

South Denes Local Development Order (LDO)

Environmental Impact Assessment (EIA) Screening Opinion

October 2021



Contents

- 1. Introduction 3
 - Environmental Impact Assessment (EIA)..... 3
 - Local Development Orders (LDOs) 3
- 2. South Denes Local Development Order 3
 - Site Location 3
 - Development description 6
 - Relevant Local Plan Policies..... 6
- 3. Environmental Assessment 7
 - EIA Context..... 7
 - Consultation 7
 - Habitat Regulations Assessment..... 7
 - EIA Screening Criteria..... 7
 - Natural Resources 7
 - Waste..... 8
 - Pollution & Nuisances 8
 - Population & Human Health 9
 - Water Resources 9
 - Biodiversity (Species & Habitats)..... 9
 - Landscape & Visual..... 10
 - Cultural Heritage & Archaeology..... 10
 - Transport & Access..... 11
 - Land Use 11
 - Land Stability & Climate Change 11
 - Cumulative effects..... 12
 - Transboundary Effects..... 12
 - Scheduled Development under EIA..... 12
 - Conclusions..... 12
- 4. EIA Screening Decision..... 12

1. Introduction

Environmental Impact Assessment (EIA)

- 1.1 The purpose of this report is to determine whether the South Denes Local Development Order (LDO) requires a full Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). To do this, the LDO has been assessed against a range of criteria as set out in Schedule 3 of the above legislation.
- 1.2 Although no individual developments that require full Environmental Impact Assessment (EIA) will be permitted under the LDO, the level of overall cumulative development permitted by the Local Development Order exceeds the relevant thresholds set out in Schedule 2 of the regulations (currently 5 hectares for Industrial Estate Development Projects).

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, 124.5 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 55 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.

