

# **South Denes Local Development Order (LDO)**

## **Habitat Regulations Assessment (HRA) Screening Opinion**

**October 2021**



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# 1. Introduction

## Habitat Regulations Assessment (HRA) process

- 1.1 The purpose of this report is to consider the implications of the South Denes Local Development Order (LDO) on National Site Network Habitat Sites (Habitat Sites), in terms of any possible harm to the habitats and species that form an interest feature of the Habitat Sites. The LDO has therefore been screened for 'likely significant effects' on Habitat Sites. This will be undertaken in accordance with 'The Conservation of Habitats and Species Regulations 2017' (as amended).
- 1.2 This screening report has been informed by the HRAs prepared for the Local Plan Core Strategy and the Local Plan Part 2. The Local Plan safeguarded and allocated South Denes for port and harbour uses.

## Local Development Orders (LDOs)

- 1.3 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.
- 1.4 The procedures for making a Local Development Order are set out in [sections 61A to 61D](#) and [Schedule 4A of the Town and Country Planning Act 1990](#), as amended, and [articles 38 and 41 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

# 2. South Denes Local Development Order

## Site Location

- 2.1 The LDO for South Denes comprises an extensive area, 136.3 hectares of land, occupied by a mix of employment uses and port-related activities. Though some of this land remains either vacant, derelict, or undeveloped. Approximately 59 hectares of this area is designated as one of the Great Yarmouth and Lowestoft Enterprise Zone sites.
- 2.2 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.

