the railway. Therefore, any connectivity beneath the railway, whether public or private in nature, can only be granted with consent from Network Rail.

Additionally, access to the site is via a ramp down from Bracondale that is owned and maintained by Network Rail with a landowner contribution towards the cost of maintenance. In view of the

changing use of the site, Network Rail wants this structure to be adopted and thereafter maintained at the public expense. This is also because recovery of costs from multiple parties (assuming the title to the site is intended to be divided into multiple smaller titles and/or sub-leases) will no longer be feasible.

As the site is next to the operational railway, Network Rail must continue to have sufficient access rights to its land. This also applies to Network Rail's tenants and invitees.

### 3. Freight

This freight sub-section provides additional freight and operational use information that would need to be considered by both the developer and local planning authority when progressing this 'wide-reaching' development area.

#### Freight Key Considerations:

Network Rail would seek to be consulted on existing and future development land (change) uses, especially as site specific freight usage may alter (I.e., increase/change/remove) with, or as a result of, wider strategic operations over the life of the wider development cycle(s) and the any Council or County Local Plan.

Therefore, this EIA scope and any future planning conditions should not restrict existing use and should avoid any development adjacent (without significant restrictions and mitigations) to these freight sites that could threaten the sustainability of these sites for freight related uses.

#### Freight Supporting Information:

Norwich, including wider Anglia, requires strategically important and protected freight use and has key freight sites, which must continue to be protected where appropriate or supported in policy and planning conditions as either/both sustainable and environmental transport locations.

- Norwich freight and operational sites (I.e., existing/changing/potential) have been briefly analysed in the below: - *'Freight and Operational Facilities Analysis for Norwich'*

Any development adjacent to these freight or operational sites without significant restrictions and mitigations that could threaten the sustainability of these sites for freight or operational use (I.e., residential development) should be prevented or protected against with freight or strategic safeguarding allocations and mitigations.

#### Freight and Operational Facilities Analysis for Norwich

Norwich consists of multiple infrastructure and freight considerations in this locality – See below:

**Site 1. Tarmac Operated Site (A.K.A - Norwich Trowse)**

Network Rail would like to make sure the applicant is aware of a rail-connected bulk aggregates facility operated by Tarmac, a facility which has the potential to generate noise throughout the day, and that this should be considered when positioning residential property as part of this development. This site is also designated as a Strategic Freight Site by Network Rail, which means it could have other uses beyond an aggregates site in the future, such as handling containers. Network Rail would also welcome improvements to the approach road to the Tarmac site, which is proposed to become a shared access road to part of the development.

**Site 2. Crown Point Depot**

Although not immediately adjacent to the development site, Crown Point Depot is a train maintenance facility across the River Wensum from the development site, which operates 24 hours a day to maintain Greater Anglia's train fleet. As with the Trowse aggregates facility, this has potential to generate noise at all times of day, which should be considered when positioning residential property within the development site.

Freight and operational sites vary – As seen above.

**Important:** Therefore, it is important that the operation and function of freight sites should not be prejudice against from a new development site. The development would need to consider appropriate restriction and mitigation measures, which would need to be assessed and implemented.

**4. Asset Protection (ASPRO)**

Asset Protection (ASPRO) maintain the railway infrastructure and strongly recommend that for any development(s), near the railway, the developer(s) contacts Network Rail's Asset Protection team via:

- [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk)

This recommendation is to ensure Asset Protection can manage and mitigate numerous risks to and from the operational railway. The management of these risks to the railway is to ensure that proposed development(s) do not have an adverse impact on Network Rail's operational railway infrastructure.

Asset Protection Considerations

- a) Please see Appendix 1 for further ASPRO Consultations Concerns.



### Asset Protection Supporting Information:

This ASPRO engagement recommendation is required at an early stage, including in the EIA, and prior to any works commencing on site. ASPRO also strongly recommend entering into an Asset Protection Agreement (APA) with us to enable approval of detailed works.

For further information on Asset Protection, please see the Network Rail Asset Protection website below:

- <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

### **Conclusion**

This Network Rail response, within the following sub-sections (above), has provided:

- **Context**
- **Part A: EIA Scoping Opinion Request – Network Rail Requirements**
- **Part B: Key Consultation Considerations**
  1. **Local Development Proposal (Protection) Aspirations**
  2. **Liabilities**
  3. **Freight**  
and
  4. **Asset Protection (ASPRO)**

**Summary of Network Rail's Position:** The scope for the EIA must benchmark existing freight and operational railway uses and mitigate against these impacts in this, or any new, development.

**Important:** Any development and Environmental Impact should not impede or threaten existing operational railway uses in this locality, including existing infrastructure use, freight use or any requirements for current and future operations.

Network Rail will provide a more detailed response shortly for Freight considerations, including the current neighbouring Freight Site operated by Tarmac

### Network Rail Initial EIA Scope Requirements include, (but are not limited to):

- a) Existing rail use impacts, including noise are baselined and fully detailed for any ES matter.
- b) Design decisions that are clearly defined and consistent with the 'Agent of Change' principles in the NPPF and consistent with Schedule 4 of the EIA Regulations.

As well as other EIA Scoping Requests, which are summarised below, include:

- c) Noise, Vibrations, Dust (including Air Quality), Lighting, Transport, Site Proximity and Strategic Significant Mineral Safeguarded site, plus other freight and operational site protections.

Network Rail will continue to work with Norwich City Council and would welcome any further discussion on this scoping and consultation response, as well as further considerations, or developments including future correspondence and meetings.

Yours Faithfully,

**David Brierley**

Town Planner

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## **Appendix 1: ASPRO Further Consultations Concern**

Please see below my comments regarding this Network Rail (NR) 3rd Party development, proposed application involves a mixed use residential and commercial development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3): a restaurant/dining quarter and public house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures inc earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats. Network Rail infrastructure is in close proximity . In addition to the condition of clearance following should be consider as Network rail concerns.

**Item 1. Concerns** - Encroachment on the boundary fence, interference with sensitive equipment, space for inspection and maintenance of the railway infrastructure.

**Reasons/Mitigations:**

The developer / designer must ensure that the development line is set back from the Network Rail fence line to achieve sufficient gap / space to inspect and maintain Network Rail fence line and provide an access for inspection and maintenance of the proposed development or other assets in the future without imposing any risks to the operational railway. This would normally be 2-5m from the boundary fence depending on the adjacent NR assets or boundary fence.

**Item 2. Concerns** - Stability of railway infrastructure and potential impact on the services.

**Reasons/Mitigations:**

Existing railway infrastructures including embankment should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail. Increased surcharge on railway embankment imports a risk of instability of the ground which can cause the settlement on Network Rail infrastructure (Overhead Line Equipment / gantries, track, embankment etc.).

**Item 3. Concerns** - Potential buried services crossing under the railway tracks. Some of the services may be owned by Network Rail or Statutory Utilities that may have entered into a contract with Network Rail.

**Reasons/Mitigations:**

The developer is responsible for a detailed services survey to locate the position, type of services, including buried services, in the vicinity of railway and development site. Any utility services identified shall be brought to the attention of Senior Asset Protection Engineer (SAPE) in Network Rail if they belong to railway assets. The SAPE will ascertain and specify what measures, including possible re-location and cost, along with any other asset protection measures shall be implemented by the developer.

**Item 4. Concerns** - Proximity of the development to the Network Rail infrastructure and boundary fence and adequate space for future maintenance of the development.

**Reasons/Mitigations:**

The developer must ensure any future maintenance does not import the risks to the operational railway. The applicant must ensure that the construction and subsequent maintenance of their development can be carried out without adversely affecting the safety of operational railway.

**Item 5. Concerns** - Collapse of lifting equipment adjacent to the boundary fence/line.

**Reasons/Mitigations:**

Operation of mobile cranes should comply with CPA Good Practice Guide 'Requirements for Mobile Cranes Alongside Railways Controlled by Network Rail'. Operation of Tower Crane should also comply with CPA Good Practice Guide 'Requirements for Tower Cranes Alongside Railways Controlled by Network Rail'. Operation of Piling Rig should comply with Network Rail standard 'NR-L3-INI-CP0063 - Piling adjacent to the running line'. Collapse radius of the cranes should not fall within 4m from the railway boundary unless possession and isolation on NR lines have been arranged or agreed with Network Rail.

**Item 6. Concerns** - Collapse of temporary structure near the railway boundary and infrastructure.

**Reasons/Mitigations:**

Any temporary structures which are to be constructed adjacent to the railway boundary fence (if required) must be erected in such a manner that at no time will any item fall within 3 metres from the live OHLE and running rail or other live assets. Suitable protection on temporary works (for example: Protective netting around scaffold) must be installed.

**Item 7. Concerns** - Piling adjacent to the railway infrastructure if any. Concerns with ground movement affecting the track geometry and surrounding ground and structure stability.

**Reasons/Mitigations:**

The developer must ensure that any piling work near or adjacent to the railway does not cause an operational hazard to Network Rail's infrastructure. Impact/Driven piling scheme for a development near or adjacent to Network Rail's operational infrastructure needs to be avoided, due to the risk of a major track fault occurring. No vibro-compaction/displacement piling plant shall be used in development.

**Item 8. Concerns** - Trespasses and unauthorised access through an insecure or damaged boundary fence.

**Reasons/Mitigations:**

Where required, the developer should provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. Network Rail's existing fencing / wall must not be removed until it is agreed with Network Rail.

**Item 9. Concerns** - Interference with the Train Drivers' vision from artificial lighting and human factor effects from glare.

**Reasons/Mitigations:**

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

**Item 10. Concerns** - Errant vehicle onto the railway land.

**Reasons/Mitigations:**

If there is hard standing area / parking of vehicles area near the property boundary with the operational railway, Network Rail would recommend the installation of vehicle incursion barrier or structure designed for vehicular impact to prevent vehicles accidentally driving or rolling onto the railway or damaging the railway lineside fencing.

**Item 11. Concerns** - Potential impact on the adjacent railway infrastructure from the construction activities.

**Reasons/Mitigations:**

The applicant shall provide all construction methodologies relating to works that may import risks onto the operational railway and potential disruption to railway services, the assets and the infrastructure

for acceptance prior to commencing the works. All works must also be risk assessed to avoid disruptions to the operational railway.

**Item 12. Concerns** - Structural stability and movement of Network Rail Assets.

**Reasons/Mitigations:**

Network Rail's infrastructures should be monitored for movement, settlement, cant, twist, vibration etc if there are risks from the proposed development (if there the proposed development import these risks in the operational railway) to mitigate the risk of adverse impact to the operational railway in accordance with Network Rail standard 'NR/L2/CIV/177 - Monitoring track over or adjacent to building or civil engineering works'.

**Item 13. Concerns** - Invasive or crawling plants near the railway.

**Reasons/Mitigations:**

The developer must ensure that the locations and extent of invasive plant (if any, for example: Japanese Knotweed) are identified and treated in accordance with the current code of practice and regulations if exists on site. Any asbestos identified on site should be dealt in accordance with current standard, Health and Safety Guideline and regulations by the developer.

**Item 14. Concerns** - effects of EMC development.

Effects due to electromagnetic compatibility on the users and the development located within proximity of a high voltage overhead electrification lines if there is a imported risk from the development. Any Outside Party projects that will be within 20m and/or any transmitter within 100m of the operational railway will be required to undertake an Electromagnetic Compatibility assessment to be carried out in accordance with Network Rail standards 'NR/L1/RSE/30040 & 'NR/L1/RSE/30041' and NR/L2/TEL/30066'

**Reasons/Mitigations:**

The developer will be required to undertake a full Electro Magnetic Interference (EMC) risk assessment on the impact the project will have upon NR.

**Item 15. Concerns** - Environmental pollution (Dust, noise etc.) on operational railway.

**Reasons/Mitigations:**

Contractors are expected to use the 'best practical means' for controlling pollution and environmental nuisance complying all current standards and regulations. The design and construction methodologies should consider mitigation measures to minimise the generation of airborne dust, noise and vibration in regard to the operational railway.

**Item 16. Concerns**- Close proximity of Level Crossing:

Close proximity to level crossing should be consider in layout for the road design and the access to development should be away from the level crossing. Traffic increase could build up the congestion at level crossing which result in safety issues for level crossing and general public

Date: 16 March 2022



To: LPA Chief Executives & Heads of Planning,  
 County Council Chief Executives and Heads of Planning,  
 EA Area and National Team Directors,  
 Planning Inspectorate,  
 Natural Resources Wales (Cross border sites only) &  
 Secretary of State for Department for Levelling Up Housing & Communities  
 (DLUHC)

**BY EMAIL ONLY**

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T 0300 060 3900

Dear Sir / Madam

**Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.**

**1.0 Summary**

This letter sets out Natural England's advice for development proposals that have the potential to affect water quality in such a way that adverse nutrient impacts on designated habitats sites<sup>1</sup> cannot be ruled out.

It also provides an update to those Local Planning Authorities (LPAs) whose areas include catchments where Natural England has already advised on how to assess the nutrient impacts of new development and mitigate any adverse effects, including through application of the nutrient neutrality methodology. It includes:

- Supporting Information (Annex A) which summarises the key tools and guidance documents available and how to take account of certain issues in any Habitats Regulations Assessment (HRA)
- a national map showing the affected catchments (Annex B)
- a list of habitats sites in unfavourable condition due to nutrients, where new development may have an adverse effect by contributing additional nutrients and therefore where nutrient neutrality is a potential solution to enable development to proceed (Annex C)
- a national generic Nutrient Neutrality Methodology (attached in covering email with this letter)
- a nutrient assessment methodology decision tree (Annex D)
- a flow diagram of the HRA process (Annex E)
- guidance on thresholds for insignificant effects for phosphorus discharges to ground (Annex F)
- Natural England Area Team contacts for each habitats site and catchment (Annex G)
- Catchment Specific Nutrient Neutrality Calculators and associated Calculator Guidance (attached in covering email with this letter)
- Site specific catchment maps (attached in covering email with this letter)
- Site specific evidence documents (new catchments only - attached in covering email with this letter)
- Nutrient Neutrality Principles (attached in covering email with this letter)

<sup>1</sup> Habitat sites are sites which are protected by the Habitats Regulations and includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Any proposals that could affect them require a Habitats Regulations Assessment (HRA). Ramsar sites are also included as these are protected as a matter of government policy and also require a HRA where proposals may affect them.

- Nutrient Neutrality – A Summary Guide to Nutrient Neutrality (attached in covering email with this letter)

**Natural England advises you, as the Competent Authority under the Habitats Regulations, to carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.**

This letter provides advice on the assessment of new plans and projects under Regulation 63 of the Habitats Regulations. The purpose of that assessment is to avoid adverse effects occurring on habitats sites as a result of the nutrients released by those plans and projects. This advice does not address the positive measures that will need to be implemented to reduce nutrient impacts from existing sources, such as existing developments, agriculture, and the treatment and disposal of wastewater. It proposes that nutrient neutrality might be an approach that planning authorities wish to explore.

This letter is being sent to the Environment Agency (EA) and all Heads of Planning and Chief Executives for the Local Planning Authorities (LPAs) which are affected by this advice as well as the following:

- The Planning Inspectorate as the Competent Authority for appeals and local plan examinations.
- Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) as Competent Authority for called in decisions/appeals.
- County Councils where there is a 2-tier authority.
- Natural Resources Wales (for cross border sites).

NE will also be writing to Ofwat and water companies to inform them of our advice.

## **2.0 Background**

In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being in 'unfavourable condition'. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm.

In light of this serious nutrient issue, Natural England has recently reviewed its advice on the impact of nutrients on habitats sites which are already in unfavourable condition. Natural England is now advising that there is a risk of significant effects in more cases where habitats sites are in unfavourable condition due to exceeded nutrient thresholds. More plans and projects are therefore likely to proceed to appropriate assessment.

The principles underpinning HRAs are well established<sup>2</sup>. At the screening stage, plans and projects should only be granted consent where it is possible to exclude, on the basis of objective information, that the plan or project will have significant effects on the sites concerned. Where it is not possible to rule out likely significant effects, plans and projects should be subject to an appropriate assessment. That appropriate assessment must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the site.

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<sup>2</sup> See, amongst others Case C-127/02 *Waddenvereniging and Vogelsbeschermingvereniging (Waddenzee)*; *R (Champion) v North Norfolk DC* [2015] EKC 52 (Champion); C-323/17 *People Over Wind, Peter Sweetman v Coillte Teoranta (People Over Wind)*; C-461/17 *Brian Holohan and Others v An Bord Pleanála (Holohan)*; Joined Cases C-293/17 and C-294/17 *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Other (the Dutch Nitrogen cases)*.



Appropriate assessments should be made in light of the characteristics and specific environmental conditions of the habitats site. Where sites are already in unfavourable condition due to elevated nutrient levels, Natural England considers that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives. This should be assessed on a case-by-case basis through appropriate assessment of the effects of the plan or project. In Natural England's view, the circumstances in which a Competent Authority can allow such plans or projects may be limited. Developments that contribute water quality effects at habitats sites may not meet the no adverse effect on site integrity test without mitigation.

Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.

Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites and we have provided guidance and tools to enable you to do this.

### **3.0 Natural England's Role and Advice**

Natural England is the government's adviser for the natural environment in England. As a statutory consultee in the planning and environmental assessment processes we provide advice to planning authorities to support them in making plans and decisions that conserve and enhance the natural environment and contribute to sustainable development.

In reviewing our advice on water quality effects on habitats sites Natural England has:

- Undertaken an internal evidence review to identify an initial list of water dependent habitats sites (which includes their underpinning Sites of Special Scientific Interest) that are in unfavourable condition due to elevated nutrient levels (phosphorus or nitrogen or both). These sites are listed in Annex C. Development which will add nutrients to these sites may not meet the site integrity test without mitigation. This will need to be explored as part of the HRA. Nutrient neutrality is an approach which could be used as suitable mitigation for water quality impacts for development within the catchments of these sites (please refer to the Nutrient Neutrality – A Summary Guide for an explanation of nutrient neutrality).
- Revised our internal guidance for planning, permitting and other HRA consultations which have the potential to have water quality and in particular nutrient effects on a habitats site.

This advice applies to the following types of habitats sites:

- Special Protection Areas (SPA) designated under the Habitat Regulations 2017.
- Special Areas of Conservation (SAC) designated under the Habitat Regulations 2017.
- Sites designated under the Ramsar Convention, which as a matter of national policy are afforded the same protection as if they were designated under the Habitat Regulations 2017.
- Sites identified or required as compensatory measures for adverse effects on SPAs, SACs and Ramsar sites.

A plan or project will be relevant and have the potential to affect the water quality of the designated site where:

- It creates a source of water pollution (e.g. discharge, surface run off, leaching to groundwater etc) of either a continuous or intermittent nature or has an impact on water quality (e.g. reduces dilution).

AND

- There is hydrological connectivity with the designated site i.e. it is within the relevant surface and/or groundwater catchment.

AND

- The designated sites interest features are sensitive to the water quality pollutant/impact from the plan/project.

**For LPAs where Natural England has already provided advice on this matter:** Natural England has already provided advice to some local authorities on how to address the impacts of development which has the potential to increase nutrient emissions and adversely affect the integrity of habitats protected sites. The sites subject to this previous advice are listed in Annex C Table 1. There is an agreed approach between Natural England and these authorities on applying nutrient neutrality as a mitigation measure to enable development to proceed without causing harm to the integrity of those habitats sites (which are in unfavourable condition due to elevated nutrient levels). We have advised that a likely significant effect from development that increases these nutrients cannot be ruled out<sup>3</sup>. In the absence of evidence to the contrary, our advice has been and continues to be that all new housing development proposals (including any other additional locally specific advice which has been issued), will need to consider, via an appropriate assessment, the impact of adding to the existing nutrients levels / loads where water quality targets are not being achieved for these habitats sites. Having carried out that assessment, permission for the plan or project may only be given if the assessment allows you to be certain that it will not have an adverse impact on the integrity of the site i.e. where no reasonable scientific doubt remains as to the absence of effects<sup>4</sup>.

We are writing to your authority now to keep you updated on the development of the approach including the availability of an updated package of tools and guidance. We recommend that your authority moves to using the updated generic Nutrient Neutrality Methodology (attached) and the updated catchment calculators (attached) in preference to existing methodologies whether produced by Natural England or your own authority. Your authority will be best placed to consider how it transitions to the new tools and guidance. Natural England recognises that for some existing catchments where nutrient neutrality is being implemented and mitigation is being actively progressed, authorities may need to consider the associated practicalities of moving to the new guidance whilst recognising their role as Competent Authority. The updated generic Nutrient Neutrality Methodology and associated catchment calculators incorporates new information and evidence, which is explained in Annex A.

**For local authorities where this advice is new:** Natural England advises you, as the Competent Authority under the Habitats Regulations, to fully consider the nutrients implications on the sites identified in Annex C Table 2 when determining relevant plans or projects and to secure appropriate mitigation measures (see Annex A, para 6 for mitigation options).

When considering a plan or project that may give rise to additional nutrients within the affected catchments, you should undertake a HRA. An Appropriate Assessment will be needed where a likely significant effect (alone or in-combination) cannot be ruled out, even where the proposal contains mitigation provisions. The need for an Appropriate Assessment of proposals that includes mitigation measures intended to avoid or reduce the harmful effects of a plan or project is well established in case law<sup>5</sup>. The Competent Authority should only grant permission if they have made certain at the time of Appropriate Assessment that the plan or project will not adversely affect the integrity of a habitats site i.e. where no reasonable scientific doubt remains as to the absence of effects<sup>6</sup>.

The application of nutrient neutrality as mitigation for water quality effects from development has been tested in *Wyatt v Fareham case*<sup>7</sup>. The High Court dismissed an application for judicial review that planning permission which applied nutrient neutrality as mitigation did not satisfy the Habitats

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<sup>3</sup> Natural England has agreed that for some sites it is appropriate to screen out insignificant discharges to ground of phosphorus where certain criteria are met. See Annex E for further details

<sup>4</sup> Unless the further conditions in regs. 64 and 68 apply.

<sup>5</sup> *Gladman Developments Limited v S of S for Housing, Communities and Local Government and another* [2019] EWHC 2001 (Admin)

<sup>6</sup> Unless the further conditions in regs. 64 and 68 apply.

<sup>7</sup> *Wyatt v Fareham BC* [2021] EWHC 1434 (Admin)

Regulations. The case has now been appealed. Where properly applied Natural England considers that 'nutrient neutrality' can be a robust way to mitigate nutrient impacts from development.

Your authority may wish to consider a nutrient neutrality approach as a potential solution to enable developments to proceed in the catchment(s) where an adverse effect on site integrity cannot be ruled out. For such an approach to be appropriate, the measures used to mitigate nutrients impacts should not compromise the ability to restore the designated site to favourable condition and achieve the conservation objectives (Further guidance is provided on what this means in practice in the Nutrient Neutrality Principles document, attached).

#### **4.0 Plans and Projects Affected**

##### **Development**

The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system.

It covers all types of overnight accommodation including new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted development<sup>8</sup> (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>9</sup>.

For authorities where Natural England's advice is already being applied the development types affected remain as previously advised but are summarised in Table 1 Annex C.

This advice also applies to planning applications at the reserved matters approval stage of the planning application process, and to applications for grants of prior approval and/or certificates of lawfulness for a proposed use or operation.

Tourism attractions and tourism accommodation are included in the methodology as these land uses attract people into the catchment and generate additional wastewater and consequential nutrient loading on the designated sites. This includes self-service and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts, self-catering holiday chalets and static caravan sites. Other types of proposal should be considered on their individual merits, for example conference facilities that generate overnight stays.

Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation. This removes the potential for double counting of human wastewater arising from different planning uses.

##### **Permitting**

Activities that require an environmental permit (such as waste operations, water discharge activities and groundwater activities) should be subject to an HRA where they are carried out within the catchment of a habitats site and there is a risk that they may affect water quality within that catchment.

Where a likely significant effect on the habitats site cannot be ruled out, they should be subject to an appropriate assessment. Mitigation will be required if an adverse effect on the integrity of the site cannot be ruled out, although depending on the type of permit being considered it may not be appropriate, to apply the standard nutrient neutrality methodology to such plans and projects. This would need to be considered on a case by case basis.

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<sup>8</sup> Please note the condition on permitted development relating to European sites is set out in Regulation 75 of the Habitats Regulations 2017. The statutory condition on permitted development in regulation 75 only applies the HRA procedure (via regulations 76 and 77) to statutory European Sites. It therefore only applies to Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's) it does not apply to Ramsar sites, proposed SAC's or potential SPA's or to sites identified, or required, as compensatory measures for adverse effects on habitats sites.

<sup>9</sup> Planning permission granted for permitted development is subject to regs. 75-78 of the Habitats Regulations.

## Other Plans and Projects

Whilst nutrient neutrality is only currently being applied to development that would result in a net increase in population served by a wastewater system, the HRA requirements will apply to any plans or projects, including agricultural or industrial plans and projects that have the potential to release additional nitrogen and / or phosphorus into the system and that require an LPA's or the EA's consent, permission or approval.