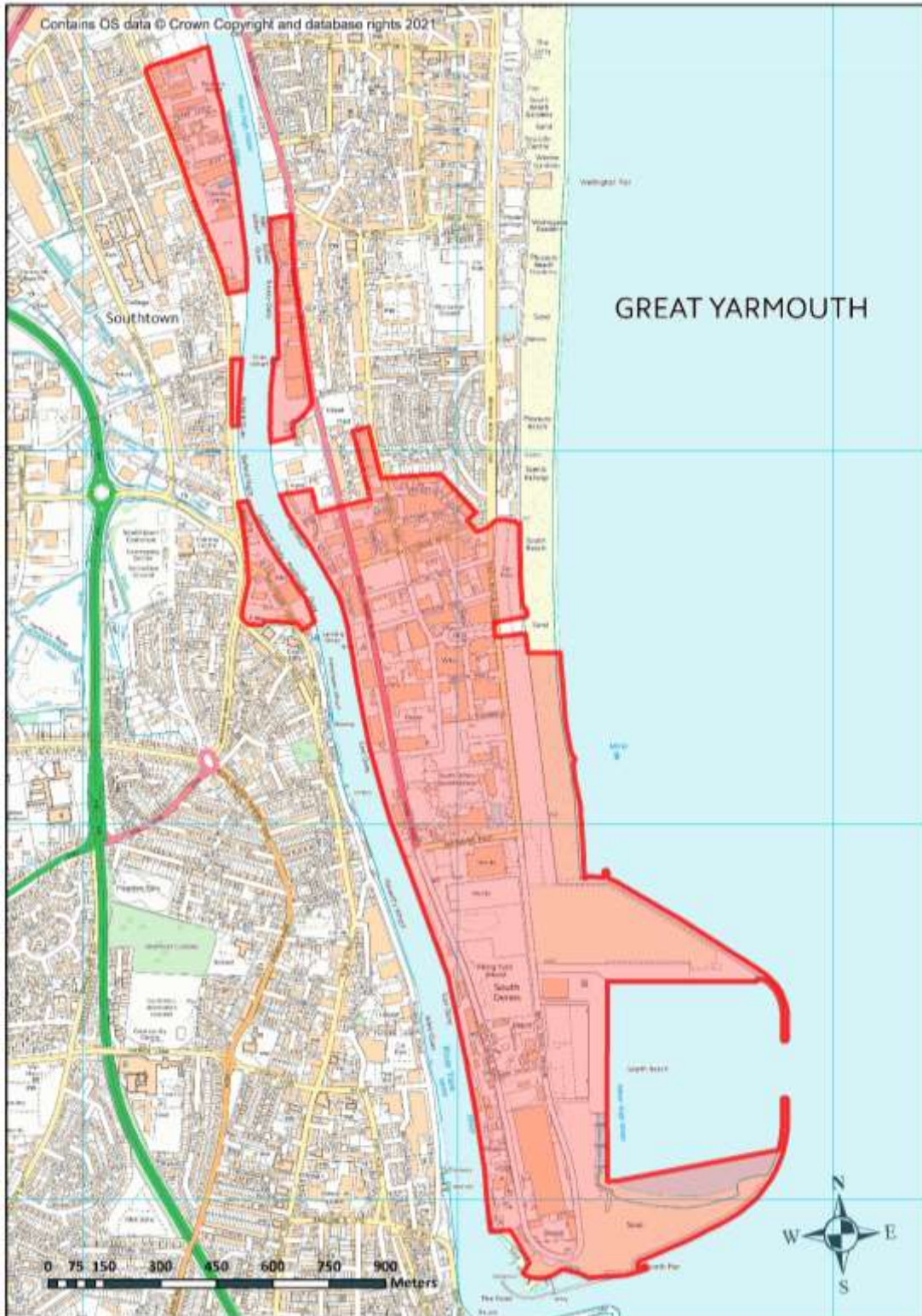


Figure 1 - South Denes Local Development Order boundary

- 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 photo 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 the port and harbour for port activities such as maritime related transport, storage, industrial and office uses, and small scale uses ancillary to these. Policy GY10 particularly encourages developments which are associated with the offshore energy industry and seeks to assist the relocation of those businesses that do not use the port and harbour facilities.

3. Environmental Assessment

EIA Context

- 3.1 As part of the screening exercise, the LDO (and accompanying design code) has been assessed for likely significant effects upon the environment across a range of criteria set out in the Government's template EIA Screening Matrix.
- 3.2 The LDO has a further safeguard in that individual projects which come forward under the LDO which exceed the Schedule 2 threshold are only permitted under the order if a further Screening Opinion is undertaken prior to commencement which concludes no significant effects. Individual projects under the threshold are not required to undertake a further screening opinion.
- 3.3 In setting the context and baseline conditions, it is important to acknowledge that the parcels of land comprising the LDO area are largely built out and therefore the additionality from vacant plots or change of use of existing plots is limited.

Consultation

- 3.4 Part of the LDO production process requires consultation with the public and the Statutory Bodies the final report will take into account such comments and will be revised where necessary.

Habitat Regulations Assessment

- 3.5 Alongside this Screening Assessment, a Habitat Regulations Assessment has been prepared. This is required to meet [The Conservation of Habitats and Species Regulations 2017 \(as amended\)](#), to consider the impact of proposals on National Site Network Habitat Sites.

EIA Screening Criteria

Natural Resources

- 3.6 The site is already in use as a busy employment area with port and harbour activities. Much of the land is brownfield with port services having been critical to the development of Great Yarmouth as a centre serving overseas trade into Norwich and the wider area for over the last 1,000+ years.
- 3.7 Much of the underlying material (along the east peninsular) is ultimately part of a sand spit. The underlying bedrock geology is of the Crag Group – detrital sand and gravel sedimentary bedrock.

- 3.8 The Site is generally level although the dune areas in the south and east are undulating. The LDO will usually involve the demolition of existing buildings and structures to ground level on the terrestrial element of the scheme, or construction on vacant plots. This will not alter the topographical nature of the land.
- 3.9 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Waste

- 3.10 The LDO consent does not grant consent for waste management activities, or general industrial activities. Any development proposal which is considered under 'County Matters' will be determined by Norfolk County Council as the Local Planning Authority, this includes waste management based development. It is, however, possible that some activities under light industrial may produce waste during the construction and operational phases. However, effects are not considered to be significant or abnormal during construction or operational phases.
- 3.11 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Pollution & Nuisances

- 3.12 The site is not within an identified Air Quality Management Area. With the limited additionality and appropriate mitigations in place, the LDO will have extremely limited potential to impact upon air quality from construction and operational phases.
- 3.13 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. South Denes is, however, situated on a Principal Aquifer which is particularly sensitive to pollution. Sustainable Urban Drainage Systems (SUDS) will be implemented across the site ensuring that flood mitigation is dealt with on site and avoids artificially altering the hydrological cycle.
- 3.14 Operations may require extra lighting to support activities. There are some surrounding residential communities to the north and along the west bank of the River Yare. The Design Code requires that lighting design keeps glare to a minimum by ensuring that the main beam angle of all lights directed towards any potential observer is not more than 70°. Where upward lighting is required the design code requires light trespass to be minimised by directional luminaries and light controlling attachments.
- 3.15 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. The design code requires harm to be avoided, or minimised through mitigation measures, particularly where 24 hour operations are expected. Consideration is 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 will help to minimise disturbance for neighbours. Piling operations in particular, can be disruptive, therefore the LDO conditions time restrictions as to when such activities can take place. It is likely that the construction phase of the development will provide the peak in noise levels. Developers are advised to seek advice

from the Council's Environmental Health Officer with respect to design measures to attenuate noise.