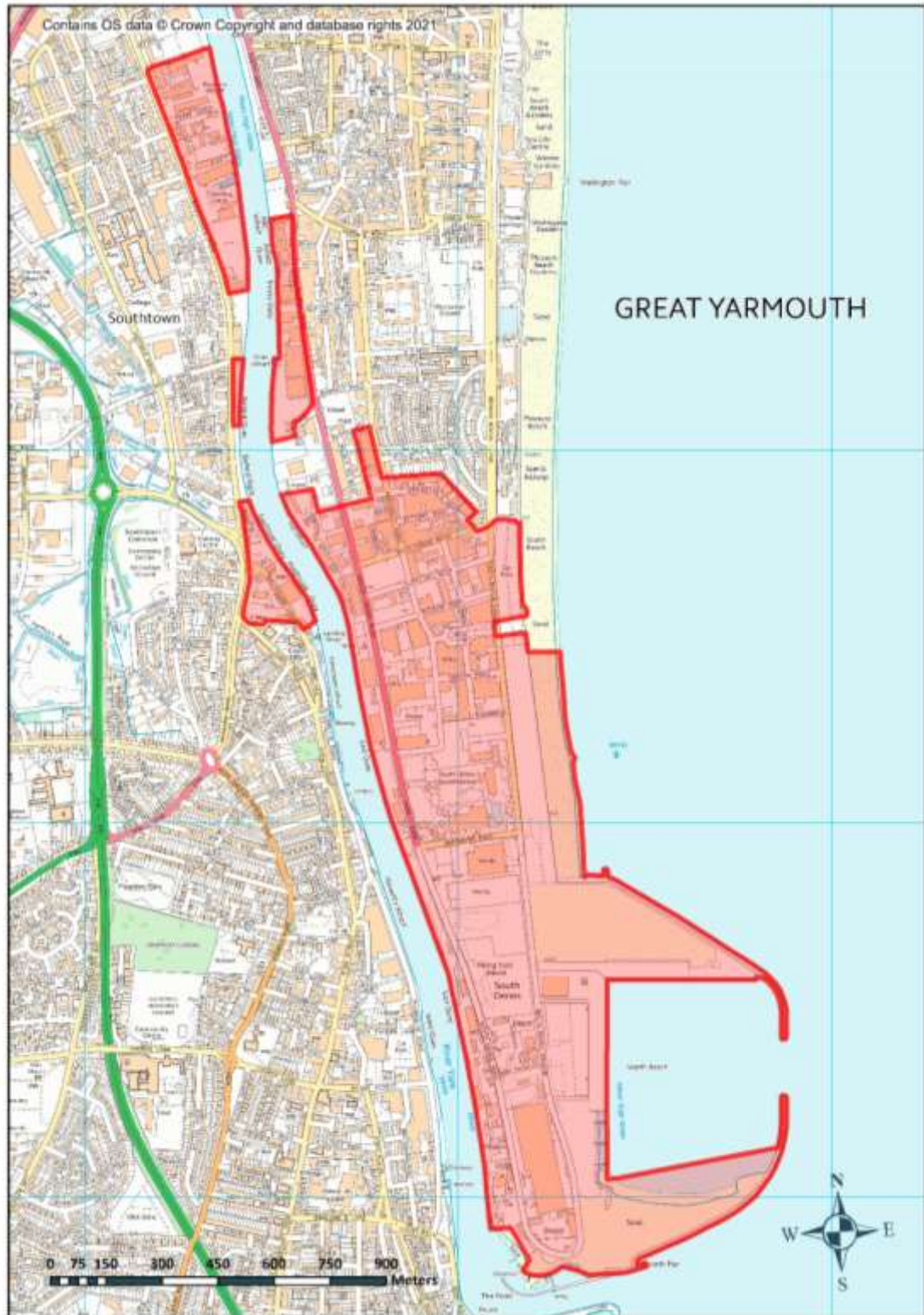


Figure 1 - South Denes Local Development Order

- 2.3 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 north west.



Figure 2 - Aerial Photograph of South Denes Local Development Order

- 2.4 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.

### **Development description**

- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 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

2.10 The permissions are subject to conditions and limitations contained within the LDO. Of particular relevance to this screening report, permission will not apply to Schedule 1 or 2 (where significant effects have been identified through a screening assessment) EIA development. In addition, a survey for the presence of protected species needs to be undertaken, to ensure that there are no adverse impacts. There are also other limitations relating to highway works and mineral and waste matters. The design code itself sets out the parameters which detailed plans must meet for LDO consent to be formally granted.

### Relevant Local Plan Policies

2.11 The Local Development Order will help implement Policies 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 land at South Denes for port and harbour uses.

## 3. Habitat Sites

3.1 Using a precautionary principle, this screening report has assessed impacts on Habitat Sites at a 20km radius of the LDO site at South Denes. This buffer is used as it is deemed precautionary enough to capture most potential impact pathways (i.e. the means by which a Habitat Site may be affected). Habitat Sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). However, as national planning policy gives Ramsar sites the same protection as SACs and SPAs, these have also been included. . Habitat Sites can be terrestrial or marine.

3.2 The following sites are within 20km of the proposed LDO area. Each site has been provided with a link to its qualifying features via the Joint Nature Conservation Committee (JNCC) or Natural England websites.

Terrestrial Habitat Sites		
Special Protection Areas	Special Area of Conservation	Ramsar Site
Breydon Water	The Broads	Breydon Water
Broadland	Winterton-Horsey Dunes	Broadland
North Denes	Benacre to Easton Barents	
Benacre to Easton Barents		
Marine Habitat Sites		
Special Protection Areas	Special Area of Conservation	Ramsar Site
Outer Thames Estuary	Southern North Sea	



