



URN:

Subject: Adoption of the Beacon Park Local Development Order

Report to: Policy and Resources Committee – 8 February 2022

Report by: Sam Hubbard, Strategic Planning Manager

SUBJECT MATTER

Adoption of the Beacon Park Local Development Order

RECOMMENDATION

That the Policy and Resources Committee adopt the Beacon Park Local Development Order with an effect date of 31st March 2022 .

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 will expire on 30th March 2022 and the South Denes Local Development Order will expire on the 15th 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 had helped contribute to Beacon Park being one of the most successful zones in the country. The order has streamlined the construction of office and light industrial buildings across Beacon Park whilst the associated Design Code has ensured a high standard of design. The Local Enterprise Partnership and Peel Ports have both advised that the presence of the Local Development Order has also been advantageous in discussions with potential investors in the area. Since the adoption of the Local Development Order, 11.20 hectares of land have been developed in the zone, accommodating 27 business and 795 jobs. Construction work on the site has also supported 503 jobs.
- 1.4. Given the above, work has commenced on the preparation of revised Local Development Orders which will continue to permit much needed economic development in the Enterprise Zones of Beacon Park and South Denes. 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 2nd November 2021. Consultation took place for 28 days from 15th November 2021. This report now recommends adoption of the Beacon Park Local Development Order. A further report will be forthcoming for the South Denes Local Development Order.

2. Beacon Park Local Development Order

- 2.1. The Beacon Park 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 Beacon Park Local Development Order permits the following uses:
 - Site investigation
 - Office and light industrial development
 - Solar Panels on buildings
 - Electronic communications.
- 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. These include height limits, plot ratios, car parking standards etc.
- 2.4. The Beacon Park Local Development Order as proposed to be adopted is appended in Appendix 1 to this report. The Design Code is appended in Appendix 2.

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. Six organisations responded to the consultation. No members of public responded. Responses were received from:
 - Historic England
 - Marine Management Organisation
 - Natural England
 - Norfolk County Council
 - Somerleyton Estate
 - Water Management Alliance
- 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. No Changes are necessary to the Local Development Order from that consulted on. The following changes are proposed to the Design Code to address the issues raised:
 - Strengthened wording in Design Code with relation to re-use of minerals on the site to address concerns raised by Norfolk County Council as Minerals and Waste Local Planning Authority.

- 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 reflect changes to the service provided by Norfolk County Council Environmental Team. Also removed reference to underwater archaeology as this would not be found at Beacon Park.

3.3. The 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 Orders remove 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 Orders are being 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 undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 and the Conservation of Habitats and Species Regulations 2017. These assessments conclude that a full Environmental Impact Assessment and Habitat Regulations Assessment is not necessary.
- 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 Beacon Park Local Development Order is adopted.

7. Appendices

1. Beacon Park Local Development Order
2. Beacon Park Local Development Order Design Code
3. Beacon Park Local Development Order Consultation Statement

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 Beacon Park

1. Introduction

What is this Document?

- 1.1. This document is a Local Development Order for Beacon Park which forms part of the Great Yarmouth and Lowestoft Enterprise Zone. The Local Development Order replaces the previous Local Development Order (March 2012) for the area which will expired on 30th March 2022. This new Local Development Order grants the same permissions as the previous order. However, there have been a few updates and amendments to reflect latest legislation and policy.

Site Area

- 1.2. The area subject to the Local Development Order comprises 16.7 hectares of land occupied by business units and undeveloped land bounded by landscaping. Approximately 5.7 hectares remain undeveloped and available.
- 1.3. The site lies west of Beacon Park residential development and the A47. The north eastern boundary is defined by Woodfarm Lane. To the north and west the site is bounded by hedgerows. The boundary to the south and south west is woodland planting which is part of the Hobland Hall Estate.