A case-by-case approach will need to be adopted for these. Early discussions with Natural England via our chargeable Discretionary Advice Service (DAS) are recommended [Natural England Discretionary Advice Service](#).

Competent Authorities must be cognisant of their duties under the Habitats Regulations when performing any of their functions. Competent Authorities may reasonably conclude that a HRA is required whenever they receive an application for any consent, approval, licence or permission for plans and projects not expressly referenced in this advice that may affect a habitats site. Natural England would welcome further discussion with you on any other types of plans and projects that you consider may have nutrients impacts.

### 5.0 Supporting Information

Annex A of this letter outlines the tools and guidance documents that will support LPAs in implementing this advice. There are also a suite of documents appended to this email including the generic Nutrient Neutrality Methodology, catchment specific calculators and associated guidance, catchment maps, Nutrient Neutrality Principles, Nutrient Neutrality – A Summary Guide and site specific evidence documents. We recommend reading the Nutrient Neutrality – A Summary Guide to help your understanding of what is a complex issue. Natural England has been working closely across government departments (Defra and DLUHC) in the preparation of this support package and will continue to do so in the development of longer term solutions.

The Planning Advisory Service will be hosting detailed teach ins and Q&A sessions on nutrient neutrality and we therefore strongly advise joining these as a first step to understanding the issue and as an opportunity to raise questions. Please follow the link for further details: [Nutrient neutrality and the planning system | Local Government Association](#)

Area Team contacts have been provided in Annex G as an initial point of contact for informal discussions. However, should you have any detailed or technical questions concerning this advice, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) marked for the attention of the relevant Area Team. Please ensure that any formal consultations are also sent to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully,



Melanie Hughes

Sustainable Development Programme Director

## ANNEX A: Supporting Information

This Annex summarises the key information and tools that are available to enable LPAs to implement Natural England's advice contained in this letter. It also explains how to take account of the following issues in any HRA:

- Habitats sites which are in unfavourable condition due to nutrients
- Use of permitted Wastewater Treatment Works (WwTW) headroom
- Summary of the updated generic Nutrient Neutrality Methodology
- Status of the National Nutrient Methodology and Calculators
- Mitigation options
- Forthcoming tools and guidance

### 1.0 Available Tools and Guidance

To help competent authorities take account of these water quality issues and develop strategic solutions, Natural England has provisionally developed the following tools and guidance:

1. A national generic Nutrient Neutrality Methodology (attached)
2. A national map showing the affected catchments (Annex B)
3. Table 1 listing the habitats sites that Natural England has previously advised are in unfavourable condition due to excessive nutrients and will require a HRA and where nutrient neutrality is a potential solution to enable development to proceed (Annex C).
4. Table 2 listing the additional habitats sites which are in unfavourable condition due to excessive nutrients which will require a HRA and where nutrient neutrality is a potential solution to enable development to proceed (Annex C).
5. A nutrient assessment methodology decision tree (Annex D)
6. A HRA Flow chart (Annex E)
7. Thresholds for insignificant levels of phosphorus discharges to ground (Annex F)
8. Area Team contacts for each habitats site and catchment (Annex G)
9. Catchment specific Nutrient Neutrality Calculators and associated Calculator Guidance
10. Detailed catchment specific maps (attached)
11. Evidence summary for each habitats site (new catchments only) including, brief site description, habitats site designated water dependent features, names of component SSSIs where relevant and summary of water quality data including targets and exceedances (attached).
12. Nutrient Neutrality Principles (attached)
13. Nutrient Neutrality – A Summary Guide to Nutrient Neutrality

**The Nutrient Neutrality Methodology** is a national generic methodology which can be used for all affected catchments and sites (as listed in Annex C). The methodology can be used for both phosphorus and nitrogen. It provides a framework and a set of agreed "input values" to enable a nutrient budget to be determined for any development draining into a habitats site. These values are based on updated information and evidence; Natural England considers that they are suitably precautionary<sup>10</sup> and address impacts in perpetuity to remove risks to site integrity beyond reasonable scientific doubt. The nutrient budget calculated should form part of the Appropriate Assessment (AA) of any HRA produced to address nutrient impacts on affected habitats sites.

**The HRA Flow Chart** summarises the key stages in the HRA process and the questions which need to be answered in relation to the habitats site and the proposed development at the screening and the appropriate assessment stages.

**Guidance on Thresholds for Insignificant Effects from Phosphorus Only.** This identifies the conditions which must be met to enable the effects of phosphorus, where it discharges to ground, to be considered as being insignificant. Where best available evidence indicates that these

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<sup>10</sup> Precautionary values are used for key variables and an additional buffer is applied in stage 4 of the methodology.

conditions are met, Natural England's advice is that a conclusion of no LSE, either alone or in combination, for phosphorus can be reached. Note this does not apply to nitrogen.

**The Catchment Calculators** have been developed for each designated habitats site and its catchment. They enable nutrient budgets to be calculated for phosphorus and nitrogen. The calculators will be in an Excel spreadsheet format. There will be an associated guidance document for each calculator.

**Site Specific Catchment Maps** show the extent of the affected catchment. Natural England advises that a HRA of water quality impacts on the habitats sites is undertaken for developments that are within, or discharge to, Wastewater Treatment Works (WwTW) that are within these catchments.

**Evidence Summary for each habitats site.** This document includes the site name and site details including reasons for designation, nutrient pressure (i.e. whether it is nitrogen, phosphorus or both), water quality evidence and information on the underpinning Sites of Special Scientific Interest (SSSIs) for the habitats site.

**Nutrient Neutrality Principles.** These set out the key principles which must be met for nutrient neutrality to be an effective mitigation measure which can be relied upon to enable development to proceed that would otherwise adversely affect the integrity of habitats sites.

## **2.0 Where a Habitats Site is Currently Unfavourable Due to Nutrients**

Where a site is considered unfavourable due to exceeded nutrient levels and there is the possibility of further nutrient loading from a new plan or project, Natural England advises that Competent Authorities need to carefully consider the circumstances where plans or projects can be authorised. In many cases, an Appropriate Assessment (AA) is likely to be the appropriate stage to consider these matters more thoroughly.

Where the plan or project will (or it cannot be ascertained that it will not) contribute additional significant nutrients, alone or in-combination directly to, or upstream of, any unfavourable location which is important for maintaining or restoring the sensitive designated interest features, then Natural England advises that either there is a Likely Significant Effect (LSE) or a LSE cannot be ruled out and therefore, an Appropriate Assessment should be undertaken. We advise that as the Competent Authority you should consider the implications of relevant case law in any HRA. Annex F identifies "Thresholds for Insignificant Effects" for phosphorus discharges to ground.

## **3.0 Use of Permitted Wastewater Treatment Works (WwTW) Headroom**

Headroom (flow or quality) in WwTW discharge permits has largely come about due to decisions being made by the Competent Authority based on taking a 'fair share' approach that relies on proportionality (i.e. relying on action by each sector to achieve favourable conservation status) and/or through water companies significantly over-performing on their permits. In many situations, headroom has been eroded as the habitats site water quality objectives have become more stringent, or there is new available information since the last AA of the permit.

Competent Authorities who wish to rely on the reasoning or conclusions in previous AA should consider the age of the AA, its robustness and whether evidence or circumstances have changed and therefore whether additional consideration is needed. Careful consideration will be needed where the habitats site feature is unfavourable due to elevated nutrient levels and plans or projects contribute further loading. Competent Authorities should consider:

- Any changes to the habitats site nutrient objectives or related ecological objectives since the AA was undertaken.
- Any new relevant information since the AA e.g. change to site condition, information on how measures relied on in the AA have performed.

- Whether the previous AA complies with current legal requirements as a result of any changes to Case law.
- Whether any measures taken into account in the AA can be still be safely relied on to deliver the anticipated effects so that no reasonable scientific doubt remains as to their efficacy and delivery. For example, if a decision on a permit was based on another sector (such as agriculture) also delivering reductions to enable the site to achieve the water quality objectives, those measures to be taken on other sectors should be sufficiently certain so that they can lawfully be considered in an AA.

The preferred approach is to have a strategic plan which considers what is required from all sources (e.g. Diffuse Water Pollution Plan /Nutrient Management Plan) based on the latest evidence, is sufficiently certain and can therefore be used to identify and enable the development of WwTW headroom that can be used for growth, which competent authorities can then rely on to inform their AA. However due to the difficulties with providing sufficient certainty in these plans this may not be possible in the short to medium term for some habitats sites and may remain a longer term aim.

#### 4.0 Updated Nutrient Neutrality Methodology

This new methodology incorporates updated information as detailed below. For those authorities which are currently implementing nutrient neutrality Natural England recommends that they move to applying the updated methodology (attached) and the catchment calculators (attached) in preference to any existing methodologies whether produced by Natural England or your own authority.

- The Generic Methodology includes the latest version of Farmscoper (version 5) which includes more up to date values for the various variables. The updated approach also uses the actual outputs rather than averaged values from Farmscoper for detailed farm types broken down by rainfall, drainage and Nitrate Vulnerable Zones. The benefit of taking the detailed farm types approach is that it offers a more specific budget calculation for the actual nutrient losses from the development or mitigation land to be taken into account.
- The Generic Methodology covers all potential different situations on water usage that might occur across the full range of catchments.
- It provides a more consistent approach for dealing with onsite wastewater treatment systems.
- Pet waste is not considered in the greenspace export coefficient as this type of waste is taken into account in the urban surface water run off element of the calculator.
- The new methodology uses a different approach for calculating the urban export co-efficient so that it is applicable across the country. The values take into account the type of urban land and development site specific rainfall. This results in export values that will be specific to the rainfall at the location within the catchment.

#### 5.0 Status of the National Nutrient Methodology and Calculators

Natural England is issuing the National Generic Methodology (and the associated catchment calculators) to provide Local Planning Authorities with the tools to progress nutrient neutrality as a potential mitigation solution to enable development that would otherwise adversely affect the integrity of habitats sites to proceed. However, at present this guidance **should be considered as provisional** due to the outstanding appeal to the Court of Appeal in **Wyatt v Fareham BC** [2021] EWHC 1434 (Admin), which although not concerned with the National Generic Nutrient Neutrality Methodology, could impact on certain elements contained within the Methodology because that case considers a similar (but not identical) earlier methodology for the Solent region. The Court of Appeal has granted permission for the appeal to be heard. The dates of the hearing are 5<sup>th</sup> and 6<sup>th</sup> April 2022. The outcome of the appeal hearing is not known. Nevertheless, Natural England is encouraged that the Judge in the High Court upheld Natural England's nutrient neutrality approach in principle and has responded to the Judge's comments in the Methodology. Natural England



intends to review this Methodology following judgement in the appeal in **Wyatt** which may require amendments to be made to the Methodology.

## 6.0. Mitigation Options

Mitigation to enable development to proceed within the affected catchments of the designated sites listed in Annex C can include nutrient neutrality as an option to avoid either permanent, or temporary increases in nutrients on the affected sites. Suitable mitigation measures might include constructed wetlands, land use change or retrofitting of Sustainable Urban Drainage systems (SUDs). Such measures must be effective for the duration of the impacts. In the case of new housing the duration of the impact is typically taken as in perpetuity, with the costs of maintaining, monitoring and enforcing mitigation calculated for a minimum of 80 – 125 years. It does not, however, follow that mitigation is not needed after that period, but rather the expectation is the mitigation will continue indefinitely (e.g. through securing appropriate permanent land use change).

There may be circumstances in which it is possible to define the 'lifetime of the development' more precisely, for example where consent is sought for the construction and use of a temporary structure that will be removed after a fixed period. In those circumstances, a Competent Authority may require mitigation to be maintained for a shorter period providing the Competent Authority is certain that adverse impacts on the integrity of a habitats site will not occur after the mitigation is removed. In those circumstances, a bespoke nutrient budget will be required, and early discussions with Natural England via our chargeable DAS are recommended [Natural England Discretionary Advice Service](#).

Natural England has identified that nutrient neutrality is an option which can be used to mitigate the impacts of excess nutrients from development for the majority of sites listed in Annex C. However, there may be instances where due to the nature of the habitats site and/ or the location and scale of development it may not be appropriate to apply nutrient neutrality, as doing so would compromise the ability to restore the site to favourable conservation status in the long term, or it may not be possible to identify mitigation which will enable the development to be nutrient neutral. Situations where this is more likely to apply are explained in Annex C.

The extent of these nutrient neutrality constraints will be site and often development specific so will need to be considered on a case-by-case basis. Natural England recommends that Competent Authorities should carefully consider whether it is possible to allocate development in catchments or parts of catchments of sites which are likely to have significant constraints in being able to apply nutrient neutrality. Where nutrient neutrality cannot effectively mitigate the nutrient impacts of new developments, then consent should only be granted where other mitigation can effectively prevent an adverse effect on the integrity of site.

When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on habitats sites, please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (attached). Further guidance on the process is provided by the Decision Tree (Annex D) and HRA flow Diagram (Annex E) Without this information Natural England will not be in a position to comment on the significance of the impacts or the scope of any mitigation which may be required. For large scale developments, Natural England may provide advice on a cost recovery basis through our Discretionary Advice Service

All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

## 7.0 Forthcoming Tools and Guidance

**Natural England's SSSI Impact Risk Zones** will also be updated to include the affected catchments.

## Annex B: National Map of Catchments



### European protected sites requiring nutrient neutrality strategic solutions Nutrient neutrality SSSI catchments

- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment

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**Annex C: Habitats sites in unfavourable condition and where nutrient neutrality has been identified as a potential mitigation solution to enable development to proceed.**

**Table 1: Existing sites in unfavourable condition due to excessive nutrients which require a Habitats Regulations Assessment (HRA) and where nutrient neutrality is being deployed as mitigation.**

<b>Habitats Site &amp; Catchment</b>	<b>LPA Affected</b>	<b>Nutrient</b>	<b>Summary of Development Types Affected</b>	<b>Nutrient Neutrality Methodology and Calculator produced by Natural England or LPA*.</b>
<b>Poole Harbour SPA / Ramsar</b>	Dorset Council Bournemouth, Christchurch and Poole Council	Nitrogen and Phosphorus	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation	Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD)
<b>The Solent</b>	Basingstoke and Deane Borough Council Chichester District Council East Hampshire District Council Eastleigh Borough Council Fareham Borough Council Gosport Borough Council Havant Borough Council Isle of Wight Council New Forest District Council New Forest National Park Authority Portsmouth City Council South Downs National Park Authority Southampton City Council Test Valley Borough Council Wiltshire Council Winchester City Council	Nitrogen for existing catchment (River Itchen includes Phosphorus and Nitrogen. See River Itchen in Table 2 for further details)	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation	Methodology and Calculator developed and provided by Natural England.
<b>River Avon SAC</b>	Bournemouth Christchurch and Poole Council	Phosphorus	Additional development that will result in a net increase in population served by a	Interim Phosphate Calculator

	Dorset Council New Forest District Council New Forest National Park Authority Test Valley Borough Council Wiltshire Council		wastewater system, including new homes, student and tourist accommodation	
<b>River Camel SAC</b>	Cornwall Council	Phosphorus	<ul style="list-style-type: none"> <li>Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.</li> <li>Additional locally specific advice</li> </ul>	Phosphate Calculator developed by consultants on behalf of Local Planning Authority
<b>Stodmarsh SAC/Ramsar</b>	Ashford Borough Council Canterbury City Council Dover District Council Folkestone and Hythe District Council Maidstone Borough Council Swale Borough Council	Nitrogen and Phosphorus	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.	Methodology and Calculator developed and provided by Natural England.
<b>River Wye SAC (only applies to the River Lugg component)</b>	Herefordshire Council Malvern Hills District Council	Phosphorus	Additional development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.	Phosphate Calculator developed by consultants on behalf of Local Planning Authority
<b>Somerset Levels and Moors Ramsar</b>	Dorset Council Exmoor National Park Mendip District Council Mid Devon District Council Sedgemoor District Council Somerset West and Taunton District Council South Somerset District Wiltshire Council	Phosphorus	<ul style="list-style-type: none"> <li>Additional residential and commercial development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.</li> <li>Additional locally specific advice</li> </ul>	Methodology and calculator developed by consultants on behalf of Local Planning Authority

\*Note: Nutrient neutrality calculators have been provided for all the catchments listed above, even where there is an existing nutrient neutrality calculator .

**Table 2: Additional habitats sites in unfavourable condition due to excessive nutrients which require a Habitats Regulations Assessment (HRA) and where nutrient neutrality is a potential solution to enable development to proceed.**

<b>Habitats site &amp; Catchment</b>	<b>LPA Affected</b>	<b>Nutrient</b>
Chesil and the Fleet SAC/SPA	Dorset Council	Nitrogen and Phosphorus
Esthwaite Water Ramsar	South Lakeland Council	Phosphorus
Hornsea Mere SPA	East Riding of Yorkshire Council	Nitrogen and Phosphorus
Lindisfarne SPA/Ramsar	Northumberland County Council	Nitrogen
Oak Mere SAC	Cheshire West and Chester Council	Phosphorus
Peak District Dales SAC	Derbyshire Dales District Council High Peak Borough Council Peak District National Park Authority	Phosphorus
River Axe SAC	Dorset Council East Devon District Council Somerset West & Taunton Council South Somerset District Council	Phosphorus
River Clun SAC	Herefordshire Council Shropshire Council	Nitrogen and Phosphorus
River Derwent & Bassenthwaite Lake SAC (only applies to catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI).	Allerdale Borough Council Copeland Borough Council Eden District Council Lake District National Park	Phosphorus
River Eden SAC	Allerdale Borough Council Carlisle City Council Durham County Council Eden District Council Lake District National Park Northumberland County Council Northumberland National Park Richmondshire District Council South Lakeland Council	Phosphorus
River Itchen SAC (part of Solent Catchment)	Basingstoke and Deane Borough Council East Hampshire District Council Eastleigh Borough Council Winchester City Council	Nitrogen and Phosphorus
River Kent SAC (only applies to catchments of units 104 and 111 of River Kent SSSI)	Eden District Council Lake District National Park South Lakeland Council	Phosphorus
River Lambourn SAC	Swindon Borough Council Vale of White Horse District Council West Berkshire Council Wiltshire Council	Phosphorus
River Mease SAC	East Staffordshire Borough Council Hinckley and Bosworth Borough Council Lichfield District Council North Warwickshire Borough Council	Phosphorus

	North West Leicestershire District Council South Derbyshire District Council	
River Wensum SAC	Borough Council of King's Lynn and West Norfolk Breckland Council Broadland & South Norfolk Council North Norfolk District Council Norwich City Council	Phosphorus
Roman Walls Loughs SAC	Northumberland County Council Northumberland National Park Authority	Phosphorus
Rostherne Mere Ramsar	Cheshire East Council	Nitrogen and Phosphorus
Teesmouth & Cleveland Coast SPA/Ramsar	Darlington Borough Council Durham County Council Eden District Council Hambleton District Council Hartlepool Borough Council Middlesbrough Council North York Moors National Park Redcar and Cleveland Borough Council Richmondshire District Council Stockton-on-Tees Borough Council	Nitrogen
The Broads SAC/Ramsar (only the following are included: <ul style="list-style-type: none"> <li>• Bure Broads and Marshes SSSI</li> <li>• Trinity Broads SSSI</li> <li>• Yare Broads and Marshes SSSI</li> <li>• Ant Broads and Marshes SSSI</li> <li>• Upper Thurne Broads and Marshes SSSI</li> </ul>	Borough Council of King's Lynn and West Norfolk Breckland Council Broadland & South Norfolk Council Great Yarmouth Borough Council North Norfolk District Council Norwich City Council The Broads Authority	Nitrogen and Phosphorus and
West Midlands Mosses SAC (only catchments of Abbots Moss SSSI and Wynbunbury Moss SSSI are included)	Cheshire East Council (Wynbunbury) Cheshire West and Chester Council (Abbots)	Nitrogen and Phosphorus

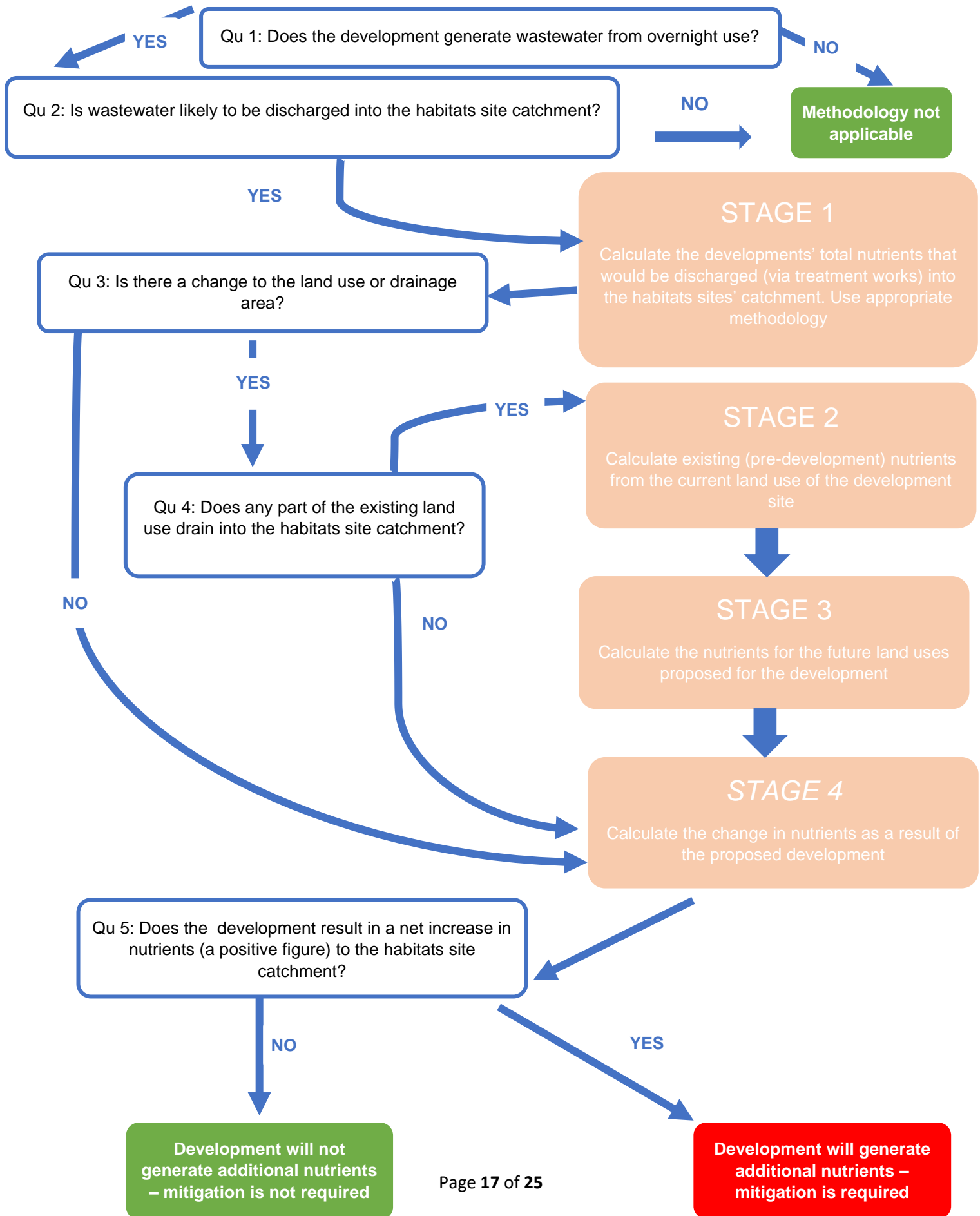
### **Situations where Nutrient Neutrality may not be an appropriate Mitigation Measure**

- Lake or wetland sites and particularly those with long residence times or which have a limited or no outflow. For these types of sites nutrients will accumulate over time and therefore they are particularly vulnerable to even small increases in nutrients which will further hinder restoration. Where one of these sites is already unfavourable due to nutrient enrichment it is also likely that current sources of nutrients will need to be reduced to restore the site and therefore using these measures for nutrient neutrality would undermine the ability to restore the site.
- Where the development impact is direct to a habitats site terrestrial wetland habitat rather than to surface water. In these circumstances the mitigation would need to be

at the exact same location where the development is having its effect on the site, as reductions in nutrients in other locations of the wetland would not neutralise the effect of the development. Therefore, potential mitigation options will likely be very limited.

