

**URN:** 22-047

**Subject:** Adoption of the South Denes Local Development Order

**Report to:** Policy and Resources Committee – 27 September 2022

**Report by:** Sam Hubbard, Strategic Planning Manager

#### **SUBJECT MATTER**

**Adoption of the South Denes Local Development Order**

#### **RECOMMENDATION**

That the Policy and Resources Committee adopt the South Denes Local Development Order.

## **1. Introduction**

- 1.1. Local Development Orders grant planning permission for specific types of development within a specific geographic area. When in place, a developer does not need to apply for planning permission for development permitted by the order.
- 1.2. Local Development Orders were adopted for Beacon Park and South Denes back in 2012 following the designation of the Great Yarmouth and Lowestoft Enterprise Zone. The Local Development Orders were given a lifetime of 10 years following adoption. As a result the Beacon Park Local Development Order expired on 30<sup>th</sup> March 2022 and the South Denes Local Development Order expired on the 15<sup>th</sup> May 2022.
- 1.3. The simplified planning approach introduced with the orders was considered one of the benefits to businesses investing in the zones and have allowed the construction of office and light industrial buildings across the South Denes area together with smaller developments such as extensions and siting of plant and tanks. Together with Beacon Park, the Local Development Orders have helped facilitate the development of 14.84 hectares of land, accommodating 37 businesses and 1021 jobs.
- 1.4. Given the above, revised Local Development Orders which will continue to permit much needed economic development in the Enterprise Zones of Beacon Park and South Denes have been prepared. The new orders will last for another 15 years (the remainder of the life of the Enterprise Zone). However, they can be reviewed or revoked at any time during those 15 years if the Council sees fit to do so.
- 1.5. Drafts of the Local Development Orders were considered by the Local Plan Working Party in September 2021 and were approved for consultation by the Policy and Resources Committee

on the 2<sup>nd</sup> November 2021. Consultation took place for 28 days from 15<sup>th</sup> November 2021. The Beacon Park Local Development Order was subsequently adopted in February 2022 . This report now recommends the adoption of the South Denes revised Local Development Order.

## **2. South Denes Local Development Order**

- 2.1. The South Denes Local Development Order is a short document which sets out what development is permitted within area covered by the order. It is accompanied by a Design Code setting out the design requirements which development proposals must also accord with.
- 2.2. The South Denes Local Development Order permits the following uses:
  - Development associated with port and energy industries
  - Electronic communications
  - Security Cameras
  - Fences
  - Temporary uses of land for exhibitions and trade fairs for 56 days in any calendar year
- 2.3. The permissions granted by the order are subject to several conditions to ensure well-planned development, including compliance with the Design Code. The Design Code sets out specific design parameters which developments being undertaken under the Local Development Order need to adhere to.
- 2.4. The South Denes Local Development Order as proposed to be adopted is appended in Appendix 1 to this report. The Design Code is appended in Appendix 2.
- 2.5. The Council's Local Plan Working Party have considered the

## **3. Consultation**

- 3.1. All statutory consultees, neighbours, landowners and occupiers were invited to comment on the Local Development Order and Design Code. Site notices were also placed around the site. Eight organisations responded to the consultation. Two members of public responded. Responses were received from:
  - Environment Agency
  - Historic England
  - Marine Management Organisation
  - Natural England
  - Norfolk County Council
  - Peel Ports
  - Somerleyton Estate
  - Water Management Alliance
  - 2 Members of Public
- 3.2. A Consultation Statement is appended to this report in Appendix 3. This details the responses made by the above and how the issues raised have been addressed. The response from Natural England necessitated the Council to prepare a revised Habitat Regulations Assessment

(Appendix 4) which also identified necessary modifications to the order to ensure there would be no likely significant effects on designated sites.

3.3. The main changes to the Local Development Order and Design Code are as follows:

- Paragraph 3.3(vi) (now 1.viii) has been updated to reflect the latest legislation on flood defence consenting as advised by the Environment Agency.
- Amended the text in Class 1(f) in the order to make clear that the order does not permit decommissioning activities which would constitute waste operations as these are a County Matter.
- The ASCO safeguarded hazardous waste management site has been removed from the Local Development Order area to ensure compliance with the Minerals and Waste Core Strategy.
- Signposted the Norfolk County Council's Local Lead Flood Authority developer guidance on surface water drainage in the Design Code together with their pre-application advice service.
- Amended Appendix 1 (Archaeological Protocol) to the Design Code to reflect changes to the service provided by Norfolk County Council Environmental Team.
- A condition restricting construction within 25 metres of the River Yare and Mean high Water during the months of April – July to satisfy requirements under the Habitat Regulations.
- A condition requiring a Port Traffic Management Plan to be submitted for developments falling within Class 1(a) and (b) to satisfy requirements under the Habitat Regulations.
- Requirement in the Design Code for developers to ensure there is sufficient capacity in the wastewater system to satisfy requirements under the Habitat Regulations.

3.4. The Local Development Order and Design Code appended to this report incorporates these changes.

#### **4. Financial Implications**

- 4.1. There are no financial implications associated with the preparation of the Local Development Orders which will be funded from the Strategic Planning budget.
- 4.2. The Local Development Order removes the need for planning permission which therefore means new developments coming forward within the Local Development Order area will not pay a fee for a planning application. Given that any planning applications which would have come forward in the areas covered by the Local Development Orders would be only a very small proportion of the total planning applications received it is not considered that the financial implications would be significant.

#### **5. Legal and Risk Implications**

- 5.1. The Local Development Order has been prepared in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2015. An Environmental Assessment screening assessment and Habitat

Regulations Assessment has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 and the Conservation of Habitats and Species Regulations 2017. Modifications have been incorporated into the Local Development Order and Design Code to ensure any likely significant effects identified in the Habitat Regulations Assessment are mitigated.

- 5.2. The Local Development Orders are well established now and the revised versions only include limited changes to those adopted in 2021. Given there have been no significant issues with the Local Development Orders the risks associated with the review are considered low.

## 6. Conclusion

- 6.1. It is recommended that the South Denes Local Development Order is adopted.

## 7. Appendices

1. South Denes Local Development Order
2. South Denes Local Development Order Design Code
3. South Denes Local Development Order Consultation Statement
4. South Denes Habitat Regulations Assessment

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	Via ELT
Section 151 Officer Consultation:	Via ELT
Existing Council Policies:	Local Plan Part 1: Core Strategy. Local Plan Part 2.
Financial Implications (including VAT and tax):	See Section 3
Legal Implications (including human rights):	See Section 4
Risk Implications:	See Section 4
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a



Great Yarmouth and Lowestoft Enterprise Zone

# Local Development Order for South Denes

# 1. Introduction

## What is this Document?

This document is a draft Local Development Order for South Denes, part of which forms part of the Great Yarmouth and Lowestoft Enterprise Zone. The Local Development Order will replace the existing Local Development Order (May 2012) for the area which will expire on 15th May 2022. This new Local Development Order grants the same permissions as the previous order. However, there have been a few updates to reflect latest legislation and policy.

## Site Area

The area subject to the LDO comprises 124.5 hectares of land, of which 55.2 hectares is designated as an Enterprise Zone.

## Site context

The South Denes LDO area is located to the south of Great Yarmouth town centre and east of Gorleston-on-Sea, located on Norfolk's east coast. The town is an internationally renowned centre for the offshore energy industry and has a high-tech electronics sector. Great Yarmouth's 24-hour port handles a range of cargoes, offering an effective gateway to northern Europe.

South Denes lies adjacent to the River Yare and the area includes a river port and outer harbour. The wider area is served by the A47 trunk road which provides links to the south and to the west. Great Yarmouth railway station, which is located 2km north of the area, provides links to Norwich and onto London. Lowestoft railway station is 16km to the south provides services to Norwich, Ipswich and beyond. Norwich International Airport is located 42km to the north west.

The area abutting the north and west of the South Denes LDO area includes residential development and a range of community facilities. The beachfront and the Golden Mile, with its tourism attractions lie to the north of the main area of the LDO. A full range of shops and services can be found in Great Yarmouth town centre and Gorleston town centre.

A large part of the LDO area comprises port operational land. The LDO and Design Code will not impact on or affect the rights set out in the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) which applies to port operational land. Development undertaken using these permitted development rights in the GPDO does not have to comply with the LDO Design Code. In addition, the guidance set out in the Port Marine Safety Code and other port related legislation also still applies.

## 2. Statement of reasons

### Summary of the overall objective

Great Yarmouth Borough Council has created this Local Development Order (LDO) to help enable the further development of South Denes and the port. The intention is to allow greater permitted development rights for new development associated with the port and energy industries in the South Denes area. Part of the Local Development Order is covered by the Great Yarmouth and Lowestoft Enterprise Zone.

The aims of the LDO are:

- To allow greater permitted development rights for businesses operating in, or providing essential support services to, the energy, offshore engineering and ports & logistics sectors.
- To foster economic growth and provide opportunity for businesses operating in, or providing essential support services to those sectors, to prosper and grow.

### Justification for the creation of a Local Development Order for South Denes

The retention of an LDO for the site will continue to reduce the number of planning applications required for port and energy industries development, thereby providing the opportunity to speed up the planning process whilst ensuring a suitable measure of quality control. This will be beneficial to businesses wishing to locate to the area and will provide a degree of certainty as to the type of development which will be acceptable.

The LDO is supported by a Design Code to ensure that development permitted by the LDO is satisfactory. In producing the original Design Code the character of the area was carefully assessed together with the Council's aspirations for the area, therefore providing a clear understanding as to the general types of development which would be considered acceptable. Therefore, there is a sufficient degree of confidence that additional appropriate permitted development can be allowed for by the LDO subject to the safeguards created by the Design Code.

### Statement of policies which the Local Development Order will implement

The Local Development Order will help implement Policy CS6 of the Core Strategy which seeks to support economic growth across the Borough and Policy GY10 of the Local Plan Part 2 which reserves and promotes the development of land within the Great Yarmouth Port and Harbour Area for port activities and industrial and office uses.

### 3. Local Development Order

#### Description of development permitted under the Local Development Order

Within the boundaries of the site as shown on the map in Section 7, the Local Development Order grants planning permission for the following classes of development:

##### **Class 1: Port and Energy Industries**

Development is permitted for the purposes of:

- a) Ship building, boat building and maintenance of marine craft;
- b) The shipping, embarking, disembarking, loading, storage, discharging or transport of passengers, livestock or goods in connection with the operation of the harbour, or with the movement of traffic by inland navigation or in any way connected with or comprising the import or export of goods and materials;
- c) The manufacture, assembly, storage, maintenance and movement of components, machinery and plant to be used for the generation or transmission of energy, or the extraction of fossil fuels;
- d) The provision of administrative and support services required for the survey, construction and maintenance of infrastructure, machinery and plant to be used for the generation or transmission of energy, or the extraction of fossil fuels;
- e) The provision of administrative and support services required for the purpose of survey and reporting in advance of the installation of energy generating equipment, or equipment for the extraction of fossil fuels;
- f) The provision of administrative and support services required for the purpose of decommissioning and disassembly of components, machinery, plant and rigs previously used for the generation or transmission of energy, or the extraction of fossil fuels;
- g) Education and training in connection with development permitted by Class 1; or
- h) Providing ancillary facilities to support the undertaking of development permitted by Class 1.

Subject to the following conditions:

- i. Development is not permitted by Class 1 if it consists of or includes the construction or erection of a hotel or residential accommodation;
- ii. Development is not permitted by Class 1 if it includes the development or use of land for a taxi business;
- iii. Development is not permitted by Class 1 if it includes development to facilitate the landing of helicopters or other aircraft;

- iv. Development is not permitted by Class 1 if the primary use of the building, structure or site is to be used for the generation or transmission of energy or the extraction of fossil fuels;
- v. All aspects of development undertaken in accordance with this permission shall comply with the requirements of the South Denes LDO Design Code;
- vi. On-site parking provision shall be provided in accordance with the standards set out in the South Denes LDO Design Code, unless otherwise agreed in writing by the Local Planning Authority;
- vii. Notwithstanding Class E of the Town and County Planning (Use Classes) Order 1987 (as amended), any building constructed under this class must only be used for purposes detailed above and no other use within Class E or any other use permitted through the Town and County Planning (General Permitted Development Order) 2015.
- viii. Prior to the commencement of any development within the flood risk area the completed South Denes Flood Risk Management Form (see Appendix 2 South Denes LDO) needs to be submitted and approved in writing by the Local Planning Authority.
- ix. Prior to the occupation of any building, a Flood Response Plan detailing procedures and escape routes for the emergency evacuation of the flood risk area shall be submitted to and approved in writing by the Local Planning Authority;
- x. No development shall take place within the area of Malthouse Quay or Gashouse Quay (west of the River Yare and south of the route for the third river crossing) as shown in Appendix 3 until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority and the work has been carried out in accordance with that approved scheme and by a suitably qualified investigating body acceptable to the Local Planning Authority;
- xi. Where piled foundations are to be employed, piling operations shall be restricted to the following times: - Monday to Friday 09.00 to 17.00hrs and Saturdays 09.00 to 13.00hrs with no piling taking place on Sundays or Bank/Public holidays;
- xii. Where any boundary of a development site abuts Monument Road no development shall be commenced until scale plans and elevations, along with a schedule of materials to be used in the development, has been submitted to and approved in writing by the local planning authority; and
- xiii. The following uses associated with Class 1 developments are not permitted within the area indicated on Appendix 3 –
  - a. Ancillary facilities which involve members of the public (for example visitor centres or conference venues) with an indoor floorspace greater than 250m<sup>2</sup>;

- b. Occupied workplace buildings associated with development permitted by Class 1(c) to f which provide for more than 100 people or contain more than two occupied storeys.
- xiv. For development with 25 metres of the River Yare or Mean High Water, no construction work should take place in the months of April, May, June and July unless evidence is submitted and approved prior to commencement by the Local Planning Authority in consultation with Natural England, which demonstrates there will be no significant effect from the construction activity on foraging Little Terns and Common Terns.
- xv. Prior to the commencement of development falling under classes 1a) and 1b) details of a Port Traffic Management Plan in relation to port traffic associated with the development should be submitted to and approved in writing by the Local Planning Authority. The details of the Plan shall include:
  - a. Where possible Port Traffic associated with the development shall seek to avoid servicing and development of off-shore energy parks during the over winter period of 1st Nov – 31st March;
  - b. Port Traffic operators associated with the development shall avoid selecting routes that avoid known aggregations of birds;
  - c. -Port Traffic operators associated with the development shall restrict (to the extent possible) their vessel movements to existing navigation routes (where the densities of red throated and other diver birds are typically relatively low);
  - d. -Port Traffic operators associated with the development shall maintain direct transit routes wherever possible, to minimise transit distances through areas used by diving birds;
  - e. Port Traffic operators associated with the development shall be asked to commit to a Code of Practice to ensure that all vessels restrict their activities where feasible and practicable to those identified within a Preferred Vessel Routing Plan;
  - f. -Vessels associated with the development shall avoid over-revving of engines, to minimise noise disturbance; and,
  - g. Port Traffic operators associated with the development shall instigate and maintain briefings for vessel crews about the purpose and implications of these vessel management practices (through, for example, use of tool-box talks and staff training); and,.

The Port Traffic Management Plan shall thereafter be provided to all operators of vessels associated with the development.

## **Class 2: Electronic Communications**

Development is permitted for the purposes of providing electronic communications consisting of the installation, alteration or replacement of any electronic communications apparatus and development ancillary to equipment housing.

Subject to the following conditions-

- i. Development is not permitted if:
  1. In the case of the installation of apparatus, the apparatus (including any antenna) would, within the LDO area south of Bloomfield Road, exceed a height of 30m above ground level; or, within the LDO area north of Bloomfield Road, would exceed a height of 25m above ground level.
  2. Any part of the development would cause obstruction to the public highway, or obscure the sight lines of any road junction or access/egress to the highway.
  3. The apparatus would be located within 100m of Nelson's Monument
- ii. Any antenna, dish or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building;
- iii. Prior to the use of any radio equipment approved under this order, the developer shall provide to the local planning authority a certificate confirming that the development itself will meet International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure and confirming that the cumulative exposure of the development and other adjacent radio equipment will not exceed the ICNIRP guidelines for public exposure;
- iv. Any apparatus or structure provided in accordance with this permission shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes and such land, building or structure shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer;
- v. No development shall take place within the area of Malthouse Quay or Gashouse Quay (west of the River Yare and south of the route for the third river crossing), shown in Appendix 3 until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority and the work has been carried out in accordance with that approved scheme and by a suitably qualified investigating body acceptable to the Local Planning Authority;
- vi. Where piled foundations are to be employed, piling operations shall be restricted to the following times: Monday to Friday 0900 to 1700hrs and Saturdays 0900 to 1300hrs with no piling taking place on Sundays or Bank/Public holidays.
- vii. All aspects of development undertaken in accordance with this permission will comply with the requirements of the South Denes LDO Design Code.

### **Class 3: Security Cameras**

Development is permitted for:

- a) The installation, alteration or replacement of any closed-circuit television camera to be used for security purposes, including any pole or supporting equipment required for such installation.

Subject to the following conditions:

- i. A closed circuit television camera permitted by this order shall be so designed or mechanically limited such that it cannot film any residential building or residential rear garden that lies within 50m of the installation.
- ii. A closed circuit television camera permitted by this order shall be removed as soon as reasonably practicable after it is no longer required for security purposes.

### **Class 4: Fences**

Development is permitted for:-

- a) Operational development comprising the installation, alteration, or replacement of security walls, fences and gates.

Subject to the following conditions:-

- i. On Monument Road and Fenner Road, walls, fences or gates permitted by this order that abut these roads and are adjacent to Nelson's Monument shall not exceed 2m in height measured from ground level.
- ii. A security wall, fence or gate permitted by this order shall not obscure sight lines of any junction on the public highway or any vehicular access to the highway.
- iii. All aspects of development undertaken in accordance with this permission shall comply with the requirements of the South Denes LDO Design Code.

### **Class 5: Temporary uses of land**

Development is permitted for:

- a) The use of any land for the purpose of an exhibition, trade fair, or public information event associated with the activities authorised by Class 1 of the order, for not more than 56 days in total in any calendar year; such time period to include the time required to set up and dismantle any temporary structures associated with the use.

Subject to the following condition:

- i. Temporary uses of land for the purposes of exhibition, trade fair or information events which involve members of the public and are not limited to those working in the industries permitted by Class 1 are not permitted within the area identified in Appendix 3 in relation to condition Xii of Class 1.

### **Condition for all Classes**

The conditions listed below apply to all classes of development listed above.



- i. Prior to the commencement of development notice shall be served on the Local Planning authority (using the form shown in Appendix 1) confirming that the development is in accordance with this order and Design Code (where required under that class). The notice shall be accompanied by a site plan with the site outlined in red and sufficient plans and elevations to determine the size and appearance of the development (all plans shall be to a recognised metric scale);
- ii. Before development permitted under any class of the South Denes LDO commences, a survey for the presence of protected species needs to be undertaken. If protected species are present the development must ensure that there is no detrimental harm to the species and mitigating measures are taken.

### **Limitations for all Classes**

1. The permission granted by the order shall not apply if:
  - i. Any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.
  - ii. An application for planning permission for that development would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
  - iii. An application for the development would fall within the descriptions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, unless the local planning authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same Regulations, that the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development.
  - iv. Listed building or scheduled monument consent would also be required for the development.
  - v. The development involves activities with a high pollution risk to the water environment as listed below:-
    - a. Pipelines or high voltage fluid filled cables that transport pollutants, particularly hazardous substances below the water table in principal aquifers.
    - b. Underground storage of hazardous substances.
  - vi. Direct discharge of pollutants to the groundwater.
  - vii. Use of deep soakaways for surface water and effluent disposal.
  - viii. The development is within 16 metres of the landward toe of any tidal defence without the prior consent of the Environment Agency and/or the coastal defence authority. An Environmental Permit is required for any such works or

structures under the terms of the Environmental Permitting (England and Wales) Regulations 2016. For guidance, the Environment Agency will generally require a 9 metre (minimum) access strip adjacent to any tidal defence in order to facilitate future maintenance requirements.

- ix. The development would be contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Town and Country Planning Act 1990, otherwise than by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
  - x. An application for that development would be a Nationally Significant Infrastructure Project as defined in the Planning Act 2008.
  - xi. Any development proposal which are 'County Matters' and are therefore determined by Norfolk County Council as the Local Planning Authority. 'County Matters' include minerals and waste developments and the County Council's own development proposals, such as schools and non-trunk road schemes.
2. Nothing in this order gives consent (other than planning permission) for any activity or development that requires other authorisation (e.g. building regulations consent, hazardous substances consent, SuDS approval, consents for carrying out works within or stopping up the highway, a licence from the Marine Management Organisation, electronic communications licences etc.). Developers should satisfy themselves that they have obtained all appropriate other consents before proceeding with any planning permission granted by this order. Developments involving ancillary waste management facilities may require Environmental Permits from the Environment Agency.
  3. Nothing in this Order shall apply to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).
  4. Nothing in this Order shall apply to any permission which is deemed to be granted under a local or private Act of Parliament.
  5. Nothing in this order prevents the implementation of any planning permission granted or deemed to be granted under Part III of the Town and Country Planning Act 1990.
  6. It is important to note that this order does not remove existing permissions that are already granted. Any planning permission that has been granted may still be enacted if it is within the time limit set by conditions. Similarly permissions granted by the Town and Country Planning (General Permitted Development Order) 2015 may be used to undertake development in the LDO Area and any rights to develop that are included in the Harbour Development Acts or other private Acts are unaffected by this Order. The Order is intended to enable a further layer of permissions in addition to those outlined above.

## 4. Lifetime of the Local Development Order

The Local Development Order will be in place for a period of 15 years from the day of its adoption. It will therefore cease to apply on the day following the 15th anniversary of

the adoption of the order. The LDO can be reviewed and reissued following consultation if it is considered appropriate to extend beyond 15 years.

Development which was started under the provision of the LDO can be completed in the event that the LDO were to be revoked or revised or expire. Development which has started under the provision of an LDO can be completed following the expiry of the LDO, and the uses that have taken place will therefore be permitted development. However, future development after this period would once more require the express consent of the Local Planning Authority following the submission of a full planning application.

## 5. Monitoring of the Local Development Order and how this will be reported

Development permitted under the LDO will be subject to continuous monitoring to assess the effectiveness of the LDO. Details of all notifications received through the LDO will be made available on the Council's public register of planning applications. It will also be the subject of a section in the Council's Annual Monitoring Report.

## 6. Definitions

**For the purposes of Class 1(h) of this order 'ancillary facilities' means:**

Canteens, staff rest areas, workplace medical facilities, facilities for fire-fighting or other emergency services, visitor centres, conference venues, smoking shelters, passenger shelters, bicycle shelters, motorbike shelters, security buildings, barriers for the control of people and vehicles, traffic signals, waste recycling facilities, vehicle maintenance facilities, machinery and plant maintenance facilities, parking of vehicles, bunkering facilities for vessels, multi storey car parks, electricity sub stations and associated electric line, electric vehicle recharging points, bollards, lamp standards, telephone boxes, post boxes, refuse bins or baskets; that are required for purposes ancillary to the undertaking of the activity permitted by Class 1 and Class 2.

**'Building'** means:

(a) includes any structure or erection and includes any part of a building; but

(b) does not include plant or machinery, gate, fence, wall or other means of enclosure. **'Electronic Communications Apparatus'** means:

(a) Any apparatus which is designed or adapted for use in connection with the provision of an electronic communications network.

(b) Any apparatus that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network.

(c) Any line.

(d) Any conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended.

References to the installation of electronic communications apparatus are to be construed accordingly.

**‘Electronic communications network’** means:

(a) A transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and

(b) Such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals.

(i) Apparatus comprised in the system.

(ii) Apparatus used for the switching or routing of the signals; and

(iii) Software and stored data.

**‘flood risk area’** means:

An area at risk from flooding (Flood Zone 2 or Flood Zone3) as identified by the Environment Agency’s Flood Map for Planning - <https://flood-map-for-planning.service.gov.uk/> or an area at risk of flooding as identified in the Council’s latest Strategic Flood Risk Assessment.

**‘Ground level’** means:

The level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

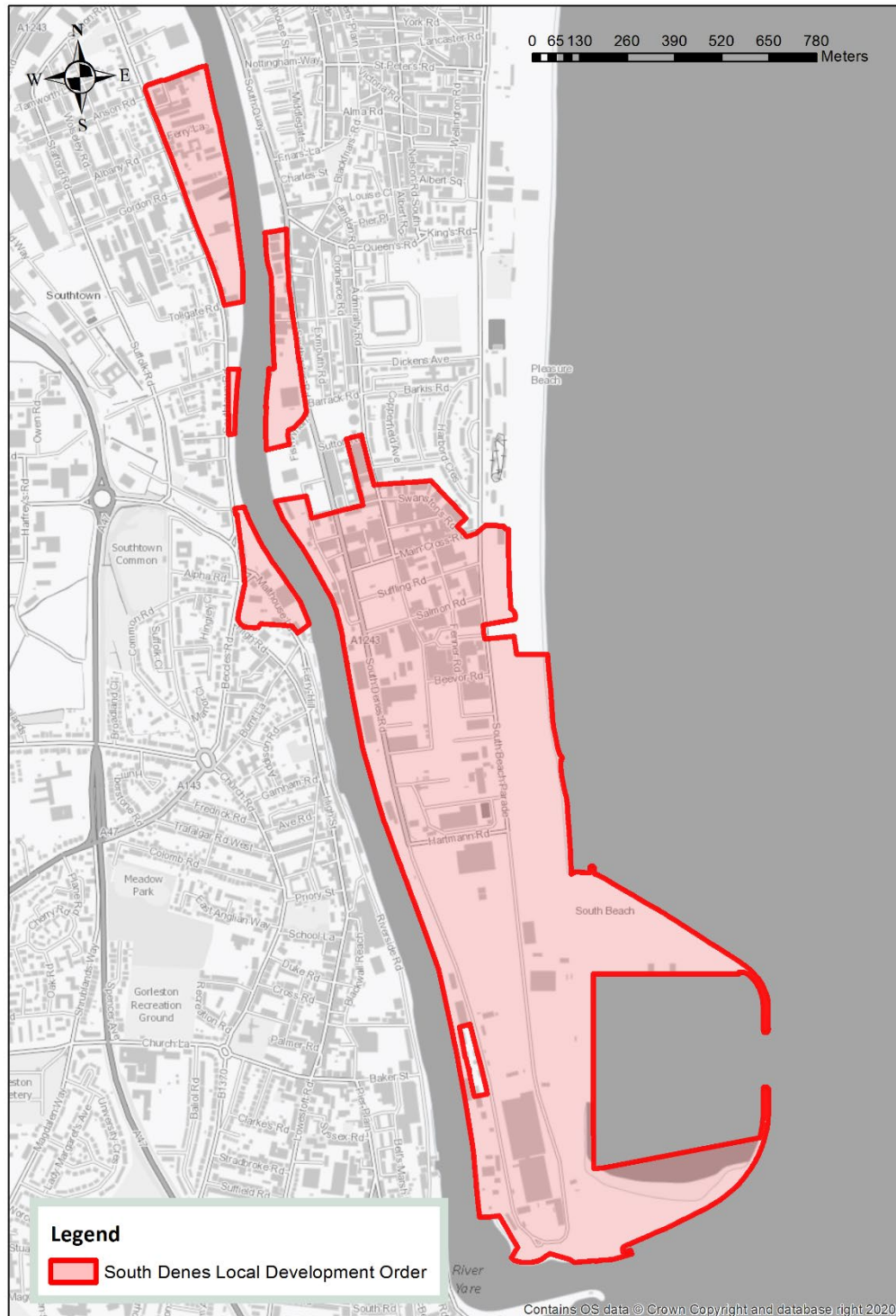
**‘Machinery’** means:

Includes any structure or erection in the nature of machinery.