- 3.16 The LDO permits electronic communications subject to design and operational requirements. Condition iii) of that class ensures that the development itself and any cumulative exposure will meet International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure. This condition ensures that electromagnetic radiation will be maintained at acceptable levels.
- 3.17 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Population & Human Health

- 3.18 There is not considered to be any risk of major accident associated with the construction, operation or decommissioning of any of the development permitted under the LDO.
- 3.19 Human health can be affected by potential emissions from operations and traffic associated with activities permitted through the LDO (covered in the above 'pollution & nuisances' criterion). These effects are not considered significant for the reasons stated above.
- 3.20 Activities on the business park will provide jobs either net new to the Borough or through re-location. There are clear social, economic, and environmental benefits associated with human health that can be achieved through development under this LDO.
- 3.21 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Water Resources

- 3.22 South Denes is mainly a land spit separating the North Sea along the east coast, to the River Yare. The River Yare mouth is located immediately south of the outer harbour. It is these circumstances that create a favourable location for port and harbour operations.
- 3.23 South Denes is situated on a Principal Aquifer which is particularly sensitive to pollution. To address this through the LDO, deep soakaways for surface water are not permitted. The implementation of SUDS measures will limit the potential for any pollution/contamination to these water bodies (see the above 'pollution & nuisances' criterion).
- 3.24 Based on the conditions in place, the LDO will have **no likely significant effect** on water resources.

Biodiversity (Species & Habitats)

- 3.25 The site itself has limited ecological value, with much of the existing site already built up and serviced by access roads. There is a small area of scrubland at the southern tip of the South Denes area which is the remaining undeveloped part of the site. Given the level of activity around the port and harbour, the area is unlikely to offer a suitable habitat.
- 3.26 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. The closest terrestrial site is Breydon Water, approximately 1.1km north-west of the site.
- 3.27 No impact pathways have been established between new planned employment activities (including protection of port and harbour uses under Policy GY10) and nearby National Site

Network habitat sites. This SEA Screening is supported by a HRA Screening that comes to the same conclusion, that **no adverse effects** will result on the integrity of National Site Network habitat sites from development permitted through the LDO.

- 3.28 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.
- 3.29 Based on the conditions in place, the LDO will have **no likely significant effect** on biodiversity.

Landscape & Visual

- 3.30 The existing environment is a built-up employment area around the port and harbour. There is no real change proposed to the character of the townscape. Given the vast area coverage and the variety of surrounding uses, the design code has identified four distinct character areas: south, north, west of the River and Nelson's Monument and Surroundings, to ensure that development permitted through the LDO reflects that local character. In particular, the design code identifies maximum heights in each area. These mitigations will ensure that while such development may be visible for residents and businesses located on the west bank of the River Yare, the uses, scale and general appearance will remain broadly as they currently exist.
- 3.31 Significant effects upon the setting of the Broads landscape is not considered likely given the proximity (over 3km away) and intervening built up area of Great Yarmouth which separates it.
- 3.32 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Cultural Heritage & Archaeology

- 3.33 The port and harbour of South Denes does have a rich historic importance given the longevity of its use. The most significant feature within the LDO site is Nelson's Monument which is a Grade I listed structure built between 1817 and 1819. The overall height of the Monument is 44 metres (144 ft.) making it a focal point for the surrounding area.
- 3.34 In addition to the Monument described above there are a number of other heritage assets within and adjacent to the LDO area. There are also several Grade II listed buildings and structures, with the visible remains of the mediaeval town wall (an ancient monument) just north of the LDO and the potential for remnants below ground. In recognition of the historic character along the west bank of the River Yare, there is a Conservation Area.
- 3.35 The LDO does not grant 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, particularly with the restrictions relating to the identified character areas (as described in the above environmental criterion).
- 3.36 The LDO requires archaeological investigation through condition X) within the more sensitive areas of within the area of Malthouse Quay and Gashouse Quay (west of the River Yare and south of the route for the third river crossing).
- 3.37 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Transport & Access