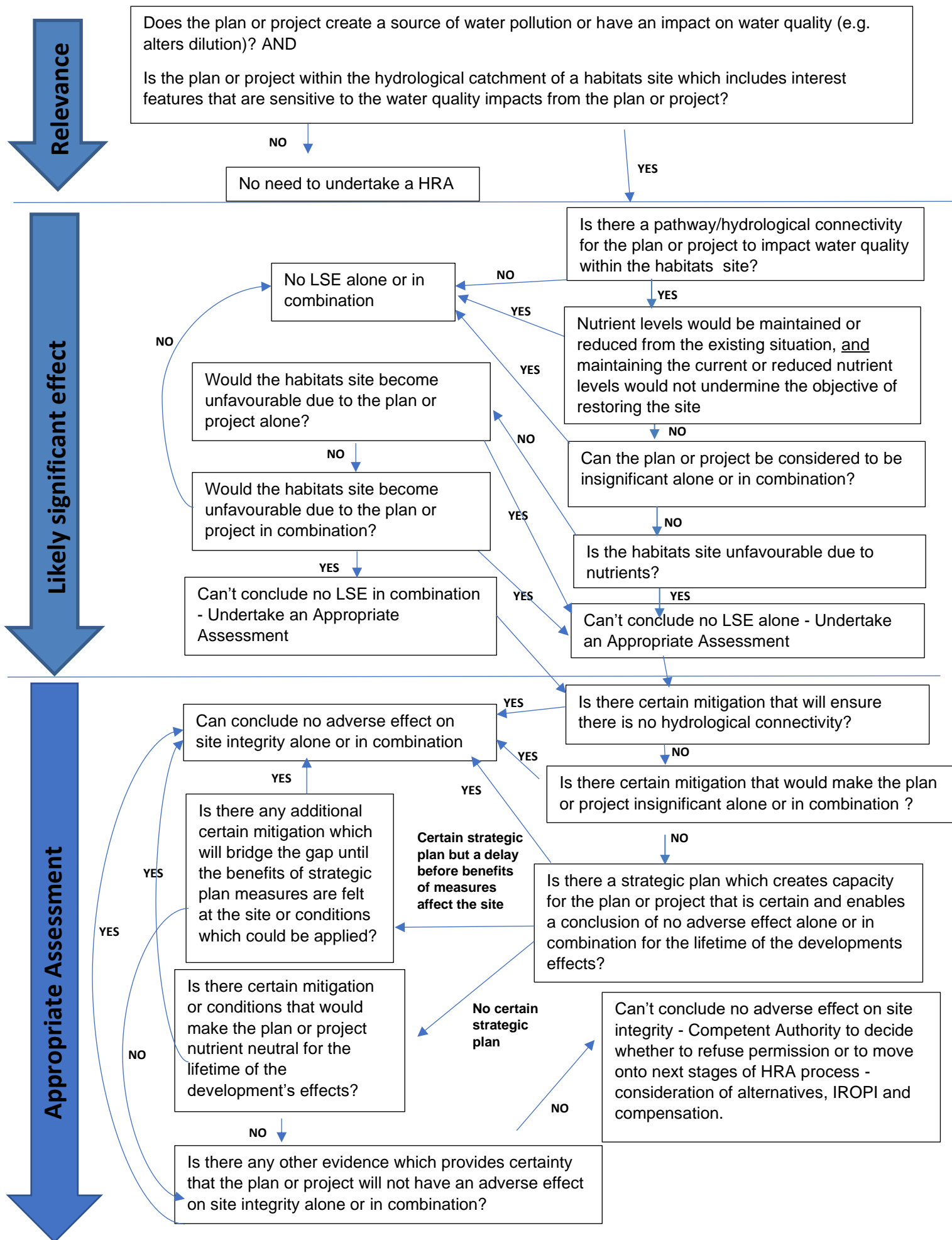
- Where the development impact is via groundwater discharging direct to a habitats site terrestrial wetland habitat rather than to groundwater discharging to surface water. In these circumstances there will be variation in the effectiveness of measures depending on their location within the groundwater catchment compared to development. This means measures may need to be located in the same part of the groundwater catchment to ensure that it would neutralise the nutrient increase from the development before it reaches the site, thereby constraining the area where mitigation could be targeted to a smaller area.
- Development (particularly larger developments) in the headwaters of a catchment. In these circumstances the area upstream of the development where nutrient neutrality mitigation can be located will be restricted to a small area, providing much more limited and perhaps in some cases no feasible opportunities for mitigation through nutrient neutrality, although other mitigation measures may be possible.
- Habitats sites with small catchments. Again, there will be a much more limited area where mitigation can be targeted thereby limiting potential nutrient neutrality mitigation opportunities.
- Where widespread and/or large-scale uptake of measures are needed to restore the habitats site or part of the site (e.g. identified in the DWPP or NMP) thereby significantly constraining the measures available for counterbalancing additional nutrient inputs in a way which will not undermine site restoration.

**Annex D: Nutrient Assessment Methodology for Development which Generates Wastewater Decision Tree**





## Annex E: Flow Diagram of HRA Process for Consultations Contributing Nutrients



## **Annex F: Thresholds for Insignificant Effects – Phosphorus Discharges to Ground**

Waddenzee established that an Appropriate Assessment (AA) is required where there is a “probability or a risk” of a significant effect on the site concerned. In light of the precautionary principle, a plan or project is likely to have a significant effect if the risk cannot be excluded on the basis of objective evidence. Any site specific rationale or thresholds to demonstrate the insignificance of effects would need to ensure that the risk of Likely Significant Effect (LSE) (alone or in combination) can be excluded. Where evidence is not currently available or it is uncertain, it would be more appropriate to take the plan or project through to AA for further consideration. It may still be possible to conclude no adverse effect on site integrity (alone or in combination) in the AA through further consideration as to the specific facts of the case in question and/or through consideration of appropriate mitigation.

Natural England currently considers that it is difficult to make robust arguments around generic standardised thresholds for levels of water quality impacts that exclude the risk of likely significant effects (alone or in combination) for all sites and situations. There are a number of different factors that are variable between sites which can influence the risk of cumulative effects and the sensitivity and vulnerability of the site and therefore what might be significant.

### **Thresholds for insignificant levels of phosphorus discharges to ground**

Natural England considers that there is an exception to this position on generic thresholds in relation to discharges of phosphorus to ground.

Any plan or project which requires planning permission, Building Regulations approval or an environmental permit from the Environment Agency must comply with the requirements of those regulatory regimes as well as what is needed to meet the Habitat Regulations. For example, all of these regimes require that developments should be connected to the public foul sewerage network wherever this is reasonable. This includes areas where the Habitats Regulations apply and any need to reduce nutrient inputs in those areas should not lead to the installation of non-mains foul drainage systems in circumstances where connection to the public foul sewer would otherwise be considered reasonable. Any plan or project then connecting to mains would still need to also be compliant with Habitat Regulations.

### Summary of evidence

Septic tank systems or package treatment plants that discharge to ground via a drainage field should pose little threat to the environment, because much of the P discharged is removed from the effluent as it percolates through the soil in the drainage field<sup>11</sup>. The risk of water pollution by these types of discharges to ground depends on a range of factors that affect their success or failure and can be summarised by three key factors<sup>12</sup>:

1. improper location
2. poor design
3. incorrect management

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<sup>11</sup> Robertson WD, Van Stempvoort ER & Schiff SL. 2019. Review of Phosphorus attenuation in groundwater plumes from 24 septic systems.

<sup>12</sup> MAY, L., PLACE, C., O'MALLEY, M. & SPEARS, B. 2015. *The impact of phosphorus inputs from small discharges on designated freshwater sites*. Natural England Commissioned Reports, [NECR 170](#).

Phosphorus is removed from the effluent within the drainage field through retention in the soil through sorption within the aerated soil zone and mineral precipitation. How much phosphorus is removed will depend on the soil type and phosphorus characteristics, mineral content, pH, texture, and the hydraulic loading rate. P sorption can be reversed and P desorption can occur in certain conditions e.g. change in redox conditions<sup>13</sup>. For the drainage field to work effectively the drainage field needs to have acceptable year round percolation rates which will be influenced by the soil type, as if they drain too quickly or too slowly effective phosphorus removal will not take place. In addition if infiltration rates are lower than the loading rate of the effluent into the drainage field then hydraulic failure can occur which results in the effluent being discharged over the soil surface. Therefore correct design of the system is important. The Building Regulations<sup>14</sup> set out design and construction standards for septic tanks, package treatment plants and drainage fields. In relation to drainage fields they include the need for a percolation test, a method for how this should be undertaken and the minimum and maximum percolation values ( $V_p$ ) which ensure that the drainage field effectively removes pollutants. This is then used to calculate the size of the drainage field required for the size of the household it will be serving.

Robertson et al (2019)<sup>8</sup> found that the carbonate mineral content of the drainage field sediments can also affect the P retention within the drainage fields and therefore the distance any P plume extends. Calcareous sediments having very high P retention (average 97%), with plumes not extending beyond 10m and non-calcareous sediments showing greater variability and having a lower P retention (average 69%) with some of the P plumes extending beyond 15m up to 100m in one case.

The evidence has shown that it is the aerated drainage field sediments which provides a key function in terms of removing the phosphorus from the effluent before it enters a receiving water body (surface or groundwater). Any enhanced connectivity to a water body, which short circuits this process, is probably one of the main factors that causes pollution of habitats sites (and other water dependent sites) by these systems<sup>15 16</sup>. Therefore it will be important that the drainage field is sited far enough away from any watercourse, ditch, drain etc. as well as that it is not in a location where the groundwater is high enough that comes into connection with this aerated zone. Fractured rock or fissured geology could also short circuit this process. In addition seasonal flooding can wash out the contents of the tanks. Slope also affects the way the drainage field functions, with steeper slopes having a higher risk of run off.

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<sup>13</sup> Mary G. Lusk, Gurpal S. Toor, Yun-Ya Yang, Sara Mechtensimer, Mriganka De

& Thomas A. Obreza. 2017. *A review of the fate and transport of nitrogen, phosphorus, pathogens, and trace organic chemicals in septic systems*, Critical Reviews in Environmental Science and Technology, 47:7, 455-541,

<sup>14</sup> [Building Regulations, Drainage and Waste disposal](#) (2015), Document H, Section H2.

<sup>15</sup> MAY, L., WITHERS, P.J., STRATFORD, C., BOWES, M., ROBINSON, D. & GOZZARD, E. 2015. *Development of a risk assessment tool to assess the significance of septic tanks around freshwater SSSIs: Phase 1 – Understanding better the retention of phosphorus in the drainage field*. Natural England Commissioned Reports, [NECR171](#)

<sup>16</sup> MAY, L., DUDLEY, B.J., WOODS, H. & MILES, S. 2016. *Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs*. [NECR 222](#)

There is also some evidence that density (i.e. number) of these types of systems in an area also has a bearing on the risk of pollution. In general, lower densities of tanks tend to cause less contamination of downstream water bodies than higher densities of tanks.

### Proposed thresholds

Small discharges to ground i.e. less than 2m<sup>3</sup>/day<sup>17</sup> that are within the surface or groundwater catchment of a designated site will present a low risk that the phosphorus will have a significant effect on the designated site where certain conditions are met:

- a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature)<sup>18</sup> **and**;
- b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse<sup>19</sup>, **and**;
- c) The drainage field in an area with a slope no greater than 15%<sup>20</sup>, **and**;
- d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times<sup>21</sup> **and**;
- e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3 **and**;
- f) There are no other known factors which would expedite the transport of phosphorus<sup>9</sup> for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, soil/geology type and its ability for P sorption/mineralisation or presence of conditions would cause remobilisation phosphorus, presence of mineshafts, etc **and**;
- g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground<sup>22</sup>.

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<sup>17</sup> A limit of 2m<sup>3</sup>/day is used based on this being the size used for discharges to ground in the General Binding Rules and is representative of the size of the majority of the septic tanks investigated within [NECR171](#), from which most of the criteria are based.

<sup>18</sup> 50m is the distance as which no measurable phosphorus signal was detected at this distance (NECR171 and NECR222). Robertson *et al* (2019) also found that the majority (although not all) of plumes did not extend further than this distance

<sup>19</sup> 40m is the distance that represents a low risk, based on there was a weak phosphorus signal this distance for some of the small discharges (NECR171 and NECR222) This is a slightly less precautionary value than the 50m distance to the Habitats site as there will be the capacity for further attenuation and dilution before the site.

<sup>20</sup> 15% is the slope that represents a low risk based on the methodology outlined in NECR222.

<sup>21</sup> 2m is the groundwater depth that represents a low risk, based on very low levels being detected in soil at depth below this (NECR171 and NECR222)

<sup>22</sup> The 200m is based on the 50m distance where no measurable phosphorus signal was detected (NECR171) for each septic tank. So for two drainage field areas not to overlap they need to be at least 100m apart. A safety factor of two is then applied to ensure that in the long term there will be the certainty that the effective drainage field phosphorus retention areas don't overlap. This then also takes account of the greatest distance that Robertson *et al* (2019) found a plume to extend which was 100m to ensure there would be no overlap. It also ensures that the maximum density of these systems is no more than one for every 4ha (or 25 per km<sup>2</sup>), as identified in NECR170.

A GIS layer is available from NE<sup>23</sup> which looks at conditions b, c and d above only, for the whole of England. Where this layer indicates that there is a low risk, then the three conditions (b, c & d) above can be considered to be met. Where there is a high or medium risk identified, then one or more of the three conditions (b, c & d) will not be met. This GIS layer can be shared with the EA and Local Authorities with the relevant data licence via our GI team, but not with developers due to the terms in the data licence. If site specific monitoring/modelled data is presented for conditions b, c or d which provides greater certainty than the national dataset used to produce the risk map, then this can override the risk map. It may be time consuming and/or costly to undertake site-specific monitoring that provides certainty for some of the conditions such as groundwater depth, due to the inherent variability over time and therefore the need for any monitoring to cover a long enough time period (several years) and to a sufficient frequency to determine the highest groundwater depth. So it is acceptable to rely on modelled or national dataset where these are the best available data and scientifically robust.

To consider the other three conditions (a, e and f) other data sources will need to be considered. Condition a can be looked at through using the designated site data layer<sup>24</sup> and calculating the distance from the site boundary. Condition e can use the EA flood risk maps (<https://flood-map-for-planning.service.gov.uk/>). Condition f should make use of any sewer flood data, information on local geology and soils, groundwater phosphorus concentration monitoring within the catchment or other local information which it is readily available. Elevated concentrations of phosphorus in groundwater would indicate phosphorus transport being short circuited e.g. through fissures, that it is not being effectively retained within the drainage field or it is being remobilised. It can be assumed that phosphorus is being effectively retained and not remobilised unless there is existing evidence at the discharge location or within the wider catchment which suggest that this may be occurring in the same conditions to those present at the location of the proposed discharge. Such evidence could include investigations, known soil or geological conditions or groundwater water quality (P) data from similar soil/geological conditions.

As not all of the phosphorus will be retained by the soil, condition g is to ensure that there is no in combination or cumulative effect from a number of these discharges in an area which together could add up to have a significant effect.

If conditions a to g are all met this represents a low risk that phosphate will reach the site, and not zero risk (i.e. not that no phosphorus from the discharge will ever reach the site in all cases). There will be further processes of dilution and attenuation between the drainage field and the site, which will provide further reduction and the current evidence would suggest that the scale of any inputs from these sources would not be significant.

Where best available evidence indicates that these conditions are met, Natural England advice is a conclusion of no LSE alone or in combination for phosphorus can be reached in these circumstances. Where uncertainty remains so LSE cannot be ruled out or evidence exists that there is a risk of phosphate from small discharges to ground causing a significant effect to a designated site (e.g. from SAGIS modelling or monitoring investigations), then Natural England advice is that there is a LSE or LSE cannot be ruled out and an AA should

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<sup>23</sup>. The dataset LPAs can [request the GIS layer](#) for the England sewage discharge risk map from Natural England. The dataset is called - Small\_Sewage\_Discharge\_Risk\_Zone\_Map\_For\_England (Dissolved).

<sup>24</sup> The Special Protection Area (England), Potential Special Protection Area (England), Special Areas of Conservation (England), Possible Special Areas of Conservation (England), Ramsar (England) and Proposed Ramsar (England) data layers can be download from [Natural England Open Geodata portal](#)

be undertaken. Where evidence is presented which provides certainty that there will be no LSE even though these conditions are not met e.g. better local information, then Natural England's advice may be no LSE, but would be determined on a case by case basis.

The Competent Authority, as the decision maker, will need to determine whether it agrees with NEs advice.

For developments which allow for increases in the number of people that will be served by an existing discharge to a drainage field, it will be important to consider whether the existing system has sufficient capacity in its design to accommodate the increase, without increasing the risk of pollution.

The evidence underpinning these thresholds will be periodically reviewed and the thresholds will be amended as necessary to take account of any new evidence.

This approach does not apply to nitrogen as it does not get taken up by the soil like phosphorus.

Further work is necessary to review the evidence and determine if it is possible to establish any other generic insignificance thresholds for other development or discharge types. It may also be possible to develop site specific insignificance thresholds.

### Annex G: Natural England Area Team Contacts

Habitat Site	Area Team	Area Team Manager	Additional Area Team contact
Oak Mere SAC	Cheshire and Lancashire	Ginny Hinton ginny.hinton@naturalengland.org.uk	Petula Neilson Bond
Rostherne Mere RAMSAR			
West Midlands Mosses SAC			
Estwaite Water Ramsar	Cumbria	Helen Kirkby helen.kirkby@naturalengland.org.uk	Helen Smith
River Derwent & Bassenthwaite Lake SAC			
River Eden SAC			
River Kent SAC			
River Axe SAC	Devon, Cornwall and Isles of Scilly	Wesley Smyth wesley.smyth@naturalengland.org.uk	Denise Ramsay for LPAs in Devon and Simon Stonehouse for LPAs in Somerset
River Camel SAC			Denise Ramsay
Peak District Dales SAC	East Midlands	Vicky Manton victoria.manton@naturalengland.org.uk	Ian Butterfield
River Mease SAC			
River Wensum SAC	Norfolk and Suffolk	Helen Dixon helen.dixon@naturalengland.org.uk	Jack Haynes
The Broads SAC/Ramsar			
Lindisfarne SPA/Ramsar	Northumbria	Christine Venus christine.venus@naturalengland.org.uk	Lewis Pemberton Andrew Whitehead
Roman Walls Loughs SAC			

Teesmouth & Cleveland Coast SPA/Ramsar			
Stodmarsh SAC/Ramsar	Sussex and Kent	James Seymour james.seymour@naturalengland.org.uk	Sue Beale
Solent	Thames Solent	Allison Potts allison.potts@naturalengland.org.uk	Becky Aziz
River Itchen SAC		Please contact the Thames Solent Team for developments in Hampshire and Isle of Wight and the Kent and Sussex Team for developments in Chichester and Wessex Team for developments in Wiltshire.	Becky Aziz
River Lambourn SAC			Amy Kitching
River Avon SAC	Wessex	Rachel Williams rachel.williams@naturalengland.org.uk	Tom Lord
Somerset Levels & Moors Ramsar			
Chesil and the Fleet SAC/SPA			
Poole Harbour SPA Ramsar			
River Clun SAC	West Midlands	Emma Johnson emma.johnson@naturalengland.org.uk	Hayley Fleming
River Lugg (part of River Wye SAC)			
West Midland Mosses SAC			
Hornsea Mere SPA	Yorkshire and Lincolnshire	Paul Duncan paul.duncan@naturalengland.org.uk	Hannah Gooch



Mr G Robinson-Hodges  
Lanpro

Mrs Cheryl Peel  
Planning Officer  
01603 756030  
cheryl.peel@broads-authority.gov.uk

2 November 2022

BA/2022/0350/SCOPE

Dear Mr Robinson-Hodges,

**Application No** BA/2022/0350/SCOPE

:  
**Proposal** : Residential and commercial development  
**Address** : The Deal Ground & Former May Guerneu Site  
**Applicant** : Serruys Property Company Limited

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Broads Authority, as the Local Planning Authority has screened the above project to determine whether an Environmental Impact Assessment (EIA) is required. The local planning authority confirms that the proposed development is considered to be Schedule 2 development with the potential to cause significant environmental effects.

You have requested a Scoping Opinion for the project under Regulation 15 and following consultation with statutory and non-statutory bodies, we have considered the extent of issues to be considered in the Environmental Statement.

The local planning authority has identified three significant environmental effects to which the development is likely to give rise. These can form the focus of the Environmental Assessment. For each, the description of likely significant effect should include direct effects but also indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative.

### **1) Impact on landscape**

With reference to the letter from Lanpro dated 26th September 2022 seeking a Scoping Opinion in regard to the content of an Environmental Statement. The section of the letter relating to Landscape concludes; *Since the time of the outline planning*

*approval, there has not been any change to landscape designations across the Site. The nature of the scheme is similar to that assessed previously and it is not considered that the circumstances on or around the Site have changed to an extent that significant effects would arise on landscape and visual amenity. As such, we consider that the issue of landscape and visual amenity does not need to be included within an Environmental Statement at this second stage of the Project.*

The LPA suggest that an updated Landscape and Visual Impact Assessment (LVIA) should be included in an Environmental Statement for the following reasons:

- The period of time which has elapsed since the original approval bearing in mind the size, scale, nature and potential effects of the development on a National Park.
- Cumulative Impacts arising from developments coming forward as part of East of Norwich Strategic Regeneration Area e.g., Carrow Abbey. There is potential for cumulative effects from projects adjacent which are likely to progress before completion of the development, as outlined in the East Norwich masterplan [which has been published].
- Since the approved development the Environment Act has brought in a requirement for Biodiversity Net Gain (BNG). This may have implications for Landscape given that Landscape and Ecology strategies are closely linked.
- Requirement for BNG may result in changes to Ecology and Landscape strategies and mitigation.
- Possible changes to the type and levels of sensitive receptors/key user groups, particularly in relation to the Rivers and Whitlingham Country Park, and the increased number of visitors likely to visit following developments in the East Norwich area.

Since the original approval, BA Landscape planning policies have evolved. An updated LVIA should include consideration of these changes and address BA Landscape Character Assessment (updated 2016), and the Broads Landscape Sensitivity Study for Renewables and Infrastructure.

## **2) Impact on Heritage**

Given the time that has lapsed since the previous scoping report prepared for the Outline application, the LPA would suggest that a Landscape and Visual Impact Assessment should be re-appraised for the Environmental Statement.

The LPA would also suggest that it would be prudent for Built Heritage to be included in the Environmental Statement, given that there may be impacts on the wider setting of

designated heritage assets in proximity to the site, including those at Whitlingham within the Broads Authority Executive Area. The LVIA will also help to assess these impacts.

### **3) Impact on Ecology & Biodiversity**

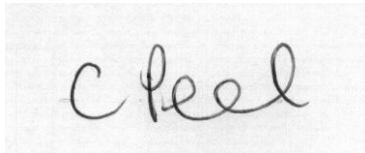
The Broads Authority considers that an EIA is required given the location of the development to sensitive habitats.

The eastern part of the site forms part of the Carrow Marshes County Wildlife Site. The Carey's Meadow County Wildlife Site is also located approximately 500m north of the Site. There are riverine county wildlife sites nearby forming parts of the River Yare and Wensum. Whitlingham Country Park is also located to the east of the Site.

Updated habitat and species surveys should be submitted for the site, as well as details on biodiversity enhancements for the site.

It is hoped that the above is adequate as a scoping response from the Broads Authority I, but should you require anything further then please contact me.

Yours sincerely



Cheryl Peel  
**Senior Planning Officer**

Thorpe Lodge  
1 Yarmouth Road  
Norwich  
NR7 0DU

Matt Hill  
Maddox Planning

By Email

Tel 01508 533985  
planning@s-norfolk.gov.uk

Our ref 2022/1847

07 December 2022

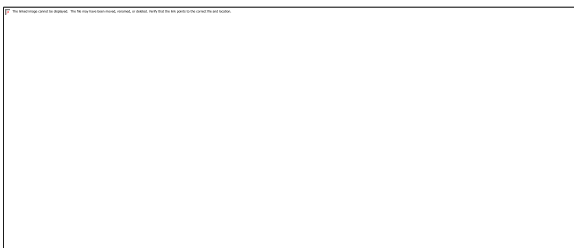
Dear Matt

**Location: The Deal Ground and former May Gurney Site, The Street, Trowse Norfolk**  
**Proposal: EIA Scoping Opinion for the development of mixed use residential and commercial development.**  
**Applicant: Mr Matt Hill**

I refer to the letter dated 27 September 2022 from Lanpro requesting a scoping opinion under regulation 15 of the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2017 (EIA Regulations) in respect of the above development.

This request relates to a proposal for all reserved matters except access relating to outline planning permission (2011/0152/O) for "Outline planning application (full details of access) for a mixed development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3): a restaurant/dining quarter and public house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures including earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats. "

This Authority has already issued a screening opinion under ref: 2022/1763 which confirms that reserved matters applications are defined as "subsequent application" under regulation 2(1) of the EIA Regulations. Due to changes in the baseline information relating to this site and changes to the EIA Regulations and other relevant legislation since the initial ES, further information is required to the significant environmental effects of your proposal.



You have reviewed the topics covered in the original ES and consider that the only areas where the proposal would be likely to have significant environmental effects are in respect of ecology, flood risk, socio-economic and cumulative impacts. The Council considers that you have not identified all of the topics, or areas for consideration, where significant environmental impacts could arise from this development and its scoping opinion is now detailed in the following paragraphs.

South Norfolk Council has consulted the relevant statutory and non-statutory bodies as required in accordance with the EIA Regulations, and others it considers of relevance. Responses have been received from;

- Natural England
- Historic Environment Service
- NCC Highways
- Lead local Flood Authority
- SNC Water Management
- SNC Environmental Quality Team
- Cadent Gas

All correspondence received from the above parties can be viewed via the Council's website under reference 2022/1847. Comments received are incorporated into the following paragraphs and any further received will be provided under separate cover.