**‘Plant’** means:

Includes any structure or erection in the nature of plant.

## 7. Site Plan of South Denes Local Development Order Area



# Appendix 1: South Denes Local Development Order Self Certification Form

<b>Office use only</b>	
Ref no:	Date received:

By submitting this form you are confirming that the works you are proposing would constitute permitted development under the permissions given by the South Denes LDO. Please note that your development will still be subject to the normal requirements with regard to the need for any other consents or permissions required under other legislation.

The existence of a covenant does not prevent development as permitted in this LDO from being self certified nor does it 'override' the requirements of a covenant. It is still possible to enforce a covenant, which restricts certain actions from being taken.

Please complete the relevant sections of this form and return one copy to Great Yarmouth Borough Council together with a site location plan (with the site area outlined in red) and sufficient plans and elevations to describe the development (indicating all measurements in metric).

## 1. Developers details

Name	
Address and post code	
Telephone number (daytime/mobile)	
Email	

## 2. Agent details (if you are completing on somebody else's behalf)

Name	
Address and post code	
Telephone number (daytime/mobile)	
Email	

## 3. Address and location of proposed work (including post code

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**4. Description of proposed work (including its use)**

Please provide a written description of the work.

**5. Confirmation of Class of Development**

Please indicate which classes of permitted development within the Beacon Park Local Development Order you believe your development falls under.

**6. Brief explanation as to how your proposal accords with the requirements contained within the South Denes Design Code.**

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**7. For Class 1 developments within the flood risk area please detail how the development meets the flood risk requirements as set out in the South Denes LDO Flood Risk Management Form (please submit the South Denes LDO Flood Risk Management Form along with this form)**

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**8. For Class 1 developments where there are occupied buildings please confirm that the Flood Response Plan has been completed and agreed**

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**9. Monitoring data:**

Total Site area (Hectares):	
Total gross internal floor area of all existing buildings:	
Total gross internal floor area of any buildings to be demolished	
Total gross internal floor area of all proposed buildings:	
Total number of car parking spaces provided	
Height of all proposed buildings (highest point of buildings)	
Number of staff currently employed at site	
Anticipated number of staff to be employed at site (full time equivalent)	



## Appendix 2: South Denes Local Development Order Flood Risk Management Form

### Introduction:

Some parts of the Local Development Order are at risk from flooding. This is particularly important for Class 1 developments as permitted by the LDO. These developments should be designed to take account of the depth of flood water expected on site, using the levels provided in Figure 7 of the South Denes LDO Design Code, unless otherwise agreed in writing by the Council.

**In order to demonstrate to the Council that you have adequately addressed flood risk issues, please complete the tables below and include it with the South Denes LDO Self Certification Form (Appendix 2, South Denes LDO).**

### Step 1: Calculating the expected flood level for your development site

The depth of flooding expected on-site can be calculated by comparing the predicted flood level for your development area (taken from the Flood Risk Map within Appendix 5 of the South Denes LDO Design Code) with your finished site level(s) taken from a topographic survey. Please note that these levels should be stated in relation to Ordnance Datum and should be verified using GPS.

The following formula should be used and the relevant information provided in the table below. Where necessary, for example where you are proposing multiple buildings at different levels, please provide a range of depths:

**Predicted Flood Level – Site Level = Depth of flooding on site**

<b>Predicted Flood Level (mAOD)</b>	
<b>Site Level (mAOD)</b>	
<b>Depth of flooding expected on site (m)</b>	

### Step 2: Managing the risk

The first step in managing flood risk is to locate the more vulnerable aspects of your business in the areas of lowest risk. This means, wherever possible, places where people will regularly work in, such as offices or training facilities, should preferably be located on the highest parts of the site.

Your preferred strategy should be indicated in the table below. Further information and advice in relation to managing flood risk can be found below, or by following the links at the end of this document.

**Table 1: Flood Mitigation Option**

<b>Flood Mitigation Option</b>	<b>Indicate your choice in the boxes below</b>	<b>Supporting Evidence</b>
Raise ground floor levels - fully		A plan of finished floor levels relative to the predicted flood level
Use other flood resistant measures		
Incorporate flood proofing		Please provide details of any flood proofing / resilience and resistance techniques
Combination of flood resistance and flood proofing		Please provide plan and details of flood proofing techniques
Additional measures e.g. flood defences, anchoring.		Please provide details and any relevant supporting calculations

To resist the inundation of flood water you can choose to either raise ground floor levels above the predicted flood level identified by the Flood Risk Map; and/or employ other measures such as tanking of the structure and the utilisation of flood barriers at openings. It should be noted that, if you choose to resist the flood water your structure must be of sufficient strength to withstand the pressure exerted by a depth of flood water against your building (hydrostatic loads), as well as being capable of withstanding the pressures associated with flowing water during a breach of the defences (hydrodynamic pressure).

Some flood resistance measures, such as the use of flood boards, are most appropriate at lower flood depths of between 0.3-0.6m. If flood water depths will reach higher than this, these techniques will need to be used in combination with other mitigation measures.

Letting flood water enter your building will allow the equalisation of flood water on both sides of the structure (minimising issues of hydrostatic load). Your building will still need to be able to withstand the pressures associated with a breach of the defences. In this instance, you should consider incorporating flood proofing (flood resilience measures), wherever possible, up to the level identified by the Flood Risk Map.

Alternatively you can choose to use a combination of the above strategies providing protection up to the level identified by the Flood Risk Map. In some instances it might be necessary to consider additional flood risk management approaches. For example, if you are proposing the use of temporary buildings within the flood risk area, it will be important to ensure that these are anchored to prevent floatation, collapse or lateral movement resulting from hydrostatic loads. You might also consider it appropriate to construct a flood defence to protect your property

**The applicant should demonstrate the safety of the development with regard to hydrostatic and hydrodynamic pressures exerted during a flood event and provide calculations prepared by a structural engineer.**

## Appendix 3: Plans relevant to conditions of Class 1

### Area where LDO Class 1 Condition x Applies



## Area where LDO Class 1 Condition xiii Applies



Great Yarmouth and Lowestoft Enterprise Zone

## Design Code for South Denes Local Development Order



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# 1. Introduction

- 1.1. This Design Code complements the South Denes Local Development Order which grants permission for the following classes of development:
  - Class 1: Port and Energy Industries
  - Class 2: Electronic Communications
  - Class 3: Security Cameras
  - Class 4: Fences
  - Class 5: Temporary uses of land
- 1.2. Planning Permission granted by the order under classes 1,2 and 4 above is subject to compliance with this Design Code.
- 1.3. The Design Code has been prepared to allow for flexibility. Its purpose is to establish clear design instruction and guidance. It does not fix the 'design' of development but rather presents parameters within which development must be delivered.
- 1.4. This Design Code retains the parameters and guidance from the Design Code which complemented the 2012 Local Development Order. However, this Design Code has been restructured to follow the relevant headings from the Government's National Model Design Code. Developers are advised to also consider the National Design Guide when designing schemes.

# 2. Design Code

## Context

- 2.1. The South Denes LDO area is located to the south of Great Yarmouth town centre and east of Gorleston-on-Sea, located on Norfolk's east coast. The town is an internationally renowned centre for the offshore energy industry and has a high-tech electronics sector. Great Yarmouth's 24 hour port handles a range of cargoes, offering an effective gateway to northern Europe.
- 2.2. South Denes lies adjacent to the River Yare and the area includes a river port and outer harbour. The wider area is served by the A47 trunk which provides road links to the south and to the west. Great Yarmouth railway station, which is located 2km north of the area, provides links to Norwich and onto London. Lowestoft railway station is 16km to the south provides services to Norwich, Ipswich and beyond. Norwich International Airport is located 42km to the north west. The Great Yarmouth Third Crossing which is currently under construction and due to open in Spring 2023 will provide direct access to the South Denes peninsula from the A47.
- 2.3. The area abutting the north and west of the South Denes LDO area includes residential development and a range of community facilities. The beachfront and the Golden Mile, with its tourism attractions lie to the north of the main area of the LDO. A full range of shops and services can be found in Great Yarmouth town centre and Gorleston town centre.



2.4. The LDO Design Code recognises that there are several distinct character areas within the LDO area therefore the requirements of the Design Code have been divided into the following character areas which are illustrated on the map in Figure 1 below:

- South
- North
- West of the River
- Nelson's Monument and Surroundings

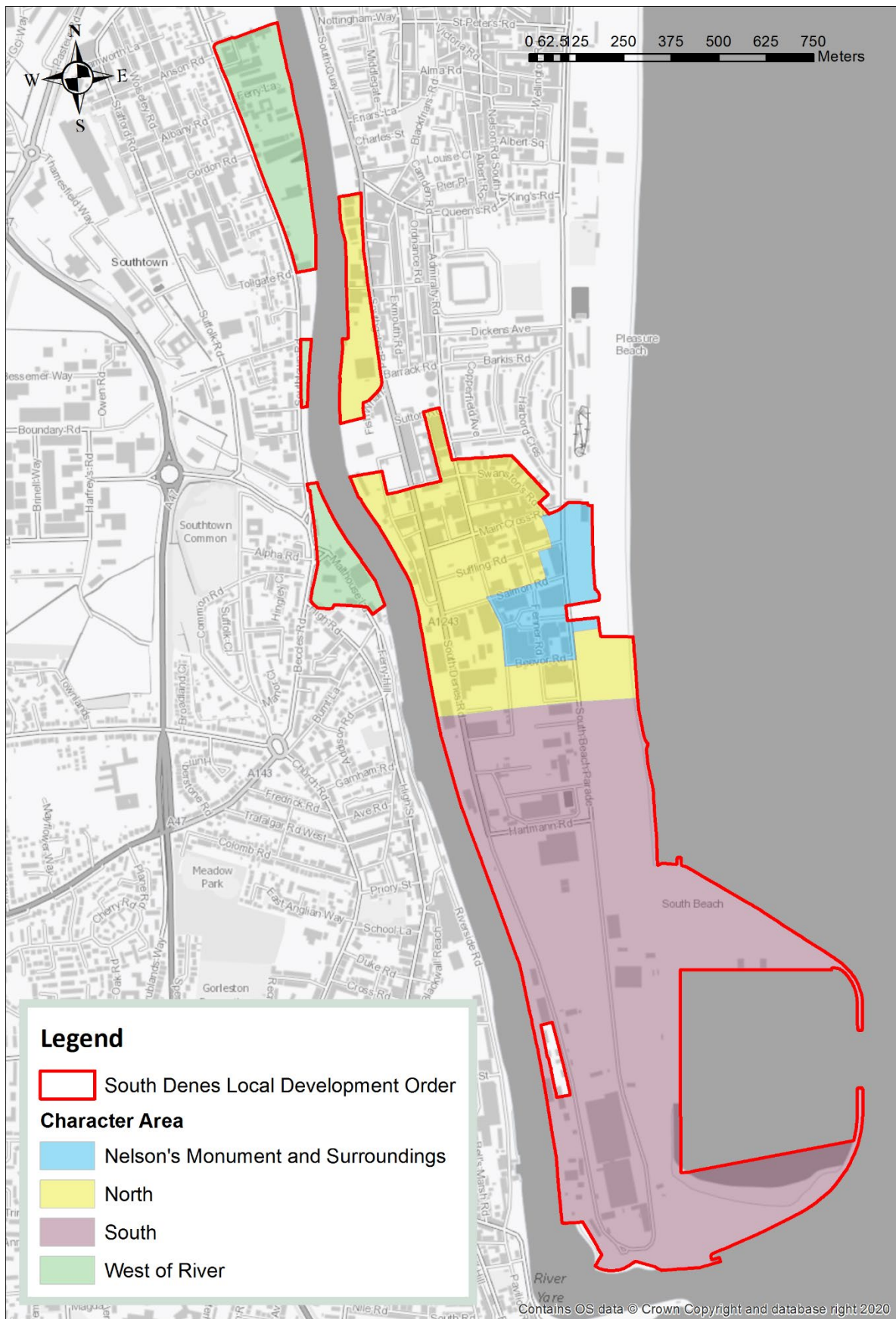


Figure 1 - Character Areas

### South Character Area

- 2.5. The Southern area of the South Denes LDO is located at the end of a spit, with the river port to the West and the outer harbour to the East. The mouth of the River Yare (the entrance to the river port) lies to the South. The area is dominated by port activities with frequent ship movements and the storage, loading and unloading of goods.
- 2.6. There are no notable residential areas within the ‘South’ character area, but opposite the port, on the west side of the River Yare, the area of Gorleston contains a mix of uses including residential properties that face towards the harbour. Some of these residential properties are in elevated positions with views over the port area.
- 2.7. The area of Gorleston also contains two Conservation Areas from which properties overlook this character area. In assessing the appropriate scale of development for this character area, the LDO and Design Code have had regard to the amenities of these residential properties and the setting of the conservation area. However, in doing so the historic context of the relationship between these residential areas and this active port area must be acknowledged; furthermore, the need to develop the area in the interests of the local and national economy and the requirement to service proposed offshore energy developments is also considered to carry significant weight.
- 2.8. The existing character of the area is defined by large warehouses, areas of open storage, storage tanks and a range of cranes and other tall plant. The largest existing building in the character area is the gas fired power station. This building has a lower roof which is 30m above ground level and a higher roof that is 39m above ground level. The power station chimney is 70m high.

### North Character Area

- 2.9. The Northern area of the South Denes LDO contains a varied mixture of businesses and port related activities. The area is bounded on the West side by the River Yare, (which in this area is part of the river port) and on the East side predominantly by terraced two storey housing.
- 2.10. The amenities of these residential properties needs to be taken into account, in defining the character of permissible development in the LDO and Design Code, but in doing so it is important to recognise that there is a historic context to the relationship of these residential dwellings to this commercial area.
- 2.11. Existing buildings in this character area vary in both height and design with a mixture of brick built buildings up to three or four storeys in height and steel framed and clad warehouse buildings and storage tanks alongside the river port.

### West of the River Character Area

- 2.12. The area west of the river has historically been used primarily as a dockside area, occupied by businesses involved in the storage loading and unloading of goods and other maritime activities such as ship building and repair.
- 2.13. On its Eastern side, the area is bounded by the River Yare with commercial properties on the opposing river bank, however, to the West; there is a predominance of two storey residential properties which face towards the area on the opposite side of Southtown Road. The amenities of these residential properties needs to be taken into account, in defining the character of permissible development in the LDO and Design Code, but in doing so it is

important to recognise that there is a historic context to the relationship of these residential dwellings to this commercial area.

- 2.14. In the ‘West of the River character area’ the proximity of areas of housing to dockside activities is closer than in any of the other areas within the South Denes LDO. Developers will therefore have to pay particular attention to the potential impacts of noise, light, fumes and dust on residential occupiers and should seek to design sites to minimise the effects of these impacts.

*Nelson’s Monument and Surroundings Character Area*

- 2.15. Nelson’s Monument is a Grade I listed structure built between 1817 and 1819. It was the first monument erected in England to Admiral Lord Nelson. The overall height of the Monument is 44 metres (144 ft.) The monument features a figure of Britannia at the top of the column.
- 2.16. Originally the monument was built standing in the open, on a sand spit, but over the intervening years this location has been developed and the context of the monument is now radically altered.



**Figure 2 - Change in Setting of Nelson's Monument**

- 2.17. Views of the monument are considered to make a significant contribution to the monuments character. However, while the monument can be seen from many surrounding locations (due to its impressive height), development in the surrounding area has historically paid little attention to the location of the monument and, with the exception of Monument Road itself, no roads in the locality are orientated to align with the monument. Consequently, although the monument is seen through gaps in the built environment, or at greater distance over the roofs of the town, most views of the monument are incidental or fleeting rather than being part of a wider planned setting.
- 2.18. Even within the immediate environment of the monument, the roads are not precisely aligned to the structure, however the street pattern and the buildings to the east are aligned to provide an open aspect to the sea and this open aspect is considered to be the most important feature of the monument's wider setting, respecting both the location of the historic anchorage off the beach and the maritime heritage connections of the monument. To respect this setting, it is considered to be important to maintain views to and from the sea. The area of the foreshore in between Monument Road and the sea has been excluded from the LDO to ensure that this open aspect to the sea is maintained.
- 2.19. Generally, in the area immediately surrounding the monument, the existing context and setting is considered to be unsatisfactory, and a greater level of design control is therefore required to ensure that new developments will improve the immediate setting of the monument.
- 2.20. To the north-east of the monument lies Great Yarmouth's Golden Mile. This is a tourist area dominated by funfairs, amusements and other traditional 'seaside' activities. The current relationship between the industrial area of South Denes and the tourist environment of the Golden Mile is poorly defined. Planning permission exists for a new casino and hotel on the east side of South Beach Parade, which (if it is built) would bring tourism activities even closer to the industrial environment of South Denes.

### **Historical Context**

- 2.21. In addition to the Monument described above there are a number of other heritage assets within and adjacent to the LDO area.
- 2.22. To the west of the river, within the LDO area there are a group of grade II listed buildings at 244 and 244b Southtown Road comprising: A storekeeper's house (South lodge) and a 'Clerk of the Cheques' House' (North lodge), along with a group of buildings that were a naval arsenal.





Figure 3 - 244 and 244b Southtown Road

- 2.23. The mediaeval town wall is a scheduled ancient monument, the path of the wall is not visible above ground where it crosses South Quay, but remnants may exist below ground. A continuation of the line of the visible wall indicates the position of the monument as crossing South Quay immediately to the north of 132 South Quay.
- 2.24. At the Fish Warf the grade II listed Dolphin public house (also known as: Fish Wharf Refreshment Rooms) lies immediately adjacent to the edge of the LDO area.



Figure 4 – Dolphin Public House (Fish Wharf Refreshments Rooms)

- 2.25. On Admiralty Road there is a Grade II listed cast iron and steel gas holder frame which lies immediately adjacent to the edge of the LDO area.



Figure 5 - Gas Holder

- 2.26. The LDO does not give consent for any works which would require listed building consent or scheduled monument consent. Development within the setting of the above referenced listed buildings and monuments must have regard to the setting of these assets. Compliance with the Design Code will help ensure any harm is minimised, however, developers are encouraged to contact the Conservation Section at the Council and seek advice regarding the design of buildings in these locations.
- 2.27. Most of the built area at the southern end of the South Denes peninsula was not developed until the inter war period or after World War II and therefore significant archaeological remains of buildings are unlikely to occur in the South Denes LDO area. However, there may be potential for some significant finds such as those associated with the Harbour Fort and other defence structures. Smaller archaeological finds may also be found on the peninsula, as throughout history there has been considerable human activity in the area of South Denes, including horse racing, shipping and various military activities in defence of the town.
- 2.28. Archaeological finds made in the course of construction are important because they can shed light on past human use of the landscape, sea and seabed. The information that such discoveries bring to light can help archaeologists better understand society and human endeavour in the past, and better protect significant aspects of our history on behalf of future generations.
- 2.29. Development proposals not subject to condition x of Class 1 of the LDO should follow the Archaeology protocol found in Appendix 1.

## **Movement**

### **Streets**

- 2.30. Any new streets through undeveloped plots should be constructed to the standards contained within Norfolk County Council’s “Safe Sustainable Development”<sup>1</sup> or any superseding guidance issued by Norfolk County Council.

### Critical Highway Routes

- 2.31. Occasionally, a developer may have a desire to combine a group of buildings and the highway into a larger site. In such circumstances a public highway could be closed, following approval of an application for a closure order. The map below in Figure 5 indicates those routes that are considered to be critical to the movement of vehicles and pedestrians in the area of the South Denes LDO.

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<sup>1</sup> See: <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/publications>



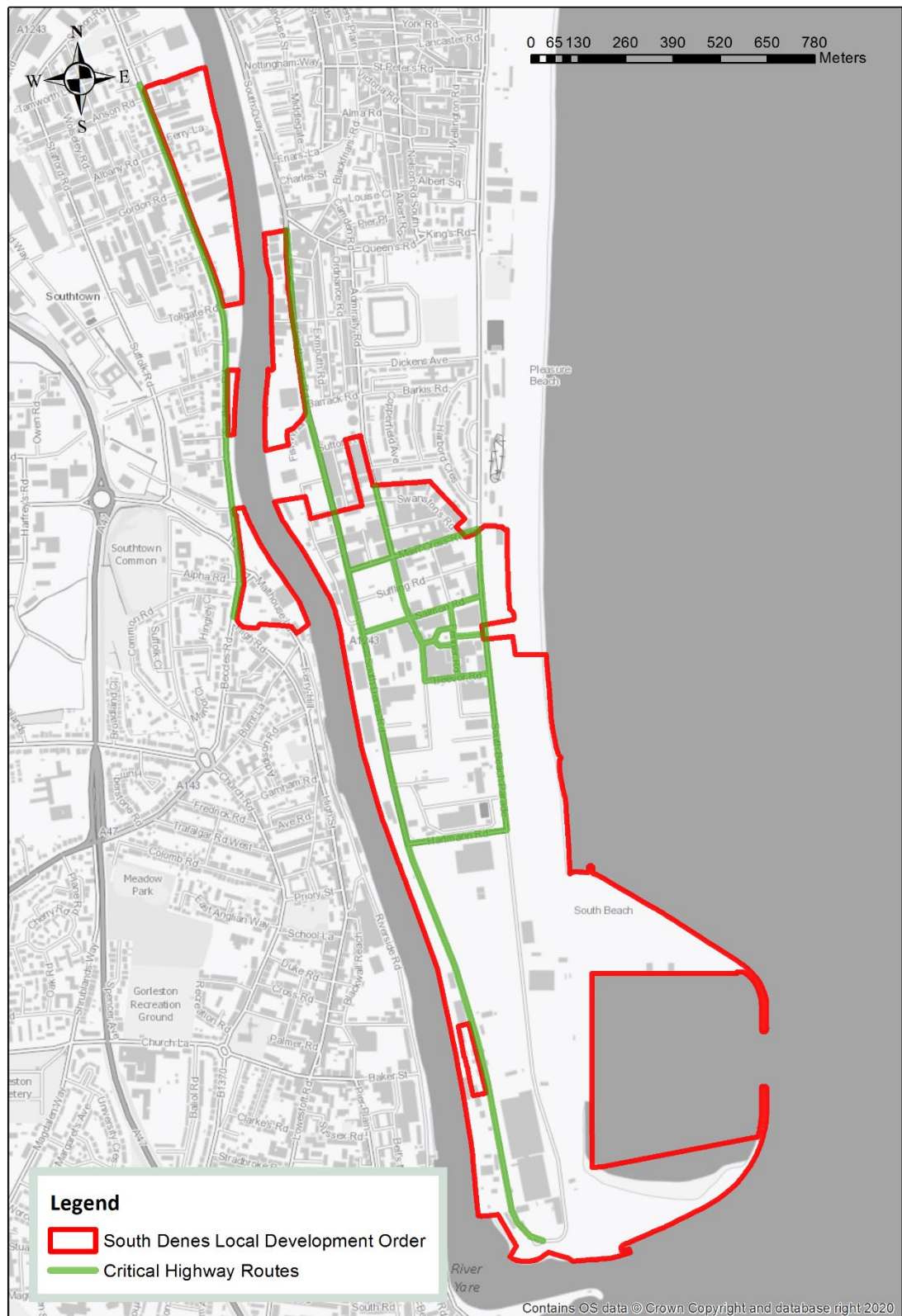


Figure 6 - Critical Highway Routes

- 2.32. To ensure the effective circulation of traffic, no development permitted by the order shall obstruct or divert any of the critical routes indicated on the map in Figure 5.
- 2.33. Where highways are not identified as critical routes the existing width of roads and pavements that are to remain in use after a development should not be reduced.
- 2.34. Development that requires the closure of any highway that serves an existing premises or a neighbouring development is not permitted, unless an alternative access arrangement can be provided that meets the existing and planned needs of existing occupiers or developers.

#### Site Lines and Turning

- 2.35. In order to ensure a satisfactory and safe access and egress from the highway, developments shall be completed in accordance with the standards for sight lines set out in Norfolk County Council's document 'Safe sustainable Development' or any superseding guidance issued by Norfolk County Council.
- 2.36. In order to ensure satisfactory and safe turning facilities, developments shall be completed in accordance with the standards set out in Freight Transport Association (FTA) publication 'Designing for Deliveries'

### **Parking**

#### Car Parking

- 2.37. As much of the South Denes LDO area is on a spit of land confined on three sides by water, inadequate provision of on-site parking within the area could potentially lead to congestion within the area, or may lead to an overflow of parking in to the adjacent land area to the north. The land area to the north is one of the primary tourist areas of Great Yarmouth (including the Golden Mile) and it is considered important to ensure that overflow parking from the industrial area does not impact on tourist parking facilities or residential on street parking. For this reason it is considered to be essential that adequate parking provision is provided for new developments in the South Denes LDO area.
- 2.38. Minimum car parking standards are set out below. These standards must be adhered to unless the developer is able to demonstrate an effective means of providing off site car parking and/or transport arrangements that can be securely tied to the site activities for the lifetime of the development. One means of securing off site car parking and transport arrangements might be through the means of a unilateral undertaking under section 106 of the Town and Country Planning Act 1990.
  - **Office developments** – 1 car parking space per 35sqm of floorspace
  - **Industrial, manufacturing and assembly developments** – 1 car parking space per 75sqm of floorspace
  - **External manufacturing and assembly areas** – 1 car parking space per 400sqm of external area
  - **Warehouse developments** - 1 car parking space per 75sqm of floorspace
  - **External Storage** - 1 car parking space per 400sqm of external area
  - **Education and training** - 1 car parking space per 20sqm of floorspace that is dedicated to training purposes.