- 3.38 The LDO area around the South Denes peninsular has highway connectivity via the A1243 South Denes Road and South Beach Parade with connections onto the A47 to Norwich or Lowestoft and the A143 to Beccles. Part of the port and harbour network has restricted access (beyond Hartmann Road towards the Outer Harbour) to ensure that its use is just for occupants and businesses located within that area. Connectivity across the River Yare will be enhanced with the 'Third River Crossing' which is under currently construction. The design code sets out requirements for site lines, turning and parking (including for lorries and cycles).
- 3.39 As the LDO does not propose a specific development scheme, it is not possible to quantify any changes in traffic volume. Given the extent of existing business use within the LDO area, this is unlikely to greatly change. The Third River Crossing does, however, provide an opportunity to reduce the level of traffic heading up along to North Quay and beyond.
- 3.40 Pedestrian access is somewhat limited beyond Hartmann Road, reflecting areas reserved for port-related activities.
- 3.41 The existing port and harbour area does generally offer excellent mooring facilities to support port-related activities. Some of the existing mooring facilities within the site are in a poor condition and not currently used, therefore there would be no temporary loss of facilities during construction but could lead to an increase in the general availability of mooring spaces.
- 3.42 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Land Use

- 3.43 The existing environment is a built up employment area around the port and harbour. The land is safeguarded employment land, though some uses within the LDO area do not require access to the port and harbour. The surrounding uses on the South Denes peninsular are a mixture of employment, residential, and tourist uses. Much of the land along the west bank of the River Yare is a mixture of employment, residential and retail uses. With the port and harbour area established for over 1,000 years, the surrounding uses have developed around the port activities and therefore any associated noises, movements, and lighting.
- 3.44 Based on the conditions in place, the LDO will have **no likely significant effect** on surrounding land uses.

Land Stability & Climate Change

- 3.45 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. The LDO incorporates mitigation measures in condition viii) of Class 1 to address this, with clear guidance setting out what is required. The Design Code also provides further guidance on how gates, fences and walls should be designed and constructed including those specifically installed as part of flood defences. Effects upon coastal processes are also not likely to be significant, given its location within an area of existing port infrastructure and regular dredging of the River Yare.
- 3.46 There are otherwise no issues in relation to earthquakes, subsidence, landslides, erosion, or extreme/adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems.

- 3.47 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Cumulative effects

- 3.48 Each of the above effects and characteristics has been considered alone and in-combination. In context, South Denes is already an established employment and port and harbour area (with the LDO in place since 2012) which is largely built out. This limits the net additionality of any development permitted through the LDO, particularly with mitigations in place.
- 3.49 There are several employment sites across Great Yarmouth, including Beacon Park which also forms part of the Enterprise Zone. However, all of these sites have been safeguarded/allocated since the Local Plan Core Strategy was adopted in 2015, and most of them are largely developed out. The net amount of remaining vacant sites is low, and therefore the potential for any pollution, transport or other cumulative impacts is also low. The Sustainability Appraisals supporting the Core Strategy and Local Plan Part 2 both concluded that cumulative impacts associated with planned new development would be minimal upon the baseline.

- 3.50 The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Transboundary Effects

- 3.51 The site is located on the East Coast of England, the UK. There will be no transboundary effects as there are no nearby international boundaries. The conclusion in relation to this environmental criterion is that there will be **no likely significant effect**.

Scheduled Development under EIA

- 3.52 The EIA Regulations categorise development types as either 'Schedule 1' developments or 'Schedule 2' developments. Developments listed in Schedule 1 will always require an EIA. None of the permitted LDO uses are included on the Schedule 1 list. Should any development permissible under the LDO hit a Schedule 2 threshold, a specific scheme EIA screening will be required, and development is only permitted where a further Screening Opinion concludes no significant effects.

Conclusions

- 3.53 The NPPG states that EIA "will only apply to a small proportion of projects considered within the town and country planning regime". The uses that could emerge through the LDO are of a similar nature to the existing development on the site with the remaining space and potential for impacts extremely limited. The LDO requires that any proposed developments that could be considered EIA development will need to be individually screened, and if EIA development is concluded, LDO consent will not apply.

4. EIA Screening Decision

It is concluded that the South Denes LDO will not have likely significant impacts, therefore a full Environmental Impact Assessment is not required.