Site context

- 1.4. The site is located to the south west of Gorleston-on-Sea on Norfolk's east coast. Gorleston-on-Sea is next to Great Yarmouth, an internationally renowned centre for the offshore energy industry which also has a high-tech electronics sector. Great Yarmouth's 24-hour port handles a range of cargoes, offering an effective gateway to Northern Europe.
- 1.5. Beacon Park lies adjacent to the A47 corridor between Great Yarmouth and Lowestoft, which provides excellent access to both settlements. Great Yarmouth railway station, which is located 10 km north of the site, provides links to Norwich and onward to London. Lowestoft railway station is 11 km to the south and provides services to Norwich, Ipswich and beyond. Norwich International Airport, is located 42 km to the north west. The site is accessed from the new A143/A47 link road (Beaufort Way). This link road, which was opened in 2015, helped facilitate the development of Beacon Park.
- 1.6. Beacon Park includes residential development and a range of community facilities including a hotel, public house and restaurant. The site is adjacent to existing commercial development and the James Paget Hospital. A new District Centre comprising a convenience store, and other services and facilities is planned immediately to the north-east of the site. A full range of shops and services can be found in the town centres of Gorleston, Great Yarmouth and Lowestoft.
- 1.7. The majority of the site is now developed following the success of the 2012 LDO. The development to date has been well-designed set within high quality landscaping.

2. Statement of reasons

Summary of the overall objective

- 2.1. Great Yarmouth Borough Council (GYBC) has created this Local Development Order (LDO) to help enable the further development of Beacon Park. The intention is to allow greater permitted development rights for new business-related development within Beacon Park. The aim is to foster 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. The LDO adopted in March 2012 for this site, which this LDO replaces has been highly successful in encouraging inward investment and development on the site with the majority of the site now developed. The site forms part of the Great Yarmouth and Lowestoft Enterprise Zone

Justification for the creation of a Local Development Order for Beacon Park

- 2.2. 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 and will provide a degree of certainty as to the type of development which will be acceptable, thereby saving prospective occupiers time and money.
- 2.3. As part of the work associated with the creation of the original LDO adopted in March 2012, a detailed design code specific to Beacon Park was produced. In producing the design code the existing character of the area was carefully assessed together with the Council's aspirations for the area, thereby providing a clear understanding of the general types of development which would be considered acceptable. The March 2012 LDO has resulted in the creation of a high quality business environment. Therefore, this new LDO retains and updates the detailed design code to ensure future development meets this standard.

Statement of policies which the Local Development Order will implement

- 2.4. The Local Development Order will help implement Policies CS6 of the Core Strategy which seeks to support economic growth across the Borough and Policy GN4 of the Local Plan Part 2 which reserves land at Beacon Park for new, extended or replacement business uses. Policy GN4 particularly encourages developments which promote higher value technology, research and development and those associated with the offshore energy industry.

3. Local Development Order

Description of development permitted under the Local Development Order

- 3.1. 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: Site investigation

Development is permitted for:

Works for the purpose of investigating ground conditions, including the provision on land of buildings, moveable structures, works, plant and machinery required temporarily in connection with and for the duration of such works.

Subject to the following conditions:

- i. All aspects of development undertaken in accordance with this permission will comply with the requirements of the Beacon Park Design Code.

Class 2: Offices and Light Industrial

Development is permitted for:

Development of commercial buildings for office, research and development of products or processes, and light industrial uses which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes smoke, soot, ash, dust or grit and associated works to enable access and egress, parking and installation of services to buildings.

Subject to the following conditions:

- i. Before any unit is occupied the road(s), footways(s) and cycleway(s) must be constructed to binder course surfacing level from the unit to the adjoining County road, in accordance with the standards of the Local Highways Authority as contained in the Norfolk County Council Estate Design Guide – Industrial Estate Roads¹ or any superseding guidance prepared by Norfolk County Council.
- ii. All aspects of development undertaken in accordance with this permission will comply with the requirements of the Beacon Park Design Code.
- iii. Before any unit is occupied the occupier of that unit should sign up to the Beacon park Overarching Travel Plan 2013 and a Travel Plan Co-ordinator should be appointed.
- iv. Before a unit is occupied a travel policy document including a travel pack for that unit should be submitted and agreed in writing by the Local Planning Authority.