- 2.39. Car parking spaces suitable for disabled people must be provided to a level equivalent to 5% of the car parking spaces provided as per the above standards.
- 2.40. 1 space per 20 car parking spaces should be suitable for motorcycle parking with a minimum of 1 space for the development.
- 2.41. All building floor spaces specified by the standards in this section shall be calculated as gross external floor space. Numbers derived from the standards set out above should be rounded down to the nearest whole number. If an extension is proposed the standard applies to the area of the extension. If the extension results in the loss of any car parking spaces such spaces shall be replaced elsewhere on the site on a one for one basis.
- 2.42. Parking spaces should be set out in accordance with the dimensions indicated within 'Parking Standards for Norfolk 2007 or any superseding guidance. Parking spaces for disabled people should accord with the standards in part M of the building regulations.
- 2.43. Car parking spaces shall be clearly marked on the surface of a designated parking area and shall be kept free of other obstructions that might prevent the use of the area for parking.
- 2.44. Developers are encouraged to provide electrical car charging points.

#### Lorry Parking

- 2.45. The extent to which a business may need to park lorries can only be determined by that business. Accordingly, there are no specified requirements for the number of lorry parking spaces.
- 2.46. It is important to ensure that lorry parking does not result in the obstruction of the highway and accordingly developers must ensure that sufficient space is allocated within their site to facilitate off road parking and manoeuvring of lorries. Lorry parking spaces should be of dimensions that are adequate to accommodate the types of vehicles that the business proposes to use. In order to ensure satisfactory and safe turning facilities, developments should be completed in accordance with the standards set out in FTA publication "Designing for Deliveries"<sup>2</sup>.

#### Cycle Parking

- 2.47. Minimum car parking standards are set out below. These standards must be adhered to:
  - **Office developments** – 1 space per 100sqm of floorspace
  - **Industrial, manufacturing and assembly developments** – 1 space per 200sqm of floorspace
  - **External manufacturing and assembly areas** – 1 space per 700sqm of external area
  - **Warehouse developments** - 1 space per 200sqm of floorspace
  - **External Storage** - 1 space per 700sqm of external area
  - **Education and training** - 1 space per 40sqm of floorspace that is dedicated to training purposes.

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<sup>2</sup> See: <https://logistics.org.uk/>

- 2.48. All building floor spaces specified by the standards in this section shall be calculated as gross external floor space. Numbers derived from the standards set out above should be rounded down to the nearest whole number. If an extension is proposed the standard applies to the area of the extension. If the extension results in the loss of any spaces such spaces shall be replaced elsewhere on the site on a one for one basis.
- 2.49. Developers are encouraged to provide covered shelters for cycle parking where it is practicable to do so. Cycle spaces should be set out in accordance with the dimensions indicated within Parking Standards for Norfolk 2007 or any superseding guidance.

## **Nature and Amenity**

### **Landscape and Biodiversity**

- 2.50. The environment in the South Denes LDO area is relatively hostile to many types of plant, with salty sea air and sandy soils (some of which may be contaminated); furthermore there is little evidence of a tradition of landscaping within the area. Nevertheless, developers should make landscaping part of their design and include landscaped areas within development sites where practicable. Landscaping can be used to highlight entrances and can be used to create comfortable breakout areas for workers, within a safe area of the site. Planting can break up the expanse of parking areas and provide shade from the sun in summer months.
- 2.51. Buildings should be designed to provide nesting and roosting opportunities for birds and bats.

### **Water**

#### Surface Water

- 2.52. Not all Sustainable Drainage Systems (SuDS) will be appropriate for use in South Denes. As infiltration SuDS are likely to be difficult to employ due to the ground conditions. It is therefore most likely that SuDS attenuation and flow features are most appropriate with discharge of surface water either to a watercourse, or to mains sewer at a restricted rate. Developers should ensure that there is sufficient capacity in the wastewater system to accommodate any surface water. Developers should have regard to the 'Guidance Document' on sustainable drainage issued by Norfolk County Council as Local Lead Flood Authority (current version October 2021) available here: <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers> and any updates to this guidance. When design surface water drainage elements of the scheme, developers are encouraged to engage with the Local Lead Flood Authority through their pre-application service.
- 2.53. Note that South Denes is situated on a Principal Aquifer which is particularly sensitive to pollution. The Environment Agency provides guidance on pollution prevention which can be read here: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

#### Flood Risk

- 2.54. Parts of the South Denes LDO area are at risk from tidal flooding. Buildings within areas at risk from flooding must be designed with resilience measures designed to address the flood levels shown in Figure 7 below. Please note these are not the finished floor levels but rather the flood levels which need to be mitigated against. Guidance is included in Appendix 2 to the LDO which includes a form which needs to be submitted with notifications for development as required by condition viii of Class 1 of the LDO.



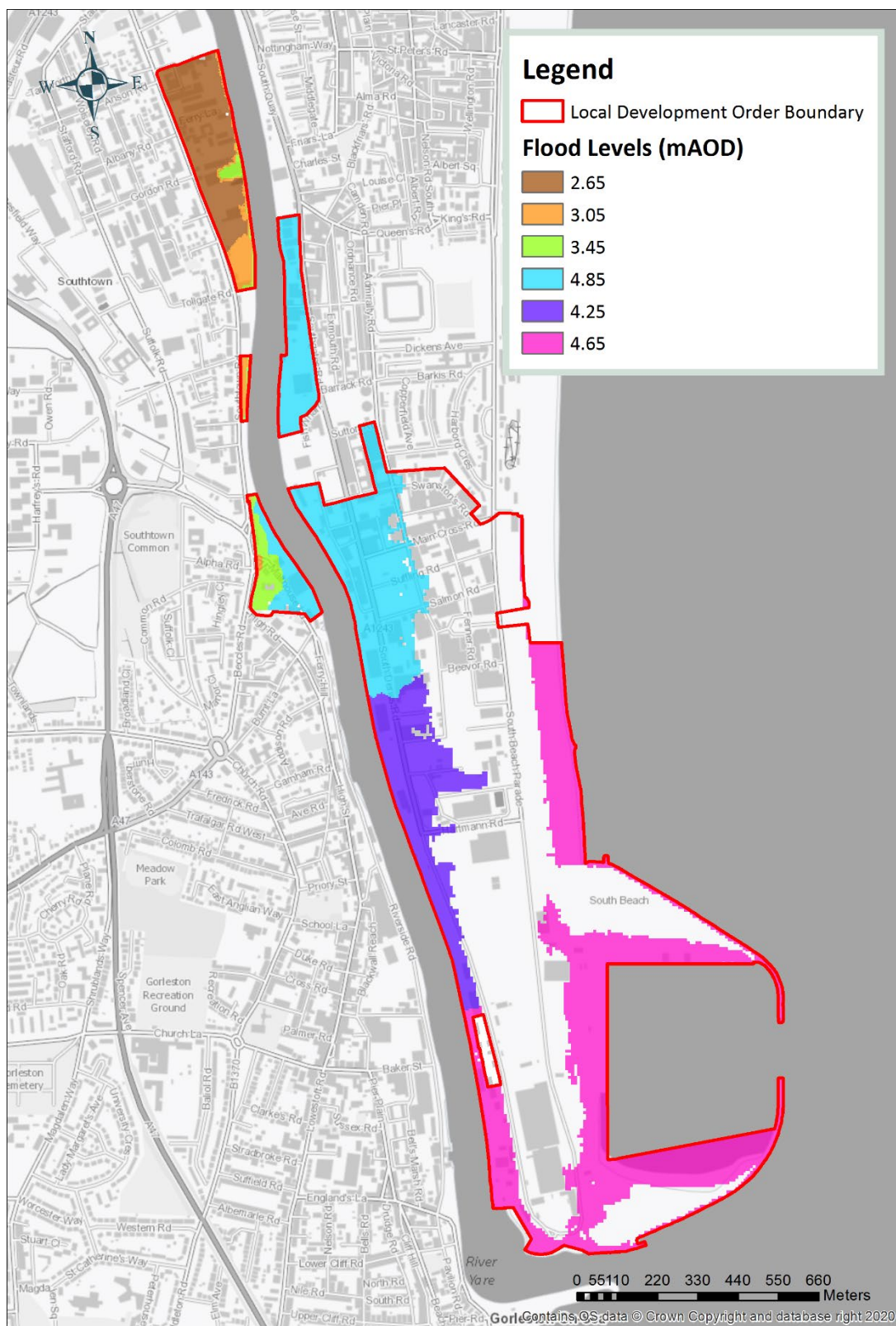


Figure 7 - Predicted Flood Levels (mAOD) for Defended 1 in 200 year (with Climate Change)<sup>3</sup>

2.55. Gates, fences and walls (unless they are specifically designed as flood defences) should be designed and constructed so that they do not impede flood waters (openings in walls and

<sup>3</sup> Source: Great Yarmouth Coastal Model 2018, Environment Agency (Consultant:JBA)

fences should be at least up to the height of ‘the predicted flood level’, to allow the equalisation of flood water on both sides of the structure). Within areas immediately adjacent to flood defences it is recommended that fences with an open structure are used, which will allow for rapid inundation of flood water.

- 2.56. Where gates, fences or walls are specifically designed as flood defences they need to be of sufficient strength to resist the hydrostatic loads that are expected during conditions of ‘the predicted flood level’, including the additional hydrostatic loads that may exist in the circumstances of a breach in the flood defences.

### **Noise**

- 2.57. As much of the South Denes LDO area is already in port or industrial use there is an existing level of noise that is “normal” in an historic context. Nevertheless, developers should pay close attention to how they can mitigate the effects of noisy activity, machinery or plant.
- 2.58. In order to avoid any harm to occupiers of nearby premises, developers should design developments to minimise the potential for noise pollution from the activities intended. Developers are advised to seek advice from the Council’s Environmental Health Officer with respect to design measures to attenuate noise.
- 2.59. It is recommended that consideration be given to locating any noisy activities within buildings and ensuring that those buildings are suitably insulated to provide noise attenuation. Where possible, buildings should be designed so that doors and windows can remain closed during noisy activities.
- 2.60. Particular attention should be given to the attenuation of noise where 24 hour operations are expected. Ambient noise levels are likely to be significantly lower at night and noise generated will therefore have the potential to cause greater disturbance. Attention should also be paid to the potential noise impacts of air extraction and other plant located on the roofs of buildings and consideration should be given to their screening and noise attenuation.
- 2.61. Consideration should also be given to the potential impact of audible hazard warnings on reversing vehicles, or alarms on other mechanical equipment. While it is accepted that such features are important for health and safety reasons, the sensible location of turning areas and the use of built barriers could help to minimise disturbance for neighbours.

### **Air Quality**

- 2.62. Many of the locations within the South Denes LDO area are exposed to the wind and consequently any loose material that is stored in the open could become a source of dust, which has the potential to be a nuisance to residents and other businesses in the locality.
- 2.63. Where loose materials such as aggregates are stored external to buildings, they must be stored within enclosures that will mitigate wind blown dust. The enclosures do not have to be roofed and can for example consist of a three walled storage bay.
- 2.64. Where necessary additional measures to suppress dust should be considered, such as water or foam sprays.
- 2.65. Spray painting and industrial processes can create fumes that may have detrimental effects on occupiers of adjacent property. The location of such processes relative to site boundaries should be considered in the design of developments to avoid detrimental effects. The location

of appropriate extraction and air filtering equipment should be located in order to avoid any detrimental effects on neighbouring uses.

- 2.66. Developers are advised to seek advice from the Council’s Environmental Health Officer with respect to any air quality issues.

## **Built Form**

### **Building Heights**

#### South Character Area

- 2.67. In the ‘South character area’, the maximum height of buildings or storage tanks permitted by the South Denes Local Development Order shall not exceed:
- 20m in the area between the River Yare and South Denes Road; and
  - 30m between South Denes Road and the coast.
- 2.68. The LDO Design Code does not impose any restriction on the height of materials or products stored externally in this character area. Developers and operators are reminded of their obligation to ensure that materials and products are stored safely.

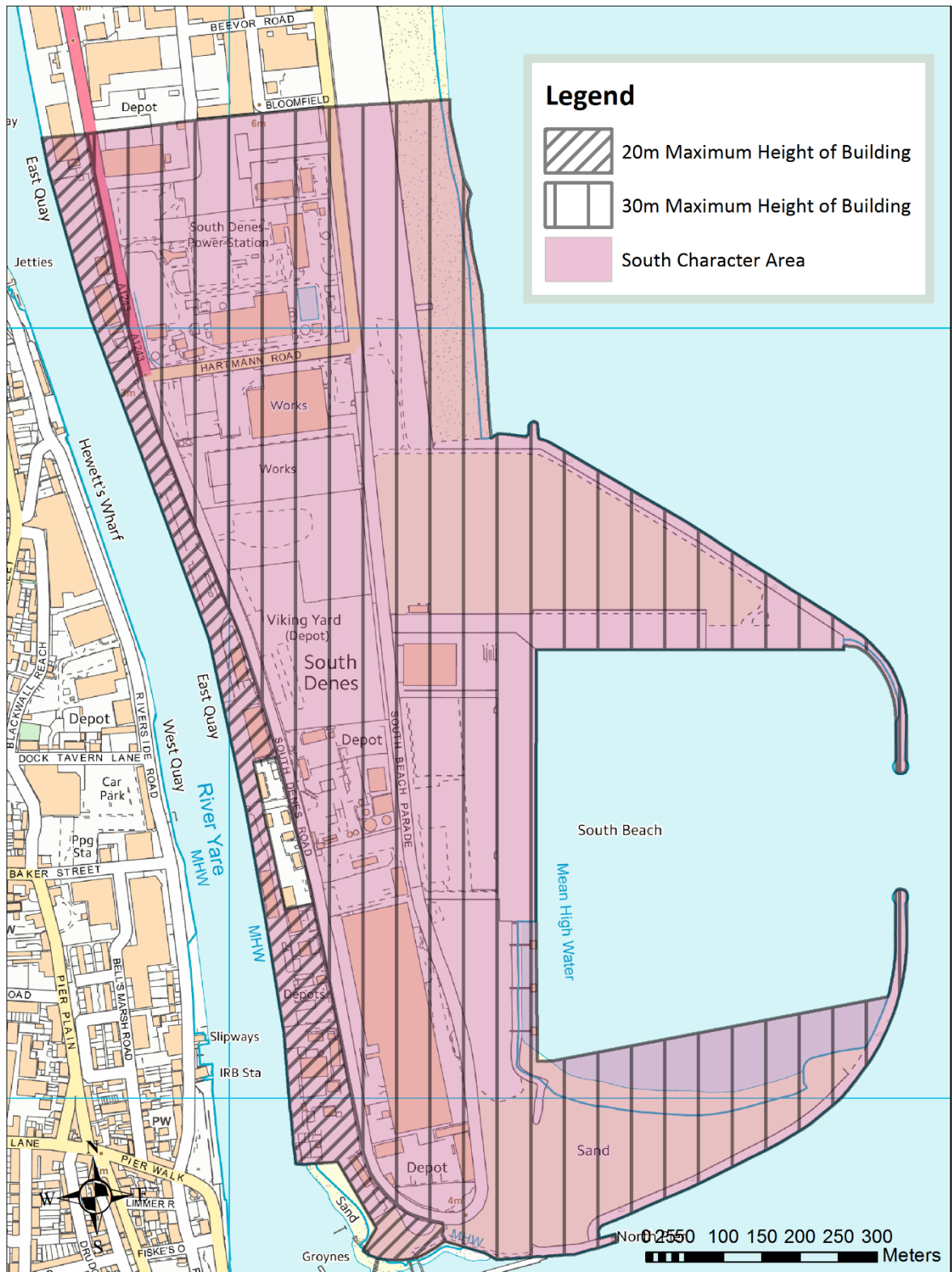


Figure 8 - Building Heights in South Character Area

#### North Character Area

- 2.69. The need to have regard to the close proximity of residential properties requires limitations on building heights to respect the existing relationships between commercial and residential sites. Those buildings nearest to residential properties need to be of a scale where they will not dominate residential outlook or severely overshadow residential gardens or windows.



Beyond the immediate environment of the residential areas, buildings can be taller, but in order to have regard to the existing character of the area and the setting of Nelson's monument building heights need to be lower than those in the Southern area.

2.70. In the 'North character area', the maximum height of buildings or storage tanks permitted by the South Denes LDO shall not exceed:

- 8m in area North of Swanston's Road and East of Admiralty Road;
- 12m within a rectangular parcel of land bounded by Middle Road East, Sutton Road and Admiralty Road that is bisected in line with Peggotty Road (See North Character Map)
- 17m across the remainder of the character area lying West of South Denes Road and, South of the parcel of land bisected in line with Peggotty Road.

2.71. The Design Code does not impose any restriction on the height of materials or products stored externally in this character area. Developers and operators are reminded of their obligation to ensure that materials and products are stored safely.

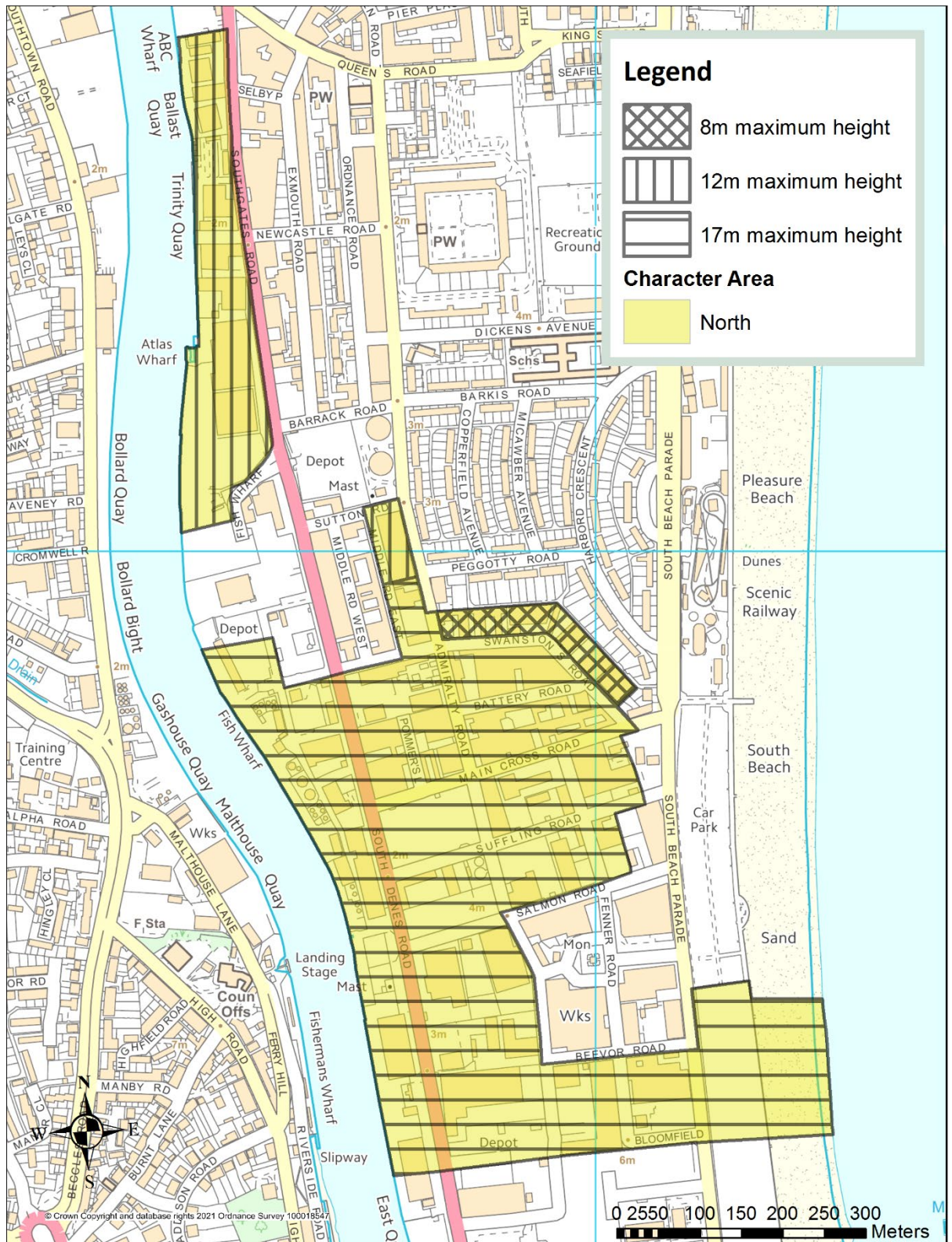


Figure 9 - Building Heights in North Character Area

West of the River Character Area

- 2.72. In the 'West of the River character area', the maximum height of buildings or storage tanks permitted by the South Denes Local Development Order shall not exceed:

- 10 m for any part of a building that lies within 10m of the eastern edge of Southtown Road/Beccles Road, except for a proportion of any individual building, equal to or less than 20% of the building footprint, which may be up to 13m high (in order to allow for articulation of the design);
- 17m for any part of a building that lies 10m or more away from the eastern edge of Southtown Road/Beccles Road.

2.73. The Design Code does not impose any restriction on the height of materials or products stored externally in this character area. Developers and operators are reminded of their obligation to ensure that materials and products are stored safely.

*Nelsons Monument and Surroundings Character Area*

2.74. The tallest structure in this character area is clearly Nelson’s Monument, which is 44m high. It is considered essential that this landmark should remain a prominent feature of the townscape. Long distance views of the monument from the surrounding area are considered to be an important aspect of its setting.

2.75. Within the ‘Nelson’s Monument and Surroundings’ character area the maximum height of the eaves or parapet of any buildings shall not exceed 10m (three storeys) and the overall height of any building shall not exceed 14m. Any new buildings erected within the square surrounding the monument, or on the west side of Fenner Road for a distance of at least 20m from the junction with Monument Road, must be built to a height equivalent to three storeys.



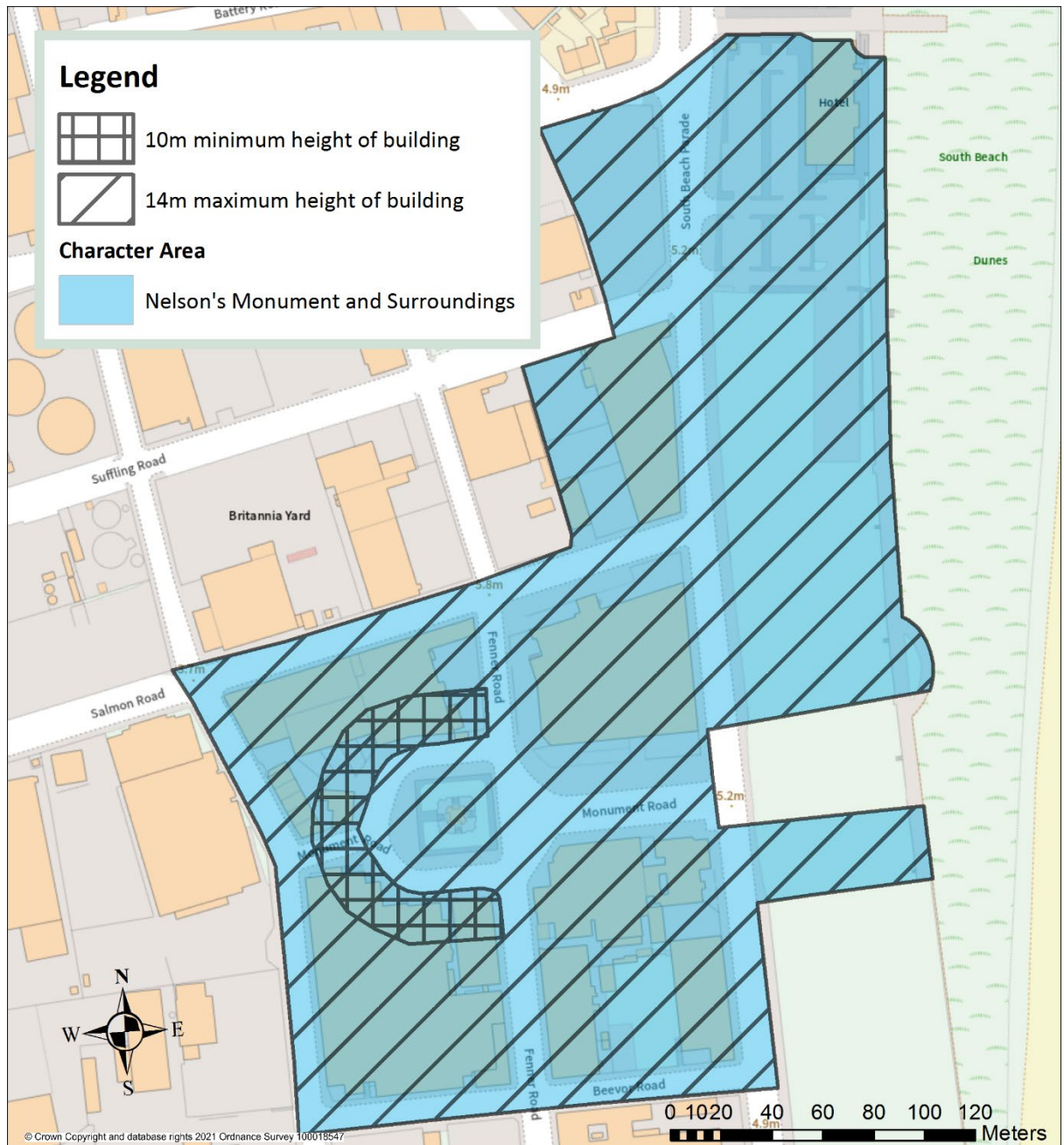


Figure 10 - Nelson's Monument and Surroundings Character Area

## Form

2.76. Wherever it is practicable, developers should lay out developments so that buildings front onto the public realm and enclose 'private' external spaces, such as yards and car parks behind them. This approach has a number of benefits including:

- Minimising the need and length of fencing improving the public realm and security of the development.
- Providing security through increased overlooking
- Screening noise and other disturbances from yard activities.

- 2.77. Space between buildings, or between buildings and their relevant boundaries, could be influenced by the requirements of the building regulations. These would include the separation of buildings to avoid fire spread, and the provision of access for fire appliances.
- 2.78. Where adjacent sites are being developed concurrently, developers should seek to understand each other's proposals and make efforts to achieve designs that do not have unacceptable impacts. Particular regard should be given to the location of air intakes and extraction flues and the potential for loss of light that might arise from developments adjacent to boundaries.
- 2.79. Loading bays, bin stores, outdoor storage mechanical plant, and other operational requirements should be incorporated into the overall design of the building and its site. Developments should seek to avoid such facilities appearing as dominant features in the street scene.