In addition to the provisions set out in Schedule 4 of the Town and Country Planning EIA Regulations 2017 the Environmental Statement (ES) will need to cover the potential impacts of the proposed development. These are repeated below for ease of reference Schedule 4 can be accessed here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/577143/SI-Town\\_and\\_Country\\_Planning.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577143/SI-Town_and_Country_Planning.pdf)

A statement should also be made on how the updated ES has been compiled by a competent person suitably qualified.

## **Topics scoped in**

### **Ecology**

I agree with you that a chapter on ecology should be included as part of the updated ES and it is important that it should include up to date habitats and species surveys, undertaken by a competent and suitably qualified person.

Natural England has reviewed the submitted information and has provided a detailed scope for the ES at annex A of their representation. While annex A does include a number of key categories it is acknowledged that this is a general response and as such not all categories may be appropriate. It will be necessary to consider biodiversity enhancement and net gain in accordance with the requirements of the NPPF.

Please note that the ES should consider nutrient neutrality and will be required to demonstrate that the direct effects of the proposed development on protected Habitats sites could be adequately mitigated.

## **Flood risk**

As you have noted, updated hydraulic modelling should be undertaken to understand current flood risk within the site and to inform an updated flood risk assessment and surface water drainage strategy to be included in this chapter. This should address all sources of flood risk including those from ordinary watercourses, surface water and groundwater to the development, how surface water drainage from the development will be managed on-site. Phasing of the development should also be addressed and indicate what arrangements, temporary or otherwise, would be in place at each stage of the development in order to ensure the satisfactory performance of the overall surface water drainage system for the entirety of the development. I would draw your attention to the detailed response from the LLFA which can be viewed on the Council's web site.

An updated FRA should also address wastewater flows from the proposed development which should include an assessment of capacity within the network. As previously mentioned, this site falls within the catchments impacted by nutrient neutrality and so your submission should demonstrate adequate mitigation to ensure that this development would not adversely affect these protected catchments.

## **Socio-economic and health**

The ES should outline how the proposed development would mitigate against the impacts of the proposed development in terms of education, health and community services, crime and disorder, employment and include details of the mechanisms to be used to achieve this such as planning obligations.

This chapter should also address the recreational impacts of the proposed development to include Whitlingham Country Park.

## **Additional topics to include within an extended scope of Environmental Statement**

### **Air quality**

The potential impact on air quality was assessed as part of the outline planning application. However, the Council's Environmental Quality officers have commented that the air quality environment is considered to have significantly changed due to the repercussions of the coronavirus pandemic and development which has occurred subsequent to the date of the previous application. Therefore, it is considered that the impact on air quality should be re-assessed and added to the scope of the additional environmental information. This assessment should include the impact of development of the site on the adjacent Air Quality Management Area and an assessment of air quality, in particular PM2.5, in accordance with the provisions of the Environment Act 2021.

An assessment of the impacts on air quality should not be limited only to dust during construction and more importantly demolition and also changes in traffic generation. It should include emissions of pollutants from all construction plant (including any diesel generators), not just vehicle exhausts

### **Transport**

Norfolk County Council as the Highways Authority has reviewed the information provided and consider that, given the age of the original application, a revised Transport Assessment is required which should take into account of the emerging East Norwich development. In addition, the assessment years will have changed and there have been changes in traffic levels since the original surveys were undertaken. Consideration should

also be given to access to catchment schools and walking/cycling routes to local facilities and employment areas.

## **Climate change**

In line with the EIA Regulations 2017, a new chapter addressing climate change should be introduced in the updated ES. This should include a climate change risk assessment prepared in accordance with the principles set out in the IEMA Environmental Impact Assessment Guide to: Climate Change Resilience & Adaption.

This chapter should also include an assessment under relevant local planning policy to include the Joint Core Strategy for Broadland, Norwich and South Norfolk (policy 3).

## **Cumulative Effects Assessment**

An assessment should be made of the extant consents, current applications and proposed allocations. The majority of this site is within the administrative area of Norwich City Council and their EIA scoping opinion dated 23 November 2022 already identifies sites within their area which have the potential to generate cumulative impacts. In respect of the South Norfolk & Broadland area I would also add the following;

App Number: 2019/2318  
App Type: Full  
Location : Phase 2, Land off White Horse Lane, Trowse  
Proposal : Erection of 83 no. dwellings, vehicular access, landscaping, open space and associated infrastructure  
Decision Approved

App Number: 2022/2148  
App Type: Outline  
Location : Land north of Caistor Lane Caistor St Edmund  
Proposal : Hybrid Application: Part 1. Detailed proposals for a 25.5 hectare country park together with associated infrastructure. Part 2. Outline proposals with all matters reserved, except for access, for a residential development of up to 180no. dwellings, serviced site for a new 420 place primary school, serviced site for a new community building, Step 7 FA Standard football pitch and a package of improvements to Caistor Lane.  
Decision Pending consideration

Norwich City Council's scoping opinion has already highlighted the emerging East Norwich Strategic Regeneration Area. Other emerging site allocations may identify a number of smaller sites in the near vicinity. These are available on the Greater Norwich Local Plan website.

The Council is in agreement with you that topics that can be scoped out include landscape and visual impacts, archaeology & heritage, noise & vibration and ground conditions. While updated assessments will be required with any submission to take account of changes in the proposal and in the site since the initial ES, the Council is satisfied that these may be submitted and assessed under existing outline planning conditions.

**In summary**

It is essential with an application of this quantum that the phasing of the development is fully explained within the associated documents. The phasing and delivery of the development and its infrastructure should be factored into the ES assessment with the direct, indirect and secondary effects of the phased delivery, including any temporary and cumulative effects, being fully explored.

I hope that you find the above information useful and please do not hesitate to contact the above case officer on the details listed should you wish to discuss this letter further.

Yours sincerely

**Blanaid Skipper**  
**Senior Planning Officer**



Environmental Statement Addendum – Chapter 03: Methodology and  
Limitations  
Appendix 3.2

Environmental Statement Addendum – Chapter 03: Methodology and  
Limitations  
Appendix 3.2



# LAND KNOWN AS DEAL GROUND AND MAY GURNEY, BRACONDALE, NORWICH

Environmental Impact Assessment Scoping Request

Serruys Property Company Ltd

February 2023

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### Appendices

TPD1 – Location Plan

TPD2 – IDP LVIA Methodology

TPD3 – LVIA Viewpoints and Location Plan of Viewpoints

## 1. INTRODUCTION

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This additional Environmental Impact Assessment (EIA)<sup>1</sup> Scoping Request has been prepared by Triptych PD Limited on behalf of Serruys Property Company Limited ('the Applicant') for the reserved matters application (all matters excluding access) in respect of outline planning permission (LPA reference 12/00875/O) for *'a mixed development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3); a restaurant/dining quarter and public house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures inc earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats.'*

To confirm, the contents of the three previously received Scoping Opinions received from the three local planning authorities (LPAs) (BA/2022/0350/SCOPE on 2<sup>nd</sup> November 2022; 22/01225/EIA2 on 23<sup>rd</sup> November 2022; and 2022/1847 on 7<sup>th</sup> December 2022) are understood and this request is in addition to that and does not supersede but rather seeks to clarify the requirements of the LVIA requirement (as scoped in by the Broads Authority) and to reasonably scope out the need for a separate Environmental Statement Addendum (ESA) chapter on the risk of major accidents. In addition, the proposed structure of the ESA is set out.

### ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

#### Scoping

The Scoping process is fundamental in agreeing the proposed structure and contents of the requisite ES (in this case as an addendum) for EIA development. This additional request for a Scoping Opinion is made to the Councils in accordance with Regulation 15 of the EIA Regulations. For robustness, this additional report contains the requisite information under paragraph 15 (2) (a), including:

- A plan (drawing reference: 084/200/001(D)) sufficient to identify the land (Appendix TPD1);
- A brief description of the nature of the development and of its possible effects on the environment in respect of LVIA and risk of major accidents and disasters; and
- Such other information or representations as the person making the request may wish to provide or make.

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<sup>1</sup> Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as last amended in December 2020

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## 2. ES ADDENDUM METHODOLOGY FOR LVIA AND RISK OF MAJOR ACCIDENTS

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In terms of the Regulations, there is no formal guidance with respect to the preparation of an ESA. Therefore, the scoping of the contents – formally or informally – is critical for the benefit of the applicant and determining authority/ies. General advice within the professional sector is for the addendum to be largely based on the structure of the original ES. The limitation in this instance and mindful of the need for legal robustness is that there has been a change in the EIA Regulations since the outline permission and the forthcoming reserved matters application. This is in part the need to scope in the contents of the LVIA and proportionally scope out the need for a chapter specifically on the risk of major accidents and disasters (a requirement of the current EIA Regulations). Consequently, the remainder of this section addresses, the requisite additional scoping.

### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Appendix TPD2 contains the full scope and should be fully considered in the formation of the opinion. The document prepared by IDP properly details the methodology to be used, which is in accordance with GLVIA3. In addition, Appendix TPD3 contains the location of the proposed thirteen viewpoints (IDP drawing number 'Figure 04') and associated photographs taken of those viewpoints (January 2023). It is the contents of these two appendices that the scoping request for LVIA is based upon.

### RISK OF MAJOR ACCIDENTS AND DISASTERS

As previously noted, major accidents and disasters were not discussed in either the EIA Scoping Request nor the EIA Scoping Opinions provided by NCC and SNC. Given that a consideration of this topic is a requirement under the EIA Regulations 2017, this technical note has been prepared to set out the Applicant's proposed approach to the consideration of this topic in the EIA.

This technical topic has been evaluated in the subsequent sections of this addendum, based on its potential to exhibit significant environmental effects as a result of the proposed development. It has been concluded that **significant environmental effects are not anticipated** and, on this basis, it is proposed to be '**scoped out**' of the ESA (i.e. no technical topic chapter is proposed for inclusion in the main volume of the ESA). The evaluation process that has been undertaken, including justification for the conclusions drawn, is set out in the sections below.

#### Major Accidents & Disasters

The EIA Regulations 2017 introduced the requirement for EIAs to consider the expected effects arising from the vulnerability of projects to major accidents or disasters. The EIA Regulations 2017 specifically require '*a description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters...*' (Schedule 4, Paragraph 8).

*A disaster can be defined as "a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed*

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*the community's or society's ability to cope using its own resources. Though often caused by nature, disasters can have human origins*<sup>2</sup>.

An accident can be defined as “an unfortunate incident that happens unexpectedly and unintentionally, typically resulting in damage or injury”<sup>3</sup>.

This technical note has been prepared in line with the Institute of Environmental Management & Assessment (IEMA) Major Accidents and Disasters in EIA Primer (2020)<sup>4</sup> (the ‘IEMA Primer’), which constitutes the primary industry guidance on major accidents and disasters in EIA. The following additional sources have also informed this technical note:

- Cabinet Office National Risk Register (NRR) 2020 Edition;
- UK Government Emergency Response & Recovery Guidance (October 2013); and
- International Federation of Red Cross & Red Crescent Societies Disaster & Crisis Management Guidance.

The NRR is the unclassified version of the National Risk Assessment (NRA), a classified assessment of the risks of civil emergencies facing the UK over the next five years.

The IEMA Primer advises that ‘Major accidents and/or disasters can be scoped out of the assessment if you can clearly demonstrate that:

1. *there is no source-pathway-receptor linkage of a hazard that could trigger a major accident and/or disaster or potential for the scheme to lead to a significant environmental effect; or*
2. *all possible major accidents and/or disasters are adequately covered elsewhere in the assessment or covered by existing design measures or compliance with legislation and best practice.’*

In line with the IEMA Primer, the review has focused on low likelihood but potentially high consequence events.

It is anticipated that measures will be put in place through the Construction Environmental Management Plan (CEMP) to ensure that construction workers are protected from risks of major accidents and disasters. For example, a site-specific risk assessment would be prepared to determine suitable working conditions and would set out when construction works should stop under certain environmental conditions, such as during a storm or extreme temperatures. Accordingly, the construction stage has been scoped out of further consideration and this review focuses on the operational stage of the proposed development.

### Major Environmental Hazards

The following types of major natural disasters have been considered:

- Pandemics & high consequence infectious disease outbreaks;
- Animal infestation;

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<sup>2</sup> <http://www.ifrc.org/en/what-we-do/disaster-management/>

<sup>3</sup> <https://en.oxforddictionaries.com/definition/accident>

<sup>4</sup> IEMA, 2020. Major Accidents and Disasters in EIA – A Primer. Available at: J27374\_IEMA\_Major\_Accidents\_Disasters\_FINAL-1.pdf

- Earthquakes;
- Mass movements;
- Volcanic eruptions;
- Storms;
- Droughts;
- Extreme temperatures;
- Floods (including storm surges); and
- Wildfires.

Given the low risk of occurrence in the UK of many types of major natural disaster events, such as major volcanic eruptions, earthquakes, tsunamis or animal infestations, these disasters are not considered relevant to the proposed development and have been screened out from further consideration.

Furthermore, given that the site is located in an urban area on broadly level topography, wildfires and mass movements have also been screened out from further consideration.

Natural disaster events relating to pandemics & high consequence infectious disease outbreaks, storms, droughts, extreme temperatures and floods are however considered to pose a material risk to receptors in the UK and are considered relevant in the context of the proposed scheme. A consideration of the risk posed by these disasters is provided in the sections below.

#### ***Pandemics & high consequence infectious disease outbreaks***

The NRR identifies pandemics as a high impact environmental disaster (Level E) with effects characterised as those likely to result in more than 1,000 fatalities and last for more than five years. Prior to the recent COVID-19 pandemic, the NRR assessed the likelihood of pandemics happening in the next year to be 5 to 25 in 500 chance of occurring. It is noted that the NRR has not been updated since the onset of the pandemic so risks associated with pandemics may be subject to change in the next version of the NRR.

In the last century, more pandemics have been attributable to viruses than to bacteria, with the most common being pandemic influenza (flu), which has caused four pandemics in the last 100 years. The most recent flu pandemic was the H1N1 strain (swine flu) pandemic in 2009 which, according to the NRR, caused at least 18,500 deaths worldwide. There is a high probability of another flu pandemic occurring in the future.

The most significant pandemic of modern times is the COVID-19 pandemic, which was declared on 11 March 2020 and which is still ongoing. The pandemic has caused death and illness on a substantial scale, as well dramatic disruption to social and economic activity across the globe. According to The World Health Organisation, the pandemic is estimated to have resulted in over 6.8 million deaths globally at the time of this review<sup>5</sup>.

As has been seen with the recent COVID-19 pandemic, should a global pandemic or high consequence infectious disease outbreak affect the UK, the UK Government would be expected to issue general advice, as well as information on any necessary domestic restrictions, through the UK Government website, as well as through other news media. The 999-emergency response procedure is also in place

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<sup>5</sup> World Health Organisation, 2020. WHO Coronavirus (COVID-19) Dashboard.



to allow any site users whose health may be affected by such events to request an ambulance or other emergency assistance.

On this basis, it is considered that suitable mitigation is already in place in regard to the safety of future site users, such that further assessment of potential risks associated with a pandemic or high consequence infectious disease outbreak would be unnecessary. In line with the guidance provided in the IEMA Primer, this sub-topic is proposed to be scoped out.

### *Storms*

According to the NRR, on a scale of 1 to 5, the likelihood of storms and gales occurring in the UK between 2020 and 2025 has been given a score of 4.

The most significant storms in recent decades were those of 16 October 1987 and 25 January 1990; the first of which brought down an estimated 15 million trees in the south-east of England. By contrast, the 1990 storm was more extensive and had higher peak wind speeds. The net effect was a much higher death toll but less damage to trees and property.

More recently, on 28 October 2013, a severe storm, which the media named the 'St Jude's Day' storm, travelled across southern England. The timing of the storm meant that trees were still in full leaf and vulnerable to strong winds. The path of the storm was also significant – strong gusts of 70 to 80 mph are rare in southern England, making these areas more vulnerable to the impacts of severe weather. Falling trees were the main cause of disruption, contributing to widespread transport disruption and power outages, with more than 660,000 homes left without power. Four people also died as a result of falling trees.

The 2021/2022 storm season in the UK saw six storms named throughout the year. A rare red warning was issued for wind for coastal areas on the east coast of Scotland and the northeast of England in relation to Storm Arwen, the first storm of the season in November 2021. Three storms (Dudley, Eunice and Franklin) were named in one week in February 2022, with two red weather warnings and some of the highest wind speeds the Met Office has recorded in over 30 years. According to the UK Power Networks, 2,800 properties across Norfolk were left without power following Storm Eunice on 18 February 2022.

The proposed development would result in new site users being brought to the site who could potentially be affected by any storm occurring in the area.

However, the proposed development will be required to meet building regulations, ensuring that, once the development is complete and operational, the proposed buildings would be capable of withstanding storms.

The Met Office operates a national severe weather warning service to inform the public and emergency responders of forthcoming severe or hazardous weather which would have the potential to cause loss of life or widespread disruption. The 999 emergency response procedure is also in place to allow any site users whose health may be affected by such an event (e.g. through trips and falls) to request an ambulance or other emergency assistance.

On this basis, it is considered that suitable mitigation is already in place in regard to the safety of future site users, such that further assessment of potential risks would be unnecessary. In line with the guidance provided in the IEMA Primer, this sub-topic is proposed to be scoped out.

### *Floods*

According to the NRR, on a scale of 1 to 5, the likelihood of flooding occurring in the UK between 2020 and 2025 has been given a score of 3.

According to the EA's 'Flood Map for Planning (Rivers and Sea)', large parts of the application site are located within Flood Zone 2 (land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river or sea flooding (1%-0.1%)) and Flood Zone 3 (land assessed as having a 1 in 100 or greater annual probability of river or sea flooding (>1%)). The site is at low risk of pluvial flooding (between 0.1% and 1% probability of occurrence in any given year).

In line with the measures secured in the 2013 planning consent, the proposed development will introduce measures to mitigate flood risk, including reprofiling the site through cut and fill works to raise the access roads and residential areas to above the design flood level, and excavate other areas (such as the Flood Park adjacent to the County Wildlife Site) to provide floodplain storage and compensate for the loss of storage from ground raising. Sustainable Drainage Systems (SuDS) will be implemented across the site, which will include a mixture of planted drainage systems, including swales, and underground storage. A Flood Risk Assessment Addendum chapter will be submitted alongside the forthcoming reserved matters application.

In line with the guidance provided in the IEMA Primer, given that risks of flooding are already being assessed and reported in the forthcoming Water Resources ES Addendum chapter, this sub-topic is proposed to be scoped out.

### *Droughts*

According to the NRR, on a scale of 1 to 5, the likelihood of droughts occurring in the UK between 2020 and 2025 has been given a score of 3.

According to the NRR, over the past circa 40 years, England has experienced five long-duration droughts (lasting over 6 months) and two shorter periods of drought. During the 2010–12 drought, parts of south-east and eastern England recorded their lowest 18-month rainfall total in over 100 years. Temporary hosepipe bans were imposed on 20 million water supplier customers', and the environment and agricultural sectors were disrupted.

Since 2020, the UK has experienced two further droughts during both summers. The most recent drought in 2022 was declared following the driest July on record since 1976 and three heatwaves between June and August 2022, with temperatures reaching record highs of 40.3°C in England and 34°C in part of Norfolk.

Climate change is expected to affect rainfall patterns across the UK, leading to hotter, drier summers, which could increase the risk of drought and water shortages in the future.

Whilst the proposed development will introduce human and ecological receptors to the site who could be adversely affected by drought, drought has the longest advance warning times of the severe weather types and there are a number of measures in place at a national, regional and local level to mitigate risks

from drought. For example, water companies have a statutory duty to plan for drought, and their plans include a range of actions to manage the supply and demand of water. The Environment Agency has a drought response framework which sets out how the agency works with the government, water companies and others to manage water resources during a drought in England. Emergency Drought Orders also exist to protect essential water supplies, whereby legislation allows restrictions to be phased in, starting with non-essential water uses such as watering a garden with a hosepipe.

Furthermore, whilst the proposed development will result in a long-term demand for water, the level of demand is not expected to be significant in EIA terms. It is not considered that the potential effects of drought would be of particular detriment to the proposed development, nor that the scheme would result in an increase in the risk of drought conditions at the site or in the surrounding area, or in a substantial increased demand for potable water that could not be managed through the design development. The proposed development will also include sustainability measures to minimise water consumption and maximising re-use and recycling, such as through rainwater harvesting technologies.

On this basis, potential risks associated with drought are not considered to be significant in EIA terms. In line with the guidance provided in the IEMA Primer, this sub-topic is proposed to be scoped out.

### *Extreme Temperatures*

There has been a number of recorded occasions of snow covering large areas of the country for over a week. The winter of 2009–10 saw a prolonged spell of cold weather that lasted for approximately a month. During this time, snowfalls of up to 40cm were recorded in parts of north-west England and south and east Scotland. Many other areas experienced snow cover of 10cm or more throughout this period. In Northern Ireland in February 2001, strong north-easterly winds and heavy snow caused travel disruption for up to five days and brought down power lines. During February 2018, the UK experienced the 'Great Beast from the East' which led to the Met Office issuing a red snow warning across Central Scotland and resulted in severe travel disruptions, including the closure of Glasgow Airport. The prolonged cold snap, with widespread heavy snow, lasted for 10 days and was compounded by the arrival of Storm Emma, bringing with it a second red warning, this time for parts of south-west England and south Wales. The severe weather was responsible for a total of 10 deaths in the UK and as temperatures started to rise, water pipes burst, causing secondary impacts to water supply.

The Met Office uses a range of threshold temperatures, varying by region, to define a heatwave. High temperatures were widespread during August 1990, reaching a record 37.1°C in one part of England. In August 2003, the UK experienced heatwave conditions lasting 10 days and resulting in 2,000 excess deaths. During this heatwave, a record maximum temperature of 38.5°C was recorded at Faversham in Kent. In July 2006, similar conditions occurred, breaking records and resulting in the warmest month on record in the UK. In 2022, temperatures in the UK passed 40°C for the first time, with a new high in the UK of 40.3°C recorded at Coningsby in Lincolnshire. In the days leading up to the heatwave, the UK Met Office released its first ever red weather warning for heat, while the UK Health Security Agency issued its first level 4 heat-health alert. The intense heat affected the entire nation, driving a rise in hospitalisations, triggering widespread fires and causing severe disruption to public transport.

According to the NRR, the likelihood of low temperatures or heatwaves occurring in the UK between 2017 and 2022 is 25 to 125 in 500 and has been given an Impact Level of C, with effects considered likely to occur to a localised area, possible evacuations and result in circa 41 to 200 fatalities. These risks are

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only expected to increase in the future with climate change. The consequences of such an event may include:

- Fatalities and physical casualties, particularly among vulnerable groups (e.g. the elderly);
- Some evacuation of residents or employees;
- Damage to property and infrastructure, directly and via land instability (e.g. landslides);
- Disruption to essential services, particularly transport, energy and communications;
- Additional pressure on healthcare; and
- Environmental damage.

Whilst the proposed development would introduce human receptors to the site who could be adversely affected by the consequences of extreme temperatures, there are a number of measures in place at a national, regional and local level to mitigate risks from extreme temperatures. The Met Office, for instance, provides 24/7 weather coverage and forecasting across the UK and operates a national severe weather warning service to inform the public and emergency responders of forthcoming severe or hazardous weather which would have the potential to cause loss of life or widespread disruption. A colour-coded system is used to show the public the likelihood and impact of expected severe weather. As part of Public Health England's 'Heatwave Plan for England' and 'Cold Weather Plan for England', alerts and guidance are provided when extreme temperatures are expected.

The 999 emergency response procedure is also in place to allow any site users whose health may be affected by such events to request an ambulance or other emergency assistance. Local authorities also have their own emergency response plans in place. For example, The Norfolk Resilience Forum have developed the Norfolk Emergency Response Guidance<sup>6</sup>, which is updated on an annual basis and sets out the framework strategy and responsibilities for managing emergencies. In respect of extreme weather events, the guidance sets out the concept of developing a dedicated 'Logistics Cell' to managing the event, which would comprise the range of emergency services and would be led by Norfolk fire.

The proposed development itself will be required to meet building regulations to ensure appropriate internal thermal comfort conditions are achieved during periods of extreme temperature highs and lows.

On this basis, it is considered that suitable mitigation is already in place in regard to the safety of future site users, such that further assessment of potential risks associated with extreme temperatures would be unnecessary. In line with the guidance provided in the IEMA Primer, this sub-topic is proposed to be scoped out.

### ***Major Accidents/Man-Made Disasters***

The following types of major accidents/man-made disasters have been considered:

- Transport accidents;
- Industrial accidents;
- Electricity, gas, water supply or sewerage system failures;
- Urban fires;
- Famine / food insecurity;

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<sup>6</sup> Norfolk Resilience Forum, 2020. Norfolk Emergency Response Guidance. Available at: <https://www.norfolkprepared.gov.uk/wp-content/uploads/2020/04/Norfolk-Emergency-Response-Guidance-2019-6.6.pdf>

- Displaced populations;
- Complex emergencies;
- Terrorist incidents;
- Cyber attacks; and
- Public disorder.