1

www.norfolk.gov.uk/Travel_and_transport/Roads/Highway_boundaries_and_new_roads/Highways_development_management

The travel pack should include bus and rail timetables, local cycling information and a staff travel to work policy.

- v. 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.

Class 3: 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. telecommunication masts are permitted up to a maximum height of 25m above ground level. Masts exceeding this height will require planning permission
- ii. Development is not permitted if 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.
- iii. 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;
- iv. 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;
- v. 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;
- vi. All aspects of development undertaken in accordance with this permission will comply with the requirements of the Beacon Park Design Code.

Condition for all Classes

Prior to commencement of development the self-certification form included in Appendix 1 must be submitted to the Council.

Before development permitted under any class of the Beacon Park 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

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. Any development proposals 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 roads schemes.
 - v. 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).
- 3.2. 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, Sustainable Drainage (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 other appropriate consents before proceeding with any planning permission granted by this order.
- 3.3. 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).
- 3.4. Nothing in this Order shall apply to any permission which is deemed to be granted under a local or private Act of Parliament.

- 3.5. 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.

4. Lifetime of the Local Development Order

- 4.1. 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.
- 4.2. Development which was started under the provision of the LDO can be completed in the event that the LDO was to be revoked or revised or would 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

- 5.1. 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

“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; and 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'.

“ground level” means -

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.

“listed building” means -

has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(8) (listing of buildings of special architectural or historic interest)