#### West of the River Character Area

- 2.80. One historic response to the proximity of residential property in this area has been to use buildings as a barrier to shield residential properties from noisy activities. To some extent this solution is successful in terms of minimising nuisance, but in design terms the result has sometimes been less than satisfactory. The use of buildings to shield residential properties from noise and activity is still a recommended design technique within this character area, but this technique should be used alongside greater articulation of the façade facing the residential properties.
- 2.81. Developments along Southtown Road should include:
  - Occasional setbacks in the building line;
  - Variation in building heights, materials, tone and colour;
  - The introduction of areas of landscaping between the buildings and Southtown Road to break up the continuous line of buildings and to provide variations in texture and scale;
  - The use of windows and doors to articulate the frontage of development facing Southtown Road may also be appropriate if activities within the building are not noisy, or if the windows and doors are suitably designed to attenuate noise.

- 2.82. No development should take place between Southtown Road and the highway facing elevations of the listed buildings at 244b Southtown Road, Victory House, 245 Southtown Road and 244 Southtown Road in order to protect the setting of these Listed Buildings and their visibility from the road.

#### Nelson's Monument and Surroundings Character Area

- 2.83. It would be desirable to achieve formal frontages on buildings facing the monument, to enhance and reinforce the sense of arrival and emphasise the importance of the space. Buildings that surround the monument square will be expected to have windows and doors within the elevation that face the monument.
- 2.84. The frontages of new buildings should be orientated towards the monument and significant gaps in the building line around the monument square should be avoided (with the exception of the existing gaps for roads to the north and south of the monument).

- 2.85. To reinforce the sense of place and enclosure, buildings surrounding the monument and along Monument Road shall be built on the alignment of the building line indicated on the map at Figure 10 below (to ensure an open aspect to the sea, developments along Monument Road must not encroach further forward than the building line of the existing buildings).
- 2.86. It is considered desirable to maintain the basic street pattern surrounding Nelson's Monument. The roads around the monument form a misshapen square with roads leading off to north, east, south and west. The pattern of these roads does not have a particular historic significance, the form having emerged during the inter-war period in the first half of the 20th century, however in order to ensure that the monument remains a focal point it is desirable to maintain the basic intersection and form of these roads. Realignment of the roads, to create a more symmetrical square around the monument and/or to align the east/west route with the monument would however be acceptable in principal.

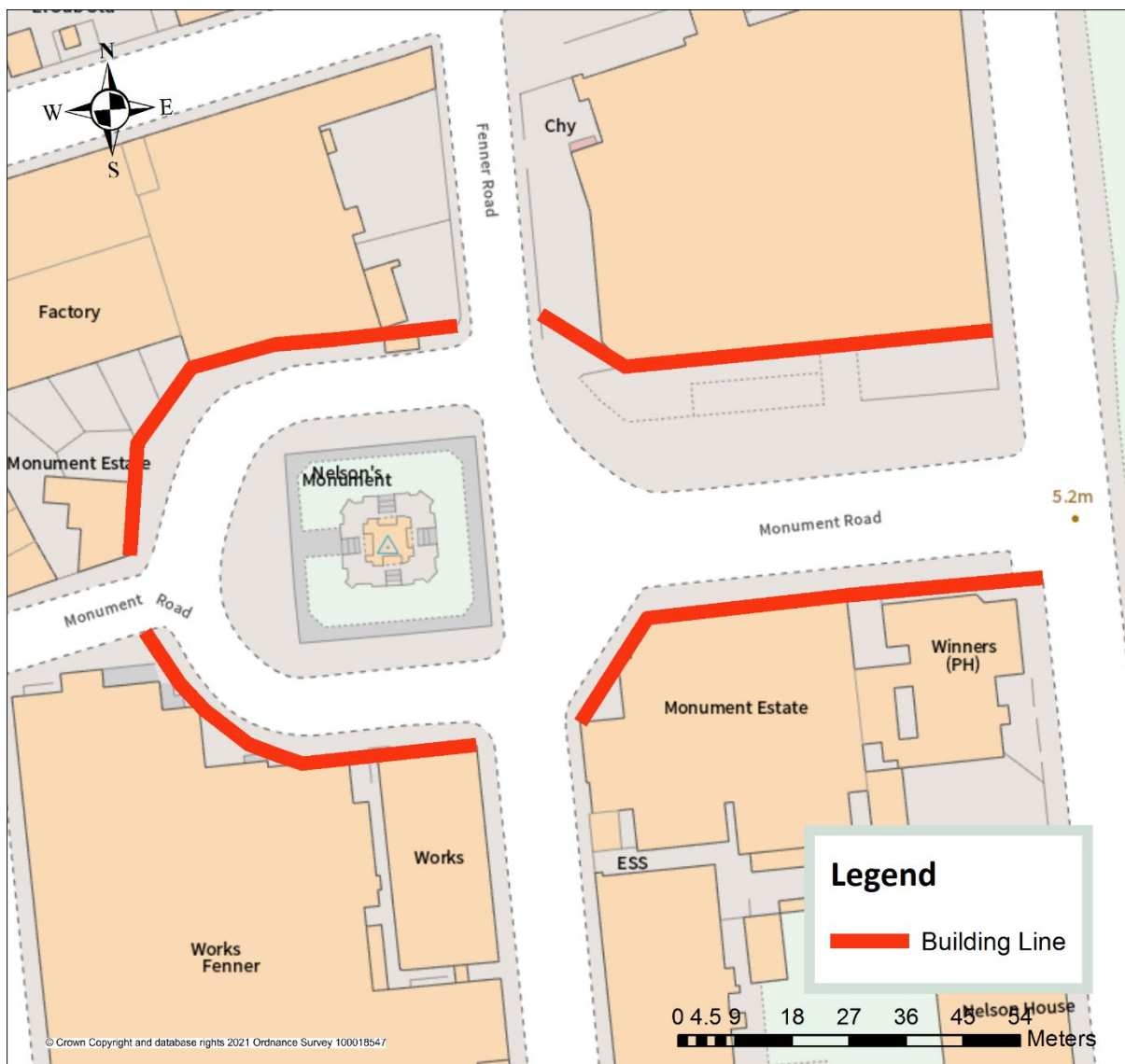


Figure 11 - Building Line around Monument

## **Walls and Fencing**

- 2.87. With the exception of Nelson’s Monument and Surroundings Character Area, there are no specific requirements with respect to materials and colours.

### *Nelson’s Monument and Surroundings Character Area*

- 2.88. Condition i of Class 4 restricts fencing height to 2m on Monument Road and Fenner Road. In the square surrounding the Monument (made up of plots facing Monument Road and Fenner Road) fences must be made of metal rod. Wire fencing, pressed steel/palisade fencing or wooden fencing is not permitted. Walls must be constructed of brick, render or stone or a combination of these materials and should complement the materials used in the façade of any new buildings.

## **Identity**

- 2.89. The underlying objective for the architectural design of industrial and commercial buildings should be the same as for all new development, which is to make the public places in which they stand as attractive and welcoming as possible. The architectural treatment of industrial buildings should play its part in improving the image of new development in the Borough.
- 2.90. Contemporary building designs can fit well into an existing urban area, reinforcing the local townscape and creating new landmarks or focal points. Buildings should not resort to copying neighbouring building design but should give consideration to certain local characteristics (such as building lines, heights, scale, materials) in developing an appropriate design.
- 2.91. Frontages adjacent to pedestrian routes or public spaces should be designed to provide visual interest, activity and casual supervision at ground floor level. There are particular advantages in ensuring that office developments are orientated towards public space as the fenestration of such buildings can provide visual interest and articulation within the street scene. However, even industrial or warehouse buildings can be designed to break up the appearance of large areas of roof and walls and provide visual interest at ground level. For example, the use of different profiles of sheeting of the same colour, or articulated building footprints could be used to promote architectural definition and interest.

### *Nelson’s Monument and Surroundings Character Area*

- 2.92. The square around the monument and the frontages facing Monument Road are not considered to be an appropriate location for prefabricated industrial type buildings
- 2.93. New buildings that abut South Beach Parade should present a public face towards South Beach Parade, including windows and doors.

## **Materials and Colours**

- 2.94. With the exception of Nelson’s Monument and Surroundings Character Area, there are no specific requirements with respect to materials and colours. Buildings outside of this character area should include a mix of materials and provide contrast in colours in order to break-up the massing of facades. Generally more subdued and non-reflective finishes can reduce the overall impact of a building. Colour contrast and highly reflective materials may be used to highlight key features such as entrances, windows and structure, but must generally be avoided over large areas of buildings.





**Figure 12 - Example of appropriate use of materials and colours**

*Nelson's Monument and Surroundings Character Area*

- 2.95. High quality materials will be required for any new development in this character area. Façades facing the monument shall be built using following materials: brick, smooth render, stone or a combination of these materials. Some unity of materials will be expected across different developments within monument square.
- 2.96. Façades facing South Beach Parade shall be built using the following materials: brick, smooth render, stone, high quality cladding materials, glazing, or a combination of these materials.
- 2.97. Profile sheet metal is not considered to be an acceptable material for walls facing South Beach Parade or Monument Road.
- 2.98. The objective is to create a unified appearance to development around monument square, while this can be achieved by buildings that do not replicate each other's design, once the first new development has taken place, following buildings will be expected to respect the design, materials, heights and fenestration patterns of that development.

## **Resources**

### **Recycling Facilities**

- 2.99. In all development, refuse and materials recycling collection facilities must be protected from the weather and designed as an integral part of the built form of the development proposals.

### **Lighting**

- 2.100. Lighting design should keep glare to a minimum by ensuring that the main beam angle of all lights directed towards any potential observer is not more than 70°. Higher mounting heights allow lower main beam angles, which can assist in reducing glare. Some activities may require the deliberate and careful use of upward light - to which these limits cannot apply. However, care should always be taken to minimise any light trespass by the proper application of suitably directional luminaires and light controlling attachments



2.101. With the exception of traffic signals, warning lights for the purpose of harbour/coastal navigation, or warning lights for the purpose of air navigation, all lighting (whether permanent or portable) on developments constructed under the Local Development Order shall:

- be so positioned and/or configured so as not to be an unacceptable distraction to road users
- be designed so exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated and so that backscatter to the night-time sky is minimized. The design of the lighting shall be such that the luminescence or light source is shielded to prevent light trespass outside the development boundary
- be of minimum necessary brightness consistent with worker safety and operational requirements

## Appendix 1 – Archaeology Protocol

The Protocol anticipates discoveries being made by Project Staff, who report to a Site Champion on their site (usually the senior person on site), who then reports to a person (the Nominated Contact) who has been nominated by the developer to co-ordinate implementation of the Protocol. The developer may have appointed a Retained Archaeologist to provide archaeological advice and/or services to the development. In this case the Retained Archaeologist would be an appropriate person to take the role of the Nominated Contact. The nominated contact will in turn inform the Norfolk County Council Historic Environment Service ([heritage@norfolk.gov.uk](mailto:heritage@norfolk.gov.uk) 01362 869275). The Nominated Contact should maintain a watching brief over the development.

It is recognised that, for the Protocol to be effective, participants (such as Site Champions or project staff) may require appropriate training. This should be provided by the Retained Archaeologist.

Where items of archaeological interest are recovered, Project Staff (under direction of the Site Champion) will:

- Handle all material with care.
- Any rust, sediment, concretion or marine growth should not be removed and 'groups' of items or sediments should not be separated.
- If possible photograph the item in the condition in which it was recovered.
- Record the position at which the artefact/sediments were recovered.
- Provide a unique reference number for each artefact, which is to be included on all recording and storage mediums.
- If the find is from a waterlogged or underwater environment, then Project Staff (under direction of the Site Champion) will arrange for the find to be immersed in seawater in a suitable clean container, which should be covered. It should be noted that 'time is of the essence' in terms of the recovery of waterlogged archaeological material. If waterlogged organic items are allowed to dry out this can cause irreparable damage. Care in handling items is paramount.

Where it is possible to identify the position from which the discovery originated, the Site Champion will arrange for a Temporary Exclusion Zone (TEZ) in which construction activities will cease temporarily (in the vicinity of the location), or move to an alternate location, until the advice of the County Council Historic Environment Service has been obtained.

The Nominated Contact should inform other teams engaged in potentially damaging activities in the same area, to ensure that they are aware of the position of the discovery so that further possible damage to the historic environment can be avoided.

The initial response of the Historic Environment Service will include an assessment of archaeological potential and a decision on the continuation or removal of the Temporary Exclusion Zone (TEZ).

The following types of discovery are likely to be of low potential:

- Reports of single, apparently isolated, finds that are not datable or are of modern (post-1800) or later date (with the exception of military remains).

The following types of discovery are likely to be of high potential:

- Reports of single finds that are of post-medieval or earlier date
- Reports of single finds that relate to military aircraft
- Reports of multiple finds from the same area
- Reports indicating the presence of a wreck or other structural remains

In the case of discoveries of low potential, the Historic Environment Service is likely to advise the Nominated Contact that the TEZ may be lifted and that construction activities in the vicinity of the discovery may recommence.

In the case of a discovery of high potential, the Historic Environment Service will advise the Nominated Contact of the implications of the discovery and of further actions that might be required. Further actions may include call-out investigations, the conversion of a TEZ to an Archaeological Exclusion Zone (AEZ), and/or the institution of a watching brief. The rationale for conclusions reached will be provided to the Nominated Contact.

If an AEZ is established a scheme of archaeological investigation will be required. Such investigation shall be undertaken in accordance with a written scheme which shall be submitted to and approved in writing by the Historic Environment Service. Work shall be carried out in accordance with that approved scheme and by a suitably qualified investigating body acceptable to the planning authority.

If the discovery is something to which specific legal provisions apply (treasure, human remains, wreck etc.), it will remain the responsibility of the developer to undertake such statutory reporting as is required.

The subsequent handling, retention or disposal of finds will be subject to applicable law and to arrangements between the developer and the institution receiving the archaeological archive arising from the scheme.





# South Denes Local Development Order

## Consultation Statement

January 2022

# Introduction

This document sets out the responses received to the consultation and how the Council has taken them into account in drafting the final version of the Local Development Order.

Consultation on the South Denes Local Development Order took place for 28 days between 15<sup>th</sup> November and 13<sup>th</sup> December 2021.

The following people / organisations responded to the consultation:

- Environment Agency
- Historic England
- Marine Management Organisation
- Natural England
- Norfolk County Council
- Peel Ports
- Somerleyton Estate
- Water Management Alliance
- 2 Members of Public

## Summary of main issues raised and how they have been addressed

### Respondent: Environment Agency

#### Summary of Main Issues Raised

It was noted that Flood Defence Consents are now referred to as Environmental Permits which are part of the Environmental Permitting (England and Wales) Regulations 2016. It was also noted that the 9m search distance has been updated which would now be 16 metres.

The Environment Agency supported the limitations within the order with regard to deep soakaways and discharge of pollutants. They advised that appropriate contaminated land assessments would need to be undertaken for applications with a former or proposed use that is designated as potentially contaminating.

The Environment Agency suggested they would object to developments which were not compatible with Flood Zone 3 as per table 2 and table 3 of the National Planning Practice Guidance on Flood Risk. They advised they would object to development classed as 'More Vulnerable' where finished floor levels are lower than 300mm above the level of any flooding which would occur if defences were overtopped in a 1% / 0.5% event (including allowance for climate change) and no safe refuge is provided above the 0.1% event.

The Environment Agency recommended that development 'Less Vulnerable' development also meets the above requirements to minimise costs and if this is not achievable a safe place of refuge should be

provided above the 0.1% flood level (including allowances for climate change). They advised that where safety is reliant on refuge it is important that the building is structurally resilient to withstand the pressures and forces associated with flood water and it may be necessary receive supporting information from the developer including calculations to provide certainty that the buildings will be constructed to withstand these water pressures.

### **How issues have been addressed**

Paragraph 3.3(vi) has been updated to reflect the latest legislation as advised by the Environment Agency.

There are no pre-commencement requirements to submit a contaminated land assessment for development permitted by the order. In order to maximise benefits of a streamlined approach for economic development within the Local Development Order area, these types of requirement have been omitted unless absolutely necessary. Development permitted by the order is less sensitive to contamination. Furthermore, it should be noted there are no requirements for contaminated land assessments for similar development permitted under Class B of Part 8 of the Town and Country Planning (General Permitted Development) Order 2015. If contamination issues arise during construction or operation these will be dealt with under building control or environmental protection legislation.

The Local Development Order does not permit development which would be considered 'Highly Vulnerable' as per Table 2 of the National Planning Practice Guidance. The only 'More Vulnerable' development permitted would be education uses and the requirement for the Flood Risk Management Form (Appendix 2 of the Local Development Order) will ensure these requirements are met.

With regard to 'Less Vulnerable' development, the requirement for the Flood Risk Management Form and a Flood Response plan are considered sufficient to reduce the risk of flooding for development permitted by the order.

## **Respondent: Historic England**

### **Summary of Main Issues Raised**

No specific detailed issues raised but referred Historic England's 'Streets for All' guidance. Historic England also considered they agree with the conclusions of the Habitat Regulations Assessment (HRA) Screening Opinion.

### **How issues have been addressed**

No changes necessary. The 'Streets for All' guidance has been reviewed. The Council does not consider any changes are needed to the Local Development Order or Design Code as a result.

## **Respondent: Marine Management Organisation**

### **Summary of Main Issues Raised**

The Marine Management Organisation provided a generic response covering detail on Marine Plans and Marine Licensing and signposted guidance. They followed this up with confirmation they had no specific comments on the Local Development Order and considered they would not have any impact on the East Marine Plans.

## **How issues have been addressed**

No changes necessary.

## **Respondent: Natural England**

### **Summary of Main Issues Raised**

With regard to international designated sites, Natural England did not object subject to conditions. They considered that recreational impacts could be ruled out. They advised that suitably worded planning conditions should be secured in relation to project design and methods of working to ensure the potential for air and light pollution and impacts from water supply, discharge and disturbance are avoided in operation and construction.

Natural England also advised the Council to be aware of implications on best and most versatile agricultural land and soil protection.

Natural England referred to standing advice on protected species.

Natural England stated that development should provide net gains for biodiversity and the mitigation hierarchy should be followed. Natural England advised the Council of its duty to have regard to conserving biodiversity.

## **How issues have been addressed**

A revised Habitat Regulations Assessment has been prepared to take into account the comments raised by Natural England. This has resulted in a number of changes to the Local Development Order in order to ensure there are no likely significant effects.

The site is mainly previously developed land and there will be no loss of best and most versatile agricultural land.

The Local Development Order requires a protected species survey to be undertaken before commencement of development. If protected species are present the development must ensure that there is no detrimental harm to the species and mitigating measures are taken.

The Design Code requires landscaping as part of design where practicable and requires buildings to be designed to provide nesting and roosting opportunities for birds. This will help continue to achieve net-gains for biodiversity across the site. The Council does not consider it appropriate to require a specific quantum of net-gain in advance of the implementation of Environment Act 2021.

## **Respondent: Norfolk County Council**

### **Summary of Main Issues Raised**

#### **Economic Development**

Norfolk County Council supported the overall aims and objectives set out in the Local Development Orders and associated Design Codes. They supported the simplified planning process and the greater permitted development rights for businesses.

#### **Minerals and Waste Planning**

Norfolk County Council objected to the inclusion of “decommissioning and disassembly of components, machinery, plant and rigs previously used for the generation or transmission of energy, or the extraction of fossil fuels” within Class 1 as they were of the view that these would be waste operations and therefore a County Matter. The County Council supported the exclusion of County Matters development from the order.

The County Council raised concerns that there was insufficient information on how the Council would monitor compliance with conditions of the Local Development Order and how enforcement action would be taken.

The County Council advised including the legal definition of County Matter development in section 6.

The County Council advised that the ASCO hazardous waste management site is safeguarded under Policy CS16 and redevelopment of the site under the Local Development Order would be contrary to this policy. The County Council advised that the site should be excluded from the LDO.

The County Council considered that prior extraction of minerals would not be practical in this location.

### **Lead Local Flood Authority**

The County Council raised concern that there is no mention of the Local Lead Flood Authority (LLFA) or their developer guidance in the LDOs or Design Codes. They recommended that the documents should direct developers to the Developer Guidance and the LLFA for pre-app enquiries.

The County Council suggested that with regard to tidal and coastal flood risk, developers should directed to the Environment Agency with regard to the coastal and tidal flood risk within the flood risk management section.

The County Council questioned the source of Figure 7 and requested reference be made to the source.

### **Historic Environment**

The County Council advised that the wording needed to be changed for Condition x under Class 1 as follows:

*No development shall take place within the area of the South Denes Local Development Order as shown in Appendix 3 until the developer has taken the advice of the Norfolk County Council Environment Service (NCCES) and if recommended secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority and the work has been carried out in accordance with that approved scheme and by a suitably qualified investigating body acceptable to the NCCES;*

The County Council also recommended extending this condition to cover all of South Denes.

The County Council advised that Paragraph 2.27 is inaccurate as some significant archaeological remains may indeed be present, such as the Harbour Fort and the buried remains of other defence structures from the late 19th century onwards, including those dating the World Wars One and Two.

The County Council advised that with regard to Appendix 1 , their office is no longer in a position to offer the training and input required by Appendix 1 due to staffing issues. They advised that a retained archaeologist should take over those responsibilities under advisement (and subject to an approved



Written Scheme of Investigation or specification) from the County Council. They would expect that the retained archaeologist would maintain a watching brief over any development, in addition to any mitigation required.

### **Environment**

The County Council supported the encouragement in the Design Code for developers to include landscaping. They also would encourage developers to consider biodiversity net gain.

The County Council suggested making reference to the Norfolk Coast Path National Trail in the EIA screening opinion.

## **How issues have been addressed**

### **Economic Development**

Support welcomed.

### **Minerals and Waste Planning**

It is agreed that most decommissioning and disassembly activities will be waste operations and therefore a County Matter. However, buildings accommodating administrative and support services to the decommissioning sector will not typically be waste operations in themselves. Therefore paragraph (f) under Class 1 has been revised to make clear that the order permits administrative and support services to the decommissioning sector rather than the actual activity of decommissioning.

It is not considered necessary to set out in detail how conditions will be monitored and enforced in the Local Development Order. The approach to planning enforcement matters is set out in the Council's planning enforcement policy. The Local Development Order has safeguards built in through the notification process to ensure schemes being proposed are in accordance with the requirements of the orders.

It is considered that 'County Matters' is adequately defined in paragraph ix under Limitations for all Classes.

The ASCO safeguarded hazardous waste management site has been removed from the Local Development Order area.

### **Lead Local Flood Authority**

Paragraph 2.52 of the Design Code has been amended to signpost the developer guidance and the pre-application advice.

There are specific conditions regarding flood risk from tidal sources which developers will need to take specialist advice in order to discharge and therefore there is no need to require developers to be directed to the Environment Agency.

The source of Figure 7 has been added to the Design Code

### **Historic Environment**

It is not considered appropriate to amend condition x as suggested by the County Council as it is ultimately the local planning authority who have the responsibility for the discharge of conditions and not the County Council. It is not considered appropriate to extend this condition to cover the entire South Denes area as this would undermine some of the benefits of the streamlined approach to economic development in this area as intended by the Local Development Order. The Archaeology Protocol as set out in Appendix 1 of the Design Code is considered appropriate to cover the remainder of the Local Development Order area.

Paragraph 2.27 has been amended to reflect the information provided by the County Council.

Appendix 1 has been amended to reflect the changes requested.

### **Environment**

The Design Code requires landscaping as part of design where practicable and requires buildings to be designed to provide nesting and roosting opportunities for birds. This will help continue to achieve net-gains for biodiversity across the site. The Council does not consider it appropriate to require a specific quantum of net-gain in advance of the implementation of Environment Act 2021.

Whilst it would have been useful to reference the Norfolk Coast Path National Trail in the EIA Screening Opinion, as the amendment will not change the overall conclusions it is not considered necessary to do this now.

## **Respondent: Peel Ports**

### **Summary of Main Issues Raised**

Peel Ports offered support to the continuation of the Local Development Order.

### **How issues have been addressed**

Support welcomed.

## **Respondent: Somerleyton Estate**

### **Summary of Main Issues Raised**

The Somerleyton Estate encouraged the Council to include as many features to enhance wildlife and improve the landscape within the South Denes area.

### **How issues have been addressed**

No changes necessary. The Design Code requires landscaping as part of design where practicable and requires buildings to be designed to provide nesting and roosting opportunities for birds. No changes are considered necessary.

## **Respondent: Water Management Alliance**

### **Summary of Main Issues Raised**

The Water Management Alliance advised that the DuDA hierarchy is taken into account where the most preferable option is discharge to a watercourse should infiltration not be viable. They recommended that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

## **How issues have been addressed**

No changes necessary. The South Denes area is a predominantly built-up area with large areas of existing hard-standing. As such it would be inappropriate for the Local Development Order or Design Code to specifically require attenuation to greenfield run-off rates. It is considered that the section of surface water is sufficient as amended to take into account comments from the Local Lead Flood Authority.

## **Respondent: Ms Harwood (Member of Public)**

### **Summary of Main Issues Raised**

Concern was raised that the Local Development Order lack ambition and focussed only on developing the site for industrial buildings and car parking with no mention of innovation, energy-saving or sustainability such as requiring pervious parking areas. It was suggested that the area should be a place where people visit and stay after the working day and the area at the mouth of the river should be improved and opened up for people to enjoy the view. It was suggested that last remaining dunes should be conserved as a wild space.

It was argued that the Local Development Order would not bring long-term employment to the area. It was suggested that there was an opportunity for innovative architectural and landscape design.

## **How issues have been addressed**

No changes necessary. The Local Development Order for South Denes is not a strategy for how the area should be developed. This is set out in Policy CS6 of the Core Strategy and Policy GY10 of the Local Plan Part 2. The Local Development Order seeks to implement these policies through granting planning permission for certain uses which align with the objectives of these policies and the objectives of the established Enterprise Zone which are to encourage economic growth in the ports and offshore energy and engineering sectors. Whilst the Local Development Order grants permission for certain uses and types of development it does not prohibit or set policies for development not covered by the order. Development not covered by the order will need to go through the normal planning application process (unless permitted by other legislation) and subject to Local Plan and national planning policies.

The dunes are outside of the Local Development Order area, therefore the order will not result in a loss of them. The Design Code sets certain standards for design but does not seek prescribe architectural styles, therefore, there is scope for innovative architecture to be provided through the order.

## **Respondent: Ms Coleman (Member of Public)**

### **Summary of Main Issues Raised**

Concern as raised that South Denes is a wasted opportunity and the area should be developed as a different attraction for visitors. Support was given for waterfront café and bars. The respondent also made comment on opportunities to develop other parts of the town.