Given the nature of the proposals and the location of the site, cyber attacks, famine, food insecurity, displaced populations and complex emergencies are not considered relevant to the scheme and are proposed to be scoped out of further consideration as a result.

The proposals do not include the provision of any heavy industrial land uses. The surrounding area is generally dominated by commercial, residential and light industrial uses; however, some industrial uses are present, such as the Tarmac Trowse Asphalt Plant, which adjoins the application site to the west. Operational risks from this site, such as those arising from the operation of on-site plant and machinery, rail sidings, loading bays and mineral storage areas, would be expected to be limited to within the confines of the site itself and are managed by the plant's operating and health and safety protocols and procedures. A review of the Health and Safety Executives (HSE's) Control of Major Accidents and Hazards (COMAH) 2015 Public Information Record<sup>7</sup> confirms that the application site does not fall inside safeguarding zones for any establishment subject to COMAH Regulations and as such the proposed development is not considered to be at risk from fire or explosion. The closest establishment subject to COMAH Regulations is a Lower Tier site at least 2km west of the site: Color Gas Limited, a fuel storage and distribution establishment located at Hall Road, NR4 6EQ. On this basis, it is considered that existing measures are already in place that ensure compliance with legislation and best practice and, as such, in line with the guidance provided in the IEMA Primer, risks associated with industrial accidents are proposed to be scoped out.

In respect of road transport accidents, impacts from the proposed development were addressed within the transport assessment undertaken from the original 2010 ES, as presented in the Transport chapter, which concluded that *'the change between the without- and with-development scenarios for the proposed development is only marginally significant'*. On this basis, the proposals were considered unlikely to result in any uplift in vehicle accidents. Furthermore, potential traffic-related impacts would be managed and mitigated through the implementation of the transport strategy and travel plan, which will be managed by a newly formed Transport Management Association. An updated Transport ES Addendum chapter will be submitted alongside the forthcoming reserved matters application.

In line with the guidance provided in the IEMA Primer, given that risks associated with transport accidents are already being assessed and reported in the forthcoming Transport ES Addendum chapter, this sub-topic is proposed to be scoped out.

The nature of the proposals and the setting of the site are such that accidents related to air transport are also not considered relevant to the proposals.

In regard to electricity, gas, water supply or sewerage system failures, the utilities design for the proposed scheme is currently being considered and progressed. In consultation with all the respective utilities providers, existing and future capacity/demand will be considered and appropriate measures

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<sup>7</sup> Health and Safety Executive, 2015. 2015 Public Information Record Search for Norwich. Available at: COMAH 2015: Public Information Record (hse.gov.uk)

implemented to ensure that the proposed scheme is sufficiently serviced. In addition to this, a consideration of resilience to potential systems failure will also be incorporated as appropriate. Further, utilities providers already have in place procedures to allow users to report a failure in supply of a particular utility so that repairs and continuation of supply can be enabled. On this basis, it is considered that suitable mitigation is already in place, such that further assessment of potential risks would be a reiteration and hence unnecessary. For this reason, this sub-topic is proposed to be scoped out of further consideration.

In regard to urban fires, the proposed development will be designed in accordance with the latest Building Regulations requirements, as well as the requirements of relevant fire safety guidance.

Neither the location of the site, or the uses proposed would suggest that the development would be subject to a heightened risk of terrorist attack or public disorder.

The 999-emergency response procedure is also in place to allow the general public to report urban fires, terrorist attacks, public disorder and other types of major accidents/disasters to the emergency services, who would attend site and act to resolve the incident. As such, it is considered that suitable mitigation is already in place for these types of accident/disaster, such that further assessment of potential risks would be unnecessary.

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### 3. PROPOSED ESA STRUCTURE

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The structure of the ESA is proposed to comprise of the following set of documents, with subsections etc. to be entirely confirmed throughout the preparation of the ESA. This takes account of the previous Scoping Opinions received by the three authorities and contents of Section 2 of this Report/Request.

Volume 1	Non-technical Summary
Volume 2	01 Statement of Competence
	02 Introduction
	03 EIA Addendum Methodology and Limitations
	04 Site and Surroundings
	05 Proposed Development
	06 Alternatives Considered
	07 Planning Policy Context
	08 Landscape and Visual Impact Assessment
	09 Ecology
	10 Transport
	11 Air Quality
	12 Flood Risk
	13 Socio-economic and health
	14 Built Heritage
	15 Climate Change
	16 Cumulative
	17 Summary and Conclusions
Volume 3	Appendices

## 4. SCOPING REQUEST

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This additional request to those already received and taken account of (Councils' references BA/2022/0350/SCOPE, 22/01225/EIA2 and 2022/1847). Further clarification with regard to LVIA is required and the technical topic of the risk of major accidents and disasters can be scoped out. The opportunity has been taken to collate the disciplines scoped in by the three authorities and the ESA proposed structure confirmed.

Therefore, under Regulation 15, it is formally requested that the Councils adopt an additional Scoping Opinion. Within the parameters of the Regulations, a Council can request additional information if it is unable to adopt such an Opinion. Assuming that the Councils receive the short list of consultation responses for this addendum request, it is anticipated that the Council will be able to adopt the Opinion within five weeks of this request unless an extension is agreed as otherwise. This is would be particularly appreciated given the forthcoming submission timescale for the reserved matters application.

LM/February 2023

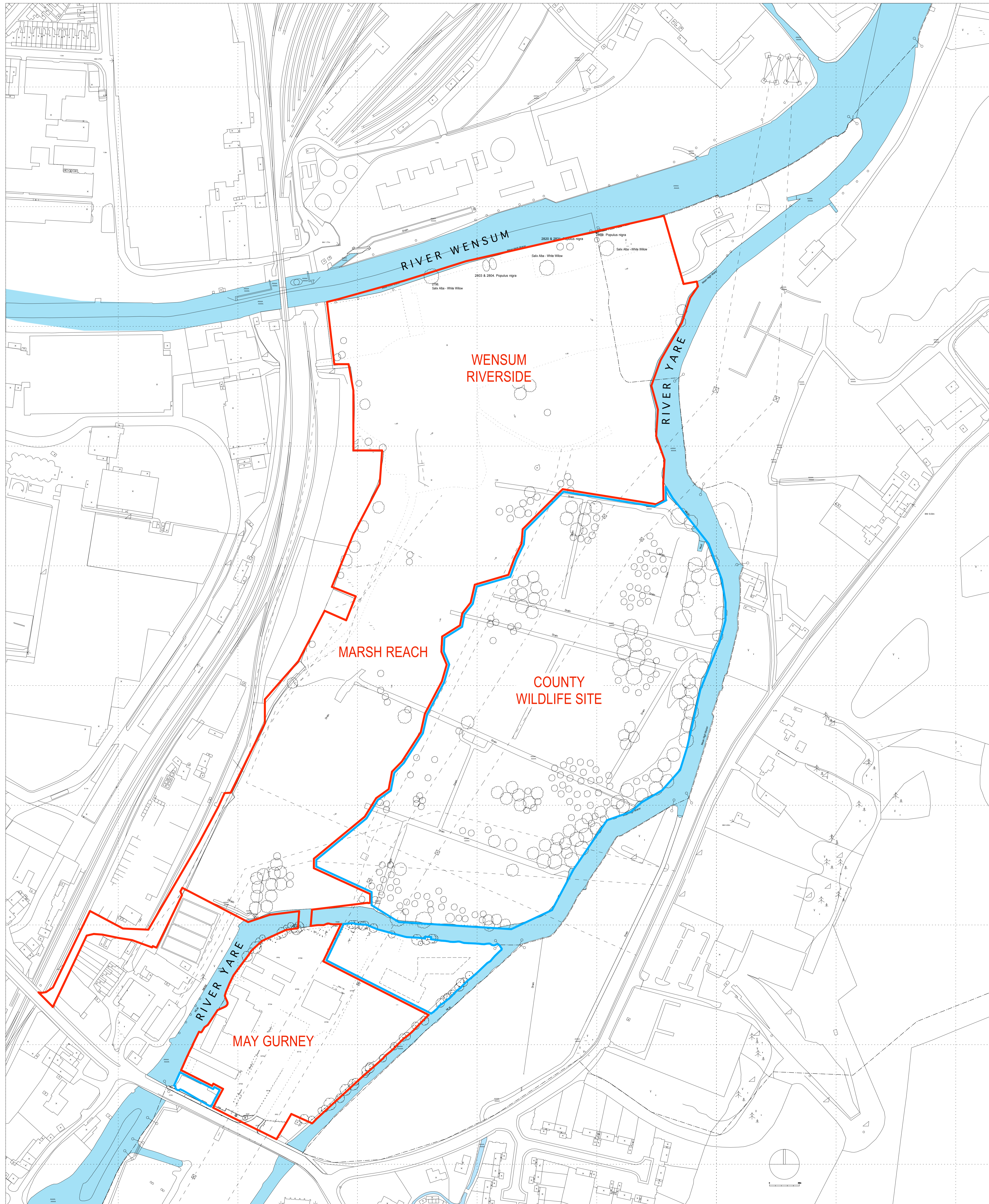


# Appendix TPD1

## Location Plan



1. This drawing is prepared for outlining planning purposes only and is not to be used for any other purpose.
2. Architect to be notified immediately if any discrepancies are found
3. Topographical information provided by JBA consulting, using survey and Lidar information provided by PlanDescil, the Environment Agency, Storm Geomatics
4. Ordnance survey reproduced with permission. © Crown copyright reserved
5. The masterplan and image have been prepared by and is the property of Atelier Pro, copyright reserved.
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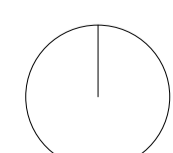
Rev D, 02/04/12 - Site boundary revised to exclude the former Oak Public House  
 Rev C, 13/10/11 - Site boundary revised  
 Rev B, 12/08/11 - Site boundary revised to omit bridge  
 Rev A, 06/12/10 - Location plans combined for joint application

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<b>Joint Authority Application</b> Location Plan - 11.85 hectares		1:1250 at A0
		1:2500 at A2
<b>Deal Ground and</b> May Gurney Site		Dec 2010
		084/200/001(D)

**baca** ARCHITECTS



## Appendix TPD2 IDP LVIA Methodology

## INTRODUCTION

- 1.1. This methodology has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition 2013 (GLVIA3 or “the guidelines”) produced jointly by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). This provides guidance on carrying out an LVIA and its use within an Environmental Impact Assessment (EIA) under the regulations.

***“Landscape and Visual Impact Assessment (LVIA) is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource in its own right and on people's views and visual amenity.”<sup>1</sup>***

- 1.2. This definition of LVIA establishes the distinction between the two components of LVIA where landscape and visual effects are interrelated but should be dealt with separately. Landscape results from the interplay between the physical, natural and cultural components of the land, and visual amenity is the experience of people and their interaction (views) with the landscape.
- 1.3. This LVIA has been carried out by suitably qualified landscape professionals, providing impartial judgements that are based on training and experience, and through clear and transparent methods outlined in this methodology. The guidelines state that *‘the assessment must rely on qualitative judgements, for example about what effect the introduction of a new development or land use change may have on visual amenity, or about the significance of change in the character of the landscape and whether it is positive or negative’*.<sup>2</sup>

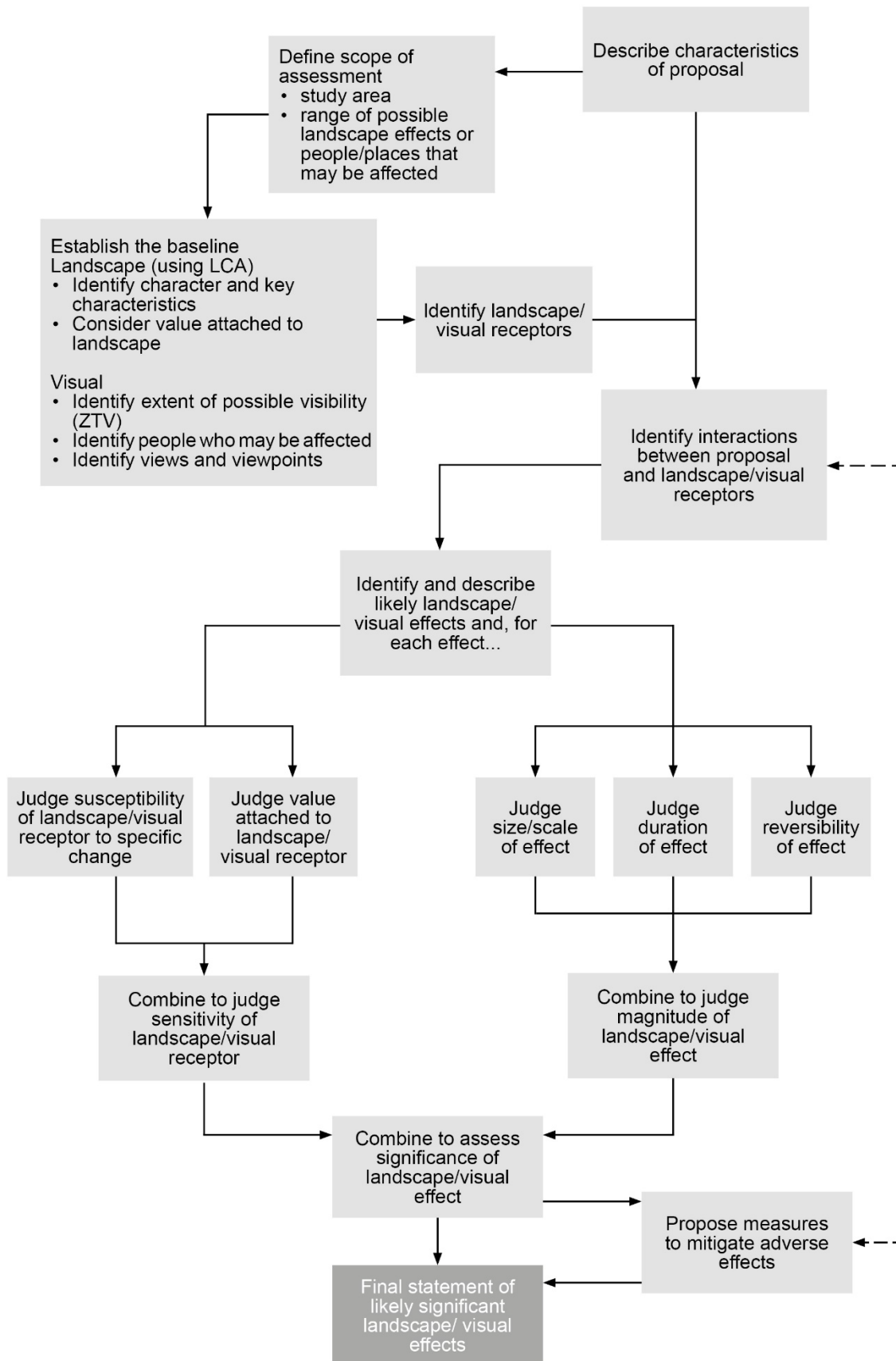
### Approach

- 1.4. The overall process within this LVIA is outlined in the following flow chart (Figure 1) based on figures produced in the Guidelines detailing steps in the assessment of landscape effects and visual effects. The scope of the assessment has been discussed with the Local Authority and stakeholders to agree the scope as much as possible prior to planning submission, to ensure the process is site specific, clear and transparent, and identifies the effects necessary to make a full judgement as to the acceptability of the proposed development in landscape and visual terms.

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<sup>1</sup> GLVIA3 paragraph 1.1

<sup>2</sup> GLVIA3 paragraph 2.23



**Figure 1:** Steps in assessing landscape/visual effects

## BASELINE CONDITIONS

### Landscape Baseline

- 1.5. Baseline studies require a mix of desk study and fieldwork to identify and record the character of the landscape, as well as the elements, features and aesthetic and perceptual factors which contribute to it. For landscape effects the study area covers the proposed project Site and the wider landscape context within which the proposals may influence landscape character and the full extent of any neighbouring features of special value (e.g. designated areas including AONBs, Historic Parks, Conservation Areas etc.) to reflect the setting of that feature.
  
- 1.6. Published Landscape or Townscape Character Assessments prepared by the Local Authorities have formed the basis of the desk study, followed by the site-specific assessment to identify landscape receptors. The process involves the assessment of a combination of physical (e.g. landform, vegetation, buildings), aesthetic/perceptual (e.g. scale, appearance, tranquillity) and cultural/social (e.g. human interaction, landuse, heritage) aspects which together make up the character of the area and its value. An assessment is also made as to the quality, or condition, of the landscape, which involves consideration of the physical state of the landscape and of the features and elements which make up landscape character.

### Landscape Value

- 1.7. **Value** is “attached to different landscapes by society, bearing in mind that a landscape may be valued by different stakeholders for a whole variety of reasons”<sup>3</sup>. Landscapes or their component parts may be valued at community, local, national or international levels. A review of existing landscape designations is the starting point in understanding value, but the value attached to undesignated landscapes will be carefully considered and individual elements of the landscape - such as trees, buildings, or hedgerows – may also be of value.
  
- 1.8. The landscape value has been evaluated using the following factors that are generally agreed to influence value, based on Box 5.1 in the Guidelines.

**Table 1**

FACTOR	DESCRIPTION OF VALUE
LANDSCAPE QUALITY (CONDITION)	A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements.
SCENIC QUALITY	The term used to describe landscapes that appeal primarily to the senses (primarily but not wholly the visual senses).
RARITY	The presence of rare elements or features in the landscape or the presence of a rare Landscape Character Type.

<sup>3</sup> GLVIA3 paragraph 5.19

REPRESENTATIVENESS	Whether the landscape contains a particular character and/or features or elements which are considered particularly important examples.
CONSERVATION INTERESTS	The presence of features of wildlife, earth science or archaeological or historical and cultural interest can add to the value of the landscape as well as having value in their own right.
RECREATION VALUE	Evidence that the landscape is valued for recreational activity where experience of the landscape is important.
PERCEPTUAL ASPECTS	A landscape may be valued for its perceptual qualities, notably wildness and/or tranquillity.
ASSOCIATIONS	Some landscapes are associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the area

1.9. Bearing in mind the above factors, the following elements (which are not intended to be prescriptive) provide an indication of the range of attributes that would need to be considered within the assessment<sup>4</sup>. These should be assessed as to how they contribute or detract from the overall character and quality of the landscape to help identify what should be conserved or protected and what should be enhanced, and provides the basis to consider the sensitivity of the landscape to change as a result of the proposed project.

- Natural features and elements. Examples would include:
  - landform (e.g. ridge lines);
  - trees and woodland (e.g. mature hilltop copse, scrub, or isolated trees);
  - any other natural vegetation (e.g. heathland);
  - water features (e.g. lakes, streams and ditches);
  - rock formations.
- Built features and elements. Examples would include;
  - prominent buildings or other landmarks (e.g. a church spire or bridge);
  - settlements and built form (e.g. urban areas, villages, farms or houses);
  - settlement pattern and density (e.g. clustered, isolated or randomly dispersed);
  - style and characteristics of the built landscape (e.g. old or modern, use of local vernacular materials such as stone or thatch).
- Historic features and elements. Examples would include;
  - visible ancient monuments (e.g. earthworks, burial mounds and standing stones);
  - visible historic features remaining from past farming and land management systems (e.g. ridge and furrow);
  - historic buildings, bridges and other structures (e.g. memorials)
- Features and elements of the managed landscape. Examples would include:
  - hedgerow form or other boundary treatment (e.g. dry stone walling);

<sup>4</sup> Taken from Advice Note on LVIA 'IAN 135/10' (Highways England)

- land use (e.g arable, pasture, urban).
- Infrastructure features and elements (e.g. roads, canals, railways)
- Any discordant or intrusive features and elements, such as a conspicuous line of pylons or an area of derelict land.
- Less tangible aesthetic and perceptual characteristics concerned with how the landscape is experienced and why, including professional judgment on tranquillity, wildness, intimacy, sense of place, scenic quality and other responses or impressions.

### **Visual Baseline**

- 1.10. The baseline studies for visual effects have established the geographic area in which the development may be visible from, and the different groups of people (receptors) who may experience views of the development. These receptors have been illustrated through a number of specific/representative viewpoints that are reasonable and proportional to the scale and nature of the proposed development. The locations of these photographs will be scoped and agreed with the Local Authority at an early stage and communication recorded.
- 1.11. The visual baseline has been informed by a Zone of Theoretical Visibility (ZTV) map to provide information on where, theoretically, the proposal is visible from, and this has been refined by fieldwork to confirm which visual receptors will be identified. The ZTV is calculated utilising a digital terrain model (DTM such as NEXTMAP 25) identifying the 'bare ground' results which therefore do not take account of local conditions and any above-ground features which can significantly reduce the actual extent of visibility. Therefore, a second stage ZTV is produced to include visual barriers such as woodland and settlements using a digital surface model (DSM such as NEXTMAP 25) to provide a better representation of actual visibility.
- 1.12. Likely visual receptors who will be affected by the changes in views and visual amenity include users of open access land, public rights of way, the public highway or other transport routes, local residents, and those at work. Views and viewpoints to represent these receptors have been recorded with panoramic images produced in line with the Technical Guidance Note on 'Visual Representation of Development Proposals'<sup>5</sup>. Data such as the camera, the field of view and weather conditions have been recorded for clarity of information.

### **Value of views**

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<sup>5</sup> Landscape Institute Technical Guidance Note 06/19 17<sup>th</sup> September 2019



1.13. The nature, composition and characteristics of the existing views experienced at each viewpoint have been recorded as well as an assessment of value attached to that view. Recognition of the value attached to particular views has taken into account the presence of heritage assets or planning designations, appearance in guidebooks or maps, provision of facilities for their enjoyment (viewpoints, benches, information boards), or specific references in literature/art.

1.14. The visual receptors most susceptible to change are generally likely to include:

- *Residents at home;*
- *People engaged in outdoor recreation, including use of public rights of way, whose attention or interest is likely to be focused on the landscape or particular views;*
- *Visitors to heritage assets or other attractions, where views of surroundings are an important contributor to the experience;*
- *Communities where views contribute to the landscape setting enjoyed by residents in the area;*

*Travellers on road, rail or other transport routes tend to fall into an intermediate category of susceptibility to change. Where travel involves recognised scenic routes awareness of views is likely to be particularly high.<sup>6</sup>*

1.15. Visual receptors likely to be less susceptible to change include:

- *People engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape;*
- *People at their place of work whose attention may be focused on their work or activity, not on their surroundings.<sup>7</sup>*

## ASSESSMENT OF EFFECTS

1.16. The project description outlines the siting, layout, components and other characteristics of the development that are likely to be relevant to the landscape and visual effects. This also includes the primary landscape measures that have been developed through the iterative design process and have become integrated or embedded into the project design. Having established the baseline receptors for both landscape and visual aspects and their value, it is necessary to predict what interactions there will be between these receptors and the proposed development. This will follow these stages:

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<sup>6</sup> GLVIA3 paragraph 6.33

<sup>7</sup> GLVIA3 paragraph 6.34

- Evaluate the sensitivity of the receptor through combining judgements on the value attached to the receptor and the susceptibility to change arising from the specific type of development;
- Identify the magnitude of change through judgements on size/scale, extent and duration;
- Combine judgements on sensitivity and magnitude to establish the level of the effects.

1.17. Determining the significance of effects is a requirement of the LVIA process through an evidence-based process combined with professional judgement. Under the UK EIA Regulations the LVIA process must consider the direct effects and any indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, as well as positive and negative effects of the development.

1.18. In deciding whether effects are positive (beneficial) or negative (adverse), an informed professional judgement has been made, using clearly stated criteria used in reaching the judgement. It is considered that well-designed new development can make a positive contribution to the landscape and need not always be hidden or screened. It is also possible for effects to be neutral in their consequences.

### **Landscape Effects**

1.19. The **sensitivity** of the landscape receptor has been identified by combining judgements of the susceptibility to the type of change or development proposed with the value attached to the landscape as established in the baseline study.

1.20. Susceptibility is the ability of the landscape receptor (whether it be the overall character or quality/condition of a particular landscape type or area, or an individual element and/or feature, or a particular aesthetic and perceptual aspect) to accommodate the proposed development without undue consequences for the maintenance of the baseline situation<sup>8</sup>.

1.21. The overall landscape sensitivity for each receptor has then been categorised balancing the judgements made on the value attached to the receptor and the susceptibility to the type of change arising from the specific proposal. These are categorised into High, Medium, Low and Negligible and defined in Table 2.