Greater Wash	Haisborough, Hammond and Winterton	
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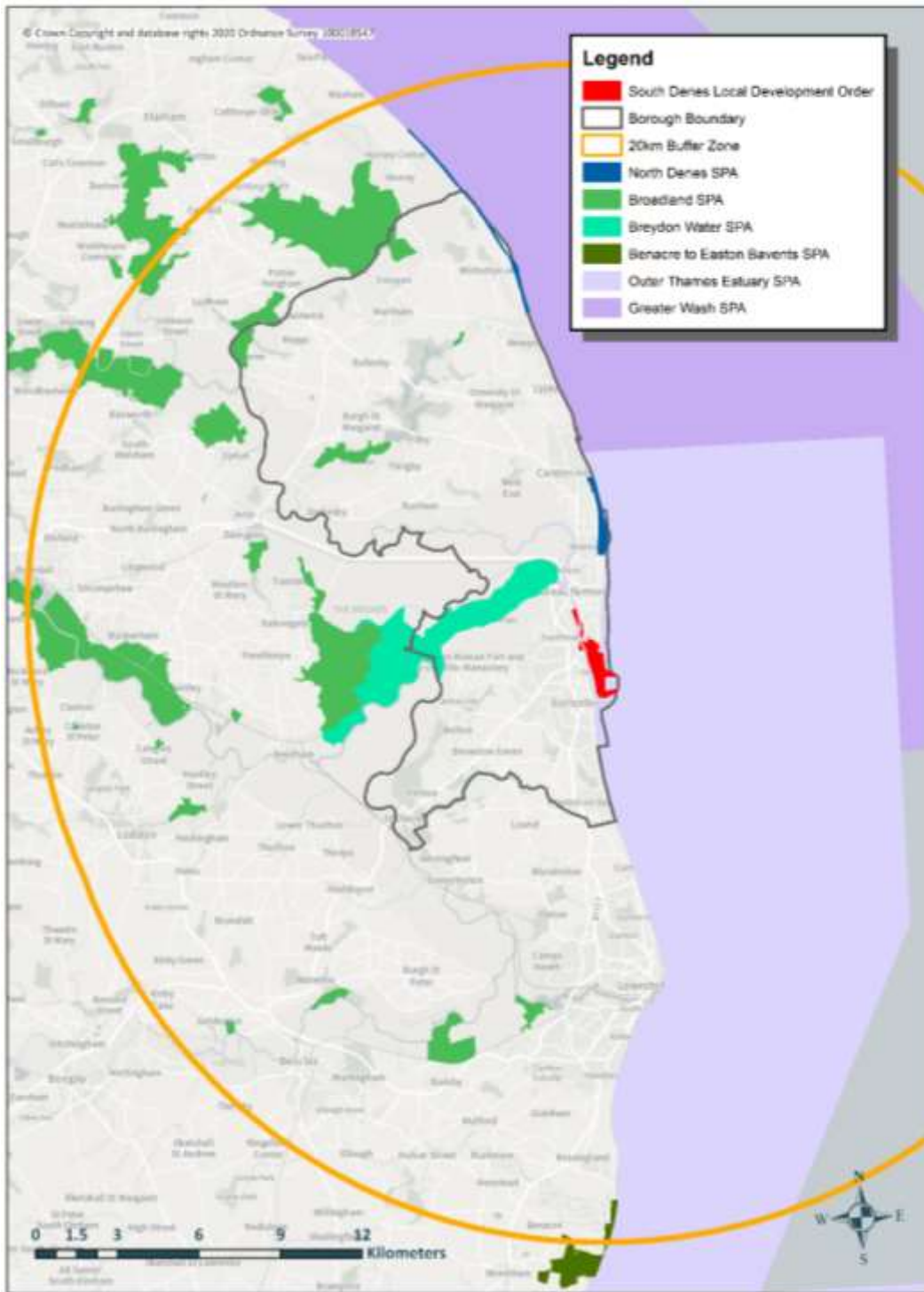


Figure 3 - Special Protection Areas within 20km of the South Denes Local Development Order

