

Reference: 06/21/0415/F

Parish: Great Yarmouth

Officer: Mr R Parkinson

Expiry Date: 06/09/2021

Applicant: Ms J Beck, Great Yarmouth Borough Council

Proposal: Redevelopment of land adjacent to Great Yarmouth Port to provide vehicular access, parking and service infrastructure for an Operations and Maintenance Facility to support offshore renewable energy projects, comprising: upgrades to quay wall to provide new sheet piling and a new rear anchor wall, and provision of a new docking berth for Service Operation Vessels; installing pontoon linkspans for use by Crew Transfer Vehicles; new electricity substation kiosk; new and extended roads, new vehicle access and turning head; construction of parking area; provision of land for use as storage areas, including for shipping containers; and, associated infrastructure works

Site: Land at south of South Denes Road and South Beach Parade
Great Yarmouth
NR30 3QF

This application is brought before the Development Control Committee as the Borough Council is the applicant and principle landowner. As such this application was reported to the Monitoring Officer on 01 December.

REPORT

1. The Site / Background / History:-

- 1.1 The application site lies at the southern end of the Great Yarmouth port, representing the southernmost area of land on the north side of the River Yare and within port operational land. Vehicular and pedestrian access along the west of the headland is only currently possible from South Denes Road (a classified C-road) as far as a turning head at the southernmost tip of the road where security gates and kiosk prevent further access. Public vehicle access from South Beach Parade (also a classified C-road) along the east side of the headland ends at a security gate and kiosk just south of Hartmann Road on the north side of the Outer Harbour. Beyond both sets of security gates entry is limited to personnel and servicing within the port operational land.
- 1.2 The site area amounts to 6.9ha and is seen in Appendix 1 to this report. The site's existing layout is shown at Appendix 2 and its uses include general

industry and storage linked to the activities of the former Yare Facility (what?) but a large proportion is simply scrubland. Existing uses are:

- In the north-west area of this site – the site of former warehouse buildings (since demolished) and external storage between South Denes Road and the River Yare; the sheet piling in the river in this section is in poor condition which precludes mooring here.
- In the south-west – an office building (formerly of the Halliburton Energy Services and Peel Ports companies) with some trees to the front, and associated hardstanding / car parking either side. These are located adjacent the small beach found on the River Yare to the west of the site.
- In the south and south-east – the land here is scrubland, marram grass and dunes around the harbour.
- South Denes Road and its transition into South Beach Parade has no footpaths.

- 1.3 Part of the application site is owned by the Great Yarmouth Port Authority (GYPA) within the proposed temporary works area; the applicant has served notice to the GYPA under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, though they also remain a statutory consultee to the application.

The proposal

- 1.4 In its most basic form, the application seeks to:
- (i) build an extension to South Denes Road, as an access to future buildings and parking areas;
 - (ii) provide new quay headings and quay wall for more vessel docking areas at a berth alongside a new quay wall to the west of the site;
 - (iii) create a new pontoon area for new berthing with linkspan bridges to connect to the shore; and,
 - (iv) provide parking and storage areas on land ahead of future permanent development.
- 1.5 The application does not include specific buildings. There is limited proposed use of land on a permanent basis, and that is limited to uses for external storage and for parking. The overall intention is to provide 'enabling works' to facilitate future development at the site which has been a longstanding ambition through the Enterprise Zone, the South Denes Local Development Order (a vehicle for allowing certain employment and industry-based permitted developments around the harbour and port area) and local strategic policy.
- 1.6 Initially, the application included proposals for a new electrical substation / kiosk to be situated towards the western quay wall of the site, at the proposed marine base. This has since been removed from the plans as the applicant is instead able to use an existing facility close by within Halliburton Building and does not need to rely on a new kiosk. This revision is reflected in revised layout plan ref. 003 P04 (see Appendix 3). As the amendment caused no material impact on other parties and the original substation kiosk was not raised in any

representations to the application, this has not been considered to require further public consultation.

Site constraints

- 1.7 The proposed site is within flood zones 1, 2 and 3 and contains identified contaminated land and the west of the headland is a hazardous development area due to the presence of utility lines and activities taking place. The site is within the Coastal Change Boundary; much of the south-eastern parts of the site fall on the seaward side of the Coastal Change Boundary but the Shoreline Management Plan confirms Yarmouth will be protected (as is the case with the Outer Harbour, for example).
- 1.8 The site is adjacent to protected wildlife areas of national and international importance, including the Special Protection Area of the Outer Thames Estuary (including the coast and River Yare), and the Southern North Sea Special Area of Conservation which adjoins the south eastern boundary of the site.
- 1.9 As the site is visible from the southern side of the river it has a possible impact on the visual setting of the No. 17 Gorleston Conservation Area Extension (designated in 2009) and the Cliff Hill Conservation Area.
- 1.10 Much of the site is part of the designated port operational land. It is both a safeguarded employment area and in addition to planning designations the eastern half of the site falls within the South Denes area of the Great Yarmouth and Lowestoft Enterprise Zone.

Marine Licence

- 1.11 The planning application submitted to GYBC as Local Planning Authority concerns only those elements which are located above 'mean high water springs' level. Other aspects of the project, such as the use and siting of pontoons in the estuary or the deepening of the navigational channel are subject to a separate application(s) for a Marine Licence which has been made to the Marine Management Organisation (MMO). The MMO has also been consulted as part of this planning application but no comments have been received to date.
- 1.12 The area of works subject to the Marine Licence application extends 30m – 75m from the quay wall into the River Yare. Some of that area includes works needed to be determined by GYBC as local planning authority. The proposals include:
 - A proposed new berth for Crew Transfer Vessels and Operational Vessels, to be based at the replacement quay wall on the River Yare. The sea wall construction and use of the berth are to be determined by GYBC as the local planning authority;
 - An area of new pontoons for smaller Crew Transfer Vessels to the south of the larger berth area and within the existing area of the spending beach within the course of the River Yare. This includes two 'linkspan' (pier-like) connections from the shore to the floating pontoons. Fixing the linkspans

to the shore falls within the planning application, but siting them falls to be considered by the MMO.

- Necessary works to the navigation channel and river bed, such as dredging to enable construction of the sea wall and allow berthing there. These are responsibility of the MMO.

1.13 The application includes:

- Location and layout plans
- Environmental Statement covering: Air quality; Cultural heritage; Biodiversity; Geology and soils; Water environment; Noise and vibration; Major accidents and disasters; and, Cumulative effects
- Planning and regeneration statement
- Pre-application consultation report
- Shadow Habitats Regulations Assessment
- Surface water drainage strategy
- Transport statement

Environmental Statement

1.14 The application is an Environmental Impact Assessment application and is accompanied by an Environmental Statement (ES) which addresses the impacts relating to development of the road, external storage areas, parking, construction of the sea wall / quay heading and creation of the berthing facilities. Pre-application discussions were held with the LPA planning service regarding the scope of the ES and the various supporting documents required.

1.15 The application Environmental Statement has addressed in detail all the issues identified within the LPA's pre-submission EIA Scoping Opinion. An overview of these issues is discussed in more detail in this report. For the purposes of EIA, it was not considered that landscape and visual impacts, climate impacts, materials or population and health would be likely to raise 'significant environmental effects', but these still form material planning considerations in determining the application.

1.16 As an EIA application there are obligations to demonstrate appropriate assessment of alternative strategies for the development and propose suitable monitoring regimes and mitigation proposals.

The Local Development Order

1.17 The land included in this application is also covered by the South Denes Local Development Order (LDO) which was introduced in 2012 and lasts to 2022. Further information on the two LDOs in Great Yarmouth is available at: <https://www.great-yarmouth.gov.uk/article/2492/Local-Development-Orders-LDOs>. The South Denes LDO is currently being reviewed to consider whether and how it should be extended beyond 2022.