“machinery” means -

includes any structure or erection in the nature of machinery

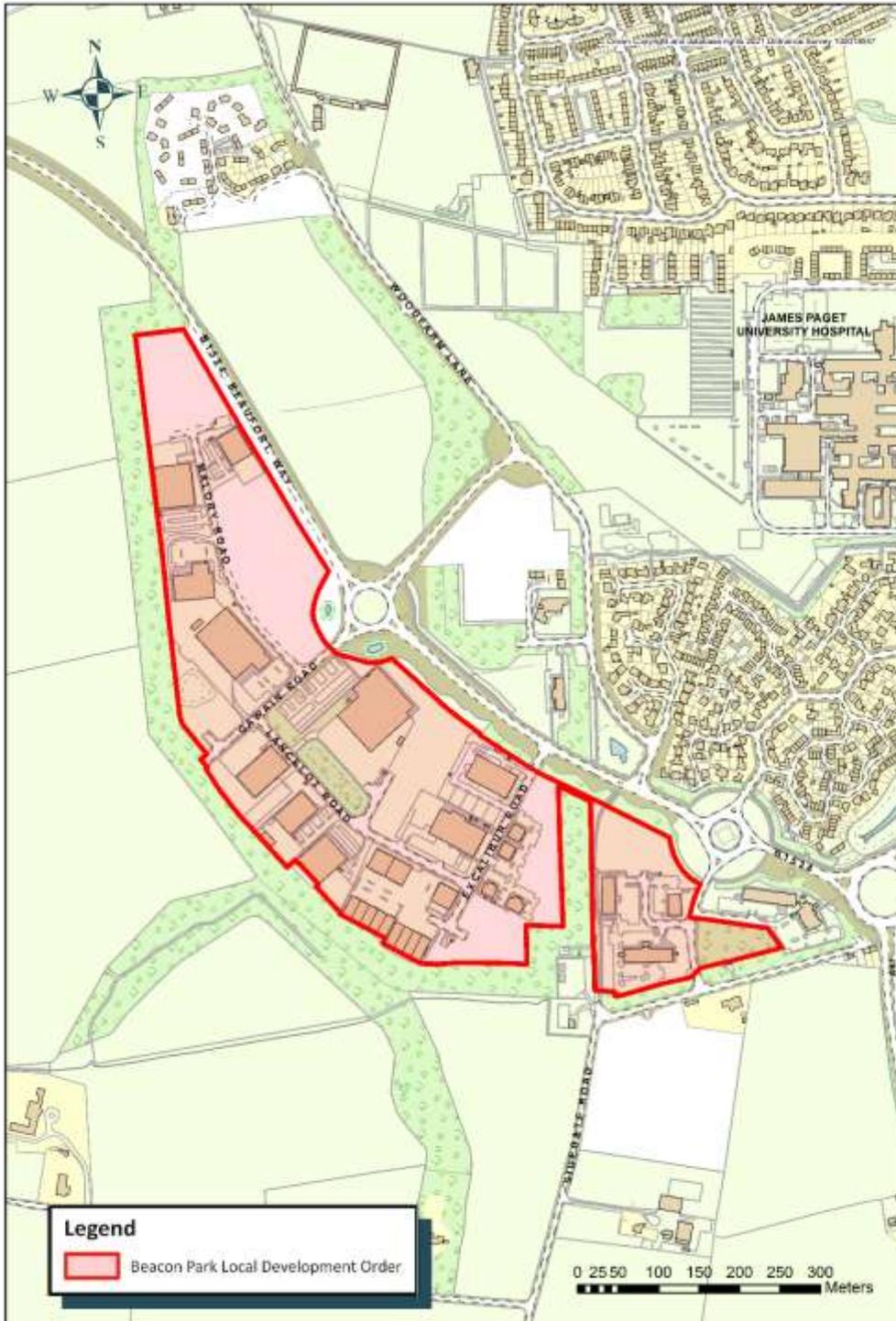
“plant” means -

includes any structure or erection in the nature of plant

“private way” means -

means a highway not maintainable at the public expense and any other way other than a highway

7. Site Plan of Beacon Park Local Development Order



Appendix 1 - Beacon Park Local Development Order (LDO) Self Certification Form

| | |
|------------------------|----------------|
| Office use only | |
| 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 Beacon Park LDO. Please note that your development will still be subject to the normal requirements regarding 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 1 copy to the 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)

| |
|--|
| |
|--|

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 Beacon Park Design Code.

| |
|--|
| |
|--|

7. 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) | |

Great Yarmouth and Lowestoft Enterprise Zone

Design Code for Beacon Park Local Development Order

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1. Introduction

- 1.1 This Design Code complements the Beacon Park Local Development Order which will grant permission for the following classes of development:
- Class 1: Site Investigation
 - Class 2: Development of buildings for office, research and development and light industrial uses.
 - Class 3: Electronic Communications.
- 1.2 Planning permission granted by the order under classes 1,2 and 3 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. The Design Code proposes the form and layout of the development that is acceptable but does not fix architectural style or detailing.
- 1.4 The Design Code contains indicative images providing examples of development form and landscaping considered relevant and appropriate for Beacon Park.
- 1.5 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.
- 1.6 The Council would encourage developers to discuss their emerging proposals for plots within Beacon Park prior to progressing with development.

2. Design Code

Context

- 2.1 The site is located to the south west of Gorleston-on-Sea on Norfolk's east coast. Gorleston-on-Sea is a suburb of Great Yarmouth, an internationally renowned centre for the offshore energy industry which also 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 Beacon Park lies adjacent to the A47 corridor between Great Yarmouth and Lowestoft, which provides excellent access to both of these settlements. Great Yarmouth railway station, which is located 10 km north of the site, provides links to Norwich and, thereby onto London. Lowestoft railway station 11 km to the south provides services to Norwich, Ipswich and beyond. Norwich International Airport, is located 42 km to the north west.

- 2.3 Beacon Park includes residential development and a range of community facilities including a hotel, public house and restaurant. The site is adjacent to existing commercial development and the James Paget Hospital. A new District Centre comprising a convenience store, and other services and facilities is planned immediately to the north-east of the site. A full range of shops and services can be found in the town centres of Gorleston, Great Yarmouth and Lowestoft.
- 2.4 The majority of the site is now developed following the success of the 2012 LDO. The development to date has been well-designed set within high quality landscaping.
- 2.5 The development is typically low-rise and low density business park character with the buildings and landscaping working together to create an un-intrusive and verdant character.
- 2.6 The site benefits from good utility provision. It is served by an 11kVA electricity supply network suitable for all uses and the primary distribution was completed with the construction of the first phase of primary infrastructure. The site also benefits from water and gas connections. Telecommunication ducting has also been installed.
- 2.7 Figure 1 shows a masterplan of the site with the undeveloped plots and plots with undeveloped land identified.