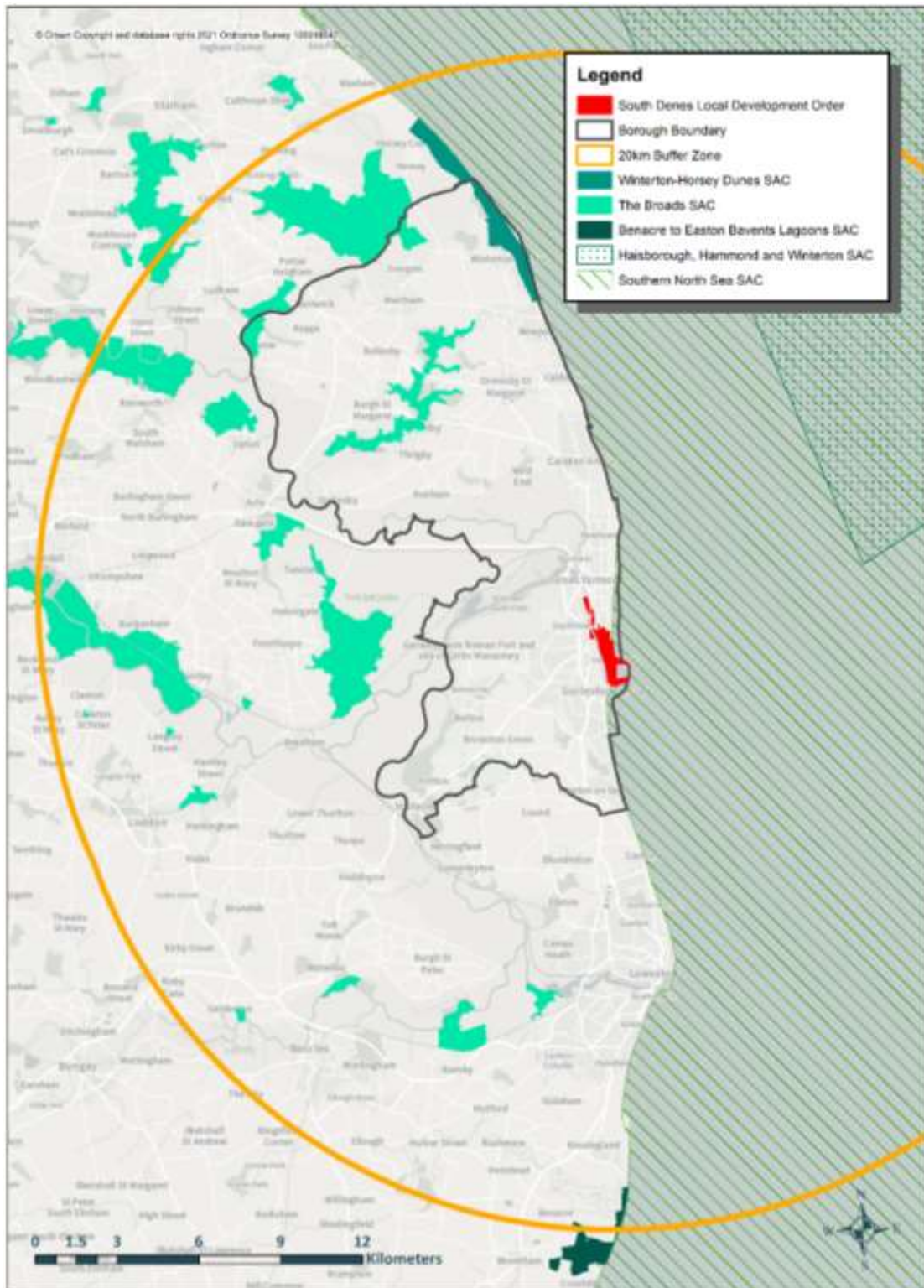


Figure 4 - Special Areas of Conservation within 20km of the South Denes Local Development Order