## **How issues have been addressed**

No Changes necessary. The Local Development Order for South Denes is not a strategy for how the area should be developed. This is set out in Policy CS6 of the Core Strategy and Policy GY10 of the Local Plan Part 2. The Local Development Order seeks to implement these policies through granting planning

permission for certain uses which align with the objectives of these policies and the objectives of the established Enterprise Zone which are to encourage economic growth in the ports and offshore energy and engineering sectors. Whilst the Local Development Order grants permission for certain uses and types of development it does not prohibit or set policies for development not covered by the order. Development not covered by the order will need to go through the normal planning application process (unless permitted by other legislation) and subject to Local Plan and national planning policies.

## Appendix – Full Text of Comments

### Respondent: Environment Agency

#### **Environmental Permit**

We note that section 3.3, paragraph vi of the LDO states “The development is within 9 metres of the landward toe of any tidal defence without the prior consent of the Environment Agency and/or the coastal defence authority. Formal Flood Defence Consent is required for any such works or structures under the terms of the Water Resources Act, 1991. For guidance, the Environment Agency will generally require a 9 metre (minimum) access strip adjacent to any tidal defence in order to facilitate future maintenance requirements”

Please note that Flood Defence Consents are now referred to as Environmental Permits which are part of the Environmental Permitting (England and Wales) Regulations 2016. The search distance of 9 metres has also been updated and an Environmental Permit will be required as below:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

Please note that this site is at tidal flood risk and so the 16 metre buffer will be used.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

#### **Groundwater and Contaminated Land**

We agree that the permission granted by the order should not apply as per your conclusions for developments involving:

- Direct discharge of pollutants to the groundwater.
- Use of deep soakaways for surface water and effluent disposal.

We would also advise that appropriate contaminated land assessments would need to be undertaken for applications with a former or proposed use that is designated as potentially contaminating. These

are defined in full on the land contamination DoE industry profiles which are available here:  
<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>

## **Flood Risk**

In addition to the Flood Resilience measures proposed in section 2.52 of the consultation draft, we would also highlight the need to consider if the development is appropriate in terms of flood risk.

Table 2 of the Practice Guide categorizes developments according to their vulnerability and table 3 sets out which vulnerabilities are inappropriate in Flood Zone 3. You should be aware that we are likely to object in principle where it is indicated that a development is not compatible in Flood Zone 3. Please note that Flood Zone 3b is defined by the Local Planning Authority's Strategic Flood Risk Assessment, or by the 5% (1 in 20 year) modelled flood outlines and levels held by the Environment Agency.

In relation to Finished Floor Levels, proposals for 'more vulnerable' development should include floor levels set no lower than 300 mm above the level of any flooding that would occur if defences were overtopped in a 1% / 0.5% flood event (including allowances for climate change). Safe refuge should also be provided above the 0.1% undefended/breach flood level (including allowances for climate change). We are likely to raise an objection where these requirements are not achieved.

We recommend 'less vulnerable' development also meets this requirement to minimize disruption and costs in a flood event. If this is not achievable then it is recommended that a place of refuge is provided above the 0.1% flood level (including allowances for climate change). Where safety is reliant on refuge it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic & hydrodynamic) associated with flood water. The LPA may need to receive supporting information and calculations to provide certainty that the buildings will be constructed to withstand these water pressures.

We trust this advice is useful.

## **Respondent: Historic England**

We welcome the production of these revised Local Development Orders, and Design Codes, but do not currently have capacity to provide detailed comments. We would refer you to our detailed guidance on successfully incorporating historic environment considerations into the development process, which can be found here: [Streets for All](#). This document sets out principles of good practice for street management - such as reducing clutter, co-ordinating design and reinforcing local character. The manuals, covering each of the English regions, provide inspiration and advice on street design which reflects the region's distinctive historic character.

With regards to the Habitat Regulations Assessment (HRA) Screening Opinions for both sites, I can confirm that we support the conclusions set out in paragraphs 6.2 of the reports that no Appropriate Assessment is required as there will be no adverse effects on Habitat Sites integrity.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries. I would be grateful if you would confirm receipt of this email.

## Respondent: Marine Management Organisation

A copy of the standard response is attached.

No further comment is required from the MMO regarding the Local Development Orders for Beacon Park, Gorleston-on-Sea and South Denes, Great Yarmouth, as the Local Development Orders do not overlap with the East Inshore and Offshore Marine Plans and therefore do not suggest any anticipated impacts on the marine plans.

We advise that you consider any relevant policies within the East Marine Plan Documents in regard to areas within the plan that may impact the marine environment. We recommend the inclusion of the East Marine Plans when discussing any themes with coastal or marine elements.

When reviewing the East Marine Plans to inform decisions that may affect the marine environment, please take a whole-plan approach by considering all marine plan policies together, rather than in isolation.

### Consultation response - PLEASE READ

Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

### Marine Management Organisation Functions

The 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 grants.

### Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where

multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK [Marine Policy Statement](#). This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#). We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#).

See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

The adoption of the [North East](#), [North West](#), [South East](#), and [South West Marine Plans](#) in 2021 follows the adoption of the [East Marine Plans](#) in 2014 and the [South Marine Plans](#) in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.

#### Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: [marine.consents@marinemanagement.org.uk](mailto:marine.consents@marinemanagement.org.uk).

#### Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances.



This is because a marine plan is not a 'development plan' under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.

- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

#### Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.
- [The minerals planning practice guidance](#) 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 minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at [consultations@marinemanagement.org.uk](mailto:consultations@marinemanagement.org.uk) or telephone us on 0208

## Respondent: Natural England

### Planning consultations:

- **Beacon Park Local Development Order**
- **Gorleston-on-Sea and South Denes Local Development Order**

Thank you for your consultation on the above dated 09 December 2021 which was received by Natural England on the same date.

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.

### **Advice under the Conservation of Habitats & Species Regulations 2010 (as amended)**

#### ***Internationally designated sites***

#### **No objection – with conditions**

The Development Orders are in close proximity to European designated sites, and therefore have the potential to affect the interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

The application sites are in close proximity to:

- Breydon Water Special Protection Area
- Breydon Water Ramsar
- Broadland Special Protection Area
- Broadland Ramsar
- North Denes Special Protection Area
- Outer Thames Special Protection Area
- Greater Wash Special Protection Area
- The Broads Special Area of Conservation
- Winterton Horsey Dunes Special Area of Conservation
- Southern North Sea Special Area of Conservation
- Haisborough, Hammond and Winterton Special Area of Conservation

These sites are also notified at a national level as

- Breydon Water Site of Special Scientific Interest
- Great Yarmouth and North Denes Site of Special Scientific Interest
- Halvergate Marshes Site of Special Scientific Interest
- Sprat's Water and Marshes, Carlton Colville Site of Special Scientific Interest
- Winterton and Horsey Dunes Site of Special Scientific Interest

In the context of the below advice, the relevant notified features of the SSSI broadly relates to those of the European sites and so the following comments are applicable in both an international and national context.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation Objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the Local Development Orders to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts.

We agree that recreational disturbance impacts can be ruled out in this case. However, we advise that suitably worded planning conditions should be secured in relation to the project design and methods of working. This should ensure that any potential for air and light pollution, discharges and water supply, or disturbance impacts to the nearby designated sites are avoided, both during construction and when in operation.

We highlight paragraph 5.6 of the Habitats Regulations Assessment for Beacon Park, Gorleston-on-Sea and South Denes Local Development Orders, which state that all individual schemes will be subject to Environmental Impact Assessment (EIA) thresholds (under schedules 1 and 2) and LDO consent will not be granted should it be determined that any development has environment impacts. Natural England has no objection to the proposed Development Orders, on the condition that any impacts to the natural environment are fully considered at the project level, including designated sites.

***Natural England offers the following additional advice:***

**Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

**Protected Species**

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### **Environmental gains**

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.

### **Biodiversity duty**

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Should the proposal change, please consult us again.

## **Respondent: Norfolk County Council**

### **Economic Development**

The County Council continues to support the overall aims and objectives set out in both the LDOs and Design Code documents, particularly with regard to the economic development opportunities the LDOs will bring to Great Yarmouth and the wider area through:

- Allowing greater permitted development rights for businesses operating in, or providing essential support services to, the energy, offshore engineering and ports & logistics sectors;
- Fostering economic growth and providing opportunity for businesses operating in, or providing essential support services to those sectors, to prosper and grow; and

Fostering economic growth and provide the opportunity for service, high-tech/research and development sector businesses, particularly those associated with the off-shore energy industry to prosper and grow, through a simplified planning process created by the LDO.

### **Minerals and Waste Planning**

#### **Class 1: Port and Energy Industries**

The County Council note that the LDO would permit development for Port and Energy Industries, including “the decommissioning and disassembly of components, machinery, plant and rigs previously used for the generation or transmission of energy, or the extraction of fossil fuels” as set out in paragraph 3.1 (f) of the draft LDO.

While it is recognised that this wording is the same as the existing LDO, it is considered that the decommissioning and disassembly activities proposed to be permitted under the LDO are waste management activities which would fall within the uses prescribed as County Matters in The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 and therefore these activities should not be permitted by the LDO.

The County Council support the exclusion of County Matters development from the LDO as set out in paragraph 3.3 (ix) of the draft LDO.

Therefore, the County Council object to the inclusion of decommissioning and disassembly activities within the LDO because it is considered that it conflicts with the exclusions of County Matters development from the LDO, unless the Borough Council can demonstrate the circumstances in which

this type of development would not be a waste management activity and therefore suitable development to be permitted by the LDO.

Limitations for all classes

Norfolk County Council, as the Statutory Minerals and Waste Planning Authority for Norfolk, supports the exclusion of County Matters development from the LDO.

The County Council support the exclusion of EIA development from the LDO. However, the County Council request clarification on how Great Yarmouth Borough Council monitors developments permitted by the LDO to ensure that the operations of the development remain in accordance with any EIA screening direction (for example in terms of scale) throughout the lifetime of the development.

Section 5. Monitoring of the Local Development Order and how this will be reported.

- It is not clear whether the development permitted under the LDO is being, or will be in the future, effectively monitored to ensure compliance with the LDO conditions and the relevant planning legislation.

The LDO should include a clear reference to the Borough Council's exclusive responsibility to monitor planning control of development permitted under the LDO. The LDO should also set out how development permitted under the LDO will be/is being continuously monitored to ensure compliance with the LDO and relevant planning legislation.

- The LDO does not include any reference to matters relating to planning enforcement.

The LDO would benefit from a section setting out how breaches of planning control, including, EIA or county matter developments, discovered through effective monitoring or direct complaints, will be investigated & assessed against the Borough Council's Planning Enforcement Policy. This section, should also set out the Borough Council's procedures for referring alleged breaches of planning control to the County Planning Authority for further investigation, when the breach is suspected of being a county matter;

- There is no reference in the LDO, as to whether the monitoring of planning control is being reported in the Council's Annual Monitoring Report, which at present only reports on the effectiveness of the LDO.
- There should be a clear reference to how this monitoring is to be reported on an annual basis in a monitoring report.

Section 6. Definitions

The County Council advise including the legal definition of County Matters development within section 6.

Section 7. Site Plan of South Denes Local Development Order Area

The County Council is pleased to note that the boundary of the LDO excludes the safeguarded Silverton Aggregates Wharf and also excludes the safeguarded waste management site operated by EMR. However, the LDO boundary includes another safeguarded hazardous waste management site operated by ASCO. While the County Council would not expect the operations of the existing safeguarded sites to

be compromised by adjacent development permitted by the LDO, redevelopment of the ASCO site itself would conflict with adopted Policy CS16 in the Norfolk Minerals and Waste Core Strategy unless suitable alternative provision is made, or the applicant demonstrates that the facility no longer meets the needs of the waste management industry. Therefore, the County Council advise that the existing ASCO hazardous waste transfer station site be excluded from the Local Development Order Area.

#### Design Code

The LDO site is underlain by safeguarded sand and gravel resources, however, due to its location (including in a flood risk area) the County Council would not expect prior extraction to take place. Mineral resource safeguarding is not covered in the design code, but the County Council recognise it would not be practicable in this location.

#### Local Lead Flood Authority

At present in both the Beacon Park and the South Deans draft LDOs and Design Code documents there is no mention of the LLFA and their developer guidance. We note the LLFA was not in existence when the original LDO was consented. However, it is recommended these documents should direct the potential developers to the LLFA for both pre-app enquiries and the required use of the LLFA Developer Guidance for the plot level developments.

We would further suggest that for clarity for the South Deans LDO documents, the developers should be directed to the Environment Agency with regard to the coastal and tidal flood risk within the flood risk management section.

On the review of the South Deans LDO Design Code in Figure 7 it is not clear from where this information was obtained. Please ensure that reference to the data source is provided and that the latest hydraulic modelling information has been used.

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>

#### Historic Environment

##### (a) South Denes LDO

Firstly, the text of Condition X on page 5 of the South Denes LDO needs to be changed, and I would recommend that it be extended to the whole of the LDO area, both sides of the river. There is the potential for significant archaeological remains, both upstanding and buried, in all the South Denes LDO areas:

No development shall take place within the area of the South Denes Local Development Order as shown in Appendix 3 until the developer has taken the advice of the Norfolk County Council Environment Service (NCCES) and if recommended secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority and the work has been carried out in accordance with that approved scheme and by a suitably qualified investigating body acceptable to the NCCES;



Although significant buried archaeological remains are at present unknown in the area, the potential for such remains is high and there are some significant structures whose presence is known, but exact location and level of survival are unknown (e.g. the mid-17th century Harbour Fort at the southern end of the South Denes peninsular and other, later military structures).

(a) South Denes – Design Code

With regard to the South Denes Design Code there are, again, some changes to be recommended:

- Paragraph 2.27 is inaccurate as some significant archaeological remains may indeed be present, such as the Harbour Fort and the buried remains of other defence structures from the late 19th century onwards, including those dating the World Wars One and Two.
- Paragraph 2.29 – ALL development proposals should be subject to Condition X of Class 1 of the LDO and in addition follow the Archaeology protocol found in Appendix 1.
- Our office is no longer in a position to offer the training and input required by Appendix 1 due to staffing issues. Therefore it is suggested that a retained archaeologist would take over those responsibilities under advisement (and subject to an approved Written Scheme of Investigation or specification) from the NCCES. It would be expected that the retained archaeologist would maintain a watching brief over any development, in addition to any mitigation required by the amended Condition X.

## **Environment**

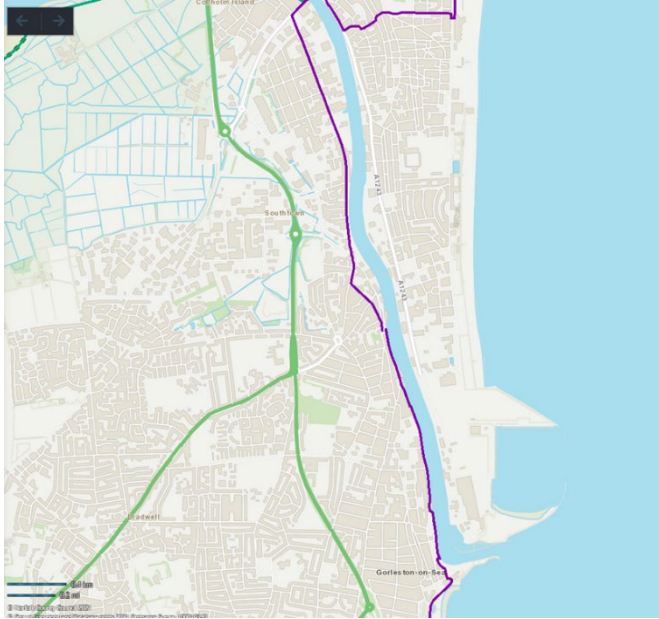
(a) South Denes – Design Code

South Denes Design Code Paragraph 2.50 – the County Council support the encouragement to developers to include landscaping as part of their design. In an area which is currently quite hostile and lacks a sense of place and human scale, interventions such as breakout areas and providing shade is imperative. Where planting can also be used to soften entrances or break up expanses of hard landscaping this will assist the overall design. The County Council would also encourage developers to consider Biodiversity Net Gain with their proposals, this can be through design decisions such as choosing particular planting/seeding options or providing habitat such as nest boxes etc.

Should you have any queries with the above comments please contact Emily Smith Green Infrastructure and Landscape Officer [emily.smith@norfolk.gov.uk](mailto:emily.smith@norfolk.gov.uk)

(b) South Denes LDO

On the “Transport & Access” section of the EIA of the South Denes LDO it would be useful to reference that Norfolk Coast Path National Trail runs along the western edge of the boundary and should be recognised as a key promoted walking route.



## Respondent: Peel Ports

Further to receiving notification of the above consultation, I write on behalf of Great Yarmouth Port Company.

We would like to offer our support to the continuation of the Local Development Order in this area of Great Yarmouth as it provides enhanced planning flexibility for businesses and the essential support services to these businesses.. We understand that the benefits to Great Yarmouth and the wider area is in providing economic growth, community wealth and stability in the locality, which we as a local employer wholly support.

## Respondent: Somerleyton Estate

These representations are submitted on behalf of the Somerleyton Estate. Having reviewed the information on the Councils website the Somerleyton Estate encourages the Council to include as many features to enhance wildlife and to improve the landscape within the Beacon Park and South Denes areas.

As part of the Wild East initiative the Estate is making a major commitment to rewilding large areas of land that it owns, including land within the Borough. The Estate encourages other landowners and organisations with control of land, such as Great Yarmouth Council, to do their utmost to do the same and to encourage wildlife and improve the landscape.

## Respondent: Water Management Alliance

The site is near to the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the

site will eventually enter the IDD). For further information on the Board's Internal Drainage District and the wider watershed catchment, please contact this office.

I note that the applicant intends to discharge surface water to a watercourse or sewer within the watershed catchment of the Board's IDD. I recommend that the SuDS Hierarchy is taken into account, where the most preferable option to discharge to a watercourse should infiltration not be viable at this location. We request that any discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework ). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online.

## Respondent: Ms Harwood (Member of Public)

I live part-time in Great Yarmouth and I work in the town. I have read the documents which are currently under review concerning the future development of the South Denes industrial area. I am afraid I found all of them profoundly depressing. All the documents read as though they had been written in the mid 1960's. The whole plan appears to lack any ambition other than a desire to cover the site with tarmac car parking and indifferent industrial buildings presumably put up at minimum cost by uncaring developers to house companies who are quite likely to be here today and gone tomorrow.

Neither the design guidance nor the environmental impact study has any mention whatsoever of innovation. No mention of energy-saving and sustainability in any of the documentation. There is no concept of taking a wonderful opportunity to create spaces and an environment which will provide pleasure, health or encourage nature. Even simple things like insisting that all parking areas should be pervious to stop drastic run-off is never mentioned.

Industrial areas do not need to be bland, energy-wasting deserts. These areas will only be occupied during daylight hours and during the working week. Why not encourage the area to be somewhere that local people would come to for pleasure once the working day is done? That part of Great Yarmouth has an almost magical feeling to it as it stands with one of the last remaining unspoilt bit of beach and sand-dune in the south of the town. The area at the very tip of the land at the entrance to the Yare should be improved and opened up so people can stand and enjoy the shipping traffic coming in and out or just watch the rising sun. The last remaining dunes and the spit should not just be written off as not important for encouraging nature. The harbour-mouth on the Gorleston side of the harbour is a most pleasant and lively place to be and this could so easily be matched by a quieter, more secret type of wild space on the South Denes side.

In my view this dreary set of proposals will not bring the long-term employment and revival of the town that it purports to offer. In my view this rare opportunity should be seen as the chance for really innovative architectural and landscape design. Look at what has been achieved with the wastelands behind King's Cross station. I am not suggesting anything of the scale but I do suggest that the degree of care for nature and attention to detail that has gone into the success of that area is what it totally

missing in these proposals. A sensitive site such as this deserves to be treated as a national treasure and not trashed by becoming a cheap, poorly designed, unsustainable mass of indifferent buildings attracting second rate businesses.

This is an opportunity for the town of Great Yarmouth to start to raise its game. This site needs a proper Masterplan for a long-term future. The site should be in a position to attract the real cutting edge companies which will provide the jobs for coming generations.

## Respondent: Ms Coleman (Member of Public)

Please could you listen to the views of Gillian Harwood. I am in total agreement with what she says; the industrial area is interesting and the beach should be a wildlife area. We visit Great Yarmouth several times a year (not just in summer); currently the South Denes is a wasted opportunity. The hideous Premier Inn should never have been allowed with so many other hotels and guest houses struggling to survive.

Show some imagination and make this area a different attraction for visitors (not everyone who visits wants amusement arcades and junk food).

We could do with an attractive real ale dining pub in that area.

Nelson's monument is currently stranded and no-one goes to look at it.

The Time and Tide Museum is fantastic, but needs to be joined by other things in the area so people park up and walk around (and spend money).

While you're at it, once the third river crossing is done, the main road along the historic harbour needs closing. The potential with the many old buildings and waterfront, for a "cafe society area" to compliment the tacky amusement arcade area on the front, so that all strata of society are catered-for, should be considered.

The other thing that needs to be done is to reopen The Iron Duke as a good pub. The North Denes has nothing there bar a lovely beach and sand dunes.

A favourite walk of ours is to walk up to Caister and then up the hill to West Caister, down to the Bure and back through New Town. If we actually want to spend any money, we have to go to the south of the Britannia Pier; how nice it would be to finish our walk at the Iron Duke with a good meal.

Also it would give somewhere to go when you've been to the wonderful Venetian Waterways. The Barking Smack is currently really the only sea-front pub.

There is some fantastic history in Great Yarmouth; you need to be attracting visitors who want some heritage along with their sea air and probably have a few quid to spend.

I don't know if the local plan goes out to Breydon Water. Another great walk we've done was to get the train from Yarmouth to Berney Arms and walk back. Again, it would have been great to have had a drink at that now-closed pub. It's a fantastic wildlife walk and needs putting on the map as it's such an odd area, inaccessible by road. It's the sort of thing that would be great marketed as part of a weekend visit to Yarmouth for those who don't want to just be in a town.

You also need to sort out the "little seafront trains". Currently there seem to be two, one from the North Denes caravan park and one from Britannia Pier. The former seems to be exclusive to the patrons of the caravan park. As Yarmouth is so big (your marketing slogan could be "the beach is big enough for

everyone"), some kind of hop-on hop-off transport is badly needed. When we stayed for the weekend, I regretted we'd not put the bike rack on the car and put our bikes on it. We were at a guest house in the North Denes and it really was too much walking to go to the Pleasure Beach, then we wanted to change before the evening show at the Hippodrome. Some kind of day ticket for all the transport that goes along the main drag is really needed.



# Habitats Regulations Assessment of the South Denes Local Development Order

Durwyn Liley



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## Summary

The Conservation of Habitats and Species Regulations 2017 (as amended) require plans and projects to be assessed to check the impact on any internationally important sites for biodiversity. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as European sites. The task is achieved by means of a Habitats Regulations Assessment (HRA).

An HRA asks very specific questions. Firstly, it ‘screens’ the plan or project to identify if there is a risk of a ‘likely significant effect’ on a European site, alone or (if necessary) in-combination with other plans and projects. If the risk of likely significant effects can be ruled out, then the plan or project may be authorised but if they cannot, the assessment moves to stage 2, which provides greater scrutiny through an ‘appropriate assessment’ to find out if the plan or project will have an ‘adverse effect on the integrity’ of the European sites.

Following an appropriate assessment, a plan or project may be authorised only if an adverse effect on the integrity of the site can be ruled out or further exceptional tests are met.

This document is the HRA report for the South Denes Local Development Order (LDO). LDOs provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that LPAs can use to help accelerate the delivery of appropriate development in the right places. The HRA therefore cannot assess any quantum of growth or specific proposals and must simply ensure that there is no scope for development to come forward that would result in adverse effects on integrity for any European sites. The LDO grants planning permission for the following classes of development:

- Class 1: Port and Energy Industries;
- Class 2: Electronic Communications;
- Class 3: Security Cameras;
- Class 4: Fences;
- Class 5: Temporary uses of land.

Screening identified the potential for likely significant effects alone from disturbance in relation to:

- Harbour Porpoise (Southern North Sea SAC);
- Foraging terns - Little Tern (Benacre and Easton Bavents SPA, Breydon Water SPA/Ramsar, Great Yarmouth North Denes SPA, Outer Thames SPA) and Common Tern (Breydon Water SPA/Ramsar, Outer Thames SPA);
- Red-throated Diver (Greater Wash SPA, Outer Thames Estuary SPA);
- Common Scoter (Greater Wash SPA);
- Harbour Seal (the Wash and North Norfolk Coast SAC); and
- Grey Seal (the Humber Estuary SAC).

Screening also identified the potential for likely significant effects alone with respect to both water quality and air quality in relation to:

- Breydon Water SPA/Ramsar; and
- the Outer Thames Estuary SPA.

The LDO includes conditions that have ensure:

- Development falling under classes 1a) and 1b) must provide details of a Port Traffic Management Plan in relation to port traffic associated with the development and this will be approved in writing by the Local Planning Authority;
- any construction adjacent to the water (within 25m of the River Yare or MHWL for the North Sea frontage) is undertaken in the period August-March (inclusive) when the terns are not present. This would simply restrict construction work for a third of the year within a limited part of the LDO area. If it is necessary that shorefront construction works take place during the period April-July, the condition ensures that evidence is provided that demonstrates no significant effects on foraging terns and is subject to consultation with Natural England.
- There is sufficient water treatment capacity to service any development.

With the above conditions or changes in place, it can be concluded that the South Denes LDO will not adversely affect the integrity of any European site, alone or in-combination.

In identifying the potential for likely significant effects we also highlight that Development within a LDO which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with, or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority. The authority may give such approval only if it determines, after consulting the statutory nature conservation body, that such development is not likely to have a significant effect on any European site, or that in light of the conclusions of an appropriate assessment, that the development would not adversely affect the integrity of such a site.

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## Acknowledgements

This report has been commissioned by Great Yarmouth Borough Council and my thanks to Nick Fountain for the provision of background information and the documents to assess. I have drawn on advice provided to the Council by Natural England, including correspondence from Victoria Wight in January 2022. Thanks also to Phil Pearson and Ian Robinson for useful background on Little Terns in the area.

# 1. Introduction

## Overview

- 1.1 This report is the Habitats Regulations Assessment (HRA) of the South Denes Local Development Order (LDO) and has been prepared by Footprint Ecology on behalf of Great Yarmouth Borough Council. A HRA assesses the implications of a plan or project for legally protected European sites.