Figure 1 - Masterplan

Historical Context

- 2.8 Beacon Park lies within an extensive area of cropmark evidence of field systems and enclosures of Iron Age to Roman and later. Previous archaeological investigations of the site have identified evidence of prehistoric artefact scatters and pits as well as undated archaeological features relating to the cropmarks. The extent of the cropmark evidence indicates that there is a high potential that important archaeological remains will be present across the whole of the Local Development Order area.
- 2.9 Further trial trenching is required to recover as much information as possible and determine the presence/absence, date, extent, state of preservation and significance of any archaeological layers or subsoil archaeological features. This evaluation may indicate the need for a further phase of Archaeological Excavation or Monitoring during the development phase if features of importance are found and these cannot be preserved in situ.
- 2.10 Development proposals under the LDO should follow the Archaeology protocol found in Appendix 1.

Movement

Streets

- 2.11 The access and servicing streets for the site are already in place. All undeveloped plots also have access spurs. The existing street network provides a permeable and legible network for all forms of transport. Any new streets through undeveloped plots should be constructed to the standards contained within Norfolk County Council's "Safe Sustainable Development"¹ or any superseding guidance issued by Norfolk County Council. The road system will not be suitable for adoption unless it complies with these standards. The maintenance of the internal road network will remain the responsibility of the developer if it is not adopted.
- 2.12 The north end of Mallory Road has no connection to Beaufort Way for pedestrians and cyclists creating longer journeys for those who wish to travel to the north/west to the nearby residential areas. Therefore, the development of Site 20 should include a pedestrian/cycle link to Beaufort Way and the woodland walk to the north of the site.
- 2.13 Where appropriate, footways should include areas for landscaping and boundary demarcation by hedging and should be routed on the most obvious routes for 'travel' around the Park to avoid damage to landscaping and planting.
- 2.14 In order to ensure a satisfactory and safe access and egress from the highway, developments should (as a minimum) be completed in accordance with the standards for sight lines set out the publication "Safe Sustainable Development" or any superseding guidance issued by Norfolk County Council.
- 2.15 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"²

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

² See: <https://logistics.org.uk/>

Parking

Car Parking

- 2.16 Car parking is to be provided within each plot. Parking must be designed so that it does not dominate views from the Beacon Park spine road. Areas of surface car parking should be divided up with tree and shrub planting. 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.
- 2.17 A maximum of 1 car parking space per 30sqm of gross external floorspace under Class 2 of the Local Development Order should be provided. 5% of these spaces should be suitable for disabled users. 1 space per 20 car parking spaces should be suitable for motorcycle parking with a minimum of 1 space.
- 2.18 Developers are encouraged to provide electrical car charging points.
- 2.19 In exceptional circumstances where a particular occupier requires parking spaces above the standard specified and this cannot be reduced by the use of effective workplace travel planning policies, then developers are at liberty to provide additional spaces, but will be required to provide a cogent supporting submission in support of this deviation when submitting the self-certification form contained in Appendix 1 of the Local Development Order. The Council will then confirm whether the evidence is sufficient to meet this element of the Design Code and therefore accord with the condition of the Local Development Order.

Cycle Parking

- 2.20 Development under class 2 of the Local Development Order should provide 1 cycle parking space per 50sqm of gross external floorspace.
- 2.21 Developers are encouraged to provide covered shelters for cycle parking where it is practicable to do so. The 'Sheffield' type cycle stand is a recognised good standard design.

Emergency Services Access

- 2.22 There will be a need to ensure that in the event of accident or fire, free access is available for emergency vehicles to all areas where business activities are carried out. The design of the development should ensure that access to buildings and storage areas are kept clear of landscaping, parking spaces or other features that could prevent or hinder access by emergency service vehicles.

Nature

Landscape and Biodiversity

- 2.23 Development at Beacon Park to date has been well landscaped and laid out with high quality open amenity areas. Additional amenity areas should be provided throughout the site in association with new development. The layout design for each plot should include amenity open space around buildings and operational areas, comprising a mix of native plant species, to create a pleasant working environment through varied texture, colour and form.