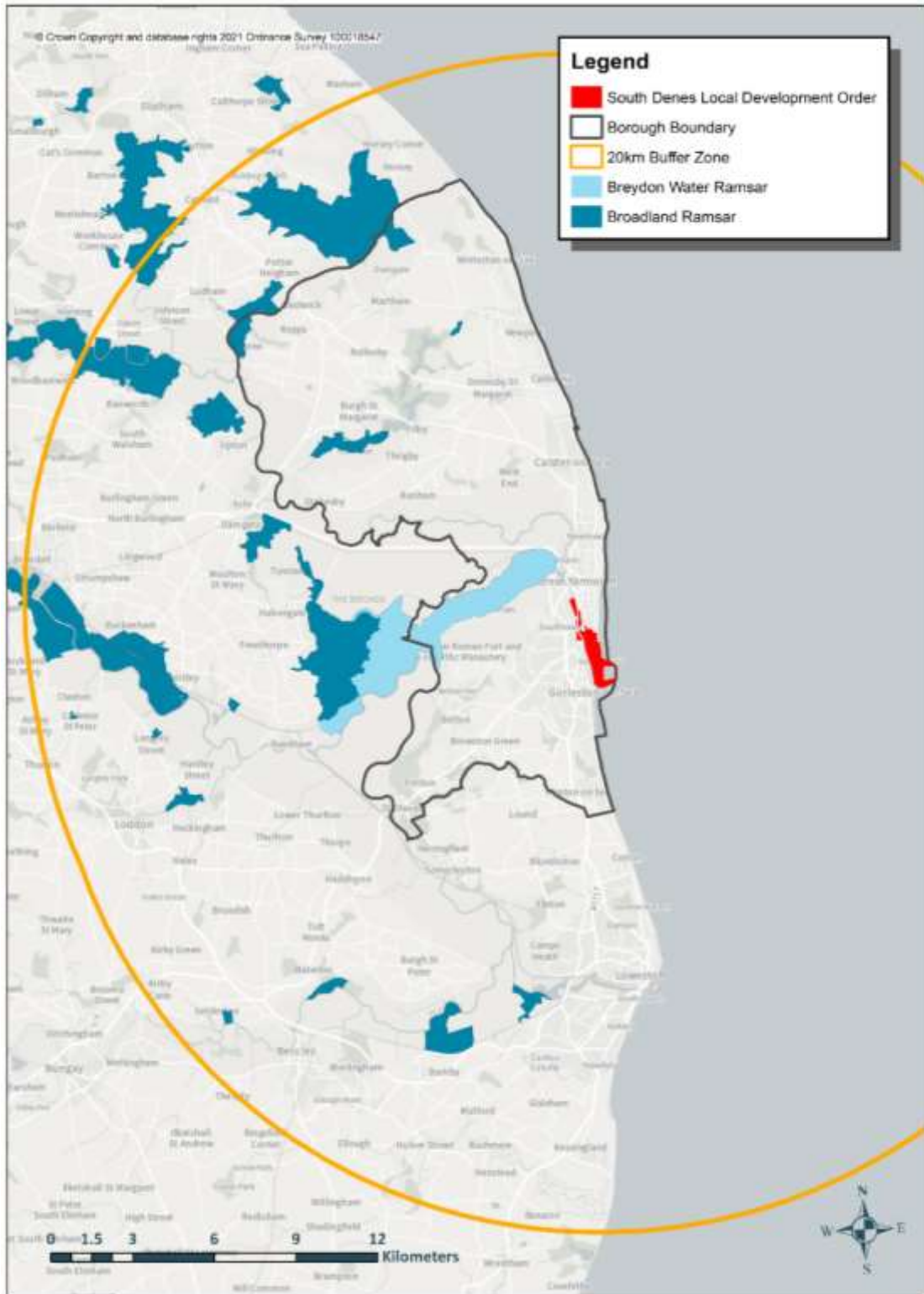


Figure 5 - Ramsar sites with 20km of the South Denes Local Development Order

## 4. Establishing Impact Pathways

- 4.1 Impact pathways are identifiable means by which the plan or project could potentially affect a Habitat Site. The HRAs prepared for the Local Plan Core Strategy and the Local Plan Part 2 identified impacts from recreation such as disturbance, trampling, increased fire risk and enrichment such as through dog fouling. These impacts are mainly associated with North Denes SPA, Winterton-Horsey Dunes SAC and to a lesser extent within the Borough, the Broads network of sites. It is, however, considered unlikely that a limited range of employment-related uses on a business park will add to existing recreational pressures.
- 4.2 There is the potential for water issues related to water quality and water quantity (i.e. water availability). Run-off, outflow from sewage treatments and overflow from septic tanks can result in increased nutrient loads and contamination of water courses. This should, however, be considered in the context of the LDO site at South Denes which is located 1.1km south-west of the closest terrestrial sites, Breydon Water. The LDO site is, however, immediately adjacent marine habitats: The Outer Thames Estuary Special Protection Area (SPA) and the Southern North Sea Special Area of Conservation (SAC). The Greater Wash SPA marine site is approximately 800m north-west.
- 4.3 The LDO will not apply to development that involves a high pollution risk to the water environment by pipelines or high voltage fluid filled cables that transport pollutants, underground storage of hazardous substances, direct discharge of pollutants to the groundwater, or use of deep soakaways for surface water and effluent disposal. The LDO permits port and energy uses, water compatible uses, where waste products, drainage or construction may have the potential to drain into the ground. It is likely that any pollutants (which would be limited given the above exclusions) could easily be dispersed in the North Sea and would not have an impact.
- 4.4 In terms of air quality, Great Yarmouth Borough does not have any specific identified air quality concerns and does not hold any air quality management areas (AQMAs). Whilst these relate to human health, they highlight a potential air quality concern that may also be relevant for sensitive habitats. It is also anticipated that traffic congestion within Great Yarmouth will be improved with the new river crossing under construction. The impact of air quality must be considered more in cumulative terms associated with South Denes, as any net increase will be fractional by comparison to existing impacts. Even in this context, the remaining vacant space on the LDO site is limited and therefore the potential for significant impacts is reduced. The HRAs prepared for the Local Plan Core Strategy and the Local Plan Part 2 concluded that the Borough is not a focus for intensive growth and that air quality impacts can be ruled out.
- 4.5 Abstraction and land management can influence water flow and quantity, resulting in reduced water availability at certain periods or changes in the flow. Such impacts

particularly relate to aquatic and wetland habitats. The LPP2 HRA was able to conclude in consultation with the Environment Agency and Natural England that while there were issues with local water supply, the Water Cycle Strategy Scoping Study, published jointly with the neighbouring Waveney District Council in 2009, demand through planned growth (including South Denes) could be met with adequate protection for Habitat Sites.