1.18 The LDO was introduced to enable some future development in the area to be possible as permitted development, so long as it is "Port and Energy Industry" development. Certain requirements need to be met for development to qualify

as permitted development within the LDO process, including demonstrating compliance with the LDO Design Code, the creation of which took into account general impacts on landscape and conservation areas for example. The range of developments that are possible through the LDO process are listed at Section 6 of the South Denes LDO, and those developments have their own conditions to adhere to.

1.19 However, certain developments cannot take place through the LDO process, such as:

- proposals which are EIA development;
- proposals which present a high risk to the water environment; or,
- proposals where use of the land first needs to fulfil pre-commencement conditions or where activities are restricted by conditions.

A series of Limitations is in place in Section 7 of the LDO which sets out when development is excluded from the LDO process.

1.20 LDO Limitation 7 [page 13] states:

“The permission granted by the order shall not apply if: (7) 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 1995 (as amended).”

1.21 Effectively, this requires that any project that intends to come forward through the LDO process can only do so if the project is first compliant with any conditions attached to any formal planning permissions on that land.

1.22 Because the land for the wider O&M Campus site is in the applicant’s ownership and application site red line area, and is being opened-up by this access road development, it can be subject to conditions which require matters to be addressed and approved before that LDO development commences. As an example, if an archaeology condition(s) is imposed on the temporary works area land in this application site, a developer aiming to benefit from the LDO permitted development right would have to undertake works required by the archaeology conditions to shape the scheme into a suitable form for archaeology purposes, before their proposal becomes eligible to qualify as Permitted Development through the LDO.

1.23 This means the decision maker on this application can impose conditions through this permission which shape how developments should take place in the wider O&M Facility site, despite the presence of the LDO. This is particularly relevant in the case of highways, drainage and archaeology concerns raised and discussed below, but any material considerations can be addressed in this way, so long as they meet the tests for planning conditions set out in the NPPF (i.e. being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects). Where conditions are necessary to be pre-commencement there should be clear justification for doing so.

- 1.24 Sections 6 and 7 of the South Denes LDO can be examined in further detail at: https://www.great-yarmouth.gov.uk/media/1223/LDO-for-South-Denes/pdf/LDO_for_South_Denes.pdf

2. Consultations :-

Norfolk County Council Highways – No objection subject to condition.

- 2.1 The existing length of public highway will need to be stopped-up before the existing turning head is removed and the private road extended, but the local highway authority would not wish to adopt the new road as it will only serve private purposes in the long term.
- 2.2 The scheme should seek to improve the opportunities for non-car access, such as bike and pedestrian access, but also through more sustainable options. However the area is poorly served for non-car users and there are no firm proposals included in this application for pedestrian or cycle access into and around the site. It is recognised that requesting a new 1km-long x 3.0m wide cyclepath to bridge the existing gap between the application site and the existing footpath network to the north is not feasible. However, a suitable route within the site should be provided along the newly-extended South Denes Road, for safe cycle and pedestrian movement. This could then be extended in time along South Denes Road to the north of the application site.
- 2.3 The Transport Statement submitted is adequate to show there is not likely to be an issue with highway network capacity linked to this development.
- 2.4 However, the nature of vehicles using the area, and a continued 30mph limit, and the prevailing driving environment, would combine to make the area unsuitable for pedestrians or cyclists without dedicated safe facilities. This should be provided by a 3.0m wide shared use cycleway / footpath for the full length of the application site, if not further north as well. There may be opportunities to link with the facilities offered by the Third River Crossing.
- 2.5 Conditions are requested to secure the 3.0m footpath / cycleway along one side of the new road. The full comments of the Highway Authority are provided at Initial comments are provided at **Appendix 7** to this report.

Great Yarmouth Port Authority – Concerns raised and details sought.

- 2.6 As Statutory Harbour Authority, the GYPA seeks to ensure the development is in the best interests of the Port and in particular that safe navigation within the port will not be adversely affected.
- 2.7 Whilst the GYPA acknowledges the benefits that the proposal could bring (e.g. providing good access to the north sea wind turbine operations and land-side facilities), it seeks further information and assurance from the applicant that the works will be discussed in respect of navigation and disturbance of the river bed, as the GYPA has responsibilities towards safety of vessels using the Port.

2.8 The specific material planning concerns raised are:

2.9 The proposal to reconstruct the quay wall in front of the existing wall will narrow the river channel and in turn increase the speed of river flows. The GYPA has for many years resisted building out from the existing quay walls and ideally new walls should be built along or within the existing quay wall line. Proposals forward of the line should be demonstrated to not be detrimental and should be justified with appropriate hydraulic modelling.

2.10 The proposed access bridge and pontoons would need the GYPA's approval and should not be detrimental to navigation nor affect the hydraulic regime within the area of the Spending Beach or beyond. The Spending Beach performs an essential function and works should not have a detrimental impact on that function.

2.11 Pontoons or other facilities within the river should be lit and marked with navigation aids.

2.12 Lighting for construction works or operations must not affect navigation.

2.13 During construction and operation, a safety system needs to be agreed.

Peel Ports / Great Yarmouth Port Company (GYPC) – Supports.

2.14 Responding as operators of the Port on behalf of the Great Yarmouth Port Authority, the GYPC support is provided for the following reasons:

- The River Yare will provide a crucial complementary Operations and Maintenance role to the activities of the Outer Harbour.
- The O & M Facility will be compatible with the established role of the Port in the off-shore wind farm sector.
- The proposal is compliant with the local plan and local development order.
- The Third River Crossing will enhance access links to the O & M Facility.

2.15 Conditions should not be used if they are likely to hinder operations of the facility by an eventual operator, noting the 24/7 business activity of the port.

Norfolk Historic Environment Service (Archaeology) – No objection

2.16 Recommendations for archaeological assessment were issued as part of the EIA scoping process for the wider project of delivering the operations and maintenance facility as a campus for investment and economic growth.

2.17 There are several historic environment assets, including the buried remains of the 17th Century Harbour Fort. These potential remains should all be investigated using ground penetrating radar surveys and trial trenching before any proposals are advanced, as they would inform the extent of building footprints, site coverage etc.

2.18 These comments remain relevant to the immediate application and the future development of the O & M facility site as a whole.

2.19 **Cadent Gas** – No objection.

There is no objection in principle but there is an intermediate pressure gas pipeline that is in close proximity to the development. No buildings are permitted to be sited within 3m of the pipeline (inc. footings and building overhangs) and the developer should contact Cadent Gas to ensure the scheme will conform, and trial holes will be required to confirm the location of the actual pipeline. This is a matter for separate legislation and for the future development at the O&M campus site, but can be raised by Advisory Note.

2.20 **Environmental Health** – No comments received at time of writing.

2.21 **Natural Environment Team** – No comments received at time of writing.

It is hoped that either initial or full comments will be provided in time for the Committee meeting which will be reported verbally.

2.22 **Natural England** – Objection.

Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. the assessment does not currently provide enough information and/or certainty to justify a favourable recommendation and the authority should not grant a permission at this stage. The concerns raised are:

1. The Habitat Regulations Assessment has not been passed as yet.
2. Foraging birds in the Outer Thames Estuary SPA might be affected by the increased noise caused by this development, including construction and the movements of sea vessels associated with this development; these will in turn affect the breeding and use of the neighbouring SPA sites eg at North Denes and Breydon Water as the application site is within foraging range of these various nesting areas.
 - a. Insufficient survey data has been provided to be able to suggest there will be no likely impact.
 - b. The construction noise and operations noise may have been underestimated.
 - c. Furthermore, the movement of vessels from this development equates to a 20% increase in sea vessel traffic from the port, which will cause significant disturbance to the most sensitive species and could lead to their displacement during the lifetime of the project. No models of shipping traffic routes have been provided so these effects cannot be determined.
 - d. These factors combine to mean there is a likely significant effect from the proposals alone and in-combination which should be considered in the Appropriate Assessment process.