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<sup>8</sup> GLVIA3 paragraph 5.40

**Table 2**

LANDSCAPE SENSITIVITY	DEFINITION
HIGH	<p>A landscape with high susceptibility (vulnerability) to change where the type of development would cause large-scale loss to the characteristics of the area. Areas have high landscape value with limited potential for substitution.</p> <p>Likely to be designated at national or regional level and/or rare or high-quality elements or features may be present outside designated areas, especially at a local scale.</p>
MEDIUM	<p>A landscape with medium susceptibility (vulnerability) to change where the type of development would cause some disruption or loss to the characteristics of the area. Areas have medium landscape value with some potential for substitution.</p> <p>Likely to be designated at district or local level and/or medium quality elements or features that are more commonplace but worthy of retention.</p>
LOW	<p>A landscape with medium susceptibility (vulnerability) to change, where the type of development would be consistent with the characteristics of the area. Areas have low landscape value and scope to mitigate for the loss of individual elements/ features.</p> <p>Likely to be non-designated areas where landscape is discordant, derelict or in decline with little or no sense of place.</p>
NEGLIGIBLE	<p>A landscape of very low importance and prevalence at a local scale where landscape is heavily discordant or derelict and/or poor-quality elements and features that are commonplace.</p>

### Magnitude of Landscape Change

- 1.22. The magnitude of change on the landscape resource has been assessed in terms of its size/scale, the geographical extent of the area influenced, and its duration and reversibility<sup>9</sup>.

**Size or Scale:** the extent and importance of existing landscape elements that will be lost, and the degree to which aesthetic or perceptual aspects are altered either by removal of existing components or by addition of new ones, and whether this loss is critical to its distinctive character.

**Geographical extent:** the physical area to which landscape effects will be felt, whether at site level within the development site itself, in the immediate setting of the site, or at a scale of the landscape type or character area.

**Duration and reversibility:** the duration of the effect whether short, medium or long term, and if the effects are permanent or could be reversed such as some renewable energy developments.

- 1.23. These factors are considered against the baseline conditions and a judgement has been made as to the likely magnitude of effect of the proposals on the landscape resource. This is categorised as High, Medium, Low, Negligible and None and defined in Table 3.

<sup>9</sup> GLVIA3 paragraph 5.48

**Table 3**

LANDSCAPE MAGNITUDE OF CHANGE	DEFINITION
HIGH	Substantial or total loss/damage/alteration of key characteristics or features within the landscape, or introduction of new uncharacteristic elements, having a marked and defining effect on the receptor.
MEDIUM	Moderate scale loss/ damage/alteration of key characteristics or features within the landscape, or introduction of new elements, having a noticeable but not defining effect on the receptor.
LOW	Minor scale loss/ damage/alteration of key characteristics or features within the landscape, or introduction of new elements, having a limited effect on the receptor.
NEGLIGIBLE	A slight perceptible change or very limited loss/ damage/alteration of key characteristics or features within the landscape, or introduction of characteristic new elements, having a slight or undetectable effect on the receptor.
NONE	No noticeable loss, damage or alteration to character or features or elements.

### Visual Effects

- 1.24. Each visual receptor has been assessed in terms of their susceptibility to change in views and visual amenity, and the value attached to those views established in the baseline study. The susceptibility varies depending on the occupation or activity of the receptor (people) experiencing the view at particular locations, and the extent to which their attention is focused on the views and the visual amenity they experience from that viewpoint. The visual sensitivity is categorised as High, Medium and Low as defined in Table 4, although in reality there will be some gradation between.

**Table 4**

VISUAL SENSITIVITY	DEFINITION
HIGH	People at locations where the appreciation of their surroundings is an integral part of the experience. Includes people engaged in recreational use of public land, on National Trails and PRowS, and in designated or high value landscapes. Visitors to recognised heritage assets or other areas of special interest.
HIGH → MEDIUM	People at locations where the appreciation of their surroundings is an important contributor to the experience. Includes people engaged in recreational use of public land or PRowS in higher value landscapes, visitors to heritage assets or other attractions, travellers on recognised scenic routes, and residents at home.
MEDIUM	People at locations where the appreciation of their surroundings is evident but not fundamental to the experience. Includes people engaged in recreational use of public land or PRowS in medium value landscapes, those on transport routes, and residents at home with secondary views.
MEDIUM → LOW	People at locations where their focus is likely to be on their activity and less on their surroundings. Includes people engaged in outdoor sport, people in private gardens and those on transport routes.
LOW	People at locations where their focus is primarily on their activity and not on their surroundings. Includes people in low value landscapes, at their place of work, at school, those engaged in indoor sport, or travelling along main infrastructure routes.

## Magnitude of Visual Change

- 1.25. Each visual receptor and their sensitivity has been assessed against the magnitude of change in terms of its size or scale, the geographical extent of the area influenced, and its duration and reversibility. The magnitude will be categorised as High, Medium, Low, Negligible and None as defined in Table 5.
- **Size or Scale:** the loss or addition of features in the view and changes in its composition including the proportion of the view occupied by the change, the degree of contrast in terms of form, scale and mass, line, height, colour and texture, and the nature of the view whether full, partial or glimpsed.
  - **Geographical extent:** the angle of view in relation to the main activity of the receptor, the distance away from the proposed development, and the extent of the area over which the changes are visible.
  - **Duration and reversibility:** the duration of the effect whether short, medium or long term, and if the effects are permanent or could be reversed such as some renewable energy developments.

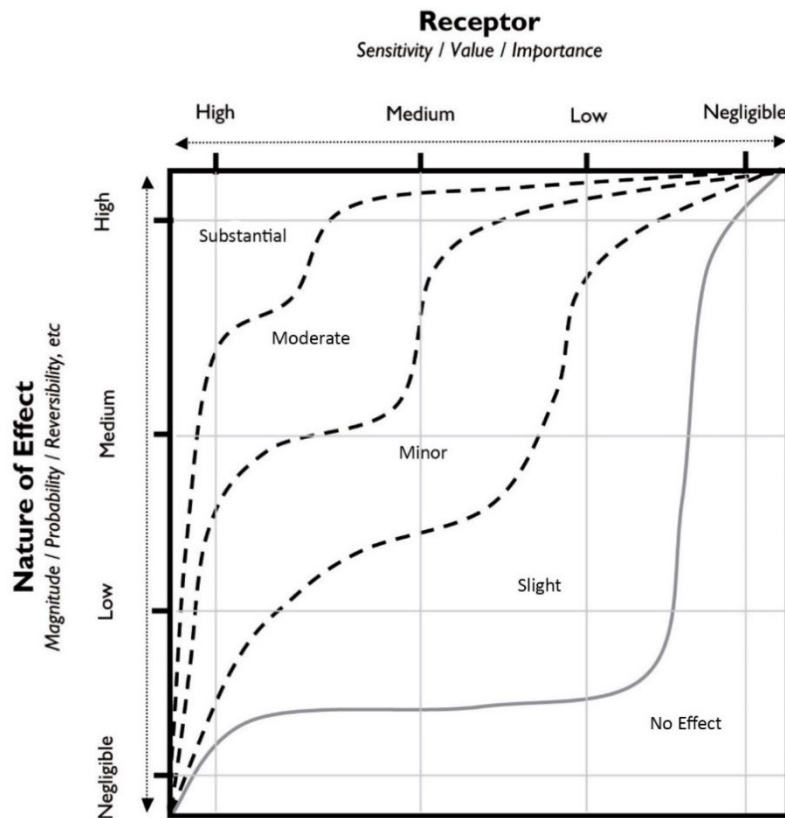
**Table 5**

VISUAL MAGNITUDE OF CHANGE	DEFINITION
HIGH	The proposal forms a dominant and uncharacteristic new component in the view with a substantial loss/alteration to key elements, having a marked and defining effect on the amenity of the visual receptor.
MEDIUM	The proposal may form a perceptible and uncharacteristic component in the view with a moderate alteration to key elements, having a distinct but not defining effect on the amenity of the visual receptor.
LOW	The proposal forms a minor and small-scale component of the view with a minor alteration to key elements, having a noticeable effect on the amenity of the visual receptor.
NEGLIGIBLE	The proposal forms a slight perceptible change in the view, due to distance or intervening topography, buildings or landscape elements.
NONE	No part of the proposals or works/activity associated with it would be discernible.

## SIGNIFICANCE

- 1.26. There is a difference between an ‘appraisal’ which seeks to identify and describe the likely landscape and visual effects, and a formal Landscape and Visual Impact Assessment (LVIA) that will assess the likely significance of the effects identified. The scope of this assessment has been determined through discussions with the Local Authority and whether or not an EIA is required.
- 1.27. For both a landscape appraisal and an LVIA, the landscape and visual effects have been described and judged whether they are adverse or beneficial, and the likely significance of

those effects is the next step within an LVIA. This has been categorised using a sliding scale and followed by a final statement summarising those which are ‘significant’ effects, and whether they can be mitigated. The following table is based on the 2011 IEMA Special Report on the ‘State of Environmental Impact Assessment Practice in the UK’.



Based on EIA significance evaluation matrix<sup>10</sup>

- 1.28. Following this example, categories for the level of significance range from Substantial, Moderate, Minor, Slight and No Effect and defined in Table 6.

**Table 6**

SIGNIFICANCE	DEFINITION
SUBSTANTIAL	The proposal would cause a considerable loss or fundamentally change the characteristics and perceptible qualities of the landscape resource or visual amenity. Likely to be a determining issue in its own right.  <i>Beneficial</i> – greatly enhance the character/view and create a sense of place <i>Adverse</i> – completely discordant with the character/view and damage to sense of place
MODERATE	The proposal would cause a discernible loss or change to the characteristics and perceptible qualities of the landscape resource or visual amenity. Could be considered a determining issue when combined with other effects.  <i>Beneficial</i> – improvement to the character/view and restoration of a sense of place <i>Adverse</i> – conflict with the character/view and some damage to sense of place
MINOR	The proposal would cause a minor loss or localised change to the characteristics and

<sup>10</sup> IEMA Special Report – The State of Environmental Impact Assessment Practice in the UK (2011)

	<p>perceptible qualities of the landscape resource or visual amenity. Of little consequence in the decision-making process.</p> <p><i>Beneficial</i> – minor improvement to the character/view and sense of place <i>Adverse</i> – some disparity with the character/view and diminished sense of place</p>
SLIGHT	<p>The proposal would cause a negligible change in the landscape resource or visual amenity. Not considered material in the decision-making process.</p> <p><i>Beneficial</i> – complements the character/view and retains sense of place <i>Adverse</i> – little alteration to the character/view and slight loss of sense of place</p>
NO EFFECT	<p>resulting in a neutral effect (no material change) due to being compatible with local character or not visible. Neither beneficial nor adverse.</p>

1.29. In judging the overall significance of the effects, it is considered that substantial and moderate effects are significant as required in the regulations. Within an Environmental Statement (ES) the approach as to how to present these conclusions and their definitions have been guided by the consistency required in the ES and the screening response from the competent authority.

### MITIGATION/ENHANCEMENT

1.30. Mitigation measures are proposed to prevent, reduce and where possible offset any significant adverse landscape and visual effects. Enhancement includes any proposals that seek to improve the landscape and/or visual amenity of the proposed development site and its wider setting beyond its baseline condition.

1.31. Mitigation measures generally fall into three categories<sup>11</sup>:

1. primary measures, developed through the iterative design process, which have become integrated or embedded into the project design;
2. standard construction and operational management practices for avoiding and reducing environmental effects;
3. secondary measures, designed to address any residual adverse effects remaining after primary measures and standard construction practices have been incorporated into the scheme.

1.32. Proposed mitigation measures have been well related to local landscape distinctiveness and are also effective in mitigating adverse ecological effects through the appropriateness of the species used.

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<sup>11</sup> GLVIA3 paragraph 4.21

- 1.33. Mitigation measures, especially planting schemes, are not always immediately effective. Where planting is intended to provide a visual filter/screen for the development it is necessary to assess the effects for different seasons and periods of time as agreed with the Local Authority (for example, at year 0, representing the start of the operational stage, year 5 and year 15). Therefore, the significance of effect has been weighed against the baseline conditions and the category reviewed where appropriate to establish any residual effects.

### **ASSESSING CUMULATIVE EFFECTS**

- 1.34. GLVIA3 provides information on assessing cumulative landscape and visual effects. Cumulative landscape and visual effects are usually considered in LVIA when it is carried out as part of EIA. These effects may be caused by a proposed development in conjunction with other similar proposed developments or as the combined effect of a set of developments taken together. Cumulative landscape effects are on the physical fabric or character of the landscape or any special values attached to it. Cumulative visual effects can arise where two or more developments are visible from one viewpoint and/or from a sequence of views.<sup>12</sup>
- 1.35. The scope of cumulative effects has been agreed at the outset to establish what schemes are relevant to the assessment, and what planning stage is appropriate.

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<sup>12</sup> GLVIA3 paragraph 7.3



## GLOSSARY

**Characteristics** Elements, or combinations of elements, which make a contribution to distinctive landscape character.

**Landscape character** A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.

**Landscape Character Areas (LCAs)** These are single unique areas which are the discrete geographical areas of a particular landscape type.

**Landscape Character Types (LCTs)** These are distinct types of landscape that are relatively homogeneous in character, and share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical land use and settlement pattern, and perceptual and aesthetic attributes.

**Landscape quality (condition)** A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements.

**Landscape receptors** Defined aspects of the landscape resource that have the potential to be affected by a proposal.

**Magnitude (of effect)** A term that combines judgements about the size and scale of the effect, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration.

**Scoping** The process of identifying the issues to be addressed by an EIA. It is a method of ensuring that an EIA focuses on the important issues and avoids those that are considered to be less significant.

**Sensitivity** A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor.

**Significance** A measure of the importance or gravity of the environmental effect, defined by significance criteria specific to the environmental topic.

**Susceptibility** The ability of a defined landscape or visual receptor to accommodate the specific proposed development without undue negative consequences.

**Tranquillity** A state of calm and quietude associated with peace, considered to be a significant asset of landscape.

**Visual amenity** The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area.

**Visual receptors** Individuals and/or defined groups of people who have the potential to be affected by a proposal.

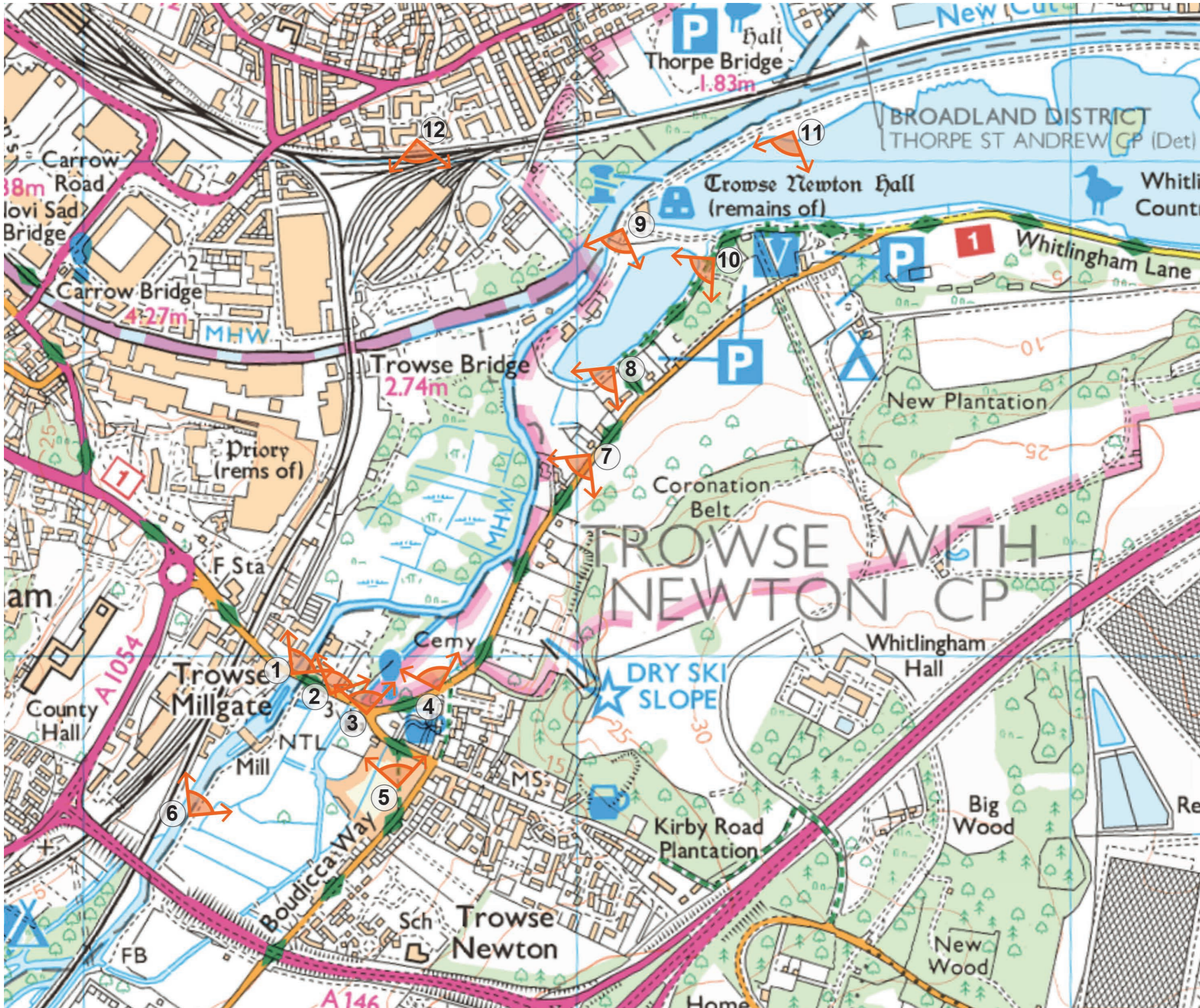
**Visualisation** A computer simulation, photomontage or other technique illustrating the predicted appearance of a development.

**Zone of Theoretical Visibility (ZTV; sometimes Zone of Visual Influence)** A map, usually digitally produced, showing areas of land within which, a development is theoretically visible.

## Appendix TPD3

### IDP LVIA Viewpoints including Locations





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All dimensions to be checked on site and landscape architect notified of any discrepancies prior to commencement.

Do not scale

Notes.

KEY

- Site boundary
- ↖ ① Viewpoint location
- - - Long Distance Route
- - - Public Right of Way

Rev: date: comment(s) name: check:



ARCHITECTURE  
URBAN DESIGN &  
MASTERPLANNING  
LANDSCAPE &  
ENVIRONMENT

### IDP LANDSCAPE

Client: Serruys Regeneration

Job: Deal Ground, Norwich

Title: Viewpoint Location Plan

Drawn: IP Date: , January 2023

Checked: KC Scale @ A3: nts

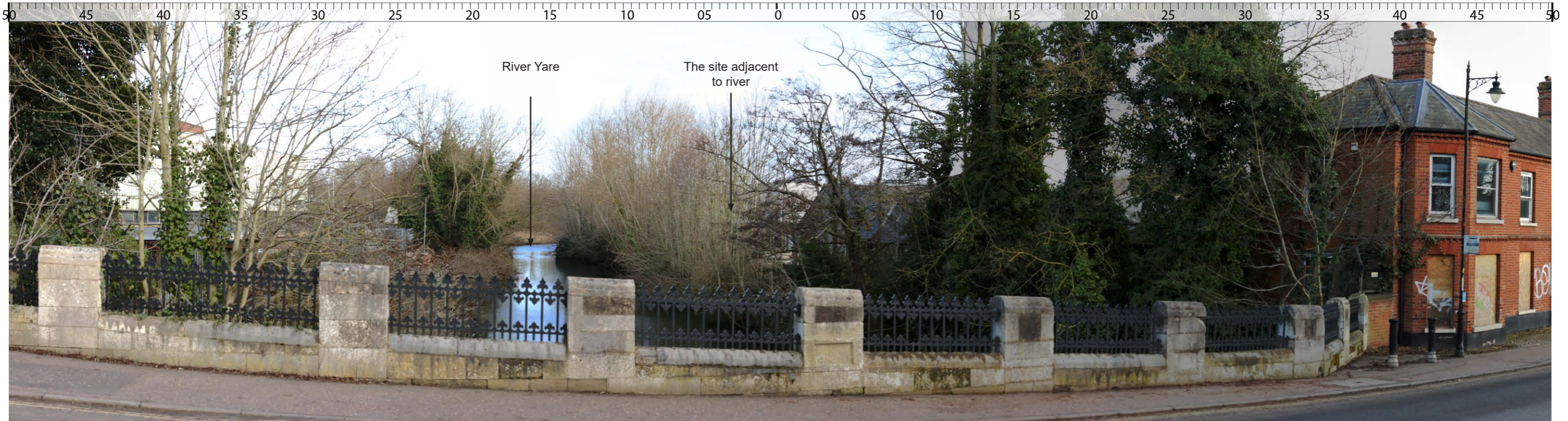
Job no: LA5589 Drg no: Figure 04

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[www.wearidp.com](http://www.wearidp.com)





Viewpoint 1	Location of View:	Bracondale Bridge, Bracondale, over river Yare	Date and Time:	02-02-2023 10.29am	OS Coordinates:	TG 24431 06972
	Notes:	Cloudy, very good visibility	Receptors:	Road users, footpath users	Distance from site:	n/a



Viewpoint 2	Location of View:	Bracondale opposite May Gurney site	Date and Time:	02-02-2023 10:35	OS Coordinates:	TG 24470 06952
	Notes:	Clear skies, very good visibility	Receptors:	Road users, footpath users	Distance from site:	n/a

LA5589 Deal Ground, Norwich  
Figure 4.1: Viewpoints 1-2

Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape







Viewpoint 3	Location of View:	Whitlingham Lane, junction adjacent to St Andrew's Church, Trowse	Date and Time:	02-02-2023 10.40am	OS Coordinates:	TG 24573 06885
	Notes:	Clear skies, very good visibility	Receptors:	Road users, footpath users	Distance from site:	n/a



Viewpoint 4	Location of View:	Tree House, Whitlingham Lane, Trowse	Date and Time:	02-02-2023 10.45am	OS Coordinates:	TG 24673 06912
	Notes:	Clear skies, very good visibility	Receptors:	Road users, footpath users	Distance from site:	75m

LA5589 Deal Ground, Norwich  
Figure 4.2: Viewpoints 3-4

Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape







Viewpoint 5	Location of View:	Trowse Common - Open Access Land, White Horse Lane	Date and Time:	02-02-2023 10.16am	OS Coordinates:	TG 24678 06768
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users, residents	Distance from site:	185m



Viewpoint 6	Location of View:	Bracondale Millgate along path following river Yare	Date and Time:	02-02-2023 10.26am	OS Coordinates:	TG 24209 06677
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users	Distance from site:	350m

LA5589 Deal Ground, Norwich  
Figure 4.3: Viewpoints 5-6

Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape







Viewpoint 7	Location of View:	Willow Cottages, Whitlingham Lane to east of site	Date and Time:	02-02-2023 10.10am	OS Coordinates:	TG 25031 07406
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users, Road users, Residents	Distance from site:	180m



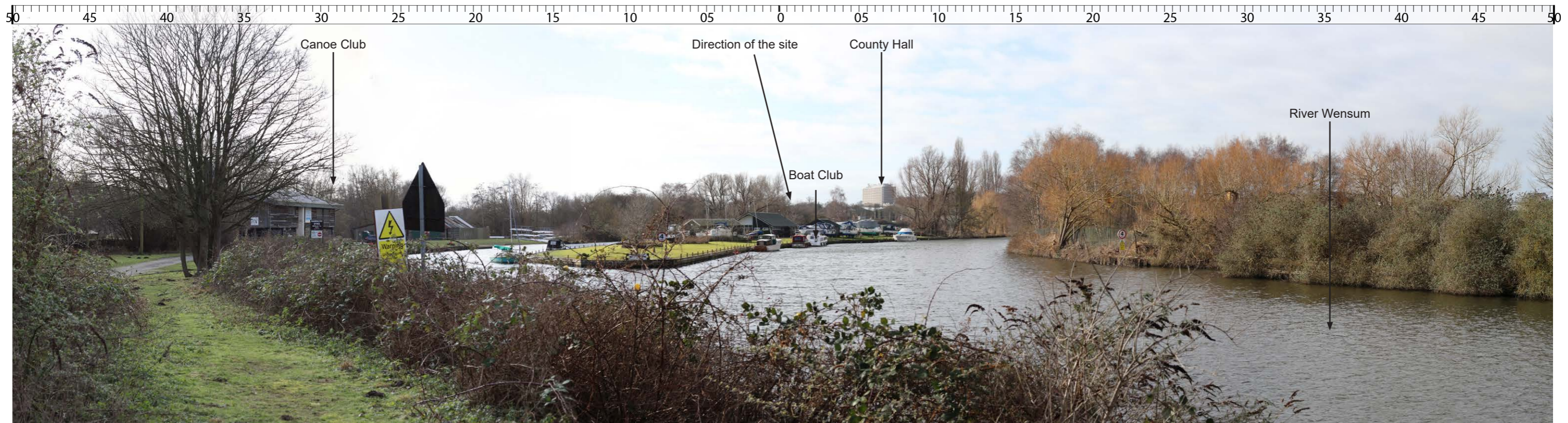
Viewpoint 8	Location of View:	Kingsley Farrington off Whitlingham Lane	Date and Time:	02-02-2023 10.20am	OS Coordinates:	TG 25092 07589
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users	Distance from site:	225m