## The South Denes Local Development Order

- 1.2 A Local Development Order is one of a number of mechanisms that simplify and speed up the planning process. An LDO is a locally focused tool that grants planning permission for specific types of development within a defined geographical area, and by doing so, removes the need for a planning application to be made. Local Planning Authorities (LPAs) have powers to create LDOs.
- 1.3 The South Denes LDO was originally established in 2012 expired on the 15<sup>th</sup> May 2022. A new LDO has therefore been prepared by Great Yarmouth Borough Council to update and this will grant the same permissions as the previous order.

## Site Location

- 1.4 The LDO for South Denes comprises 136.3 hectares of land (Map 1), currently occupied by a mix of employment uses and port -related activities , with some areas that are either vacant, derelict, or undeveloped. Approximately 59 hectares of this area is designated as one of the Great Yarmouth and Lowestoft Enterprise Zone sites.
- 1.5 The site is located to the south of Great Yarmouth town centre either side of the River Yare, along Norfolk's east coast. The site forms part of an internationally renowned centre servicing the offshore energy industry and also comprises a high -tech electronics sector. Great Yarmouth's 24 -hour port handles a range of cargoes, offering an effective gateway to Northern Europe.
- 1.6 The LDO boundary extends only as far as the quayside/harbour wall and there is therefore no scope for any works such as piling that would extend beyond the terrestrial boundary.



- 1.7 South Denes lies adjacent to the River Yare and the area includes a river port and deep water outer harbour providing access to the North Sea. The wider area is served by the A47 trunk which provides road links to the south and to the west. Great Yarmouth railway station, which is located 2km north of the area, provides links to Norwich and onto London. Norwich International Airport is located 42km to the northwest.
- 1.8 The surrounding area immediately to the north and to the west (the opposite side of the River Yare) of South Denes LDO includes residential development and a range of community facilities. The beachfront and the Golden Mile, with its tourism attractions lie to the north of the outer harbour. A full range of shops and services can be found in Great Yarmouth town centre and Gorleston town centre.

Map 1: South Denes LDO



*Development description*

- 1.9 A large part of the LDO area comprises port operational land. The LDO and Design Code will not impact on or affect the rights set out in the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) which applies to port operational land. Development undertaken using these permitted development rights in the GPDO does not have to comply with the LDO Design Code. In addition, the guidance set out in the Port Marine Safety Code and other port related legislation also still applies.
- 1.10 The retention of an LDO for the site will continue to reduce the number of planning applications required for business related development on the site, thereby providing the opportunity to speed up the planning process whilst ensuring a suitable measure of quality control. This will continue to be a major benefit to businesses wishing to locate to the area (specifically to benefit from access to the port and harbour) and will provide a degree of certainty as to the type of development which will be acceptable, thereby saving prospective occupiers time and money.
- 1.11 As part of the work associated with the creation of the original LDO adopted in May 2012, a detailed design code specific to South Denes was produced. The May 2012 LDO has resulted in the relocation of relevant businesses to benefit from access to the port and harbour. Therefore, this new LDO retains and updates the detailed design code to ensure future development meets this standard. The design code identifies four distinct character areas together with the Council's aspirations for the LDO area, thereby providing a clear understanding of the general types of development which would be considered acceptable.
- 1.12 Generally, the permitted use within the order has remained unchanged, the main change being an added restriction to prevent change of permitted use from office use to other Class E uses, following changes to the national use classes order. The design code has been updated to reflect and follow the headings of the recently published National Model Design Code.
- 1.13 The LDO grants planning permission for the following classes of development:
- Class 1: Port and Energy Industries;
  - Class 2: Electronic Communications;
  - Class 3: Security Cameras;
  - Class 4: Fences;

- Class 5: Temporary uses of land.

### *Consultation process*

- 1.14 A consultation draft of the LDO for South Denes was produced in the late autumn 2021 and this was accompanied by an HRA produced by Great Yarmouth Borough Council. This HRA is based on an updated draft of the LDO produced following the consultation and builds on the earlier HRA work by the Council and also addresses consultation comments received from Natural England.

### **Habitats Regulations Assessment process**

- 1.15 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations'. Importantly, the most recent amendments (the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019<sup>1</sup>) take account of the UK's departure from the EU.
- 1.16 Regulation 80 *et seq* addresses the assessment of LDOs and determines the scope of this HRA alongside recent Government Guidance on the interpretation and application of the Regulations<sup>2</sup>.

### *European sites*

- 1.17 'European sites' are the cornerstone of UK nature conservation policy. Each forms part of a 'national network' of sites that are afforded the highest degree of protection in domestic policy and law. They comprise Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. As a matter of policy, potential SPAs (pSPAs), possible SACs (pSACs) and

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<sup>1</sup> The amending regulations generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK's exit from the European Union. See Regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

<sup>2</sup> Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 4 March 2021)

those providing formal compensation for losses to European sites, are also given the same protection<sup>3</sup>.

- 1.18      Together, the network comprises over 275 sites extending over 3,750,000ha<sup>4</sup>, and safeguards the most valuable and threatened habitats and species across the country and Europe. Prior to Brexit, this formed part of the EU-wide Natura 2000 network of SPAs and SACs to form the largest, coordinated network of protected areas in the world.
  
- 1.19      The designations made under the European Directives still apply and the term, 'European site' remains in use. According to long-established Government policy<sup>5</sup>, European sites also comprise 'Wetlands of International Importance' (or Ramsar sites) although these do not form part of the national network.
  
- 1.20      The overarching objectives of the national network is to maintain, or where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a Favourable Conservation Status, and contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.
  
- 1.21      The appropriate authorities must have regard to the importance of protected sites, coherence of the national site network and threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

### *Role of the competent authority*

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<sup>3</sup> For the avoidance of doubt, the list of statutory European sites also comprises:      A site submitted by the UK to the European Commission (EC) before Exit Day (a candidate SAC or cSAC) as eligible for selection as a Site of Community Importance (SCI) but not yet entered on the ECs list of SCI, until such time as the Appropriate Authority      has designated the site or it has notified the statutory nature conservation body that it does not intend to designate the site. After Exit Day, no further cSACs will be submitted to the EU. Statutory European sites also include SCI included on a list of such sites by the European Commission from cSACs submitted by the UK before the UK left the EU, until such time as the UK designates the site when it will become a fully designated SAC.

<sup>4</sup> <https://jncc.gov.uk/our-work/special-protection-areas-overview/> (accessed 4 March 2021)

<sup>5</sup> ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005), to be read in conjunction with the current NPPF, other Government guidance and the current version of the Habitats Regulations.



- 1.22 Although this HRA has been prepared to help the Council discharge its duties under the Habitats Regulations, the Council is the competent authority, and it must decide whether to accept this report or otherwise.

### *Process*

- 1.23 HRAs follow a step-by-step process. The first step is referred to as **Stage 1, the screening for likely significant effects**. Taking no account of mitigation measures, the assessment is complete and the plan or project can be adopted at this stage if it has no likely significant effect, either alone or in combination, with other plans or projects.
- 1.24 If likely significant effects are identified the process moves to **stage 2, the appropriate assessment**. Taking account of mitigation measures, the assessment is complete and the plan or project can be adopted if it is possible at this stage to rule out adverse effects on integrity on any European site, either alone or in combination, with other plans or projects.
- 1.25 After completing an assessment, a competent authority should only adopt a plan or project where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their Appropriate Assessment findings.

### *Definitions, references to case law and guidance*

- 1.26 This HRA follows principles of case law, both UK and EU. It also refers as appropriate to the Habitats Regulations Assessment Handbook (Tyldesley & Chapman, 2021), to which Footprint Ecology subscribes. We also follow relevant government guidance.
- 1.27 Drawing on the Handbook, other relevant guidance and case law, we clarify the various terms set out above.
- 1.28 In Stage 1, A **‘likely significant effect’** following Waddenzee<sup>6</sup>, is a *‘possible significant effect; one whose occurrence cannot be excluded on the basis of objective information’*. It is a low threshold and simply means that there is a risk or doubt regarding such an effect. The screening stage is a preliminary

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<sup>6</sup> Waddenzee: European Courts C-127/02 Waddenzee 7<sup>th</sup> September 2004, reference for a preliminary ruling from the Raad van State.



examination, sometimes described as a coarse filter, or following Sweetman, *‘a trigger for the obligation to carry out an appropriate assessment.’* There should however be credible evidence to show that there is a real rather than a hypothetical risk of effects that could undermine a site’s conservation objectives. This was amplified in the Bagmoor Wind<sup>7</sup> case where *‘if the absence of risk... can only be demonstrated after a detailed investigation, or expert opinion, [then] the authority must move from preliminary examination to appropriate assessment’.*

- 1.29 Following the People Over Wind judgement<sup>8</sup>, when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures.
- 1.30 Stage 2 involves the **appropriate assessment and integrity test** . Here a plan or project can only be adopted if the competent authority can demonstrate that it will not adversely affect the integrity of the European site. This is precautionary approach and means it is necessary to show the absence of harm.
- 1.31 Following Champi on<sup>9</sup> **‘appropriate’** is not a technical term but simply indicates that the assessment needs to be appropriate to the task in hand.
- 1.32 The **integrity** of a European site has been described as the *‘coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified’*<sup>10</sup>. An alternative definition, after Sweetman<sup>11</sup>, is ‘the lasting preservation of the constitutive characteristics of the site’ .
- 1.33 With respect to the burden of proof case law highlights that any assessment must reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available<sup>12</sup>. This was given

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<sup>7</sup> Bagmoor Wind: UK courts Bagmoor Wind v The Scottish Ministers, Court of Session [2012] CSIH 93

<sup>8</sup> People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

<sup>9</sup> Champion: UK Supreme Court [2015] UKSC 52 22<sup>nd</sup> July 2015

<sup>10</sup> Para 20 of the ODPM Circ. 06/2005

<sup>11</sup> Sweetman: European Court C – 258/11 Sweetman 11<sup>th</sup> April 2013, reference for a preliminary ruling from the Supreme Court of Ireland

<sup>12</sup> Commission of the European Communities v UK Opinion of Advocate General Kokott

expression in the High Court (Feeney) <sup>13</sup> which stated: “ *Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits*”.

- 1.34 The need to consider possible **in-combination** effects arises at stage 1 – the screening and also at stage 2 – the appropriate assessment and integrity test. The effects of the plan or project in-combination with other plans or projects are the cumulative effects which will or might arise from the addition of the effects of other relevant plans or projects alongside the plan or project under consideration. If during the stage 1 screening it is found the subject plan would have no likely effect alone, but might have such an effect in-combination then the appropriate assessment at stage 2 will proceed to consider cumulative effects. Where screening identifies a likely significant effect alone, the appropriate assessment should initially concentrate on its effects alone.

### *HRA, permitted development and LDOs*

- 1.35 It should be noted that it is a condition of any planning permission granted through a LDO that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with, or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.
- 1.36 It should be also noted here that Regulation 80 specifies that the considerations of overriding public interest (set out in Regulation 64) do not apply to LDOs.

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<sup>13</sup> Feeney: Feeney v Oxford City Council [2011] EWHC 2699 (Admin) . 24<sup>th</sup> October 2011

## 2. European sites in and around the LDO

### Overview of potentially relevant European sites

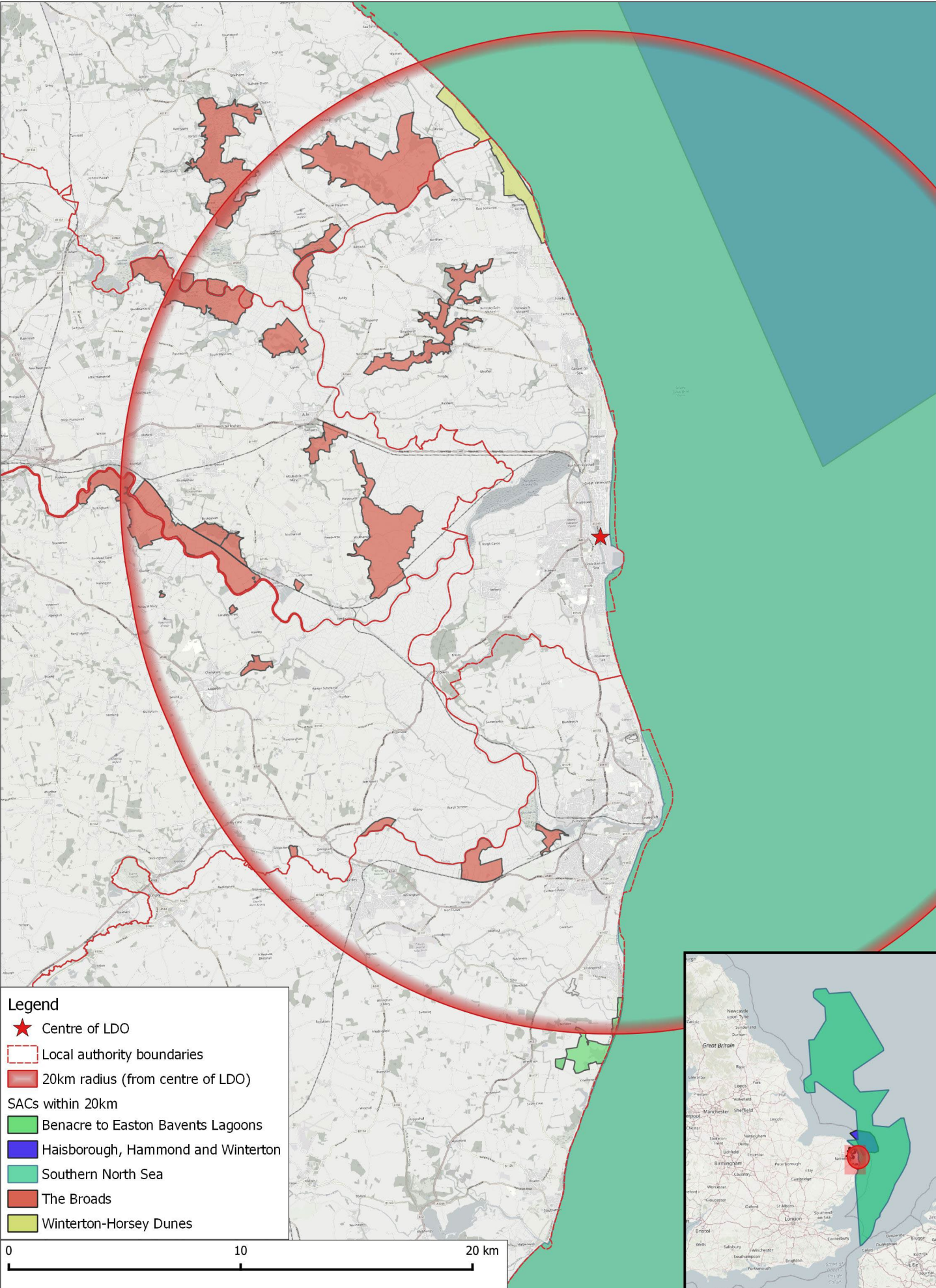
- 2.1 We have used 20km from the centre of the LDO as an initial area of search (20km providing a reasonable area of search within which development could reasonably be considered to generate measurable effects).
- 2.2 European sites within 20km are shown in Map 2 (SACs), Map 3 (SPAs) and Map 4 (Ramsar sites). European sites within 20km are listed in Table 1. In assessing the implications of any plan or project on European sites, it is essential to fully understand the ecology and sensitivity of the sites, in order to identify how they may be affected. Appendix 1 summarises the generic conservation objectives for European sites and Appendix 2 provides detail of the relevant sites (as listed in Table 1), listing their qualifying features, describing the sites and providing links to the relevant detailed conservation advice from Natural England.

**Table 1: European Sites within a 20km radius**

SAC	SPAs	Ramsar
Benacre to Easton Bavents	Benacre to Easton Bavents	Breydon Water
Haisborough, Hammond and Winterton	Breydon Water	Broadland
Southern North Sea	Broadland	
The Broads	Great Yarmouth North Denes	
Winterton -Horsey Dunes	Greater Wash	
	Outer Thames Estuary	

- 2.3 In addition to the European sites listed in Table 1 and following advice from Natural England, we include the Wash and North Norfolk Coast SAC and the Humber Estuary SAC as also potentially relevant to this assessment. Grey Seal is a qualifying feature for the Humber Estuary SAC and Harbour Seal for the Wash and North Norfolk Coast SAC and both these species can forage widely in the open sea, and therefore both these sites and both seal species are potentially relevant to any screening.

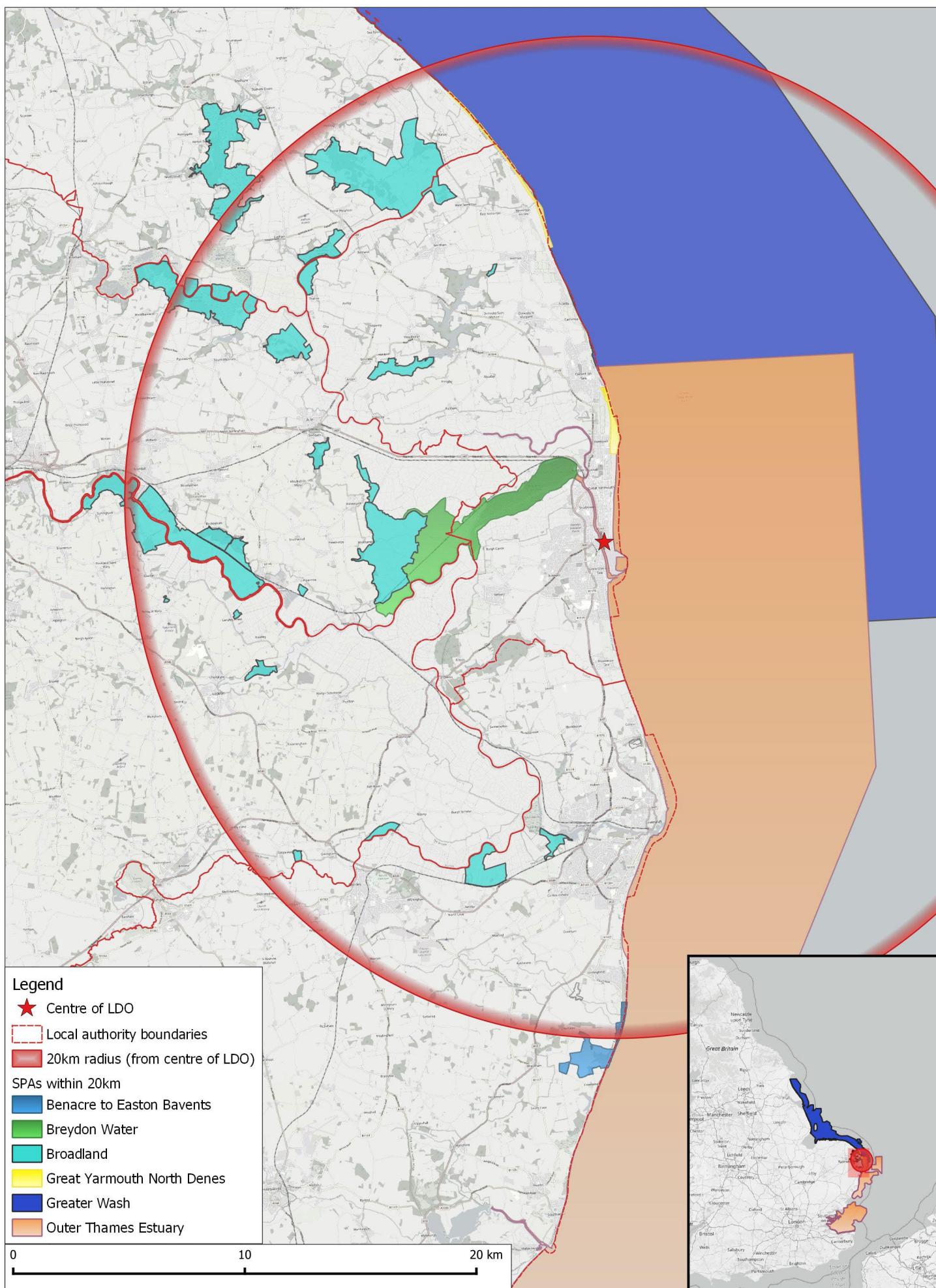
Map 2: SAC sites within 20km



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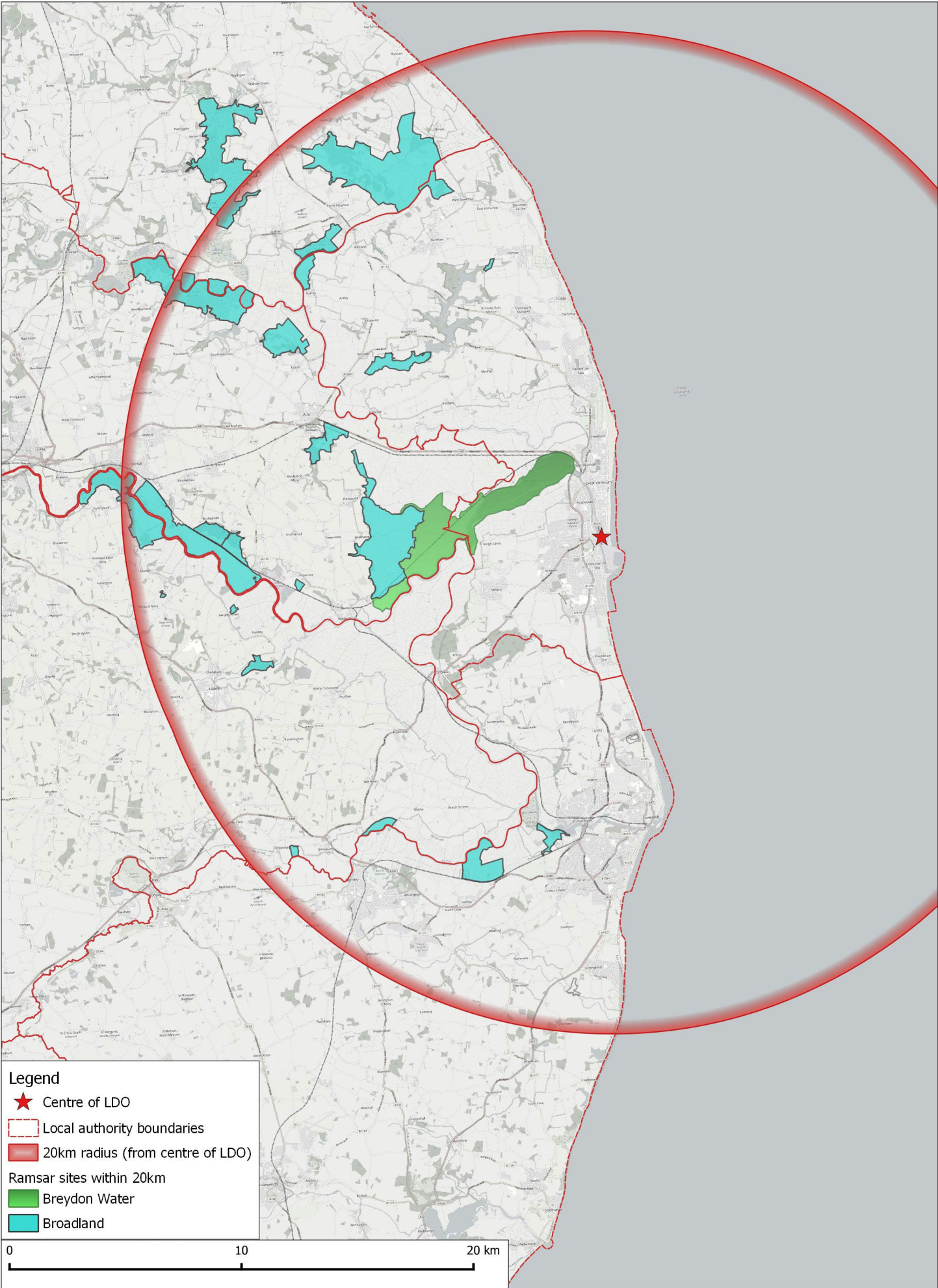


Map 3: SPA sites within 20km





Map 4: Ramsar sites within 20km



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## European sites to be considered in the screening and relevant impact pathways

- 2.4        The LDO will apply to an area that is a busy and industrial area that is already largely developed. Impacts will relate potentially to:
- Air quality impacts, linked to increased traffic or dust from construction;
  - Water quality impacts e.g. linked to run-off or pollution incidents; or
  - Disturbance, linked to increased noise (e.g. from construction) or increased shipping.
- 2.5        These risks will be relevant for European sites in close proximity or where there are mobile species that could occur in close proximity to the LDO. As such many European sites can be excluded from further consideration and in Table 2 we consider all the European sites shown in Maps 2-4 and identify which can be ruled out from any further consideration as there are no relevant impact pathways or risks.



Table 2: Summary of European sites within 20km, potentially relevant impact pathways for those sites and those that can be eliminated from further consideration (grey shading).

European site	Approx. distance (km) from District boundary	Disturbance	Water quality	Air quality	Notes and for grey shaded rows, reasons for elimination from rest of plan
<b>SACs</b>					
Benacre to Easton Bavents SAC	18.4				Well to the south and qualifies as an SAC for lagoon interest. No credible risks due to distance.
Haisborough, Hammond and Winterton SAC	9.4				Marine SAC that qualifies for sandbanks and <i>Sabellaria spinulosa</i> reefs. Given distance offshore no credible risks
Southern North Sea SAC	0	✓			Adjacent to the LDO area. Enormous SAC that qualifies for Harbour Porpoise.
The Broads SAC	7.6				Freshwater wetlands, up-stream of the LDO area and no credible risks due to distance.
Winterton-Horsey Dunes SAC	11.1				Site is an acidic dune system that qualifies as an SAC for dune habitats. No credible risks due to distance.
The Wash and North Norfolk Coast SAC	56	✓			Harbour Seal a qualifying feature and while the SAC lies beyond 20km scope for foraging seals from this site to be impacted by development at South Denes
The Humber Estuary SAC	130	✓			Grey Seal a qualifying feature and while the SAC lies beyond 20km scope for foraging seals from this site (Donna Nook being the key area used by the Seals) to be impacted by development at South Denes
<b>SPAs</b>					
Benacre to Easton Bavents SPA	18.4	✓			Well to the south and no risks for Marsh Harrier or Bittern. Little Terns could mix with populations from other sites and are mobile in terms of their foraging and therefore disturbance to Little Terns a potential impact pathway.
Breydon Water SPA	1.1	✓	✓	✓	Tidal site, with direct hydrological link to the LDO area. Birds such as Common Tern may forage or commute through waters adjacent to LDO and therefore disturbance risks (but LDO is too distant from the boundary for risks of disturbance to wintering or passage waterbirds). Major roads in close proximity including Breydon Bridge (which is likely to have traffic associated with the LDO) and therefore air quality risks.