3. Vibro-piling should be used to mitigate sub-sea noise impacts, and qualified personnel are needed to oversee the works within the shoreline – re marine mammals.
4. Air quality has not been addressed adequately and the proposals make no mitigation for construction traffic pollutants from emissions nor construction site dust. The additional emissions could cause an increased effect by extra critical load on the sensitive habitats. Construction mitigation method statements can control but one of these sources of pollutants, and further screening is required prior to determination.
5. Water quality impacts are likely without adequate mitigations in excess of safe construction-stage preventative methods.
6. Biosecurity (waterborne diseases and invasive species) needs to be addressed more than just through ballast management plans.
7. Sediment shifts and shoreline materials management need addressing.
8. This development at the Yarmouth Port should consider the various possible impacts of the in-combination effects at two off-shore windfarms, 3 marine cable lines, and the works underway at Lowestoft Port as well.
9. Breeding birds should be protected by time-limited site clearance and surveys.
 - a. A buffer zone is needed for protecting nesting areas during development.
 - b. Grassland should be protected and that which is lost or disturbed during construction should be restored or replaced because of the importance of the site for nesting habitat of UK Priority Species.
 - c. Habitat improvement opportunities should be included and implemented.
10. Protected species, priority species and other habitats need assessing locally.
11. Biodiversity net gain and ecological enhancement should be secured in the scheme as a matter of course.

Initial comments are provided at **Appendix 8** to this report. It is hoped that further comments will be provided in time for the Committee meeting which will be reported verbally.

2.23 **Environment Agency** – Holding Objection subject to review of documents.

At the time of writing, the Environment Agency had not finished reviewing the application's Flood Risk Assessment. The Agency was concerned that the site was in Tidal Flood Risk Zone 3a with a high probability of flooding, and would need assurance that the vulnerability of end uses would not be incompatible with that level of flood risk.

The Environment Agency also raise concern in respect of:

- Groundwater protection and contaminated land;
- Ecology, and the need to assess impacts on protected species for the duration of the whole O&M Campus development; and,
- The proposed works to the sea wall / quay heading and any works within 16m of the river will also require the Agency's approval through the Environmental Permitting Regulations regime.

Initial comments are provided at **Appendix 5** to this report. It is hoped that further and full comments will be provided in time for the Committee meeting which will be reported verbally.

2.24 Lead Local Flood Authority – Holding objection.

At the time of writing, the Lead Local Flood Authority (LLFA) had not finished reviewing the application's Flood Risk Assessment and Surface Water Drainage Strategy. The LLFA agree that the development could discharge into the River Yare as a means of achieving the best possible 'tier' in the drainage hierarchy, but they have initial concerns that the strategy has ruled out infiltration solutions too readily, and consider the flood event storage capacity is likely to be too limited, and request further detailed designs of the proposed system, and revisions thereto.

The LLFA retains concerns that the water quality assessment is needed, and will need further examination of the pollutant control measures required and proposed. Presently there has been no risk assessment of the impacts from the drainage scheme being overloaded / surcharged, nor any management proposals.

The LLFA is very concerned that the submitted Drainage Strategy is very preliminary in nature and contains insufficient information for an application for full planning permission, and details should be supplied before a decision to approve.

Initial comments are provided at **Appendix 6** to this report. It is hoped that further and full comments will be provided in time for the Committee meeting which will be reported verbally.

2.25 Anglian Water – No comments received at time of writing.

2.26 Marine Management Organisation – No comments received as yet.

2.27 Notwithstanding that there were no comments lodged against the formal planning application it is noted the MMO undertook their own review of the applicant's EIA Scoping Report and LPA's Scoping Opinion and required more details to be included than had been considered necessary by the LPA. Those matters were of greatest relevant to the EIA process for the Marine Licence and were unnecessary to require specific inclusion within the Environmental Statement for the planning application. The LPA is satisfied that the Environmental Statement addresses the likely significant effects on the marine environment relevant to the planning regime.

2.28 Water Management Alliance / Internal Drainage Board) – No objection.

As the proposal will discharge surface water to the estuary there are no impacts on the Broads internal drainage district, so no comments are offered.

2.29 GYBC Resilience Officer – No objection.

I have no issues/comments regarding the application.

2.30 Highways England – No objection.

Responding as a statutory consultee to the EIA process, in relation to potential impacts on the national Strategic Road Network (SRN) - The transport movements associated with the development are not likely to have a material impact on the A47 which is part of the SRN, but Highways England would like to remain a part of the consultation process on future developments at the port area to ensure there are no severe operational effects on the SRN as a result.

Neighbour / Public comments:

2.31 Only 1 general comment has been received, summarised as:

2.32 It is claimed that the Outer Harbour's construction removed a popular viewing spot from the southern end of South Beach Parade, and in mitigation a public viewing area was at one point discussed but has not been delivered. The respondent suggests a replacement public viewing area could be provided in this application to afford a view of the Outer Harbour, with space for perhaps 15-20 cars.

The comment made is provided at Appendix 4 alongside this report.

2.15 Any consultees' comments received between the publishing of this report and the Committee meeting will be presented verbally to the meeting.

2.14 The issues raised are addressed in the report below.

ASSESSMENT OF PLANNING CONSIDERATIONS

3. Relevant Policies:

- 3.1 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at paragraphs 2 and 47 of the National Planning policy Framework (NPPF).
- 3.2 At the time of this DC Committee meeting the local development plan comprises the adopted Local Plan (2001) policies and the Core Strategy (2015). The emerging Local Plan Part 2 (LPP2) has received support from the Planning Inspectorate and is due to be considered for adoption on 09th December 2021, and those policies will replace the Local Plan 2001 and modify some policies of the Core Strategy. The NPPF states at paragraph 48 that weight should be

applied to emerging policies commensurate with the progress made towards adoption. As such it is considered that significant weight should be given to the policies within Local Plan Part 2 in the determination of this application.

- 3.3 Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration but the development plan retains primacy.

The following policies are relevant to the consideration of this application:

Core Strategy 2013 – 2030:

Policy CS1: Focuses on a sustainable future, finding solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

Developments should create: (e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport

Policy CS2: Ensures that growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by ... reducing the need to travel.

Policy CS6: – Supporting the local economy - To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:

- a) Encouraging the redevelopment and intensification of existing employment sites, particularly those sites with good access by a variety of transport modes.
- e) Supporting port-related development proposals relating to the Outer Harbour and existing river port, in particular encouraging cargo handling and other port-reliant activities.
- f) Encouraging a greater presence of higher value technology and energy-based industries, including offshore renewable energy companies, in the borough.
- h) Encouraging the development of small scale business units.

Policy CS9: – Encouraging well-designed, distinctive places – Development must:
(d) Provide safe access and convenient routes for pedestrians, cyclists, public transport users and disabled people, maintaining high levels of permeability and legibility.

(e) Provide vehicular access and parking suitable for the use and location of the development, reflecting the Council's adopted parking standards.

(f) Seek to protect the amenity of existing and future residents, or people working in, or nearby, a proposed development, from factors such as noise, light and air pollution and ensure that new development does not unduly impact upon public safety.

(g) Conserve and enhance biodiversity, landscape features and townscape quality.

Policy CS10: Safeguarding local heritage assets - The Council will ... promote the conservation, enhancement and enjoyment of this historic environment by:

a) Conserving and enhancing the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value.

Policy CS11: sets out the Council's approach to enhancing the natural environment. Consideration should still be given as to how the design of the scheme has sought to avoid or reduce negative impacts on biodiversity and appropriately contributes to the creation of biodiversity, habitat and landscape in accordance with points f), g) and h).

Policy CS12: Utilising natural resources – The Council will...

(d) support proposals that strengthen the development of the borough as a centre for renewable energy and green industries.

(e) ensure that new developments' waste water/sewerage treatment avoids adverse effects on the integrity of designated nature conservation sites.

Policy CS13: Protecting areas at risk of flooding / coastal change: Proposals must:

(b) ensure new developments on sites adjacent to defences provide adequate access for repairs, maintenance and upgrades and that the development will not affect the integrity of the defence.