LA5589 Deal Ground, Norwich  
Figure 4.4: Viewpoints 7-8

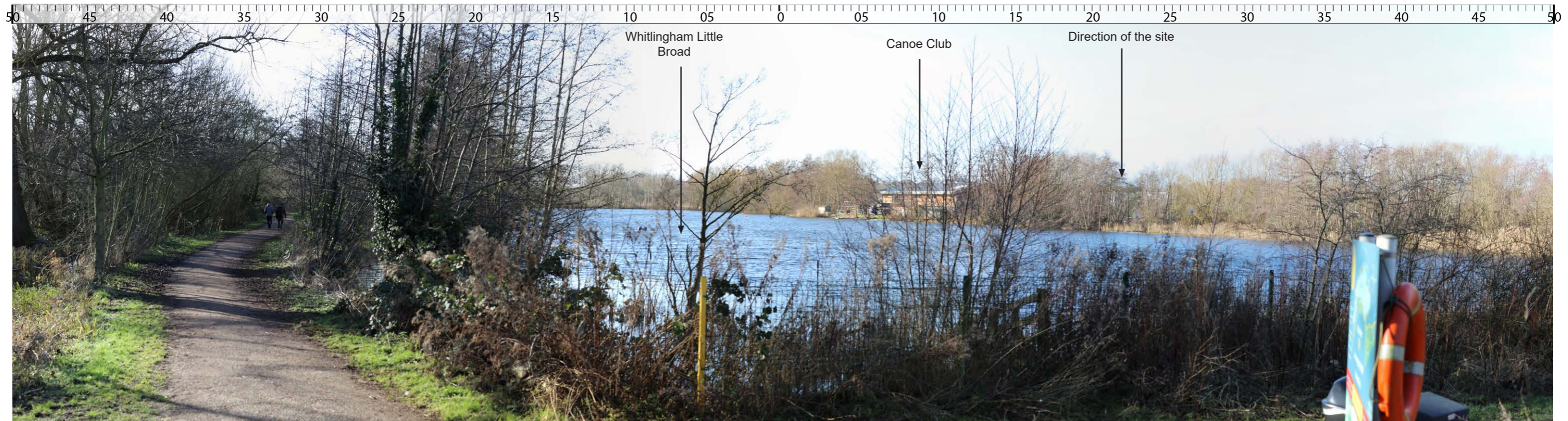
Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape







Viewpoint 9	Location of View:	Whitlingham Country Park within Broads National Park	Date and Time:	02-02-2023 10.30am	OS Coordinates:	TG 25098 07864
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users in Country Park	Distance from site:	320m



Viewpoint 10	Location of View:	Whitlingham Country Park near main Car Park	Date and Time:	02-02-2023 10.29am	OS Coordinates:	TG 25263 07804
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users in Country Park	Distance from site:	500m

LA5589 Deal Ground, Norwich  
Figure 4.5: Viewpoints 9-10

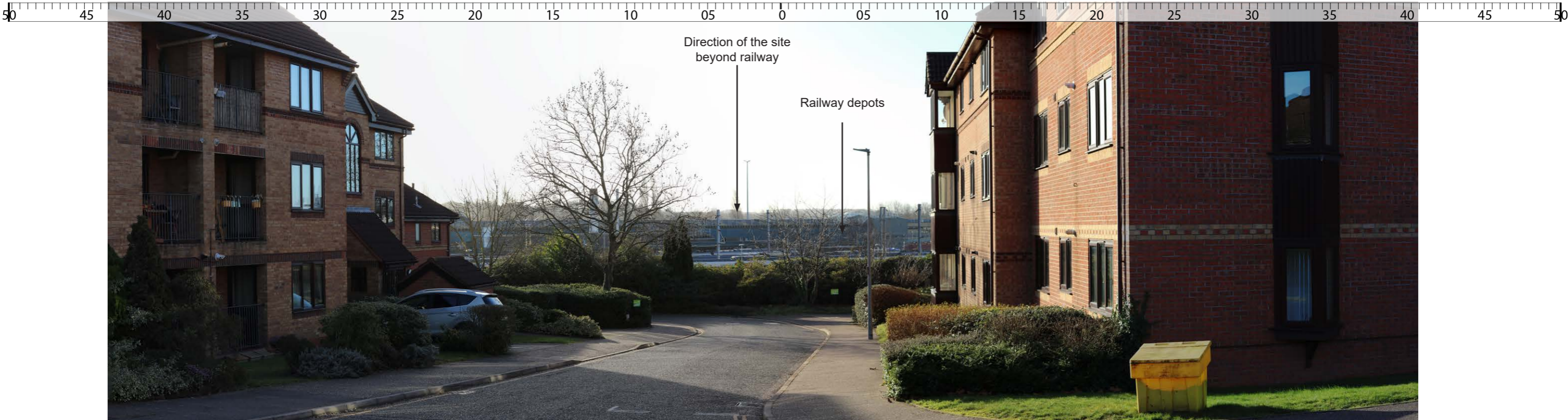
Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape







Viewpoint 11	Location of View:	Whitlingham Country Park	Date and Time:	02-02-2023 10.33am	OS Coordinates:	TG 25406 08083
	Notes:	Clear skies, very good visibility	Receptors:	Footpath users	Distance from site:	690m



Viewpoint 12	Location of View:	Scott Road, Thorpe Hamlet development	Date and Time:	02-02-2023 10.21am	OS Coordinates:	TG 24662 08028
	Notes:	Clear skies, very good visibility	Receptors:	Residents, road users	Distance from site:	365m

LA5589 Deal Ground, Norwich  
Figure 4.6: Viewpoints 11-12

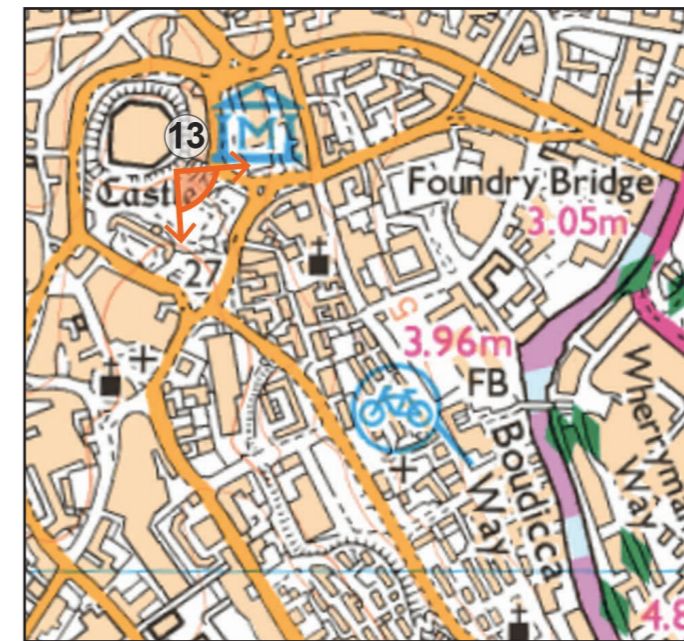
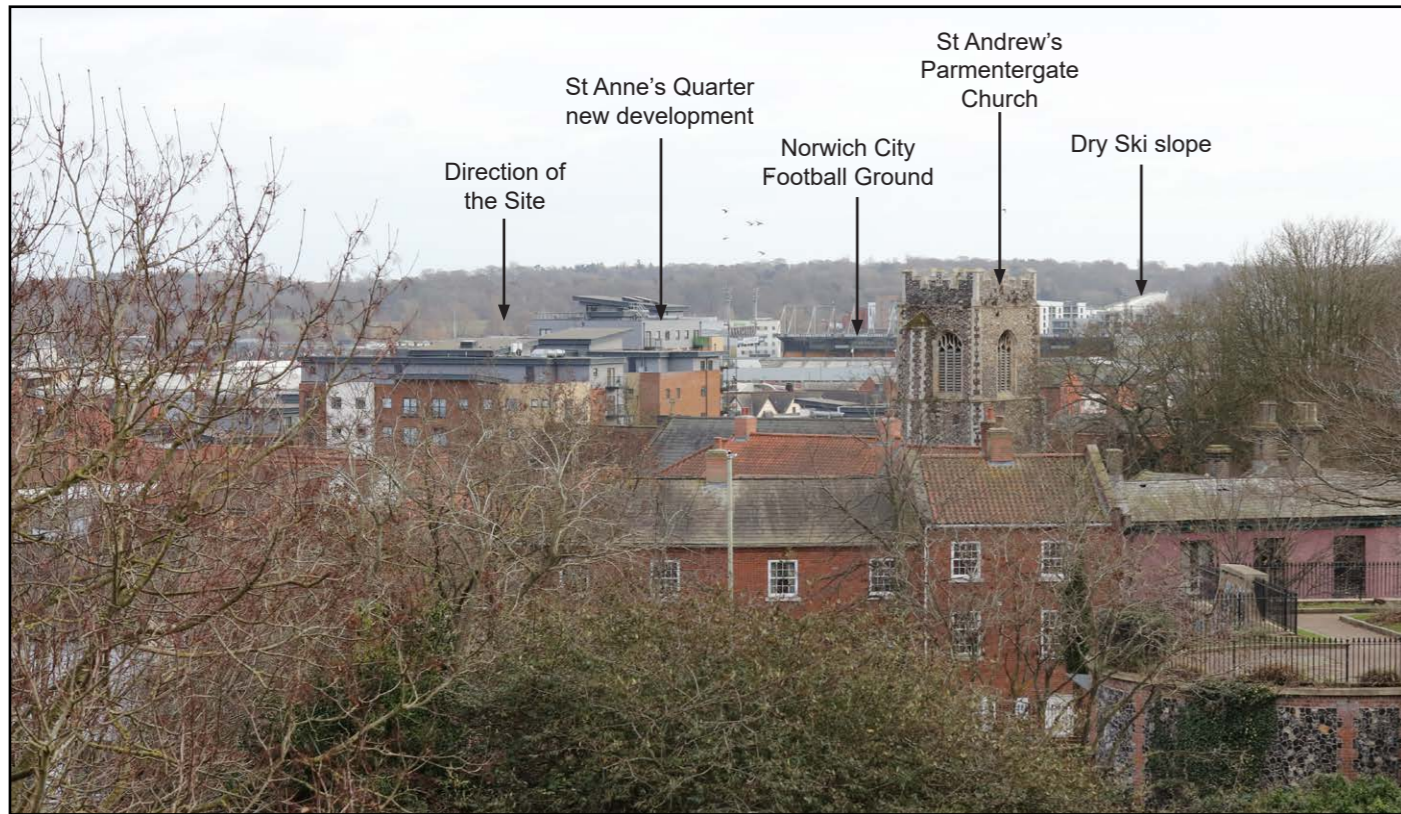
Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape







Viewpoint 13	Location of View:	Castle Gardens, Orford Street, Norwich	Date and Time:	02-02-2023 10.34am	OS Coordinates:	TG 23225 08500
	Notes:	Cloudy, very good visibility	Receptors:	Castle Visitors	Distance from site:	1.6km



LOCATION PLAN

LA5589 Deal Ground, Norwich  
Figure 4.7: Viewpoint 13 (Norwich Castle)

Camera: Canon EOS 5DS  
Focal Length: 50 mm  
Horizontal Field of View: 100 degrees  
Reproduction: A3 landscape



Laura Marshall  
Triptych PD Limited  
62 Queens Park Terrace  
Brighton  
BN2 9YB

By email

10<sup>th</sup> May 2023

Our Reference: 23/01243/EIA2  
Your reference:  
Contact: Sarah Hinchcliffe (Senior  
planner)

Dear Laura

**EIA Scoping Opinion Request for the development of a mixed use residential and commercial development on land known as Deal Ground, Bracondale, Norwich.**

Thank you for the letter and accompanying 'Additional EIA Scoping Request' seeking a 'scoping opinion' under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as 'the EIA Regs'), received by the Council on the 27th February 2023.

The request follows on from a recent scoping response relating to the same development at the same application site, reference 22/01255/EIA2 issued on 23<sup>rd</sup> November 2022 and should supplement rather than replace this previous response.

The extent of the scoping relates specifically to the LVIA requirements (as scoped in by the Broads Authority in their response November 2022). It also seeks to scope out 'Risks of major accidents and /or disasters relevant to the development concerned, including those caused by climate change'.

The local planning authority has consulted statutory and non-statutory bodies. Responses have been received from:

- Natural England
- Historic England
- Broads Authority
- Norfolk County Council - Lead Local Flood Authority
- Norfolk Constabulary
- Norwich City Council – Landscape
- Marine Management Organisation
- Whitlingham Charitable Trust

Full consultation responses from the above are attached to this response in Appendix 1. Please note some of the responses extend beyond the scope of this specific EIA scoping request but are included for completeness.

The Environment Agency, Norfolk Wildlife Trust, Yare Valley Society, Anglian Water, Water Management Alliance, Cadent Gas Ltd, Norfolk Fire Service, Norfolk County Council Highway Authority and Historic Environment Service, Network Rail were also consulted, however to date no response has been received. Any further responses that are received will be provided under separate cover.

### **Vulnerability to major accidents and natural disasters**

A proposed developments vulnerability to major accidents and natural disasters (as you have defined) should be considered in terms of the likelihood of the development itself to cause a major man-made accident, and in terms of the development being affected by an external man-made accident or by a natural disaster. It should also be considered whether the design, construction or operation of the proposed development could increase impacts on nearby receptors.

While the proposed development will introduce human receptors to the site, there are a number of measures in place at a national, regional and local level to mitigate risks from the identified major environmental hazards both during the construction and operational stages of the development.

Due to the nature and surroundings of the proposed development it is not considered relevant or likely to pose a risk to future site users or surrounding receptors. Any risks can be managed or avoided, through the regulatory framework and the control measures implemented at the local and/or national government level.

In some cases, this risk management process will be further supported with project-specific information and assessments which form part of the EIA and the wider planning process (e.g. flood risk assessment).

Consequently, it is considered that the vulnerability of the proposed development to major accidents and disasters is capable of being adequately managed throughout the lifetime of the project. As such, it is considered that the vulnerability of the proposed development to such events, is in itself, unlikely to result in any further significant effects on existing or future human and environmental receptors. Please however note the comments in Appendix 1 provided by Norfolk Constabulary relating to the implementation of Martyn's Law and protections against terrorism in public places (new Protect Duty legislation), which may require consideration within the detailed design of such spaces within the development depending on the implementation date.

Therefore, it is agreed that specific consideration of major accidents and natural disasters should be scoped out of the EIA as it is possible to appropriately manage such risks through the regulatory framework and control measures to be implemented at the local and / or national level and are considered where relevant in the Environmental Statement technical assessments, e.g. flood risk, transport/traffic related impacts.

### **Landscape and Visual Impact Assessment requirements**

#### Appendix TPD1 – Location Plan

My understanding is that the area of the County Wildlife Site is slightly different to that shown on this plan (especially in the area to the south west), extending over the red line boundary.

### Appendix TPD2 - IDP LVIA Methodology

The methodology refers to the use of ZTV (Zone of Theoretical Visibility) mapping to inform the visual baseline. However, it is understood that no ZTV was produced for the original LVIA for the outline application carried out by Broome Lynne and no ZTV mapping will be used to inform the addendum LVIA. The inclusion of such assertions as part of the LVIA methodology are incorrect and should be removed.

It is assumed that assessments will be undertaken for the construction stage in addition to commencement of operation, and once mitigation (and other) planting is established. Night time/lighting effects will also need to be considered, especially in the context of the CWS and the Broads.

### Appendix TPD3 - IDP LVIA Viewpoints including Locations

Lengthy discussions took place around the selection of viewpoints. As a result the original viewpoints presented within the scoping document were expanded to include a wider range of viewpoints which also include users of the river as receptors. The 23 viewpoints used in the original LVIA by Broome Lynne were used as a starting point to ensure an appropriate spread of viewpoints, including receptors from roads, footpaths and the river. Where appropriate, adjustments were agreed to the previously agreed viewpoint locations to gain improved representations.

While discussions around viewpoint locations were taking place we became aware that tree and scrub removal was taking place at a significant scale on both the May Gurney and Deal Ground sites. It is essential that these baseline changes continue to be reflected in the photographic imagery used.

Historic England recommended views be included from a number of heritage assets in the locality. Where possible and where public access is available the comments have been incorporated into the list of revised viewpoints.

A total of 20 viewpoints were finalised and provided by email to the council on 3<sup>rd</sup> May 2023 and were subsequently agreed by both Norwich City Council and South Norfolk Council.

The type of visualisations for a smaller selection (8) of the viewpoints were also agreed. Initially wirelines will be produced for each of these agreed points to be followed with rendered versions at AVR Level 2 or 3 with a short delay to allow the development proposals which are to be submitted to be finalised.

We trust this response is helpful and we look forward to receiving the reserved matters planning applications in due course.

Yours sincerely



Sarah Ashurst  
Head of Planning and Regulatory Services





Ms Sarah Hinchcliffe  
Norwich City Council  
City Hall  
St Peter's Street  
Norwich  
NR2 1NH

Direct Dial: 01223 582738

Our ref: PL00792484

24 March 2023

Dear Ms Hinchcliffe

**Town and Country Planning Act 1990 and Town and Country Planning  
(Environmental Impact Assessment) Regulations 2017**

**DEAL GROUND, BRACONDALE, NORWICH**

**Application number: 23/00243/EIA2 - EIA Scoping Opinion request for a mixed  
use residential and commercial development.**

Thank you for consulting us on the Environmental Impact Assessment Scoping  
Request for the above site.

We have provided advice on an earlier scoping opinion and on the baseline  
information in letters to you dated 26 May and 25 October 2022.

This additional request relates to the reserved matters application in respect of outline  
planning permission 12/00875/O. It seeks to clarify the requirements of the LVIA  
requirement and to scope out the need for a separate Environmental Statement  
Addendum chapter on the risk of major accidents.

We are pleased to see a chapter on Built Heritage is proposed within the ESA  
structure.

We do not wish to comment on the methodology of the LVIA. However, it is helpful  
that built features such as prominent buildings and historic features would be  
considered within the assessment.

With regard to the proposed viewpoints, we consider it would be helpful to include  
additional viewpoints to help illustrate the potential impact of the development on the  
historic environment. The thirteen proposed viewpoints in Appendix TPD3 are close to  
the application site, except for that from the castle. The heritage assessment should  
inform what additional viewpoints would be useful. However, at this stage we  
recommend views from Carrow Abbey, St Andrew's Church, Crown Point and  
Whitlingham Hospital are also included. We would welcome the opportunity to discuss  
these further with the applicant.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk





Historic England

We do not wish to comment on the issue of risk of major accidents and disasters.

If it would be helpful to discuss any of these points further, please do contact us.

Yours sincerely,

Clare Campbell

**Clare Campbell**

Team Leader - Development Advice

[clare.campbell@HistoricEngland.org.uk](mailto:clare.campbell@HistoricEngland.org.uk)



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

**From:** [Hinchcliffe, Sarah](#)  
**To:** [Hinchcliffe, Sarah](#)  
**Subject:** FW: 2023/0578 - Deal Ground scoping - Robin's informal comments  
**Date:** 09 May 2023 11:38:11  
**Attachments:** [image001.png](#)

---

**From:** Mellors, Tim  
**Sent:** 31 March 2023 16:16  
**To:** Blanaid Skipper ; Hinchcliffe, Sarah  
**Subject:** RE: 2023/0578 - Deal Ground scoping  
Hi Both

Thanks for the meeting and sorry that I'm going to be on leave next week.  
Just some quick thoughts:

As this LVIA is for an update of the original ES, it would be more consistent to use the original 23 viewpoints as the basis. If new viewpoints are then considered to be needed or original ones not that would be OK although an explanation for changes would be helpful.

Original LVIA viewpoints included additional ones for the Castle, for which there were 3. The intention was to assess the potential impact of the development on the historic core of the city, and primarily the impact on views from the scheduled ancient monument of the castle and the castle mound.

The new viewpoints only show 1 viewpoint from the Castle but I think this would be sufficient.

Additional Viewpoints to be considered: From the urban area; Trowse swing bridge, Carrow Works, Thorpe area. Boat users.

Most of the text in the document relating to LVIA seems to be just the methodology from the Guidelines for LVIA (GLVIA). [Appendix TPD2 IDP LVIA Methodology]. As long as the LVIA accords with GLVIA that's fine. I think we might want to agree the type of visualisations to be used. The Landscape Institute has a guidance note on this: [TGN-06-19-Visual\\_Representation \(windows.net\)](#)

Cumulative and in-combination effects to be considered:  
East Norwich developments likely to progress before completion of the development and for which sufficient information is available (??) to assess the likelihood of cumulative and in-combination effects.

The site is adjacent to and may impact on the setting of The Broads National Park. The Landscape section of EIA should consider the direct and indirect effects on this designated landscape.

The ES should include a full assessment of the potential impacts of the development on local landscape character.

Thanks  
Tim

**Tim Mellors**  
**Senior landscape architect**  
Development and city services

## Norwich City Council

My working days are Wed, Thurs, Fri.

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**From:** [Lead Local Flood Authority](#)  
**To:** [PLANNING](#)  
**Cc:** [Ben Price](#)  
**Subject:** RE: PAC Deal Ground 23/00243/EIA2  
**Date:** 14 March 2023 12:40:24  
**Attachments:** [FW2023\\_0179 LLFA Response Final .pdf](#)

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Hello

Please find attached the LLFA's response.

Kind regards

Sarah

**Sarah Luff BSc Hons CWEM CEnv IEng MCIWEM**  
**Strategic Flood Risk Planning Officer**

Lead Local Flood Authority  
Community and Environmental Services  
Norfolk County Council  
Tel: 0344 800 8020

**The LLFA Teams are working flexibly and will be available by email and MSTeams. If you wish to speak to one of us, please email us at the addresses shown below and we will endeavour to contact you.**

Email: [llfa@norfolk.gov.uk](mailto:llfa@norfolk.gov.uk) for any statutory consultee enquiries or LLFA Advice.

Email: [water.management@norfolk.gov.uk](mailto:water.management@norfolk.gov.uk) for any reports of flooding, watercourse regulation or general enquiries

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Campaign Logo



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**From:** [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk) <[planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)>  
**Sent:** Wednesday, March 1, 2023 1:43 PM  
**To:** Lead Local Flood Authority <[llfa@norfolk.gov.uk](mailto:llfa@norfolk.gov.uk)>  
**Subject:** PAC Deal Ground 23/00243/EIA2

**WARNING:** External email, think before you click!



Please see attached planning application consultation notification.

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**via e-mail**

Sarah Hinchcliffe  
Planning Services  
**Norwich City Council**  
City Hall  
Norwich  
NR2 1NH

NCC contact number: 0344 800 8020  
Textphone: 0344 800 8011

Your Ref: 23/00243/EIA2  
Date: 14 March 2023  
NNC Member: Cllr Ben Price

My Ref: FW2023\_0179  
Tel No.: 0344 800 8020  
Email: [llfa@norfolk.gov.uk](mailto:llfa@norfolk.gov.uk)

Dear Ms Hinchcliffe,

**EIA Scoping Opinion request for a mixed use residential and commercial development at Deal Ground Bracondale Norwich**

Thank you for your consultation on the above site, received on 1 March 2023. We have reviewed the Environmental Impact Assessment Scoping Report (dated February 2023) as submitted and wish to make the following comments.

The EIA Scoping report focuses on the assessment of the Landscape and Visual Impact Assessment (LVIA) and Major Accidents and Hazards. The LLFA notes that while Floods are mentioned in this scoping documents there has been very little information provided.

The LLFA notes the site is affected by surface water flooding in the 3.33%, 1.0% and 0.1% AEP events as shown by the [Environment Agency \(EA\) Risk of Flooding from Surface Water \(RoFSW\) maps](#). There are a number of small areas of localised surface water flooding (ponding) present in the 3.33%, 1.0% and 0.1% AEP, concentrated to the paved areas between existing buildings and with the majority situated in the northern area of the site. Some of these areas of surface water flood risk are within the fluvial flood extents (Flood Zones 2 and 3) while other areas are outside of the flood zones. The interaction between the different sources of flood risk is not considered within this assessment, which in this specific location is a potential significant gap should it not be assessed. The interaction of different flood sources is known to rapidly escalate the potential flood risk and the associated impacts.

The LLFA further notes there is an acknowledgement of the responses provided in section 4 of the scoping request. However, there is no further request for clarification at this time in relation to local flood risk. Therefore the LLFA understands our previous response in relation to the updating of the EIA Scoping requirements at this site (LPA Ref: 22/1225/EIA2, LLFA Ref: FW2022\_0929, dated 11 October 2022) requires no further clarification at this time.

*Continued.../*

The LLFA notes that in section 2 under the “Floods” sub section the applicant has indicated that they propose the use of SuDS such as “underground storage”. The LLFA reminds the LPA and the applicant that below ground tanks are not considered SuDS as they do not deliver the four pillars of SuDS, rather these are traditional tanked drainage solutions. The LLFA are unlikely to be supportive of this solution in an area of high groundwater levels and would recommend the applicant considers alternative and more appropriate solutions.