- 2.24 The high quality landscape design required should use both formal and informal native planting with less formal clump planting of mixed age to provide some ‘instant’ effect to define spaces around each development plot and an overall coherent green structure. High density ground cover planting is to be provided, to encourage a closed canopy as quickly as possible, reducing the need for long-term maintenance.
- 2.25 Buildings should be designed to provide nesting and roosting opportunities for birds and bats.

Water

Surface Water

- 2.26 Sustainable Drainage Systems (SuDS) is to be implemented across the site with the objective of ensuring that flood mitigation is dealt with on site and avoid artificially altering the hydrological cycle.
- 2.27 Surface water run-off from individual plots should be restricted to the current greenfield run-off rates to ensure that there is no increased flood risk as a result of the development. 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.
- 2.28 Note that Beacon Park is situated on a Principal Aquifer which is particularly sensitive to pollution. Deep soakaways for surface water are not permitted.
- 2.29 The Environment Agency provides guidance on pollution prevention which can be read here: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Foul Water Drainage

- 2.30 The construction of the primary infrastructure in Beacon Park in 2000 included a connection to the nearest main sewer and provides capacity for all of the development on the Local Development Order. Some sections will need to be served by gravity networks to combined pumping stations linking to the primary network.

Water Conservation

- 2.31 In order to minimise the environmental impact of water demand, water efficiency should be designed into the development from the outset. For example, consideration should be given to rainwater harvesting and low water use fittings should be designed into the units.

Built Form

Density / Plot Ratio

- 2.32 The table below sets out the plot ratios in terms of building footprint to site area for each site within the Local Development Order as shown in Figure 1.

Table 1- Plot Ratio

| Site | Plot size (hectares) | Target Building footprint |
|------|----------------------|---------------------------|
| 1 | 0.42 | 20-25% |
| 4 | 0.63 | 20-25% |
| 8 | 1.14 | 20% |
| 9 | 0.7 | 20-25% |
| 10 | 1.37 | 40% |
| 11 | 1.56 | 40% |
| 12a | 2.10 | 40-50% |
| 14 | 1,98 | 40-50% |
| 15 | 1.93 | 40-50% |
| 16 | 0.89 | 40-50% |
| 17 | 1.08 | 40-50% |
| 18 | 1.11 | 40-50% |
| 19 | 0.45 | 40-50% |
| 20 | 0.94 | 40-50% |

Height

- 2.33 Minimum and maximum heights for buildings constructed under Class 2 are set out in the table below.

Table 2 - Building Heights

| Site | Storey range | Max height metres | Minimum Height metres |
|------|--------------|-------------------|-----------------------|
| 1 | 1-3 | 12m | 8m |
| 4 | 1-3 | 12m | 8m |
| 8 | 2 | 10m | 8m |
| 9 | 1-3 | 12m | 8m |
| 10 | 2 | 9m | 8m |
| 11 | 2 | 10m | 8m |
| 12a | 1-3 | 12m | 8m |
| 14 | 1-3 | 12m | 8m |
| 15 | 1-3 | 12m | 8m |
| 16 | 1-3 | 12m | 8m |
| 17 | 1-3 | 12m | 8m |
| 18 | 1-3 | 12m | 8m |
| 19 | 1-3 | 12m | 8m |
| 20 | 1-3 | 12m | 8m |

Form

- 2.34 The form of any new development must be designed and planned to ensure that it responds to the existing character of Beacon Park. The character of the workplace environment is to comprise a modern business campus-style layout.
- 2.35 The layout and design of buildings should allow for maximum natural surveillance and should have regard to Secured by Design - <https://www.securedbydesign.com/>. The development should maintain good visibility throughout the site by judicious layout

design and use of external lighting. Appropriate internal landscaping and means of enclosure should be included to deter potential intruders, however, to maintain the open aspect of the site and the high quality environment, the use of security fencing will be kept to a minimum and only when alternatives such as hedging and landscaping will prove ineffective. Developers are advised to contact the Norfolk Constabulary Architectural Liaison Officer for detailed guidance on security measures.