(c) seek use of sustainable drainage systems in all new developments.

Policy CS16: Improving accessibility and transport – The Council will...

(a) (vii) Improve accessibility to employment by enhancing linkages between existing 'green travel' routes to create a coherent network of footpaths, cycleways and bridleways.

(a) (viii) Support the port and its future development as a passenger and freight intermodal interchange, with facilities to achieve efficient staging, loading and unloading and to realise the potential of the port to function as a sustainable transport corridor.

(c) Ensure that new development does not have an adverse impact on the safety and efficiency of the local road network for all users.

Saved Borough Wide Local Plan Policies (2001):

EMP23: Industry etc. on port operational land

Proposals for industry, warehousing and open storage on port operational land will be permitted only when the applicant can demonstrate that the proposed development is related to port operations.

EMP24: Offices etc. on port operational land

Proposals for offices, car parking or other uses on port operational land will be permitted only when the applicant can demonstrate that the proposed development is related to quayside activities.

EMP25: Creation / rationalisation of roads within the port operational area

The Borough Council will encourage proposals which may lead to the creation of new roads and/or the rationalisation of the highway network within the port area which, in

turn, will allow expansion of quayside sites and a more efficient use of land within port-related areas.

EMP30: Development on port operational land

Development on port operational land which involves a change of use from a use related to port activity to a use unrelated to port activity (or vice versa) will be permitted provided the applicant can demonstrate:

- (a) the proposal would not be significantly detrimental to the amenity of nearby dwellings or the well-being of their residents;
- (b) the site can be serviced and both access and parking arrangements meet the standards operated.

TCM10: Road closures & diversions within the port area

Road closures within the port area or diversions may be permitted where they would enable adjoining sites to be consolidated into development schemes and provided there is no significant adverse impact on the remaining highway network, access or amenity of surrounding uses.

INF18: Hazards and contamination

In considering proposals involving hazardous development, in the vicinity of hazardous installations, or the development of contaminated sites, as shown on the proposals map, account will be taken of the amount, type and location of hazardous substances present, and the need for special precautions or restrictions to protect future users of the site and any other protected land.

INF19: Hazardous materials and substances

Planning permission will be granted for development, including a change of use, involving the handling, storage or distribution of any explosive, highly flammable, toxic, corrosive, chemical, radioactive or other harmful materials or substances (including the recycling of chemical and clinical waste materials) only if it does not constitute a hazard to health or if there is no significant risk of escape of any such material or substance.

National Planning Policy Framework (NPPF)

[extracts of particular relevance]

NPPF Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful

- and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

NPPF Paragraphs 111-112 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Within this context, applications for development should:

- (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

NPPF Paragraph 130 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

Local Plan Part 2 (final draft, 2021)

The following emerging policies should also be given significant weight in the decision-making process because the draft policies have been subject to formal examination and have reached pre-adoption modifications stage, with formal adoption proposed to take place on 09th December 2021:

Policy A1: Amenity –

“Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality. Particular consideration will be given to the form of development and its impact on the local setting in terms of scale,

character and appearance. Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

- a. overlooking and loss of privacy.
- b. loss of light and overshadowing and flickering shadow.
- c. building and structures which are overbearing.
- d. nuisance, disturbance and loss of tranquillity from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development. On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this through a construction management plan covering such issues as hours of working, access routes and methods of construction.”

Policy E1: Flood risk

[Extract] “Planning applications within areas of flood risk (as defined above) will need to be supported by a Flood Warning and Evacuation Plan which covers flood warnings, escape routes and procedures, and awareness of the risks involved. The Flood Warning and Evacuation Plan will be secured by a planning condition.”

Policy E5: Historic environment and heritage

[Extract] “In accordance with national planning policy and Policy CS10 of the Core Strategy, proposals for development should seek to conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area. Development proposals within conservation areas, or in a location that forms part of its setting, should take into account the special and distinctive character of the area which contributes to its significance and have regard to the relevant Conservation Area Appraisal and Management Plan. ...

Development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise. An archaeological assessment must be included with any planning application affecting areas of known or suspected archaeological value to ensure that the preservation and/or recording of archaeological remains can be secured.”

Policy E6: Pollution and hazards in development

“Development proposals will be supported where the potential for the creation of, or susceptibility to, hazards and pollution (including air and light pollution) has been suitably avoided or suitably mitigated.

Applicants will need to demonstrate their proposals are safe from, and do not give rise to, unacceptable hazards and/or pollution as a result of the following matters:

- a. the proposed development and the activities and substances involved;
- b. the site itself, and any potential existing contamination or land instability; and/or
- c. the proximity of the proposal to any existing hazards;

d. the cumulative effect of development with respect to pollution and hazards on health, living conditions and the natural environment in combination with nearby development or developed uses.

Any development within the specified distance from the sites identified as notifiable installations, or the development of new notifiable installations, must take account of any risks involved and the need for appropriate separation between hazardous installations and incompatible uses.

Where proposals are within a close proximity (500m) to watercourses, there may be the potential for a hydrological link. Development proposals should take into account the potential for pollutants and demonstrate a strategy for preventing this reaching the watercourses untreated.

Where proposals are in close proximity to nature conservation sites the potential for increased pollution must be suitably mitigated for development to be supported.”

Policy I1: Vehicle parking for developments

[Extract] “Development should be designed to enable charging of plug-in and other ultra low emission vehicles in safe, accessible and convenient locations.”

Policy I3: Foul Drainage

“In line with Policy CS11 and CS12 of the Core Strategy, all new development proposals will be expected to demonstrate the following:

- a. that adequate foul water treatment and disposal infrastructure already exists; or that the necessary infrastructure can be provided in time to serve the proposed development;
- b. that no surface water connections should be made to the foul system and connections to the combined or surface water system should only be made in limited circumstances where there are no feasible alternatives; and
- c. that suitable access is safeguarded for the maintenance of water resources and drainage infrastructure. ...”

4. Assessment: -

The main considerations for this application concern:

- Principle of development
- Highways and access
- Fluvial and tidal flood risk
- Surface water drainage
- Impact on ecology / biodiversity inc. designated sites
- Residential and commercial amenity
- Construction impacts
- Other material considerations:
 - Contaminated land
 - Design, heritage and archaeology
 - Navigation and vessel safety
 - Economic considerations
 - Public site access
 - Environmental Statement
 - Links to future applications

The Proposal

Sea wall and berthing

- 4.1 The new sea wall along the northwest river channel edge would be installed in front of the existing failing seawall. It would likely comprise a new sheet pile wall 1m in front of the existing quay wall, supported by another sheet pile rear anchor wall behind that. The quay wall will provide a berth area for larger craft known as Service Operation Vessels (SOVs) which might have a gross tonnage of 6,000 tonnes each.
- 4.2 No precise details have yet been submitted but the positions are known and the precise construction details can be required by conditions prior to commencement. The concerns of the Port Authority are noted, but the incursion into the river channel is only 1m as permanent development with some temporary construction barriers and pontoons etc likely to be needed. The hydrological impacts on the behaviour of the river are mitigated by the new quay wall being positioned in front of the existing so there will be very minimal effect on river flows and the function of the spending beach. As such there are not considered to be any lasting impacts on the use of the river or the operations of the Port. The Marine Management Organisation will assess developments and operations on the riverbed. The Environment Agency will also give careful consideration to the seawall and other structures that affect flood defences as part of the Environmental Permitting consents process.
- 4.3 Temporary impacts from construction activities being present in the channel is likely to be similar to the area needed on a permanent basis for berthing the large SOV vehicles. The application has assessed this impact, and the LPA can use conditions to restrict use of the berthing to SOVs related to the energy sector in order to ensure the impacts on shipping activities in the estuary are addressed and remain within expected tolerances. With this in place, the Port should not experience detriment.