# South Denes LDO HRA

European site	Approx. distance (km) from District boundary	Disturbance	Water quality	Air quality	Notes and for grey shaded rows, reasons for elimination from rest of plan
Broadland SPA	7.0				Freshwater wetlands, up-stream of the LDO area and no credible risks due to distance.
Great Yarmouth North Denes SPA	2.1	✓			Classified for breeding Little Tern which will forage along coast
Greater Wash SPA	10.3	✓			Marine SPA classified for 3 species of tern (foraging), Common Scoter and Little Gull and Red-throated Diver. Given distance offshore, no credible risks for terns and Little Gull as at the distances involved any increased vessel movement would be too dispersed for any disturbance risks. Disturbance issues could be relevant for Red-throated Diver and Common Scoter.
Outer Thames Estuary SPA	0	✓	✓	✓	SPA adjacent to LDO and includes river channel up to Breydon Water, such that LDO both sides.
<u>Ramsar sites</u>					
Breydon Water Ramsar	1.1	✓	✓	✓	Tidal site, with direct hydrological link to the LDO area. Birds such as Common Tern may forage or commute through waters adjacent to LDO and therefore disturbance risks (but LDO is too distant from the boundary for risks of disturbance to wintering or passage waterbirds). Major roads in close proximity including Breydon Bridge (which is likely to have traffic associated with the LDO) and therefore air quality risks.
Broadland Ramsar	7.0				Freshwater wetlands, up -stream of the LDO area and no credible risks due to distance.

### 3. Screening for Likely Significant Effects

#### Introduction

- 3.1 The LDO falls under the definition of a plan or project as set out in the Habitats Regulations Handbook and not directly connected with, or necessary for the management of a European site. This section documents the results of stage 1, the screening stage of the HRA.
- 3.2 A likely significant effect would relate to clear evidence of risk to European site interest, or a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence. The latter is an example of the precautionary approach, which is embedded through the HRA process.
- 3.3 The screening in this HRA is undertaken without consideration of any avoidance/reduction/mitigation measures in line with People Over Wind<sup>14</sup>; mitigation can only be considered at Appropriate Assessment stage. People Over Wind clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening.
- 3.4 The screening for likely significant effects stage should function as a screening or checking stage (regardless of avoidance, reduction/mitigation measures), to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest features, and the robustness of mitigation options, should be done at the appropriate assessment stage.

#### Screening outcome

- 3.5 The Local Development Order grants planning permission for the following classes of development:
- Port and Energy Industries;
  - Electronic communications;
  - Security cameras;
  - Fences;
  - Temporary uses of land.
- 3.6 There is no specific level of development, specific design or detail that can allow a detailed and specific assessment. As such, screening is strategic and must relate

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<sup>14</sup> People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

to the spectrum of development that is possible given the classes of development listed and the particular location in relation to the nearby European site.

3.7 Development within a LDO which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with, or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority. The authority may give such approval only if it determines, after consulting the statutory nature conservation body, that such development is not likely to have a significant effect on any European site, or that in light of the conclusions of an appropriate assessment, that the development would not adversely affect the integrity of such a site.

3.8 We identify the following likely significant effects which are therefore taken forward to appropriate assessment.

### *Disturbance*

3.9 Likely significant effects alone for the following qualifying species as a result of increased shipping activity, machinery, construction works around the Port area etc:

- Harbour Porpoise (Southern North Sea SAC);
- Foraging terns - Little Tern (Benacre and Easton Barents SPA, Breydon Water SPA/Ramsar, Great Yarmouth North Denes SPA, Outer Thames SPA) and Common Tern (Breydon Water SPA/Ramsar, Outer Thames SPA);
- Red-throated Diver (Outer Thames Estuary SPA, Greater Wash SPA).
- Seals (the Humber Estuary SAC and the Wash and North Norfolk Coast SAC).

### *Water quality*

3.10 Likely significant effects alone for the following sites due to risks from pollution incidents, run-off or other contamination:

- Breydon Water SPA/Ramsar;
- Outer Thames Estuary SPA.

### *Air quality*

3.11 Likely significant effects alone for the following sites due to risks from increased particulates (e.g. dust) associated with construction or operations within the LDO

or changes to air quality as a result of increased traffic    on roads within 200m of the European site boundary:

- Breydon Water SPA/Ramsar;
- Outer Thames Estuary SPA.

## 4. Appropriate assessment: Disturbance

4.1 Likely significant effects alone were identified as a result of disturbance for the following qualifying features as a result of increased shipping activity, machinery, construction works etc. around the LDO area:

- Harbour Porpoise (Southern North Sea SAC);
- Foraging terns - Little Tern (Benacre and Easton Barents SPA, Breydon Water SPA/Ramsar, Great Yarmouth North Denes SPA, Outer Thames SPA) and Common Tern (Breydon Water SPA/Ramsar, Outer Thames SPA);
- Wintering and passage waterbirds (Breydon Water SPA/Ramsar);
- Red-throated Diver (Outer Thames Estuary SPA, Greater Wash SPA)
- Seals (the Humber Estuary SAC and the Wash and North Norfolk Coast SAC).

4.2 These are addressed in subsequent sections.

### Harbour Porpoise (Southern North Sea SAC)

4.3 Harbour Porpoise have been shown to show a strong behavioural response to high noise levels, vigorous fluking, bottom diving, interrupted foraging and even cessation of echolocation, leading to significantly fewer prey capture attempts and the potential for long-term fitness consequences (Wisniewska et al., 2018). Shipping is the dominant source of anthropogenic noise and porpoise have been shown to respond to vessels at distances of over 800m (Barlow, 1988; Palka & Hammond, 2001).

4.4 There are therefore risks associated with increased shipping, particularly involving noisy vessels or high levels of vessel traffic. There are no risks from piling or any works in the marine environment as this would be outside the boundary of the LDO.

4.5 A further risk, associated with shipping and that we include within this part of the appropriate assessment is death or injury by collision with shipping.

4.6 The conservation advice package for the SAC<sup>15</sup> shows that the area adjacent to the Norfolk (and Suffolk) coast is important during the winter while areas further offshore (around 20km) are important during the summer and winter periods.

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<sup>15</sup> See <https://data.jncc.gov.uk/data/206f2222-5c2b-4312-99ba-d59dfd1dec1d/SouthernNorthSea-conservation-advice.pdf> accessed 31st March 2022

- 4.7 The conservation objectives for site include (Objective 2) that there is no significant disturbance of the species. Disturbance is stated to typically, but not exclusively, originate from operations that cause underwater noise including, as examples, pile driving and sonar. Disturbance is considered significant if it leads to the exclusion of Harbour Porpoise from a significant portion of the site and this is suggested as being more than 20% of the relevant area of the site in any given day and an average of 10% of the relevant area of the site over a season. Further guidance advice on significant disturbance for Harbour Porpoise, for example in relation to piling and the installation of wind farms is provided by JNCC (2020).
- 4.8 The advice package lists operations which may affect the integrity of the site. With respect to noise disturbance from shipping this states that underwater sounds created by large ships are unlikely to cause physical trauma but could make preferred habitats less attractive as a result of displacement. As such, significant increases in vessel traffic (e.g. associated with wind farm installation) would need further assessment. With respect to pile driving, the advice states that an HRA will be considered for all new developments using pile driving within 26km of the site boundary. With respect to death or injury by collision from shipping, the operations advice states that it is not currently considered a significant risk and no additional management is likely to be required.
- 4.9 On the above basis, there is potential for adverse effects from disturbance within the LDO as these could generate an increase in vessel use. Class 1 of the LDO includes a range of uses that could increase vessel movements, for example:
- Any movement of components, machinery and plant to be used for the generation or transmission of energy, or the extraction of fossil fuels;
  - The provision of support services required for the survey, construction and maintenance of infrastructure, machinery and plant to be used for the generation or transmission of energy, or the extraction of fossil fuels.
- 4.10 Any increase in shipping is likely to involve slow moving vessels using existing shipping lanes, and as such risks are perhaps low. There may also be fast moving craft, such as catamarans, associated with the wind farms, however any such movement will already have been subject to appropriate assessment in respect to the permission for the wind farm.
- 4.11 The LDO is already an operational port and there is already shipping traffic in the area. Without specific details for individual developments, it is not possible to ascertain the level of risk. The LDO boundary does not extend beyond the quay wall. Anything beyond the quay wall falls under the jurisdiction of the Marine Management Organisation and would require a Marine Licence as well as planning permission. As such the LDO in itself will not create additional berthing space.



Therefore, development within the LDO cannot lead to a direct increase in shipping beyond what is already possible within the port. The port of Great Yarmouth has a substantial amount of existing quayside which could be used much more intensively than at present without the need for any consents given the existing infrastructure present. Indirect impacts are therefore possible.

- 4.12 Following discussion with Natural England the LDO was updated and includes a condition whereby development falling under classes 1a) and 1b) will need to provide details of a Port Traffic Management Plan in relation to port traffic associated with the development and this should be submitted and approved in writing by the Local Planning Authority. Such a plan provides a means to check the scale and types of vessel movement. It will be necessary for the Council to ensure any such plan is complete and removes any risk for Harbour Porpoise and disturbance. This will provide the necessary checks as to impacts from increased vessel movements and ensure that development cannot proceed without further checks, once the necessary details are available.
- 4.13 With the conditions in place, adverse effects on integrity can be ruled out alone and as risks are eliminated, any in-combination effects with other plans and projects would not change the outcome of the assessment and adverse effects on integrity can therefore be ruled out alone or in-combination.

## Foraging terns

- 4.14 Little Tern nest on open beaches and forage in open coastal water. They are particularly vulnerable to recreational disturbance while nesting, as the nests are on open beaches that often draw people for recreation. In the Great Yarmouth area, the North Denes site has historically held the largest colony in the UK, but with the changing coastline birds have moved and colonies have shifted over time. Key breeding sites currently include (or have included) Scroby Sands, North Denes, Winterton and sites to the south, including Kessingland and Benacre. As such there is some overlap between the different SPA sites. Recent data<sup>16</sup> indicates that over the 5 year period 2017-2021, there were an average of 8 nests on Scroby Sands, 10 at North Denes, 0 at Caister, 95 at Winterton and 152 at Eccles.
- 4.15 Common Tern are a qualifying feature of Breydon Water SPA/Ramsar. They originally nested on the saltmarsh but have subsequently shifted to tern islands in the north-eastern part of the estuary.

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<sup>16</sup> Data provided by RSPB

- 4.16 With respect to the LDO, the risks relate to foraging birds. including birds commuting to foraging areas. Both species of tern can nest in the general area, but any suitable nesting habitat is potentially around 1.5km (for Common Tern) or much further (Little Tern) from the LDO boundary. The Outer Thames Estuary SPA is designated as a foraging area for Little Tern and Common Tern, enhancing the protection afforded to their nesting areas. Research into the foraging range for breeding seabirds recorded the mean maximum foraging range of 15.2 km and 6.3km for Common and Little Tern respectively, and the maximum foraging range as 30km and 11km (Caldow et al., 2019; Thaxter et al., 2012). This puts the LDO within foraging range. Birds will use shallow water close inshore and Common Tern will move between the coast and Breydon Water, potentially following the River Yare. On this basis, it is possible that there could be disturbance impacts to foraging tern during construction, should construction lead to noise, visual and vibration disturbance above existing background levels. The impact of this would vary depending on the type and scale of the proposal and the duration and timing of construction.
- 4.17 In order to eliminate risk, a condition has been included in the LDO to ensure that any construction adjacent to the water (within 25m of the River Yare or MHW for the North Sea frontage) is undertaken in the period August-March (inclusive) when the terns are not present. This would simply restrict construction work for a third of the year within a limited part of the LDO area. If it is necessary that shorefront construction works take place during the period April-July, the condition ensures that evidence is provided that demonstrates no significant effects on foraging terns and is subject to consultation with Natural England. This condition eliminates risk and means that adverse effects on integrity can be ruled out alone. No in-combination assessment is necessary as the risks are eliminated.

### **Red-throated Diver and Common Scoter (Outer Thames Estuary SPA, Greater Wash SPA)**

- 4.18 Red-throated Diver is the smallest UK diver and over-winters in the North Sea area. During the winter the species is highly mobile, and may move between sandy bays, sandbanks and the mouths of estuaries, where water of different salinity mixes<sup>17</sup> and the small fish the species preys on are likely to be abundant and accessible.

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<sup>17</sup> See Conservation Advice on the Natural England website <https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9020309&SiteName=outer&SiteNameDisplay=Outer%20Thames%20Estuary%20SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=3&HasCA=1#SiteInfo> accessed 1<sup>st</sup> April 2022

- 4.19 The species is unlikely to occur regularly or in any numbers within the River Yare or very close inshore, and the only risk is therefore from disturbance offshore associated with increased shipping.
- 4.20 Common Scoter are a sea duck that often occur in rafts (tightly packed flocks) and the species feed in water of 5-15m depth. They are most abundant in shallow inshore waters over sandy substrates and the diet comprises mussels, clams, crustaceans and small fish (Brown & Grice, 2005). The standard data form for the Greater Wash SPA identifies that, at the time of classification, there were around 3450 wintering individuals.
- 4.21 Risks for both species are low given that both occur at relatively low densities at sea and the potential for increased shipping associated with the LDO is limited (but uncertain). There are no risks from piling or any works in the marine environment as this would be outside the boundary of the LDO.
- 4.22 The condition identified for Harbour Porpoise (see para 4.12) would eliminate risk. This would ensure that any development that would involve significant increase in vessel movement was subject to a Port Traffic Management Plan which would provide the necessary checks as to impacts from increased vessel movements and ensure that development cannot proceed without risks being addressed, once the necessary details are available.

## **Seals (the Humber Estuary SAC and the Wash and North Norfolk Coast SAC)**

- 4.23 The Harbour Seal is a qualifying feature of The Wash and North Norfolk SAC and the Wash supports the largest population of the species in England. Grey Seals (an qualifying feature of the Humber Estuary SAC) also occur widely around the Norfolk coast and Norfolk has become a celebrated destination for people to see seals of both species. The status of the two Seal species in Norfolk are summarised by Skeate and Perrow (2008) who describe the marked increase in Grey Seals and decline of the Harbour Seal.
- 4.24 While the designated boundary for both European sites is far removed from South Denes (the Wash and North Norfolk Coast SAC is around 56km at it's closest), both species are highly mobile and tracking data shows widespread dispersal and mixing of populations around the North Sea, including the waters around Great Yarmouth (Brasseur, 2017; Russell et al., 2017).
- 4.25 Skeate and Perrow (2008) highlight that Harbour Seals are now unable to breed on the mainland in Norfolk and pinpoint the pressure from humans and dogs. Other

studies support these suggestions (e.g. Andersen et al., 2012; Granquist & Sigurjonsdottir, 2014; Johnson & Acevedo-Gutiérrez, 2007). Most disturbance studies are however focussed on seals around haul-out sites rather than foraging at sea. There is however evidence that vessel noise can influence behaviour while seals are in the water. For example Mikkelsen *et al.* (2019) studied both Grey and Harbour Seals at sea using tags that recorded sound and found animals were exposed to audible vessel noise 2 -21% of the time when in the water and found evidence that behaviour change did in some cases coincide with high -level vessel noise.

- 4.26 The conservation advice package for the Wash and North Norfolk SAC and for the Humber Estuary SAC contains attributes relating to human disturbance for the relevant seal species and highlights that disturbance associated with human activity may take a variety of forms including vessels. Site-specific details are not provided.
- 4.27 Risks are low as the concerns relate to animals foraging at sea and relatively dispersed given the distances from haul out sites and the European sites. The potential for increased shipping associated with the LDO is limited (but uncertain). There are no risks from piling or any works in the marine environment as this would be outside the boundary of the LDO.
- 4.28 The condition identified for Harbour Porpoise (see para 4.12) would eliminate risk. This would ensure that any development that would involve significant increase in vessel movement was subject to a Port Traffic Management Plan which would provide the necessary checks as to impacts from increased vessel movements and ensure that development cannot proceed without risks being addressed, once the necessary details are available.
- 4.29 Natural England has advised that the relevant period of concern for Red-throated Diver and Common Scoter would run from 1st November to 31st March. For offshore windfarms Natural England is currently advising the use of the red-throated diver best practice protocol for vessel traffic management, particularly to minimise impacts on SPA bird species. This is of particular importance if new shipping routes were to be proposed as part of an application. Examples of best practice include:
- Restricting vessel movements to existing navigation routes (where the densities of divers are typically relatively low);
  - Where it is necessary to go outside of established navigational routes, selecting routes that avoid known aggregations of birds;
  - Maintaining direct transit routes (to minimise transit distances through areas used by divers);

- Avoidance of over-revving of engines (to minimise noise disturbance);  
and,
- Briefing of vessel crew on the purpose.

## 5. Appropriate assessment: Water quality

- 5.1 Water quality issues arise from contaminated water entering adjacent European sites, for example following flooding, spillages or from run-off. Given the direct proximity of the LDO to the Outer Thames Estuary SPA and the proximity of Breydon Water SPA/Ramsar (with a direct hydrological link) and the potential for the LDO to support development that involves a range of pollutants, likely significant effects were identified alone.

### Mitigation measures incorporated into the LDO

- 5.2 Any discharge or direct contamination will relate to the Outer Thames Estuary and given the scale and tidal nature of the River Yare and the scale of the European site, the scale of contamination will be very small. Breydon Water is around 1km upstream and also tidal, meaning there is continual flushing and dilution occurring. This will mean the risks are low.
- 5.3 The LDO does not apply to development that involves activities with a high pollution risk to the water environment and these are listed as:
- Pipelines or high voltage fluid filled cables that transport pollutants, particularly hazardous substances below the water table in principal aquifers.
  - Underground storage of hazardous substances.
  - Direct discharge of pollutants to the groundwater.
  - Use of deep soakaways for surface water and effluent disposal.
- 5.4 This limitation will help to reduce risks associated with the LDO.
- 5.5 Planning permission granted by the LDO is subject to compliance with the Design Code and this contains additional requirements in relation to water quality. The Code ensures that there is sufficient capacity in the wastewater system to accommodate any surface water and identifies that not all Sustainable Urban Drainage Schemes (SuDS) will be appropriate, for example infiltration SuDS are likely to be difficult to employ due to the ground conditions. It is therefore most likely that SuDS attenuation and flow features are most appropriate with discharge of surface water either to a watercourse, or to mains sewer at a restricted rate. Given the location, any discharge through a watercourse will enter the European sites.
- 5.6 The Design Code and Conditions ensure that risks are eliminated as there is no risk of mains sewers being overstretched, leading to flooding, or issues with insufficient treatment capacity. With this in place, risks can be eliminated for the LDO alone.

for both the Outer Thames Estuary SPA and for Breydon Water SPA/Ramsar and there is no requirement for an in-combination assessment.



## 6. Appropriate assessment: Air quality

- 6.1 Air quality can be compromised from dust or other particulates, for example arising from the storage of material or during construction work. Increased traffic can also result in impacts where European sites are within 200m of a road.
- 6.2 Likely significant effects were identified for the Outer Thames Estuary SPA which is in direct proximity to the LDO. In addition, likely significant effects were identified for Breydon Water SPA/Ramsar, which is also relatively close (around 1km) and crossed by a main road (e.g. Breydon Bridge), which would be likely to have traffic associated with the LDO.

### Outer Thames Estuary SPA

- 6.3 Natural England's site improvement plan<sup>18</sup> for the Outer Thames Estuary SPA does not identify air quality as a current pressure or threat for the SPA. The supplementary conservation advice for the SPA<sup>19</sup> states that there is no accurate air quality data for the site. Reference to APIS, the Air Pollution Information System<sup>20</sup>, indicates that the broad habitat types used by Red-throated Diver are not sensitive to air quality impacts. For the two tern species, APIS highlights that the habitats used for nesting can be sensitive to Nitrogen deposition, however the foraging habitat (open sea) that is relevant to the Outer Thames Estuary SPA is not sensitive and matches that used by Red-throated Diver.
- 6.4 The Design Code for the LDO contains measures that eliminate any concerns with respect to dust. The Code states that where loose materials such as aggregates are stored external to buildings, they must be stored within enclosures that will mitigate wind-blown dust. It also identifies that where necessary additional measures to suppress dust should be considered, such as water or foam sprays. This will eliminate any risks from dust contamination to areas of the SPA directly adjacent (for example within the River Yare) where localised impacts could be of concern.
- 6.5 Given the mitigation measures contained within the design code and the relevant sensitivities of the site, adverse effects can be eliminated alone. There is no residual risk and no need for in-combination assessment.

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<sup>18</sup> See <http://publications.naturalengland.org.uk/publication/4668757523824640> accessed 3rd April 2022

<sup>19</sup> See <http://publications.naturalengland.org.uk/publication/4668757523824640> accessed 3rd April 2022

<sup>20</sup> See <http://www.apis.ac.uk/> accessed 3<sup>rd</sup> April 2022

## Breydon Water SPA/Ramsar

- 6.6 Natural England's site improvement plan<sup>21</sup> does not identify air quality as a current pressure or threat for the site.
- 6.7 The advice package for the SPA<sup>22</sup> identifies that there is no expected negative impact on the broad scale habitat or food supply for Bewick's Swan, Lapwing, Ruff, due to levels of the following atmospheric pollutants; nitrogen oxides (NO<sub>x</sub>), sulphur dioxides (SO<sub>2</sub>), acidity, nutrient nitrogen (N), ammonia (NH<sub>3</sub>). However, for Avocet, Golden Plover, Common Tern and the Waterbird Assemblage the package identifies that there is an expected negative impact due to the exceedance of the relevant critical loads at the site, i.e. the habitats the species use can be vulnerable to air quality impacts.
- 6.8 Around 28ha of the SPA/Ramsar are within 200m of the main roads (see Map 5) out of a total site area of 1203ha, i.e. around 2% of the SPA area is potentially affected. As the map shows, a significant part of this area within 200m is open water and includes the tidal channel of the River Yare. Furthermore, while impacts can be detectable out to 200m, the impact of roads on air quality declines with distance such that it is where roads are directly adjacent to vegetation that the most impacts occur. There is just one 250m section of main road at Breydon Bridge that is directly adjacent to the SPA/Ramsar and here the area affected is predominantly the tidal channel (i.e. open water that is tidal). Much of the northern part of the site is separated from the road by scrub and other habitats (see Map 5). It is also clear from the map that the habitat that is within 200m of the road is directly adjacent to the footpath and much of it constitutes a thin strip of upper saltmarsh that will not provide foraging habitat for the species of concern, merely a potential roost site at certain tide states.
- 6.9 APIS<sup>23</sup> provides data on critical loads and current concentrations/deposition rates. The critical loads for Nitrogen (e.g. as given for Lapwing at Breydon Water) for littoral sediment are 20-30kg N/ha/yr, with the lower end of the range potentially more relevant to more densely vegetated, upper saltmarsh. APIS gives current Nitrogen deposition rates at the site as an average of 16.5 and ranging from 15.1 –

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<sup>21</sup> See <http://publications.naturalengland.org.uk/publication/6364048115367936> accessed 3rd April 2022

<sup>22</sup> See <https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9009181&SiteName=breydon&SiteNameDisplay=Breydon+Water+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAAArea=&NumMarineSeasonality=6> accessed 3<sup>rd</sup> April 2022