- 2.36 Enclosed refuse areas and air conditioning compounds should where possible, be integrated within the building envelope, or screened by areas of landscaping.
- 2.37 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.

Identity

Character

- 2.38 The design of all buildings should be of high quality. A variety of styles will be expected with both traditional and modern approaches where appropriate. Buildings should be designed and orientated so that the entrance, parking and loading areas are clear to the visitor. Efficient signage will be important in this respect.

Materials and Colours

- 2.39 Office buildings are to be constructed of either traditional cavity brickwork with pitched roofs, or steel framed with contemporary composite metal clad panels, with feature panels and architectural glazing. Industrial buildings are to be of steel frame construction with contemporary composite metal clad panels, with feature panels and architectural glazing.
- 2.40 Generally, more subdued and non-reflective finishes will 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 should generally be avoided over large areas of buildings.
- 2.41 These principles should be carried through into the design of ancillary structures.

Resources

Energy Efficiency

- 2.42 Buildings should be designed to include sustainability principles such as maintaining air quality, energy efficiency, orientation to make maximum use of daylight and sunlight, and should be robust in design in order to be able to adapt to changing needs.

Recycling Facilities

- 2.43 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

- 2.44 Each plot must be provided with an adequate level of illumination in line with safety and security of all areas, at the same time as being used creatively for focal points and

features. Lighting should be low level directed downwards to avoid contributing to night sky pollution.

- 2.45 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

Re-use of Sand and Gravel Resources

- 2.46 There are potentially opportunities for the sand and gravel from onsite resources to be used in the construction phases of development. For example, if sand and gravel is extracted to form part of sustainable drainage systems, and/or renewable energy schemes it should be used in construction where practicable. This will improve the sustainability of the project by reducing the need to extract sand and gravel from other locations.

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 (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.

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.



Beacon Park 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 Beacon Park Local Development Order took place for 28 days between 15th November and 13th December 2021.

The following people / organisations responded to the consultation:

- Historic England
- Marine Management Organisation
- Natural England
- Norfolk County Council
- Somerleyton Estate
- Water Management Alliance

Summary of main issues raised and how they have been addressed

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

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 offered further advice on 21st January 2022 to state that they agree there would unlikely be significant effects on designated sites from the order on the basis of main sewer connections and appropriate water supply. They also recommended that surface water is properly attenuated and appropriate SuDS are in place.

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

The Habitat Regulations Assessment Screening Opinion (October 2021) for the Beacon Park Local Development Order identifies limited impact pathways to designated sites which would create a risk of significant effects from potential air, light, or water pollution or disturbance from development within the Local Development Order. The Design Code has a number of requirements relating to drainage and light pollution. Air pollution is not considered an issue, nevertheless, there are conditions attached to the Local Development Order which require compliance with a Travel Plan which will help reduce air pollution from vehicular movements. The Local Development Order permits only light industrial and office uses and does not permit any development which would fall under schedule 1 or schedule 2 (if significant effects are likely) of the Town and County Planning (Environmental Impact Assessment) Regulation 2017. Given the above, it is not considered necessary to have further conditions on pollution prevention. The development site is connected to the mains sewer and the Essex and Suffolk Water Resource Management Plan indicate a surplus of supply.

The site is within an area of grade 1 agricultural land. However, the principal of development in this location has already been established through the Local Plan process. The limited plots which remain to be developed would not now be suitable for agricultural use given they are small scale and interspersed with businesses and light industrial development.

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 amenity space to be provided within each plot comprising native plant species and high-quality landscaping. This will help continue to achieving 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 supported the exclusion of County Matters development from the order.

The County Council identified that the site is underlain by a mineral resource which is safeguarded under Policy CS16 of the Norfolk Minerals and Waste Core Strategy. They requested that the text in paragraph 2.46 is amended to state 'should be used in construction where practicable'.

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.

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.

Historic Environment

Norfolk County Council requested the following condition is applied to the Local Development Order:

All aspects of development undertaken in accordance with this Local Development Order will comply with the requirements of the Beacon Park Design Code.