Storage and parking areas

- 4.4 The various storage areas to be created around the site amount to approximately 5.5ha, comprising 2no. permanent external storage use areas and 3no. large areas of temporary works areas use.
- 4.5 No firm proposals for layouts nor uses have been presented but in general terms the main or principal storage and parking area for the whole O&M campus site will likely be positioned adjacent to the SOV berthing area, and will include loading with mobile harbour cranes, for example. Car parking here will number 64 spaces off South Denes Road.
- 4.6 This north-west SOV storage area is an area of c. 1.38ha, which includes an area of short-term temporary works use (c.0.28ha) (general areas '4' and '5' respectively as labelled in the proposed site layout plan at Appendix 3). This is already hardstanding and car parking. The external storage area is anticipated to be used for storing shipping containers associated with the operation of the O&M facility, and car parking, on a permanent basis.

- 4.7 No details are provided for the intended use of the southern area of proposed permanent external storage, which measures approximately 0.35ha. This is the 'island' between South Denes Road and the site's northern neighbour (an existing storage yard) and is currently scrubland / marram grass.
- 4.8 The application proposes to hard-surface this area to allow storage on solid ground, but no details are proposed yet in this regard, for example appearance and materials.

Temporary Works Areas

- 4.9 The areas outside the land needed for the small extension to the existing roads and the areas proposed for permanent use of external storage areas amount to approximately 4ha in total and are described as being 'Temporary Works Areas' for construction of the whole O&M Campus facility.
- 4.10 The types of activity earmarked for the temporary works areas are described as installation of utilities for highways, provision of construction compounds, haul roads and temporary storage laydown areas. Therefore, such development associated with gradual construction of the O&M facility should be restricted to such a use.
- 4.11 It was considered whether using these areas should be subject to either / both of a temporary period of use, or a Phasing Plan to establish which areas are used when individual parts of the site are realised. However, it is considered on balance to be more appropriate to leave those concerns to be addressed by site management when allowing gradual phased development of the site, especially as there are no particularly sensitive immediate neighbours to this development area.
- 4.12 Other conditions can be imposed as relevant to the O&M facility more generally as described above.
- 4.13 Any intention to provide hardstanding to the temporary works areas has not been demonstrated by providing details of hardstanding or surfacing. These will require express permission if there is an intention to carry out operational development that requires permission, rather than lay down any temporary road material for example.

Pontoon Linkspans

- 4.14 Berthing for smaller Crew Transfer Vessels is proposed at a floating pontoon within the spending beach bay in the River Yare, which is to be accessed from land via two linkspan bridges, for use by small vehicles and cranes and personnel. The linkspans attach to land at the SOV berthing area and on the spending beach quay area behind the former Halliburton Energy Services office building. The actual pontoon is a matter for the MMO Marine Licence, but the linkspans fall within the planning application.
- 4.15 The Port Authority have expressed concerns for the function of the spending beach but the linkspans are affixed beyond the beach and the rest of the structure will float. Navigational issues and methods of anchoring linkspans will fall to the MMO to assess.

Extension and alterations to South Denes Road

- 4.16 The proposal seeks to change the alignment of South Denes Road at its junction with South Beach Parade, and extend it eastwards to provide a new spur and turning head. This would open-up more land for development and make access for service vehicles more convenient. The road design is not yet in fully detailed form but the broad proposals show a footpath / cycleway route along the south and east sides of the road. The road design would maintain the existing 30mph limit.

Principle of Development

- 4.17 The 6.9ha application site forms the area intended to become the Operations and Maintenance Campus facility (O&M) for Yarmouth, and is a small part of the 118ha South Denes area (including Outer Harbour and South Quay) designated in the development plan as a safeguarded local employment area. As the Core Strategy recognises: *“South Denes is a priority area for industrial and warehousing development, attracting businesses operating in, or providing essential support services to the energy, offshore engineering and ports & logistics sectors.”*
- 4.18 The O&M Campus will complement the role of the Outer Harbour and help deliver regeneration through jobs creation and employment innovation, as well as helping the Great Yarmouth Port on the River Yare and increasing the Outer Harbour’s operating capacity. The O&M facility will provide support for investment in the offshore wind farm maintenance sector in particular, which is increasingly relevant as national Government is currently considering the expansion of existing windfarms and creation of new wind farms in the southern North Sea in particular.
- 4.19 The expansion of employment facilities is supported by Core Strategy policies CS1, CS2, CS6 and CS12 so long as it can provide transport by means other than the private car.
- 4.20 However, this area should not be allowed to evolve into a general-use employment area as the Borough has various specific designated general employment sites arguably more accessible to the wider Borough than this area. Adopted and saved Local Plan policies set out clear expectations that the only type of employment-generating uses to be allowed in this location should be those related to port-operational land. This will make sure there remains land available for expansion of port business activity and will minimise conflict of uses and traffic movements for example.
- 4.21 Local Plan policies EMP23 and EMP24 make clear that industry, warehousing, open storage, offices and car parking in this location should only be permitted where they are demonstrated to be related to port operations or quayside activities. The Environmental Statement has considered the impacts of the development on that basis, and the Local Development Order exerts controls to focus development in that respect, so there is clear need to maintain these protections. Planning conditions will therefore be used to restrict uses on the land adjoining this development (in the applicant’s control) to those serving port-operational and energy sector activities only.

- 4.22 With appropriate use of controls on the types of uses able to take place within the site, this proposal finds support in policies EMP23 and EMP24.
- 4.23 This development will enable construction of buildings and facilities which are likely to be presented for 'prior approval' through the Local Development Order process; once such buildings address any pre-commencement conditions they would be otherwise approved by virtue of being permitted development through the LDO, unless they are EIA developments in themselves.
- 4.24 There are now far more 'permitted development' changes of use available for buildings in employment or industrial use than was the case when the Local Plan was adopted in 2001. Even then, saved Policy EMP30 sought to control the activities that might take place if buildings changed their use away from port-related activity in the interests of maintaining residential amenity and access and highways standards. Today, these concerns remain relevant but the opportunity to lose port-related uses has increased as the range of permitted development changes has increased.
- 4.25 It is therefore proposed to be necessary to imposing conditions on the use of the O&M Campus land which remove permitted development rights for the use of new buildings and land to be used initially for port and energy sector uses but then change to other uses. This would ensure the uses in this scheme remain compatible with policy expectations, and remain acceptable to the ports general operations, continue to provide jobs for the port and energy sector, bolster viability of other employment areas, and ensure the development proposed in this application remains suited to the activities of the campus and able to address amenity and highways impacts.

Highways and access

Highways impacts

- 4.26 The current uses include 36 parking spaces on site at present, and the proposal for new parking increases this to 64 proposed spaces (an increase of 28 new spaces), to be located at the north-west corner of the site adjacent to the SOV berthing area. This is considered an appropriate location.
- 4.27 Other short-term parking may be required for construction activities and temporary uses of the land adjoining the road. The longer-term developments enabled by this permission will include their own parking requirements and any applications required for those future uses would be required to evidence highways capacity. The Local Highway Authority finds no cause for concern relating to the traffic generated by this scheme which has been assessed by Transport Statement, but the impact needs to be limited to that which has been assessed for EIA purposes so should be restricted by condition to be a maximum 64 spaces permanent parking.

Access road construction

- 4.28 The new road is supporting in principle by saved Local Plan policies EMP25 and TCM10 where it allows expansion of quayside sites and more efficient use of land in port-related areas.

- 4.29 The Local Highway Authority has expressed doubts that the new road would be publically adopted but that is not an impediment to the application being received favourably, and future road designs should still achieve adoptable standard.
- 4.30 The applicant has clarified that they intend to construct the road extension and new turning head at its eastern end to an adoptable standard, to enable public adoption in the future. Doing so would make it easier, but not compulsory, to introduce public transport connections to the area for example. Final designs and ability to adopt would need to be assessed before construction of the extended parts of the road begin, but the majority of the road is already in situ and only needs minor alignment so to agree details in advance of development commencing should be possible.
- 4.31 In the short term, the existing gates that stop-up the highway at the southern end of South Denes Road will likely remain in place to separate the highway from the adjacent operational port area and associated land. It is said that the current turning head arrangement at the gates will remain in place as the terminus for non-O&M Facility vehicles.
- 4.32 The existing turning head is not shown as being retained on the proposed site layout plans and that area is shown only to be used for car parking and temporary works area activities.
- 4.33 As the full O&M Campus development progresses this existing turning head may become redundant to requirements, so conditions will be used to ensure it cannot be removed until such time as an adoptable standard replacement is available and connected-to elsewhere in the site.