4.6 On the basis of the above considerations and the distance between the LDO site and Habitat Sites, impacts to the following Habitat Sites can be ruled out:

- North Denes SPA
- Winterton-Horsey Dunes SAC
- Broadland SPA & Ramsar
- The Broads SAC
- Haisborough, Hammond and Winterton SAC
- Benacre to Easton Bavents SAC/SPA

4.7 The remaining Habitat Sites: Breydon Water SPA & Ramsar, Southern North Sea SAC, Outer Thames Estuary SPA, and Greater Wash SPA, must be considered further for potential impacts, 'likely significant effects', associated with water quality.

## 5. Screening for likely significant effects

5.1 The potential risk identified from the above impact pathways, is that activities permitted through the LDO may have the potential to impact upon the water quality of some nearby Habitat Sites. The South Denes LDO is immediately adjacent to the River Yare and North Sea, and therefore is immediately adjacent to the Outer Thames Estuary SPA. The Outer Thames Estuary SPA is tidal flowing in to Breydon Water and out to the North Sea. The LDO itself does not use land/water that is designated as a Habitats Site.

5.2 The Borough Council was consulted by Natural England and the JNCC on the designation of the River Yare as an extension to the Outer Thames Estuary (back in 2016). Following comments from the Borough Council in relation to existing activities, Natural England concluded:

'Natural England does not consider that the current proposals for new housing and commercial and industrial redevelopment of the port area of Great Yarmouth as set out in the adopted Great Yarmouth Local Plan Core Strategy (2015) are likely to have a significant impact on the Outer Thames Estuary pSPA.'

This is on the basis that current evidence indicates that foraging terns are highly maneuverable in flight and have a low sensitivity to activities such as shipping or industry. The letter submitted by Natural England is appended to this report.

- 5.3 Likely significant effects on Red-throated diver are excluded as this species is known to forage offshore and is not ordinarily present in the River Yare. Little terns are known to have a limited coastal foraging range and are not known to breed in the vicinity of the Proposed Development, and for these reasons LSE have been excluded for this qualifying feature.
- 5.4 No condition change is anticipated in respect of air pollution concentrations, noise or lighting as a result of development consented through the LDO given the extent of existing activities in the port and harbour area. There is no evidence that LDO consents will lead to either habitat loss/fragmentation or sediment deposition. The LDO will not necessarily lead to an increase in river traffic as this will depend upon the use and extent of existing port activities in the area. Nonetheless, it is expected that harbour porpoise would be able to detect the presence of vessels, and, given that they are highly mobile, would be able to avoid potential collisions.
- 5.5 South Denes is already served by an urban drainage system and as discussed above, the LDO consent will not apply to development that involves a high pollution risk. It is also important to acknowledge that South Denes is an established port and harbour area with a range of employment activities. The additionality of development is therefore limited given the lack of vacant space. It is also likely that schemes that come forward under the LDO will be relatively small scale owing to the lack of vacancy and dispersal of plots within the area. Therefore, the actual risk associated with the potential for water pollution is therefore **not considered to be a 'likely significant effect'**.
- 5.6 The LDO does not propose specific uses, however, 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.

In-combination/Cumulative Effects

- 5.7 The South Denes LDO site has also been subject to HRA of the Local Plan Part 2 which considered the allocation of the port and harbour area and the in-combination effects with other policies of the plan. The in-combination effects identified in that HRA were associated with recreational impacts from residential and tourist development; the employment activities permitted through the LDO will not impact upon recreation disturbance. Therefore, this screening assessment confirms that there is no **'likely significant effect'** in-combination.

## 6. Conclusions

- 6.1 This HRA Screening Assessment has been prepared to consider whether there are 'likely significant effects' on nearby Habitat Sites associated with the LDO at South Denes.
  
- 6.2 The conclusion of '**no likely significant effects**' alone and in-combination has been determined having considered the limited scope of development activities, the distance to Habitat Sites, and consequently the limited potential of impacts on those Habitat Sites. Accordingly, no Appropriate Assessment is required as there will be no adverse effects on Habitat Sites integrity. This decision is made in accordance with Regulation 80 of the Conservation of Habitats and Species Regulations 2017 (as amended).

## 7. Appendix

<Insert NE letter>