The LLFA notes the applicant intends on submitting a “Flood Risk Addendum chapter” “alongside the forthcoming reserved matters application”. To aid the applicant, the LLFA reminds them of our previous advice due to the significance of surface water, groundwater and fluvial flood risk on the site and their interaction. The LLFA consider the following issues should be considered and addressed:

We strongly recommend that any EIA includes, or any planning application for development is accompanied by an FRA and Surface Water Drainage Strategy to address:

- All sources of flood risk, including those from ordinary watercourses, surface water and groundwater to the development.
- How surface water drainage from the development will be managed on-site and show compliance with the written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems (SuDS) are put in place.
- How any phasing of the development will affect the overall drainage strategy and what arrangements, temporary or otherwise, will need to be in place at each stage of the development in order to ensure the satisfactory performance of the overall surface water drainage system for the entirety of the development.

This supporting information would assess the potential for the development to increase the risk of flooding from the proposal or how surface water runoff through the addition of hard surfaces will be managed. It will show how this will be managed to ensure that the development does not increase flood risk on the site or elsewhere, in line with National Planning Policy Framework (NPPF) (Paragraph 167).

In this particular case this would include appropriate information on:

- Appropriate assessment and mitigation of all sources of surface water flooding onsite/originating from offsite that may affect the development, in addition to risk of groundwater flooding.
- Sustainable Drainage Systems (SuDS) proposals in accordance with appropriate guidance including “Non-statutory technical standards for sustainable drainage systems” March 2015 by Department for Environment, Food and Rural Affairs.
- At least one feasible proposal for the disposal of surface water drainage should be demonstrated and supported by the inclusion of appropriate information. It is important that the SuDS principles and hierarchies have been followed in terms of:

- surface water disposal location, prioritised in the following order: disposal of water to shallow infiltration, to a watercourse, to a surface water sewer, combined sewer / deep infiltration (generally greater than 2m below ground level).
  - the SuDS components used within the management train (source, site and regional control) in relation to water quality and quantity.
  - identifying multifunctional benefits including amenity and biodiversity.
- The drainage strategy should also contain a maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.
  - We welcome that the applicant indicates that a Flood Risk Assessment (FRA) will be undertaken based on the requirements of the NPPF. We also welcome that the applicant indicates that an FRA will include a drainage strategy and will design appropriate SUDS features in accordance with policy guidelines. The LLFA would like to draw the attention of the applicant and the LPA to the recent updates to the Flood Risk and Coastal Change Planning Policy Guidance (August 2022).
  - The Lead Local Flood Authority (LLFA) reminds the applicant that NPPF states in paragraph 169 (a) that “the systems used should take account of advice from the lead local flood authority”. The LLFA publishes further guidance for developers which can be found on our website at <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

Please note, if there are any works proposed as part of this application that are likely to affect flows in an ordinary watercourse, then the applicant is likely to need Land Drainage approval from the County Council. In line with good practice, the Council seeks to avoid culverting, and its consent for such works will not normally be granted except as a means of access. It should be noted that this approval is separate from planning.

**Informative** – At this time the LLFA is raising awareness of this possible change to applicants and the LPAs that there are ongoing discussions with the Government and their departments that are likely to result in Schedule 3 of the Flood and Water Management Act being enacted around spring 2024. While this has not been finalised at this time, this could result in a number of changes that have the potential for significant impacts in the management of surface water to occur.

Further guidance on the information required by the LLFA from applicants can be found at <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>.

Yours sincerely,

Sarah

**Sarah Luff**  
**Strategic Flood Risk Planning Officer**

Lead Local Flood Authority

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**From:** [SM-MMO-SH - MFA Marine Consents \(MMO\)](#)  
**To:** [PLANNING](#)  
**Subject:** RE: PAC Deal Ground 23/00243/EIA2  
**Date:** 01 March 2023 14:26:58

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### **Marine Licensing, Wildlife Licences and other permissions**

-  
Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

### **Response to your consultation**

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### **Marine Licensing**

**Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.**

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the [coastal concordat](#) and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: [check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### **Environmental Impact Assessment**

With respect to projects that require a marine licence the [EIA Directive \(codified in Directive 2011/92/EU\)](#) is transposed into UK law by [the Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(the MWR\), as amended](#). Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

### **Marine Planning**

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an

overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

### **Minerals and waste plans and local aggregate assessments**

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

---

**From:** planning@norwich.gov.uk <planning@norwich.gov.uk>

**Sent:** 01 March 2023 13:56

**To:** SM-MMO-SH - MFA Marine Consents (MMO)  
<marine.consents@marinemanagement.org.uk>

**Subject:** PAC Deal Ground 23/00243/EIA2

Please see attached planning application consultation notification.

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**From:** [SM-NE-Consultations \(NE\)](#)  
**To:** [PLANNING](#)  
**Subject:** 23/00243/EIA2 - NE Response  
**Date:** 14 March 2023 08:43:32  
**Attachments:** [image001.png](#)  
[ufm21\\_Major\\_and\\_EIA\\_Consultation\\_Notification.rtf](#)  
[424354 - NE Resp EIA Scoping.pdf](#)

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Dear Sir/Madam.

Please find attached Natural England's response to consultation - **23/00243/EIA2**

Yours faithfully

Teena Lawrence  
Natural England  
Consultation Service  
Hornbeam House  
Crewe Business Park, Electra Way,  
Crewe, Cheshire, CW1 6GJ

Tel: 0300 060 3900

**Email:** [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)



**Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.**

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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**From:** planning <[planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)>  
**Sent:** 01 March 2023 13:44  
**To:** SM-NE-Consultations (NE) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>  
**Subject:** PAC Deal Ground 23/00243/EIA2 - SCOPING

Please see attached planning application consultation notification.

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Date: 14 March 2023  
Our ref: 424354  
Your ref: 23/00243/EIA2



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**BY EMAIL ONLY**

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Dear Sir/Madam,

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017): EIA Scoping Opinion request for a mixed use residential and commercial development**  
**Location: Deal Ground Bracondale Norwich**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 01 March 2023, received on 01 March 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on [environmental assessment, natural environment and climate change](#).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Teena Lawrence  
Consultations Team

## Annex A – Natural England Advice on EIA Scoping

### General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

### Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## **Environmental data**

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk).

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

## **Biodiversity and Geodiversity**

### **General principles**

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

### **Designated nature conservation sites**

#### **Water Quality/Nutrient Neutrality Advice**

This proposal falls within the Impact Risk Zone of European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities.

When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. For large scale developments, Natural England may provide advice on a cost recovery basis through our [Discretionary advice service](#).

All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

### **Nationally designated sites**

The development site is within or may impact on the following **Site of Special Scientific Interest:**

- Eaton Chalk Pit Site of Special Scientific Interest (SSSI)

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov).

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geportal](#).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

### **Regionally and Locally Important Sites**

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

### **Protected Species**

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.



Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

### **District Level Licensing for Great Crested Newts**

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

### **Priority Habitats and Species**

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

### **Ancient Woodland, ancient and veteran trees**

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

## **Biodiversity net gain**

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

## **Landscape**

### **Nationally Designated Landscapes**

The development site is within or may impact on The Broads National Park.

The NPPF (paragraph 176) provides the highest level of planning protection for these nationally designated landscapes.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). [Planning Practice Guidance](#) confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Consideration should be given to the direct and indirect effects on this designated landscape and in particular the effect upon its purpose for designation. The management plan for the designated landscape may also have relevant information that should be considered in the EIA.

### **Landscape and visual impacts**

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

### **Heritage Landscapes**

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

### **Connecting People with nature**

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where

appropriate.

## Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and

The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

## Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the

level of ammonia where harm is expected for lower plants (critical level of 1µg) <sup>[1]</sup>. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub> against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

## **Water Quality**

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

## **Climate Change**

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the [Committee on Climate Change's \(CCC\) Independent](#)

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[1] [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)



[Assessment of UK Climate Risk](#), the [National Adaptation Programme](#) (NAP), the [Climate Change Impacts Report Cards](#) (biodiversity, infrastructure, water etc.) and the [UKCP18 climate projections](#).

The Natural England and RSPB [Climate Change Adaptation Manual](#) (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's [Nature Networks Evidence Handbook](#) (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's [Carbon Storage and Sequestration by Habitat report](#) (2021) and the British Ecological Society's [nature-based solutions report](#) (2021) provide further information.

### **Contribution to local environmental initiatives and priorities**

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.



**NORFOLK**  
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Non-Emergency Tel: 101

Our Ref: 23/00243/EIA2

Date: 10<sup>th</sup> March 2023

Dear Ms Hinchcliffe,

**Proposal: EIA Scoping Opinion request for a mixed use residential and commercial development. Location: Deal Ground Bracondale Norwich**

Thank you for inviting comment on the above Scoping Opinion. As a Designing Out Crime Officer my role within the planning process is to give advice on behalf of Norfolk Constabulary in relation to the layout, environmental design and the physical security of buildings, based upon the established principles of **'Designing out Crime'**. Recommendations also take into account local and national crime trends and the risks associated with specific building types.

Please consider the following comments in parallel to proactive policing activity/initiatives within Deal Ground Bracondale development:

- The adoption of CPTED<sup>1</sup> principles in building design and development across Anglia Square site. This would help protect new dwellings, existing buildings, commercial developments from loss.
- Access to local amenity areas must be balanced by the potential for the criminal to use the same highways & byways to commit crime and escape detection. Unnecessary pedestrian and vehicular permeability should be reconsidered or removed.
- Communal areas (*including public open spaces*) & leisure facilities should be assessed to prevent the occurrence of anti-social behaviour.
- Secure boundary treatments should be considered proportionate to criminal statistics and not solely aesthetic considerations
- Suitable security lighting provides safety for occupiers and visitors, reduces the fear of crime<sup>2</sup> and is a significant deterrent for the criminal, who seeks to avoid being seen.
- Ongoing vigilance, effective natural surveillance and speedy reporting of emergency, urgent or suspicious activity will benefit all who live, work and visit Anglia Square.

I would like to take this opportunity on behalf of Norfolk Constabulary to make reference to **Secured by Design (SBD)**. This is a police initiative based upon the principles of "designing out crime" and incorporates the latest security standards to address emerging criminal methods of attack. SBD has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. Secured by Design Commercial 2015 and Homes 2019 Design Guides and application forms can be found on the website [www.securedbydesign.com](http://www.securedbydesign.com). There is also

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<sup>1</sup> Crime Prevention Through Environmental Design

<sup>2</sup> Secured by Design, New Homes 2019

information on the Park Mark - which promotes the Safer Parking Scheme, a national standard for UK car parks that have low crime and measures in place to ensure the safety of people and vehicles.

Although I am unable to make specific comments in relation to 'designing out crime' at this consultation stage I note the following reference to Terrorist incidents and Public Order within Major Accidents/Man-Made Disasters Section:

*"Neither the location of the site, or the uses proposed would suggest that the development would be subject to a heightened risk of terrorist attack or public disorder.*

*The 999-emergency response procedure is also in place to allow the general public to report urban fires, terrorist attacks, public disorder and other types of major accidents/disasters to the emergency services, who would attend site and act to resolve the incident. As such, it is considered that suitable mitigation is already in place for these types of accident/disaster, such that further assessment of potential risks would be unnecessary." (pg 9 Additional EIA Scoping Request)*

I respectfully wish to remind the applicant of the forth coming implementation of Martyn's Law and responsibilities of all parties in applying schemes to facilitate this where relevant.

PROTECT DUTY/MARTYN's LAW: All businesses working within public accessible places should be aware their responsibilities and produce a Counter Terrorism Response plan to ensure an adequate response to a CT Attack. Best practice for evacuation or marauding terrorist attack (MTA) scenarios; Glazing on ground floor (and other easily accessible elevations) at the location should be laminated to withstand the effects of blast. The business/retail owners should also consider how to control access between public and staff only entrances. Further guidance can be found at: <https://www.gov.uk/government/publications/crowded-places-guidance> and <https://www.gov.uk/government/publications/protecting-crowded-places-design-and-technical-issues>

Although Norfolk is considered a low crime area we can offer help and advice on reducing crime still further with the intention of creating safe environments where crime and the fear of crime do not undermine community cohesion, and I recommend early consultation with the Police Architectural Liaison Officer to assist with designing in good security processes with developers and builders at the outset.

Yours sincerely

*Penny Turner*

Penny Turner  
Designing Out Crime Officer  
Norfolk Police



Planning Services

Tel: 01603 989342

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16 March 2023

Dear Sir/Madam

**Application Number:** 23/00243/EIA2

**Location:** Deal Ground Bracondale Norwich

**Proposal:** EIA Scoping Opinion request for a mixed use residential and commercial development.

Thank you for consulting the Whitlingham Charitable Trust (WCT) on the above request for a Scoping Opinion.

This request seeks to establish the scope of the Environmental Statement to accompany a reserved matters planning application on the Deal Ground and May Gurney sites.

The request follows on from three earlier Scoping Opinions issued by Norwich City Council (ref: 22/01225/EIA2), South Norfolk District Council (ref: 2022/1847) and the Broads Authority (BA/2022/0350/SCOPE).

In response to that earlier consultation by NCC, The WCT provided detailed comments and were pleased to see these comments (concerning the need for the ES to consider impact on the Country Park) incorporated into the Scoping response issued by NCC.

The WCT were not consulted on the Scoping Opinions issued by SNDC and the BA. However, again, we were pleased to see the issues raised by the WCT in response to the NCC consultation, had been included in the opinions issued.

Having reviewed this latest Scoping request, it is our understanding that the purpose of the further request is threefold:

- 1) To scope out the need for an ES Chapter on Major Accidents and Disasters
- 2) To confirm the detail of the additional Landscape and Visual Impact Assessment (LVIA) work that the BA asked for in their Scoping Opinion response.



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- 3) To agree the final structure of the ES, incorporating all comments made in Scoping Opinions received to date.

This being the case, the WCT can confirm that it does not wish to make any further comments in respect of this further Scoping request, other than to ensure the comments made in response to the previous consultation are again given regard when issuing this new opinion.

To that end, I enclose a copy of the WCT consultation response to the previous Scoping Request, and would be grateful if the issues raised are once again reflected in the Scoping opinion issued by Norwich County Council.

It may be relevant to note that an agent for Seryus Property Company Ltd, Mr Andy Ansell of GNL Strategic, has recently requested a meeting with the WCT to discuss the forthcoming reserved matters application. The WCT are happy to meet and welcome the opportunity to engage in this process and to work with SPC in order to mitigate harm to the Country Park arising from the proposed development.

Finally, the WCT are conscious that this is a complex site, set over a three Local Planning Authorities and subject of an existing outline consent, an impending reserved matters application and potentially also part of a wider allocation within the East Norwich development.

To avoid confusion and ensure proper consultation and engagement, the WCT ask that all future consultation requests are sent to me at Principle Planning Ltd. Principle Planning Ltd have been instructed by the WCT and Crown Point Estate (landowner within the Country Park and surrounding area), and it is hoped that providing this single point of contact is helpful when organising the necessary consultation and engagement with both the Country Park and Crown Point Estate as neighbouring landowner.

I trust the above sets out the WCT's point clearly and concisely. Should you have any questions or require any further information please do not hesitate to contact me.

Thanks and kind regards



Fergus Bootman MRTPI

**Enclosed:** *Copy of WCT consultation response to previous EIA Scoping request. Comments are provided in order to be considered as the response to this latest Scoping Request*



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Norwich City Council Planning Services

Norwich City Council

By email only:

planning@norwich.gov.uk

23 October 2022

Dear Sir/Madam

**Application Number: 22/01225/EIA2**

**Location: Deal Ground Bracondale Norwich**

**Proposal: EIA Scoping Opinion request for a mixed use residential and commercial development.**

I am writing on behalf of the Whitlingham Charitable Trust, and in response to the recent consultation letter concerning the request for an EIA Scoping Opinion to inform a Reserved Matters planning application for development on the Deal Ground & May Gurney sites.

The Whitlingham Charitable Trust (WCT) welcome the opportunity to comment on the content ('scope') of the Environmental Statement (ES) which will accompany the reserved matters application.

By way of introduction and background, the WCT is a charitable body responsible for the care and management of Whitlingham Country Park. The WCT has a year lease for the Country Park until 2088, with rights for renewal. As such, the trust has a duty to consider the consultation request for scoping opinion both as the operator of the park and as a party with a material interest in land adjacent the application site.

Whitlingham Country Park extends to approximately 15.5ha and encompasses woodland, wildflower meadows and two large 'broads'. It is the responsibility of the WCT to manage and conserve the Country Park for the recreation and enjoyment of members of the public who wish to enjoy its amenities for quiet and peaceful pursuits in a rural environment. The Park is open to the general public and largely self-financing, with the principal source of revenue derived from car parking charges.

Turning to the request for Scoping Opinion, it is clear that the addition of 670 new homes as envisioned by the outline planning consent will increase pressure on the Country Park through increasing visitor numbers.



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It is also clear that the proposed development comes forward in the context of a recognised need to provide additional, useable and attractive green infrastructure within the Greater Norwich area in order to mitigate the substantial growth proposed for this area.

In September 2007 the Greater Norwich Development Partnership (GNDP) undertook an Open Spaces Indoor Sports and Community Recreation Assessment (OSISCRA) using Planning Policy Guidance 17 (PPG17) assessment methodology. This OSISCRA concluded that there was a requirement in 2007 to deliver 87.5 sqm of combined formal, seminatural, amenity, play, sports and outdoor spaces per person resident in South Norfolk Council area. The OSISCRA went on to conclude that South Norfolk Council did not have a large enough network of public open spaces (at the start of the adopted Joint Core Strategy review) to meet the needs of the District. Since 2007, this Habitat Regulations problem within South Norfolk has worsened due to large scale housing growth and the Council's failure to implement a strategy to deliver new natural and semi-natural green spaces to manage this impact.

Whilst the current Joint Core Strategy identifies the potential to create a new Country Park at Bawburgh Lakes to mitigate the impact of its growth strategy, this site remains undelivered. The Joint Core Strategy for Norwich, Broadland and South Norfolk Annual Monitoring Report strategy 2016- 2017 published April 2018 (AMR) has since confirmed that there has been no net increase in the amount of natural and semi-natural open spaces delivered within the South Norfolk area since the 2007 assessment and thus, the impact of the existing Local Plan growth strategy – including the May Gurney and Deal Ground sites - remains unmitigated.

As an existing area of publicly accessible greenspace, Whitlingham Country Park is one of the sites which currently serves this demand. In keeping with the finding that there is an undersupply of this kind of space, the park is very well used and, arguably, operating at close to capacity already. The impacts of increased use of the park were demonstrated during the Covid 19 Lockdown period and, whilst visitor numbers have returned to more typical levels since the lifting of lockdown restrictions, the park is still recovering from the effects of that period of increased use and is undertaking extensive repair works to paths, car parks and other infrastructure as part of this 'recovery' effort.

In addition to this role in the health and wellbeing of the local community, Whitlingham Country Park also has an important role in reducing recreational pressure on more environmentally sensitive sites by providing informal recreation and greenspace to the residents of Norwich and its environs, thus diverting residents of the local area away from The Broads and existing Natura 2000 sites, SAC's and SSSI's.

The impacts of recreational pressure on these protected sites are well understood (see, for example the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy, March 2021), and it is recognised that provision of good quality open space in a less environmentally sensitive area is one of the best ways to reduce harm to these protected sites.

Such provision reduces recreational pressure on those more environmentally sensitive locations, resulting in notable ecological benefits. However, sites like Whitlingham Country Park can only do this if they are properly resourced and suitable sized to serve the population they serve. Any proposal that significantly increases that population must consider the effects on the Park and its capability to manage increased visitor numbers. The proposal should also consider the impact of any failure to manage such an increase.

Whilst the Outline Consent does not allow for any direct link into the Country Park (unlike the wider East Norwich Masterplan proposal), the development proposed at the Deal Ground Site would introduce a substantial new residential population (670 new homes) on the doorstep of the Country Park and, in doing so, add further demand to an already over-stressed resource.

The previously submitted EIA identifies the Country Park as an important local resource and one that would be available to new residents, but does not consider the capacity of the park to accommodate increased visitor numbers associated with the proposal, nor the consequences of any failure to be able to meet the additional demand created by the development on nearby protected sites.

Consequently, the impact of the development on the Country Park, and any necessary mitigation arising from it, should be identified and set out as part of the EIA Process, falling under the headings of Socio-Economic Impacts (recreation and wellbeing) and Ecology (recreational pressures). It is the request of the WCT, in response to consultation, that these items are considered in the Environmental Statement (i.e. are 'scoped in', during the Scoping exercise undertaken by the local planning authorities).

Whilst EIA's have historically focussed on direct environmental impacts (e.g. loss of habitat), guidance on EIAs confirms that possible impacts on humans should also be considered. This includes socio-economic impacts arising from the development and, specifically in this instance, changes in demand to recreation facilities.

Proper consideration of these issues within the Environmental Statement will require engagement with the Whitlingham Charitable Trust in order to understand existing usage, pressures and, as such, the ability of the park to meet the additional pressures imposed on it by the proposed new development. To this end, the WCT are happy to work with the applicants in order to fully understand the socio-economic and ecological impacts of the proposed development

I trust the above sets out the WCT's position clearly and concisely, and I would be grateful if you would consider this representation when preparing the response to the Scoping Request.

Should you wish to discuss this consultation response further please do not hesitate to contact me.

Kind regards



Fergus Bootman MRTPI



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By Email

Our ref 2023/0578

25 May 2023

Dear Laura

**Location: The Deal Ground and former May Gurney Site, The Street, Trowse Norfolk  
Proposal: Additional Scoping Opinion for the development of mixed use residential  
development and commercial development  
Applicant: Mr Matt Hill**

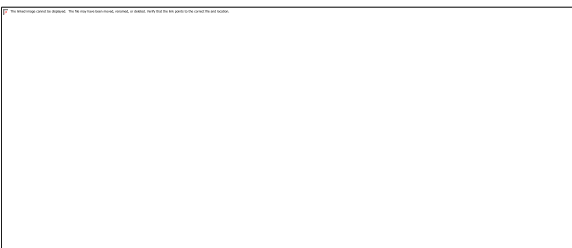
I refer to your EIA Scoping Request which was submitted on 27 February 2023 under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2017 (EIA Regulations) in respect of the above development.

This follows a recent scoping opinion for the same development (SNC ref: 2022/1847) which was issued by this Authority on 07 December 2022. This response is now in addition to that previous opinion.

This scoping request seeks to clarify the LVIA requirements (as scoped in by the Broads Authority) and seeks to scope out the need for a separate chapter on the Risk of Major Accidents and Disasters.

South Norfolk Council has consulted the relevant statutory and non-statutory bodies as required in accordance with the EIA Regulations, and others it considers of relevance. Responses have been received from;

- Historic Environment Service
- NCC Highways
- Lead local Flood Authority
- Water Management Alliance



- SNC landscape Architect

Any further consultation responses that are received will be forwarded under separate cover.

### Vulnerability to major accidents and natural disasters

This is considered in terms of any potentially significant adverse effects of a proposed development on the environment deriving from its vulnerability to risks of major accidents and/or disasters, both natural and man-made.

While this proposal will introduce human receptors to this site, it is considered that there are existing design measures, legislation and standards in place at national, regional and local level to adequately control and mitigate against potential major accidents and/or disaster. In addition, these are further supported by specific topics already scoped into the updated ES and to be assessed as part of the planning application, such as flood risk.

Officers at Norwich City Council, in their response dated 10 May 2023, have already highlighted Norfolk Police's comments regarding the implementation of Martyn's Law to protect against terrorism in public spaces and this Authority would also endorse these comments.

### Landscape and Visual Impact Assessment

#### Appendix TPD1 – Location Plan

My understanding is that the area of the County Wildlife Site is greater than shown on this plan, extending over the red line boundary.

#### Appendix TPD2 – IPD LVIA Methodology

The methodology refers to the use of ZTV mapping to inform the visual baseline. It is understood that no ZTV was produced for the original LVIA and will not be used to inform the addendum LVIA. The methodology should be corrected to reflect this.

It is assumed that assessments will be undertaken for construction stage in addition to the commencement of operation and once mitigation (and other) planting is established.

Night time/lighting effects should be considered, especially in the context of the CWS and Broads.

#### Appendix TPD3 – IDP LVIA viewpoints including locations

Following discussions, the original viewpoints as proposed were expanded upon which also included users of the river as receptors. Adjustments were also agreed to previously agreed viewpoints. It is essential that baseline changes due to the recent extensive removal of trees and scrub are reflected in your submission.

20 viewpoints have been agreed by Norwich and South Norfolk Councils, as confirmed in an email dated 03 May 2023 from IDP Group. Visualisations for a smaller selection of viewpoints were also agreed

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I hope that you find the above information useful and please do not hesitate to contact the above case officer on the details listed should you wish to discuss this letter further.

Yours sincerely

**Blanaid Skipper**  
**Senior Planning Officer**