Footpath and cycleway access

- 4.34 It is reasonable to expect the campus to be served with at least one 'spine road' footpath and cycleway facility for safe movement between the various parts of the future O & M campus.
- 4.35 At present, the applicant only proposes to 'reserve' land for a 3.0m wide path corridor, rather than actually build one from the outset. The applicant sees this path as being the route for utility and service connections, so providing a final facility from the outset might only be abortive if paths are disrupted for utilities as the campus is constructed.
- 4.36 The applicant's position is understandable but safety of users should not be compromised whilst the site takes a while to be developed incrementally. Conditions will be used to ensure details are agreed and a temporary footpath made available during the course of the development, but before any parts of the site are brought into beneficial use the necessary 3.0m wide footpath will be needed to connect that site up to the closest adopted highway footpath at the time of construction. Conditions will also ensure the site is able to connect to a footpath to be provided to the north of the site along South Denes Road at some stage in the future, and similarly show that public transport will be able to serve the site interior.

Flood risk

- 4.37 The site includes tidal Flood Risk Zone 3a. The Sequential Test need not be applied when developments are proposed on sites which have been allocated in development plans for that use, so long as the plans passed through the Sequential Test at that time, which the Core Strategy did.
- 4.38 Within Flood Risk Zone 3a developments should only be allowed if they are a type which national guidance considers to be “Water Compatible” or “Less Vulnerable”, without further justification being necessary. Development types which are “More Vulnerable” or “Essential Infrastructure” must only be considered favourably if they are able to pass the Exceptions Test and display public benefits to outweigh the in-principle national policy objection. Developments classed as “Highly Vulnerable” should not be permitted regardless of public benefit / exceptions test.
- 4.39 Ordinarily, developments / uses which require hazardous substances consent are considered ‘Highly Vulnerable’, but the Government’s advice is that a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, which require coastal or water-side locations, or which for some other reasons need to be located in other high flood risk areas, should instead be classified as ‘Essential Infrastructure’, and therefore can be permissible if they pass the Exceptions Test.
- 4.40 The developments within this application and within the intention of the O&M Campus more generally, are all proposed to be within the Essential Infrastructure, Less Vulnerable or Water Compatible categories. As such only the utility infrastructure, substation, and any water treatment works that might be needed for the drainage scheme and which might need to remain operational in times of flood, would need to pass the Exceptions Test. It is considered highly likely to do so given the public benefits which the developments unlock.
- 4.41 There are two stages to the Exceptions Test: Firstly, the scheme needs to show wider public benefits, and as the site is part of a regeneration strategy and economic enabler, it will provide the wider sustainability benefits needed to pass this stage.
- 4.42 The second part of the Exceptions Test needs to be passed by the development being proven to be safe in the event of floods and not increase flood risk elsewhere. In this case, the O&M Facility site is not constrained by design-led constraints which would restrict the form of development nor by restricted space availability so there should be scope to provide designs which tolerate and offer refuge and evacuation in times of flood. The Environment Agency will need to advise in this respect but the final form of the scheme can be agreed by pre-commencement conditions on the land within the wider site.
- 4.43 A Flood Warning and Evacuation Strategy will also be required, which will also include the changes of use in the storage areas and the parking. These will be required prior to those uses commencing.

- 4.44 It would be possible to use conditions to prevent any 'more vulnerable' uses coming forward in the O&M Campus site under the LDO but the LDO would not allow the types of 'Less Vulnerable' uses currently defined by Government guidance anyway.

Surface Water Drainage

- 4.45 Finding a suitable surface water drainage solution for the site is interwoven with its ecological sensitivities and physical site constraints, as well as the restricted options available due to the end uses proposed.
- 4.46 The application's surface water drainage strategy has proposed a scheme for the roads, external storage and parking areas. However, it is of some concern because whilst it has attempted to address the drainage hierarchy it does not do so adequately and the system proposed will be likely to cause harm to the ecological assets around the site.
- 4.47 The Lead Local Flood Authority (LLFA) is rightly keen to ensure the development addresses the drainage hierarchy, meaning the scheme needs to fully explore options for infiltration, and if not suitable or feasible then consider discharge to watercourse (ie the River Yare), and if that's not suitable then consider discharge to public sewer treatments.
- 4.48 Accordingly, the application investigates the potential for below-ground infiltration as the preferred means for surface water discharge, but ground conditions are said to be unsuitable for this approach due to the site being made ground and having a high water table at risk of elevated contamination levels. As a point of principle the Lead Local Flood Authority (LLFA) does not accept that the whole site is unable to infiltrate (especially so because the LLFA believes there is already a detention area within the site), but these are understandable site constraints that the applicant must take into account.
- 4.49 Furthermore, the types of activity within the site will create risks of site contamination which will only exacerbate groundwater contamination if it were allowed to stay within the site and drain into the ground. Confusingly, despite only applying for permission to install the road and create hard standing areas, the application proposes to separate roof water on buildings from surface water on the ground, given the relative cleanliness of roof water and the need to treat surface water run-off.
- 4.50 If infiltration is to be discounted, the next tier in the drainage hierarchy is to discharge runoff to a surface water body, and in this case the applicant has proposed to create a direct outfall to the River Yare estuary; the complication is that the River Yare and the adjoining estuary which it flows into are both internationally protected designated SAC and SPA sites. Whilst the special characteristics of these in this location are primarily important for birdlife, there are interrelationships from the base of the foodchain that contamination of the water environment would impact upon.
- 4.51 The strategy currently proposed intends to (in summary):
- Separate roof and surface water run-off in distinct systems.
 - Send the cleaner roof water out to the River Yare by direct discharge.

- Pipe the surface water through a Vortex Separator system for some initial screening of the debris and chemicals that might be contained.
- Then discharge that screened water out into the River Yare by direct discharge.

4.52 The applicant considers this acceptable largely because some small portions of the wider site already discharge into the River Yare. Their position is not supported by the LLFA who believe the scheme is not sufficiently detailed for the full planning permission, but this needs to be considered by the decision maker.

4.53 The surface water scheme proposed intends to contain and treat all the water in the drainage pipes and appears to have modelled the flood capacity of the drainage system to a 1 in 30 year rainfall event, when it should have been based on a '1 in 100year + 40% climate change' rainfall event, and have regard to the 1 in 1000yr flood risk events too. As such the capacity of the system proposed is too small for the flood risk requirements the system will flood during even the more common heavier rainfalls let alone extreme rainfall, which will cause surcharge. The LLFA therefore object to the scheme as proposed on the basis that it will not be able to cope with surface water flooding events and will not prevent increased risks of flooding occurring elsewhere.

4.54 One consequence of having inadequate flood risk water storage capacity at this site, and for these uses proposed at the O&M campus is that water being surcharged backwards through the system and onto the surface will likely contain excessive quantities of chemicals and contaminants. These will then be collected by floodwaters and drain directly into the river / estuary bypassing the chemical treatment system, especially so when heavy rainfall events are often accompanied by high tidal and coastal flood risks.

4.55 The scheme intends that contamination could be 'caught' by including the vortex separators or other devices such as oil interceptors but these are proprietary systems that the LLFA considers to be pre-treatment and pre-SUDS. Regardless of whether these are adequately sized, there remains a risk of these failing, requiring maintenance, being overloaded in heavy rains, or generally not being the optimum means of pollution control in the first place; for example it is understood that some pollutants can't be filtered out of the pollution control systems proposed as 'in-line' systems as in this application. None of these have been shown to be possible in practice as the precise types of contamination cannot be fixed and the systems available do not treat every type of contaminant found at heavy industrial, light industrial or storage areas. Any system that allowed the possibility of discharging contaminants into the river estuary would be detrimental to the health of the protected ecological sites and should be avoided unless proven impossible otherwise.