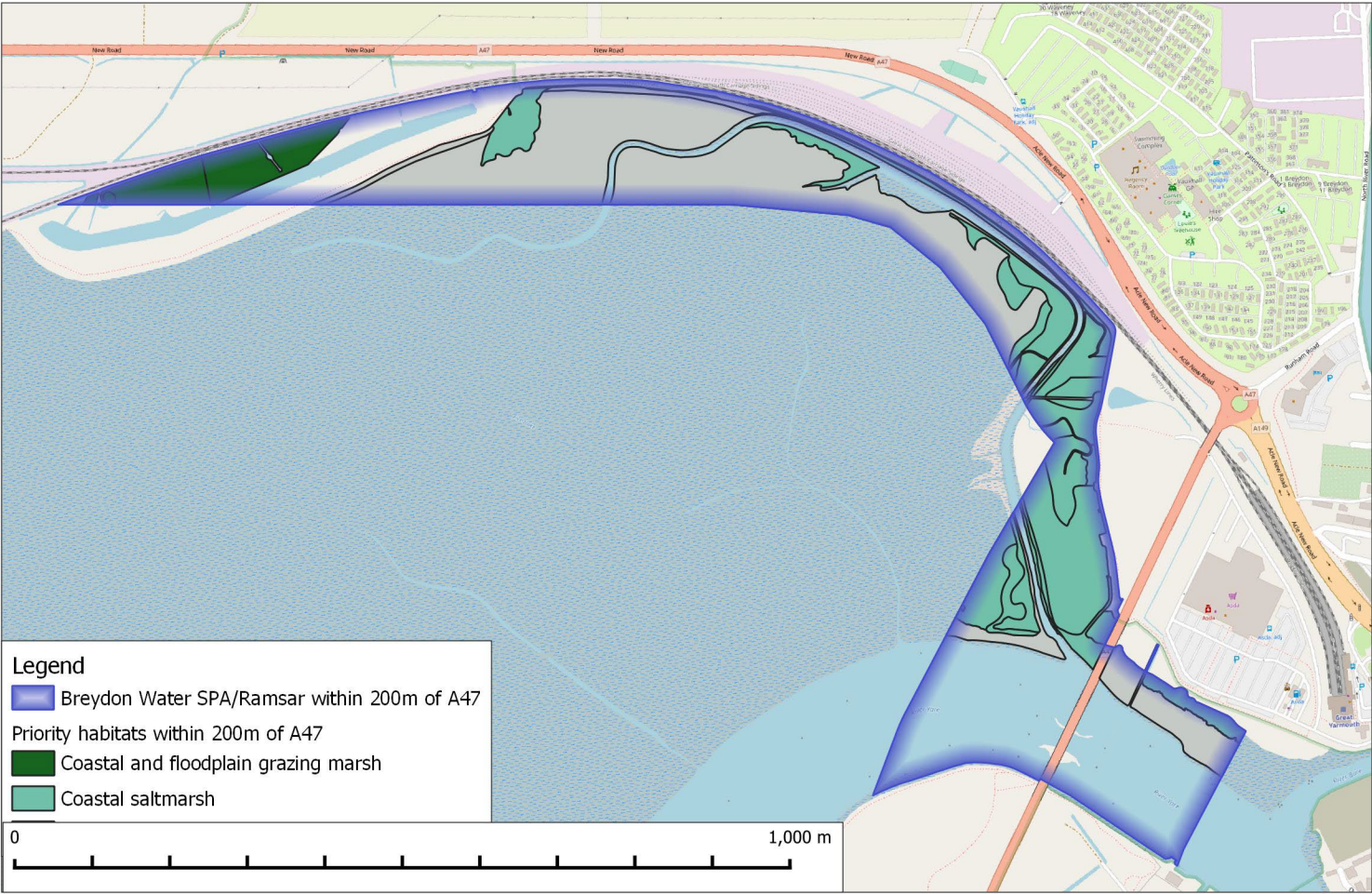
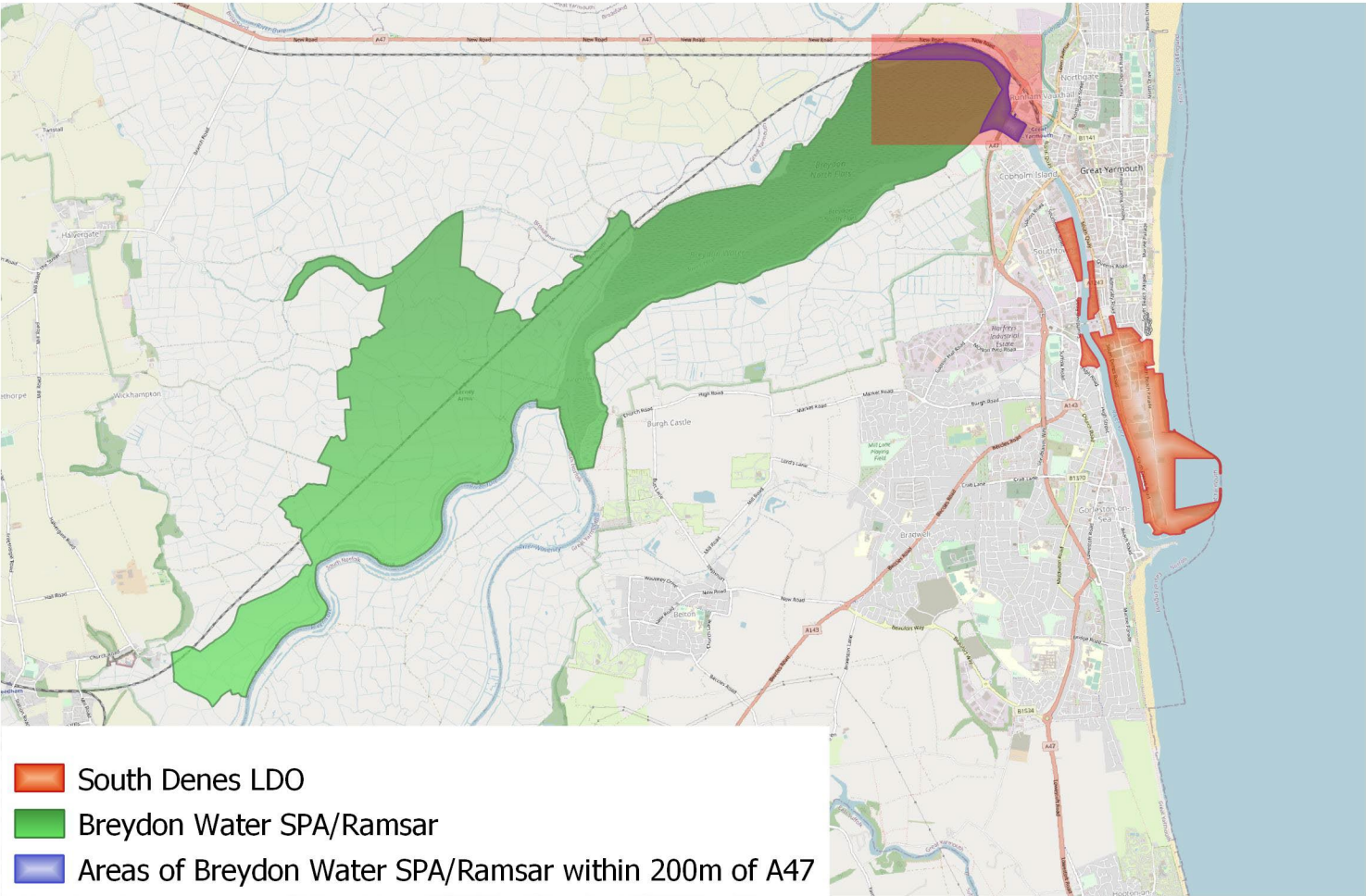
<sup>23</sup> See <http://www.apis.ac.uk/> accessed 3<sup>rd</sup> April 2022

18.7kg N/ha/yr . These data therefore indicate that currently the site is not exceeding critical loads. Source attribution data are also available on APIS and this indicates that road transport accounts for 6.4% of the Nitrogen deposition at the site.

- 6.10 This review of the site context provides sufficient evidence to rule out harm to Breydon Water SPA/Ramsar from air quality associated with traffic. This conclusion is reached based on the extent of the site that lies within 200m of a road, the contribution that traffic makes to Nitrogen deposition at the site, the distribution of habitat and the ecology of the relevant species. Air quality impacts from dust can also be ruled out due to the distance the SPA/Ramsar lies from the LDO and the mitigation measures set out within the LDO (see para 6.4). As such, adverse effects on integrity from air quality impacts and Breydon Water SPA/Ramsar can be ruled out alone. Considering in-combination effects with other plans and projects would not change the outcome of the assessment and adverse effects on integrity can therefore be ruled out alone or in-combination.



Map 5: Areas of Breydon Water SPA/Ramsar within 200m of A47



## 7. Conclusions and Formal Integrity Test

- 7.1 The South Denes LDO has been subjected to an appropriate assessment and integrity test according to the statutory provisions laid out in the Habitats Regulations 2017 as amended. The outcomes allow the following conclusions to be drawn:
- 7.2 Great Yarmouth Borough Council is the competent authority. LDOs provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that LPAs can use to help accelerate the delivery of appropriate development in the right places. The HRA therefore cannot assess any quantum of growth or specific proposals and must simply ensure that there is no scope for development to come forward that would result in adverse effects on integrity for any European sites.
- 7.3 Screening identified the potential for likely significant effects alone from disturbance in relation to: Harbour Porpoise (Southern North Sea SAC); Foraging terns - Little Tern (Benacre and Easton Baven SPA, Breydon Water SPA/Ramsar, Great Yarmouth North Denes SPA, Outer Thames SPA) and Common Tern (Breydon Water SPA/Ramsar, Outer Thames SPA); Red-throated Diver (Greater Wash SPA, Outer Thames Estuary SPA), Common Scoter (Greater Wash SPA), Harbour Seal (the Wash and North Norfolk Coast SAC) and Grey Seal (the Humber Estuary SAC). Screening also identified the potential for likely significant effects alone with respect to both water quality and air quality in relation to Breydon Water SPA/Ramsar and the Outer Thames Estuary SPA.
- 7.4 Confidence is provided by the limitations in the LDO applied to EIA development. The permission granted by the LDO does not apply if an application would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Similarly, for Schedule 2 applications, the permission granted would only apply if the LPA had screened the application and found it unlikely to have significant effects on the environment. This means that the LDO will not apply to large or environmentally damaging proposals.
- 7.5 The LDO includes conditions that ensure:
- Development falling under classes 1a) and 1b) must provide details of a Port Traffic Management Plan in relation to port traffic associated with the development and this will be approved in writing by the Local Planning Authority;
  - any construction adjacent to the water (within 25m of the River Yare or MHW for the North Sea frontage) is undertaken in the period August-

March (inclusive) when the terns are not present. This would simply restrict construction work for a third of the year within a limited part of the LDO area. If it is necessary that shorefront construction works take place during the period April-July, the condition ensures that evidence is provided that demonstrates no significant effects on foraging terns and is subject to consultation with Natural England;

- There is sufficient water treatment capacity to service any development.

7.6 With the above conditions or changes in place, it can be concluded that the South Denes LDO will not adversely affect the integrity of any European site, alone or in-combination. These conclusions should be checked with Natural England.



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## Appendix 1: European Site Conservation Objectives

As required by the Directives, ‘Conservation Objectives’ have been established by Natural England, which should define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives. When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.

Conservation objectives inform any HRA of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site’s ability to meet its conservation objectives

In 2012, Natural England issued a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site. The list of generic Conservation Objectives for each European site includes an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site.

In addition to the generic objectives, there is more detailed, supplementary site-specific information to underpin these generic objectives. This provides much more site-specific information, and this detail plays a fundamental role in informing HRA, and gives greater clarity to what might constitute an adverse effect on a site interest feature. Links in Appendix 2 provide access to both generic conservation objectives and the supplementary advice for each European site.

For SPAs the overarching objective is to:

*‘Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.’*

This is achieved by, subject to natural change, maintaining and restoring:

- The extent and distribution of the habitats of the qualifying features.
- The structure and function of the habitats of the qualifying features.
- The supporting processes on which the habitats of the qualifying features rely.
- The populations of the qualifying features.
- The distribution of the qualifying features within the site.

For SACs the overarching objective is to:

*‘Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.’*

This is achieved by, subject to natural change, maintaining and restoring:

- The extent and distribution of the qualifying natural habitats and habitats of qualifying species.
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.
- The populations of qualifying species.
- The distribution of qualifying species within the site.

## Appendix 2: Conservation Interest of European Sites

Links in the table cross -reference to the Natural England website and the relevant page with the site's conservation objectives. In the qualifying features column, for SPAs, "nb" denotes non-breeding and "b" breeding features. For SACs, # denotes features for which the UK has a special responsibility. The descriptive text is adapted from Natural England's site improvement plan or citation. For Ramsar sites, the qualifying features and description are drawn from the Ramsar spreadsheet on the JNCC website<sup>24</sup>, and the link cross-references to the Ramsar site information page.

European site	Designated features	Description
<a href="#">Benacre to Easton Bavents Lagoons SAC</a>	H1150# Coastal lagoons	Benacre to Easton Bavents Lagoons is a series of percolation lagoons. The lagoons (the Denes, Benacre Broad, Covehithe Broad and Easton Broad) have formed behind shingle barriers and are a feature of a geomorphologically dynamic system. Sea water enters the lagoons by percolation through the barriers, or by overtopping them during storms and high spring tides. The three southern lagoons receive freshwater inputs from the local ditch and channel networks.
<a href="#">Benacre to Easton Bavents SPA</a>	Little tern <i>Sterna albifrons</i> - A195, b Great bittern <i>Botaurus stellaris</i> A021 – b Eurasian marsh harrier <i>Circus aeruginosus</i> A081 – b	Benacre to Easton Bavents SPA supports internationally important populations of Bittern, Marsh harrier and Little tern. The site includes areas of shingle, vegetated shingle, reedbed, and wetland habitats as well as geological and geomorphological features.
<a href="#">Breydon Water SPA</a>	Pied Avocet <i>Recurvirostra avosetta</i> - A132 nb European Golden Plover - A140 <i>Pluvialis apricaria</i> nb Northern Lapwing <i>Vanellus vanellus</i> -A142 nb Waterbird assemblage Common Tern <i>Sterna hirundo</i> - A193 b Ruff <i>Philomachus pugnax</i> - A151 nb Bewick's Swan <i>Cygnus columbianus bewickii</i> - A037 nb	Breydon Water SPA consists of an inland tidal estuary with extensive areas of mud flats that are exposed during low tide forming the only intertidal flats occurring on the east coast of Norfolk. Large numbers of wildfowl and waders that overwinter at the site are attracted to the abundant food supply, with some species numbers being nationally and internationally important during appropriate seasons. The mosaic of small areas of saltmarsh, reedbeds and brackish water communities in the surrounding borrow dykes has considerable botanical and invertebrate rich interest.

<sup>24</sup> [https://hub.jncc.gov.uk/assets/bc9b0905\\_-fb63-4786-8e90-5f7851bb417d](https://hub.jncc.gov.uk/assets/bc9b0905_-fb63-4786-8e90-5f7851bb417d)

European site	Designated features	Description
<a href="#">Breydon Water Ramsar</a>	<p>Greater White -Fronted Goose <i>Anser albifrons</i> - Wintering</p> <p>Common Tern <i>Sterna hirundo</i> - Breeding</p> <p>Pink-Footed Goose <i>Anser brachyrhynchus</i>- Wintering</p> <p>Eurasian Wigeon <i>Anas penelope</i>- Wintering</p> <p>Eurasian Teal <i>Anas crecca</i>- Wintering</p> <p>Black-Tailed Godwit <i>Limosa limosa</i> - Wintering</p> <p>Waterfowl Assemblage - Wintering</p> <p>Common Greenshank <i>Tringa nebularia</i> - Passage</p> <p>Tundra Swan <i>Cygnus columbianus bewickii</i>- Wintering</p> <p>Whimbrel <i>Numenius phaeopus</i> - Passage</p> <p>Northern Pintail <i>Anas acuta</i>- Wintering</p> <p>Ruff <i>Philomachus pugnax</i> - Wintering</p> <p>Northern Lapwing <i>Vanellus vanellus</i>- Wintering</p> <p>European Golden Plover <i>Pluvialis apricaria</i> - Wintering</p> <p>Pied Avocet <i>Recurvirostra avosetta</i>- Passage</p> <p>Northern Shoveler <i>Anas clypeata</i>- Wintering</p>	<p>An inland tidal estuary with extensive areas of mudflats exposed at low tide. The site is internationally important for wintering waterbirds, notably Bewick's Swan, <i>Cygnus columbianus bewickii</i>, and it supports important numbers of passage birds. Human activities include recreation, hunting, and agriculture. Extended in March 2000 from 515 to 1203 ha. R</p>
<a href="#">Broadland Ramsar</a>	<p>Calcium-rich fens dominated by Great Fen Sedge (Saw Sedge)</p> <p>Alkaline Fens</p> <p>Alder woodl and on flooplains,</p> <p>Wetland invertebrate assemblage</p> <p>Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i></p> <p>Otter <i>Lutra lutra</i></p> <p>Fen Orchid <i>Liparis loeselii</i></p> <p>Greylag Goose <i>Anser anser</i>- Wintering</p> <p>Eurasian Wigeon <i>Anas penelope</i>- Wintering</p> <p>Gadwall <i>Anas strepera</i>- Wintering</p> <p>Northern Shoveler <i>Anas clypeata</i>- Wintering</p> <p>Pink-Footed Goose <i>Anser brachyrhynchus</i>- Wintering</p> <p>Water Rail <i>Rallus aquaticus</i> - Wintering</p>	<p>A low-lying wetland complex composed of the Bure, Yare, Thurne, and Waveney river systems of the Norfolk Broads. The mosaic of wetland habitats includes open water, reedbeds, carr woodland, grazing marsh, and fen meadow, with an extensive complex of flooded medieval peat diggings. Outstanding assemblages of rare plants and invertebrates occur at the site -- amongst a rich insect fauna are nationally rare dragonflies, spiders, moths, and butterflies, and the area is a stronghold for the butterfly <i>Papilio machaon</i> <i>britannica</i> as well as a number of nationally rare breeding birds, including <i>Botaurus stellaris</i> and <i>Circus aeruginosus</i>. Several species of waterbirds winter there and include internationally important numbers of Bewick's swan, <i>Cygnus columbianus bewickii</i>. The region is important for recreation, tourism, agriculture, and wildlife, and there is a large conservation education centre. Extended on 21/09/94 from the former Ramsar Sites known as Bure Marshes and Hickling Broad &amp; Horsey Mere.</p>

European site	Designated features	Description
	Tundra Swan <i>Cygnus columbianus bewickii</i> - Wintering	
<a href="#">Broadland SPA</a>	<p>Great bittern <i>Botaurus stellaris</i> A021 - b</p> <p>Bewick swan <i>Cygnus columbianus bewickii</i>A037 - nb</p> <p>Eurasian wigeon <i>Anas penelope</i>A050 - nb</p> <p>Northern shoveler <i>Anas clypeata</i>A056 - nb</p> <p>Whooper swan <i>Cygnus cygnus</i>A038 - nb</p> <p>Gadwall <i>Anas strepera</i>A051 - nb</p> <p>Eurasian marsh harrier <i>Circus aeruginosus</i>A081 – b</p> <p>Hen harrier <i>Circus cyaneus</i>A082 - nb</p> <p>Ruff <i>Philomachus pugnax</i> A151 - nb</p>	<p>The fens of the Broads are one of the most extensive remaining areas of fen habitat in Europe. The fens and drained marshes are dissected by networks of dykes. The Broads also represent the largest area of floating forest and wet woodland in Britain and possibly Western Europe. Fen habitats offer foraging and nesting sites for populations of three internationally important bird species; marsh harrier, bittern and crane. Nationally important populations of pochard and shoveler breed on unreclaimed fens and drained marshes adjacent to open water. Cetti's warbler, Savi's warbler and the bearded reedling are further species present in nationally important breeding numbers. Internationally important populations of shoveler overwinter in unreclaimed fens and marshes. The Broads is a complex site and there are a range of issues impacting across the catchment or in specific parts of the catchment. In many cases there are interactions between issues. This SIP links with actions in key documents, such as the Broads Plan and the Broadland Rivers Catchment Plan. Twenty-eight Sites of Special Scientific Interest (SSSI) have been notified in the Broads, with most of these sites being of international importance for their habitats and/or bird populations or species and have been included within the European Directives as the Broads Special Area of Conservation and the Broadland Special Protection Area</p>
<a href="#">Great Yarmouth and North Denes SPA</a>	Little tern <i>Sterna albifrons</i> - A195, b	Great Yarmouth North Denes SPA (which includes part of Winterton-Horsey Dunes SSSI) contains one of the UK's most important breeding colonies of little tern.
<a href="#">Greater Wash SPA</a>	<p>Common Scoter, <i>Melanitta nigra</i> - A065, nb</p> <p>Common Tern, <i>Sterna hirundo</i> - A193, b</p> <p>Little Gull, <i>Hydrocoloeus (Larus) minutus</i>- A177, nb</p> <p>Little Tern, <i>Sternula albifrons</i> - A195, b</p> <p>Red-throated Diver, <i>Gavia stellata</i>- A001-A, nb</p> <p>Sandwich Tern, <i>Thalasseus sandvicensis</i> A191, b</p>	<p>The Greater Wash SPA is located in the mid-southern North Sea between Bridlington Bay in the north and the Outer Thames Estuary SPA in the south. To the north, off the Holderness coast in Yorkshire, seabed habitats primarily comprise coarse sediments, with occasional areas of sand, mud and mixed sediments. Subtidal sandbanks occur at the mouth of the Humber Estuary, primarily comprising sand and coarse sediments. Offshore, soft sediments dominate, with extensive areas of subtidal sandbanks off The Wash as well as north and east Norfolk coasts. Closer inshore at The Wash and north Norfolk coast, sediments comprise a mosaic of sand, muddy sand, mixed sediments and coarse</p>



European site	Designated features	Description
		sediments, as well as occasional Annex I reefs. The area off the Suffolk coast continues the mosaic habitats mostly dominated by soft sediment.
<a href="#"><u>Haisborough, Hammond and Winterton SAC</u></a>	H1110 Sandbanks which are slightly covered by sea water all the time H1170 Reefs	The Haisborough, Hammond and Winterton Special Area of Conservation lies off the north east coast of Norfolk. The site crosses the 12 nautical mile boundary and therefore lies partly in territorial and partly in offshore waters. Natural England and JNCC have jointly prepared this advice. The site contains sandbanks and Sabellaria spinulosa reefs which meet the Annex I habitat description of “Sandbanks slightly covered by sea water all the time” and “Reefs” respectively. These offshore head-land associated sandbanks are curved and orientated parallel to the coast.
<a href="#"><u>Humber Estuary SAC</u></a>	H1110 Sandbanks which are slightly covered by sea water all the time H1130 Estuaries H1140 Mudflats and sandflats not covered by seawater at low tide H1150 Coastal lagoons H1310 Salicornia and other annuals colonising mud and sand H1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) H2110 Embryonic shifting dunes H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('White dunes') H2130 Fixed dunes with herbaceous vegetation ('Grey dunes') H2160 Dunes with <i>Hippophae rhamnoides</i> S1095 Sea lamprey, <i>Petromyzon marinus</i> S1099 River lamprey, <i>Lampetra fluviatilis</i> S1364 Grey seal, <i>Halichoerus grypus</i>	<p>The Humber Estuary separates the historic counties of Yorkshire and Lincolnshire. The Special Area of Conservation (SAC) extends about 70km from the mouth of the Humber, past the ports of Grimsby, Immingham, Hull and Goole and up to the limit of saline intrusion on the rivers Ouse and Trent.</p> <p>The Humber Estuary is a large estuary with a high tidal range (macro -tidal). The high suspended sediment loads in the estuary feed a dynamic and rapidly changing system of accreting and eroding intertidal and sub -tidal mudflats and sandflats as well as saltmarsh and reedbeds. Other notable habitats include a range of sand dune types in the outer estuary, together with sub -tidal sandbanks and coastal lagoons. A number of developing managed realignment sites on the estuary also contribute to the wide variety of estuarine and wetland habitats. The estuary supports a full range of saline conditions from the open coast to the limit of saline intrusion. As salinity declines upstream tidal reedbeds and brackish saltmarsh communities fringe the estuary.</p> <p>Significant fish species include river lamprey and sea lamprey which migrate through the estuary to breed in the rivers of the Humber catchment. Grey seals come ashore in autumn to form large breeding colonies on the sandy shores of the south bank around Donna Nook.</p>
<a href="#"><u>Outer Thames Estuary SPA</u></a>	Common Tern <i>Sterna hirundo</i> - A193, b Little Tern <i>Sternula albifrons</i> – A195, b Red-throated Diver <i>Gavia stellata</i> - nb	The Outer Thames Estuary SPA is located on the southeast coast of England, stretching from Caister-on-Sea in Norfolk down the Suffolk coast to Sheerness on the Kent coastline, and reaching as far as Canvey Island into the Thames Estuary. The SPA is divided into

European site	Designated features	Description
		<p>three discreet areas: the outer estuary of the Thames (including Kent and Essex coastal waters); the Suffolk and south Norfolk coastal waters; and an offshore area further northeast. The site crosses the 12 nautical mile boundary and therefore lies partly in territorial and partly in offshore waters.</p> <p>The SPA consists of areas of shallow and deeper water, high tidal current streams and a range of mobile sediments. Large areas of mud, silt and gravelly sediments form the deeper water channels, including the port approaches to London. The seabed in the area of the Norfolk and Suffolk coast is of a similar composition to that in the main estuary with large shallow areas of mud, sand, silt and gravelly sediments but, less disturbance through shipping or dredging because the area is north of Harwich and Felixstowe. Sand and silt dominates the offshore areas, as is typical of the southern North Sea.</p>
<a href="#">Southern North Sea SAC</a>	S1351 Harbour porpoise, <i>Phocoena phocoena</i>	<p>The Southern North Sea SAC is an area of importance for harbour porpoise. This site includes key winter and summer habitat for this species and covers an area over three times the size of Yorkshire. The site stretches from the central North Sea (north of Dogger Bank) to the Straits of Dover in the south, covering an area of 36,951 km<sup>2</sup>. The majority of this site lies offshore, though it does extend into coastal areas of Norfolk and Suffolk crossing the 12 nautical mile boundary and hence, both Natural England and JNCC are responsible for providing statutory advice. A mix of habitats, such as sandbanks and gravel beds, are included in the site which also overlaps a number of other SACs.</p>
<a href="#">The Broads SAC</a>	<p>H3140 Hard oligo -mesotrophic waters with benthic vegetation of Chara spp</p> <p>H3150 Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</p> <p>S1016 <i>Vertigo moulinsiana</i>: Desmoulin's whorl snail</p> <p>H91E0# Alluvial forests with <i>Alnus glutinosa</i> and Fraxinus excelsior ( <i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>H6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i>)</p> <p>S1355 Otter <i>Lutra lutra</i></p> <p>S1903 Fen Orchid <i>Liparis loeselii</i></p>	<p>The fens of the Broads contain a diverse mix of species making it one of the most extensive remaining areas of fen habitat in Europe, being internationally recognised for eight fen communities. The fens and drained marshes are dissected by networks of dykes that support internationally important aquatic plant communities that have been lost from many broads: the fen habitats are also used by the internationally important otter. The Broads also represent the largest area of floating forest and wet woodland in Britain and possibly Western Europe. Carr woodland supports four nationally important plant species and the limited area of mature alder carr is considered of priority international importance. In addition, parts of the Broads support a nationally rare scrub type that is almost entirely confined to East Anglia.</p> <p>The Broads is a complex site and there are a range of issues impacting across the catchment or in specific parts of the catchment. In many cases there are interactions</p>

European site	Designated features	Description
	<p>S4056 <i>Anisus vorticulus</i> Little ramshorn whirlpool snail</p> <p>H7140 Transition mires and quaking bogs</p> <p>H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>H7230 Alkaline fens</p>	<p>between issues. This SIP links with actions in key documents, such as the Broads Plan and the Broadland Rivers Catchment Plan. Twenty-eight Sites of Special Scientific Interest (SSSI) have been notified in the Broads, with most of these sites being of international importance for their habitats and/or bird populations or species and have been included within the European Directives as the Broads Special Area of Conservation and the Broadland Special Protection Area.</p>
<a href="#">The Wash &amp; North Norfolk Coast SAC</a>	<p>H1110 Sandbanks which are slightly covered by sea water all the time</p> <p>H1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>H1150# Coastal lagoons</p> <p>H1160 Large shallow inlets and bays</p> <p>H1170 Reefs</p> <p>H1310 Salicornia and other annuals colonising mud and sand</p> <p>H1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>H1420 Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>)</p> <p>S1355 Otter, <i>Lutra lutra</i></p> <p>S1365 Harbour (Common) Seal, <i>Phoca vitulina</i></p>	<p>The Wash is the largest embayment in the UK. It is connected via sediment transfer systems to the north Norfolk coast. Together, the Wash and North Norfolk Coast form one of the most important marine areas in the UK and European North Sea coast, and include extensive areas of varying, but predominantly sandy, sediments subject to a range of conditions. Communities in the intertidal include those characterised by large numbers of polychaetes, bivalve and crustaceans. Subtidal communities cover a diverse range from the shallow to the deeper parts of the embayments and include dense brittlestar beds and areas of an abundant reef-building worm (‘ross worm’) <i>Sabellaria spinulosa</i>. The embayment supports a variety of mobile species, including a range of fish, Otter <i>Lutra lutra</i> and Common Seal <i>Phoca vitulina</i>. The extensive intertidal flats provide ideal conditions for Common Seal breeding and hauling-out.</p>
<a href="#">Winterton-Horsey Dunes SAC</a>	<p>H2150# Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>)</p> <p>H2190 Humid dune slacks</p> <p>H2110 Embryonic shifting dunes</p> <p>H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")</p>	<p>Winterton-Horsey Dunes SAC is a large acidic dune system with associated areas of grazing marsh, dune slacks, dune heath, dune grassland and downy birch dominated woodland with oaks. Actively accreting 'ness' features, support a full successional sequence of vegetation through foredune, mobile dune, semi fixed dune and dry acid dune grassland/ dune heath.</p>