They requested that paragraphs 2.45-2.47 of the existing Design Code are included in the renewed code.

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.

How issues have been addressed

Economic Development

Support welcomed.

Minerals and Waste Planning

Paragraph 2.46 of the design code has been amended to state 'should' rather than 'could'.

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.

Lead Local Flood Authority

Paragraph 2.27 of the Design Code has been amended to signpost the developer guidance and the pre-application advice.

Historic Environment

The condition referred to is already included in the Local Development Order. Paragraphs 2.45-2.47 of the existing Design Code are already included in the revised Design Code at 2.8-2.10. Appendix 1 has been amended to reflect the changes requested.

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 Beacon Park area.

How issues have been addressed

Beacon Park benefits from a high quality landscaping scheme. The Design Code requires additional amenity areas to be provided throughout the site with use of native plant species. The Code also requires buildings to be designed to provide nesting and roosting opportunities for birds and bats. No changes are considered necessary.

Respondent: Water Management Alliance

Summary of Main Issues Raised

The Water Management Alliance were pleased to note that runoff will be restricted to greenfield rates. They advised it is proposed to dispose of surface water through infiltration, that any strategy is supported by ground investigation. If a strategy wholly reliant on infiltration is not viable and surface water discharge is proposed to a watercourse within the watershed catchment of the Board's Internal Drainage District then they requested that this be 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.

How issues have been addressed

No changes are considered necessary as the Design Code requires run-off to be restricted to greenfield rates.

Appendix – Full Text of Comments

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@marinemangement.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 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 have¹. 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 advice¹ 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: Natural England – additional advice 21st January 2022

Due to the distance from designated sites and the nature of development proposed as part of the Local Development Order (LDO), we agree that a significant effect is unlikely. This would be on the basis that forthcoming development is connected to the mains sewer and there is sufficient capacity to supply water and manage sewage. We would also recommend that surface water is properly attenuated and appropriate SuD's put in place.

There could be a potential air quality risk should an application for combustion/incineration activities or an anaerobic digester come forwards, but we understand that this is not within scope of the LDO and any such development would need to go through the EIA process. We would also highlight air quality concerns should livestock or poultry units be proposed, but again, we note that this type of development is not within the scope of the LDO

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

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 advise including the legal definition of County Matters development within section '6. Definitions' of the LDO.

The Beacon Park site is underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Norfolk Minerals and Waste Core Strategy, and Core Strategy Policy CS16'Safeguarding' is applicable. Safeguarded mineral resources are derived primarily from the BGS Mineral resources map (2004) as amended by the DiGMapGB-50 dataset.

A duty is placed upon Local Planning Authorities to ensure that mineral resources are not needlessly sterilised, as indicated in National Planning Policy Framework (2021) paragraph 210, and 'A Guide to Mineral Safeguarding in England' published jointly by DCLG and the BGS. Paragraph 212 of the NPPF (2021) states that "Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working".

The County Council is pleased to note that the Beacon Park Design Code includes a paragraph on re-use of sand and gravel resources. However, we strongly advise that the text in paragraph 2.46 is amended to state "...it SHOULD be used in construction where practicable."

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, 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.

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.

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

It is suggested that the following condition is applied to the renewed LDO:

- All aspects of development undertaken in accordance with this Local Development Order will comply with the requirements of the Beacon Park Design Code.

It is suggested that paragraphs 2.45-2.47 (inclusive) of the existing Beacon Park LDO Design Code are carried over to the renewed LDO Design Code.

Some changes are required to Appendix 1, paragraph 2 of the Design Code. Our office is no longer in a position to offer the training and input required by Appendix 1 due to staffing issues. Therefore I would advise 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 paragraph 2.45-2.47.

Respondent: Somerleyton Estate

These representations are submitted on behalf of the Somerleyton Estate. Having reviewed the information on the Council's 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 has indicated that they intend to dispose of surface water via SuDS, and I am pleased to see that any runoff will be restricted to greenfield rates. If the developments were to propose to dispose of surface water via infiltration, we would recommend that any proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be 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.