4.56 The decision maker therefore has a duty to ensure there is no likely significant risk of detrimental impact on the protected sites at the River Yare and the estuary. In this respect, every effort should still be made to achieve sustainable drainage as high up the drainage hierarchy as practical and feasible, and ensure that flooding does not occur. However, there are in-principle risks with this approach, because of the nature of the proposed uses and the permanent external storage of materials, and the use of temporary works areas intended, and the stated intention to adopt the same

approach for drainage of the whole O&M campus site. As it does not appear practical or desirable to use infiltration or discharge to watercourses due to contamination risks, then the drainage schemes must look to solutions at lower tiers in the drainage hierarchy.

- 4.57 The applicant has assumed a requirement to provide direct discharge to the river to be an acceptable strategy but has not considered discharge of surface water into the public sewer where it could be treated appropriately, as is more common with industrial sites. Officers consider this to be a necessity in this case at this site.
- 4.58 In the absence of comments from Anglian Water it is not confirmed that there is capacity within the public sewer for treating the O&M campus site surface water, but it should be investigated before being ruled-out.
- 4.59 It would be surprising if a connection to the site did not already exist or if capacity was not available, given the former uses on part of the site and the long-established intentions to redevelop the area for industrial uses which are set out in development plans (which inform the 5 year period Asset Management Plans drawn up by Anglian Water in partnership with the Environment Agency).
- 4.60 It must be noted the surface water requirements in this application are concerned with the road, car parking, turning/access areas, temporary works areas, and permanent external storage areas only. However, the strategy proposes to implement direct watercourse discharge for the whole site beyond this application, and the intensity of use and the nature of use of the road will change as a result of this application, as will the nature of storage areas and the extent of storage areas proposed in this application, so there is not a justifiable precedent or fallback position to compare against. As such, aside from the relatively modest extent of development proposed in this application, it would also not be appropriate to assume that surface water drainage for the wider O&M Facility site would be acceptable.
- 4.61 The decision maker must then ask whether planning conditions can be imposed to be sufficient to alleviate concerns about flood risk and have a reasonable likelihood of being able to be implemented whilst achieving the contamination avoidance or mitigation required. In this case the following questions arise, notwithstanding the concerns of the Lead Local Flood Authority that a final solution should be detailed now:
- Can a revised surface water drainage scheme be designed which avoids the risk of contamination? In response, the public sewer is reasonably likely to be available. If it proves not to be available, a bespoke on-site treatment facility could be designed and built and operated independently of the public system and there is plenty of space within the wider site and in the applicants control to do so.
 - Could a revised scheme lessen the load on the public sewer and include some higher tiers in the drainage hierarchy? The answer would be to separate roof water for discharge to infiltration where possible, or direct to watercourse where not, and then send surface water run-off to the public sewer.
 - Is there enough land available on the site to increase the surface water flood storage capacity if the public sewer network cannot accommodate this

development? The whole of the rest of the O&M campus site is available, and future phases would have to design around any flood water storage requirements.

- 4.62 Officers are reluctant to take an opposing view to that of the LLFA but in this exceptional instance do consider that the site can address the surface water drainage requirements by careful use of planning conditions. However, this will have implications for the O&M campus site delivery, as conditions must be pre-commencement and 'Grampian' in nature, as at this stage using these conditions involves a degree of uncertainty which offers no firm guarantee of being resolvable without further investigation.
- 4.63 The conditions needed for the road and external storage areas will require the following steps before any commencement of development:
- Demonstrate feasibility of treating contaminated waters via the public sewer network.
 - Include suitable allowance for containing contaminated flood waters on site before discharge, with capacity for at least 1 in 100year + 40% cc rainfalls and with discharge flows at greenfield rates.
 - If not possible to treat contaminated waters within the public sewer, propose a system to treat water within the site or off-site as necessary before discharge.
 - Investigate ground conditions across the site, to identify any areas that would be suitable for infiltration of 'clean' water.
 - Justify why infiltration shouldn't be used for 'clean' water if that isn't proposed.
 - Include suitable on-site flood storage capacity for 'clean' water within the infiltration or direct discharge systems as relevant, with capacity for at least 1 in 100year + 40% cc rainfalls and with discharge flows at greenfield rates.
- 4.64 Furthermore, any permission granted here will need to impose conditions on the use of the rest of the site in the applicant's control, such that any future phases of development will need to provide either a whole-site drainage strategy into which they will connect, or provide individual development-specific drainage schemes. Doing either will need to follow the same ecology-led principles balanced against the drainage hierarchy ambitions, so will need to provide a fully detailed appraisal of drainage options including a feasibility assessment for drainage to the public surface water sewer system. The conditions on subsequent developments around the site will also need to be pre-commencement and will therefore also prevent the future phases from being proposed under the current LDO process.

Foul Drainage

- 4.65 Given the ecological sensitivities of the site and the flood risks inherent, it is essential that a foul drainage scheme can be confirmed within the public foul sewer system. Conditions will need to agree the final strategy for the subsequent developments as the O&M Campus progresses.

Landscaping and Trees

- 4.66 No assessment of the potential impacts on trees has been made, although none are proposed for removal in this application. Conditions for future developments under

the LDO could be used to require tree impact assessments and to secure landscape scheme proposals for subsequent developments.

Ecological impacts and Habitats Regulation Assessment

4.67 Natural England raise significant concerns in respect of both the evidential basis to justify the modest works proposed in this application, and in respect of the operations of the development once constructed.

Certain mitigations can be addressed through conditions:

- i. Details of the seawall works can include piling and marine mammal disturbance mitigation.
- ii. An Ecological Clerk of Works can be required to oversee the works to sea wall and shoreline activities, to carry out marine mammal observations 30 minutes prior to any percussive piling being undertaken to ensure that there are no marine mammals within 500m of the proposed works.
- iii. Construction management plans and air quality protection plans can be agreed.
- iv. Water quality protection management plans during construction can be agreed, noting also regard to the surface water treatment to be agreed re the surface water drainage scheme conditions.
- v. Breeding birds should be protected by requiring pre-site clearance surveys and protection measures where appropriate.
- vi. Where development is not proposed, adjoining areas e.g. at the eastern sand spit, should be protected by development exclusion zone.
- vii. Buffer zones should be provided around known nesting areas until such time as temporary uses are required in those areas or until permanent development proposals are advanced and mitigation can be provided then.
- viii. A plan for the whole O&M Campus site should be informed by surveys and propose a grassland management plan to safeguard areas for ground nesting and mitigate areas where disturbance is unavoidable.
- ix. Ground nesting areas should be allocated for restoration / creation.
- x. A general biodiversity enhancement plan is required across the site

4.68 The Shadow Habitats Regulations Assessment (HRA) report provided by the applicant has been viewed with concern by Natural England. They raise a number of reasons why in their opinion the LPA as Competent Authority for the purposes of the Habitat Regulations should not approve the development just yet because it is not possible to confirm that the proposal will not result in adverse effects on the integrity of the internationally designated sites in the vicinity. The LPA relies on the advice of Norfolk County Council's Natural Environment Team for ecological advice and to receive recommendations on the HRA process. The HRA should not be passed if there is any likelihood that the integrity of internationally protected sites will be adversely affected by the development. No advice has been received yet but it is fair to assume the HRA stage will not be passed and therefore mitigations are likely to be needed and an Appropriate Assessment should most likely be undertaken.

4.69 In respect of passing the requirement of the Appropriate Assessment pursuant to the Habitats Regulations: It is recommended that any decision to view the application favourably should first require the following factors to be understood before a final decision is made, so that the decision on the Appropriate Assessment can be made favourably, and if necessary plans for mitigation through proposals can then be agreed before the development is finally permitted (because these issues are unable to be addressed by conditions):

1. The overall development will need to provide further survey data in respect of vulnerable marine bird species which rely on the area for feeding and breeding.
2. The overall development will need to quantify the severity and duration of noise from its operations and construction and propose a noise mitigation plan if this is not within acceptable tolerances.
3. Air quality impacts should be better understood and an emissions management plan agreed for use during the overall site construction.

4.70 However, Officers do view with concern Natural England's suggestion that this development should try to manage the following:

- Shipping routes and quantum of shipping vessel traffic arising from the development, given that these should have been addressed from the Development Consent Order and EIA and HRA processes of the windfarms that this site's vessels will serve.
- Biosecurity through monitoring ballast and waterborne diseases and invasive species, given that enforcement of planning conditions in this respect will prove very challenging and these are functions perhaps better suited to one of the bodies responsible for licencing the seagoing vessels.
- Maintenance or defence of sand/sediment should not be necessary given the seawall is being reinforced and the spending beach is unaffected but in any case the impacts on sediment processes are better understood and able to be regulated by the MMO consenting process.
- The suggestion that further work is needed to assess and potentially mitigate in-combination effects at two off-shore windfarms, 3 marine cable lines, and the works underway at Lowestoft Port appear disproportionate to the nature of works proposed within this development, and in all likelihood these would have undertaken such assessment already through their own Development Consent Order and EIA and AA processes.

4.71 It is recommended that the severity and relevance of Natural England's concerns to this development should be discussed further before the HRA process is undertaken. This process has begun but a recommendation to approve this application must come with the caveat that any permission cannot be issued until the HRA and in all likelihood Appropriate Assessment is completed by the LPA as competent authority, and then reviewed and approved by Natural England.

4.72 Resolving to issue a permission without first fulfilling the HRA requirements to Natural England's satisfaction would be open to legal challenge and may need prior referral to Government under the EIA procedure.

Amenity

- 4.73 Notwithstanding the absence of comments from Environmental Health Officers, the construction activities, and operations that the application will enable, have the potential to create an impact on nearby populations and businesses.
- 4.74 Dust, noise, construction impacts and air quality can be addressed by conditions with regard to proposals set out in the ES documents. For example, an adequate supply of water shall be available for suppressing dust, mechanical cutting equipment with integral dust suppression should be used, and there shall be no burning of any materials on site. Similarly, types of materials to be stored in the site will be controlled and contained by conditions.
- 4.75 Due to the close proximity of residential areas, the hours of construction should be restricted to:- 0730 hours to 1800 hours Monday to Friday; 0800 hours to 1300 hours Saturdays; No work on Sundays or Bank Holidays.

Contamination

- 4.76 Further to the concerns for mobilising contaminants by surface water flooding, contamination will need to be investigated prior to commencement, remediated, and verified. Standard precautions will be required during construction. These will be conditioned.

Design, heritage and archaeology

- 4.77 As the proposals the subject of this application principally concern the permanent construction of a road, and the temporary use of land, the development will have few lasting impacts on townscape or the Borough's heritage setting. The wider development will include new warehouse, office and industrial buildings which will consolidate existing activities and reinforce the sense of a busy, active port driving the region's economic development, as well as provide a visual link to the offshore industry.
- 4.78 New buildings will be able to 'round-off' or screen some of the existing activities so in that respect the setting of- and backdrop to- the Gorleston Conservation Area Extension and Cliff Hill Conservation Areas will be marginally improved, as will the impression of the town and Borough to those vessels accessing the town from the sea, whether directly via the River Yare or via the Outer Harbour when new development is realised along South Beach Parade.
- 4.79 Within the site, the revised layout which has relocated the electricity substation away from the river wall / quay heading at the 'Marine Base' site and into the centre of the site to co-locate with an existing substation at the Halliburton Office on South Denes Road. The new location actually utilises an existing brick-built walled compound so will have little visual impact from the presence of utility infrastructure on the approach into the site along South Denes Road. The precise details can be required by condition, to ensure appropriate screening is secured, but is likely to be acceptable. Being able to remove the need for a substation altogether is a notable benefit in reducing the sense of visual clutter around the site, especially along the river's setting and quay wall.

- 4.80 There are two proposed permanent external storage areas; at the north-west corner at the proposed SOV berthing station, and in the area north of the South Denes Road extension in the south of the site. Open storage here could conflict with the duty to try and preserve and enhance the setting of the two conservation areas in Gorleston, because these would likely be used for 'loose' materials, parts or machinery, and assorted shipping containers and the like. The southern area could in time be mitigated by development on the south side of the extended South Denes Road. The northern area will be more obvious in views especially if the SOVs are not in situ and may only be screened in views from the south if the temporary works area in that location is redeveloped on a permanent basis, leaving views from the west unscreened. To encourage redevelopment, the Temporary Works Areas will be limited to use for operations concerned with building the wider development only.
- 4.81 Overall, it is considered the impact on the setting of the two Gorleston conservation areas would be negative, but some of this (the southern area) would be a short-to-medium- term impact. Whilst the northern area would be a permanent and long term impact it would be more localised and would be seen as a continuation of the existing storage and depot activity already in place to the north of the application site. Both impacts are experienced within the context that the conservation areas already lie opposite general industry and working port activity. These aspects of the proposal therefore represent a low degree of 'less than substantial harm' as per the National Planning Policy Framework's definition at paragraphs 199-202 and will need weighing-up in the overall planning balance.
- 4.82 Whilst archaeological assets are significant at this site (the 17th Century Harbour Fort in particular) these are unlikely to be affected by the limited scope of excavation works proposed in this application. Precise details of the road construction depths can be secured by conditions, with watching briefs for archaeological surveys and any on-site investigations to be provided linked to the outcome of those details.
- 4.83 The development will be enabling much more significant construction of buildings in the future, which will be on land in the application site and in the applicant's control. It is recommended that conditions are imposed to ensure that any future development in these areas are subject to archaeological geo-physical survey and trial trenching as requested by the Historic Environment Service.
- 4.84 Any permission can require archaeological surveys relating to the whole site if conditioned in two parts: initially in respect of the road and external storage areas, and secondly the remainder of the site as future phases come forward.

Economic considerations

- 4.85 The application provides a detailed analysis of the economic benefits of the proposal and explains its role as a vehicle for regeneration and investment in the offshore sector within the submitted Planning and Regeneration Statement. To summarise, the Great Yarmouth Port is one of six nationally-recognised Centres for Offshore Renewable Engineering, but currently lacks the infrastructure to support current and future needs of the offshore energy sector and the development would help realise

the Port's potential which comes with its position as the closest base to wind farm arrays in the Southern North Sea.

- 4.86 Various strategies and mechanisms are in place to secure investment in the town, port and harbour, such as the South Denes Enterprise Zone designation. The O&M facility project is also included in a suite of energy-related investment priorities in the Great Yarmouth Borough Council Economic Strategy 2020 – 2025. Whilst hard to estimate numbers of jobs that might be created by the proposal, the indirect or knock-on economic benefits would be very significant.
- 4.87 Within the scheme, the new berth to be created from the new quay wall along the west edge of the site will allow Service Operation Vessels (SOVs) to benefit from a specific docking station. The SOVs are said to be around 6,000 tonnes so are not insignificant and are paramount to the offshore wind farm developments. There are concerns about the impacts on navigation and narrowing of the channel, but it is important to note providing a berthing station in that location would not be possible without a replacement sea wall, and it is considered that a fixed berth would be an attraction to the sector and promote investment therein.
- 4.88 A public representation has been received requesting that the development of the O&M Campus site includes a publically-accessible lookout / viewpoint area, which ought to be larger than the one which was existed prior to the Outer Harbour's construction.
- 4.89 Public access into the site would be a matter for the site operator to consider and balance against operational management liabilities; there would be notable public benefits for doing so including both tourism and recreation, but there are no planning policies to require it and the scheme is considered to offer adequate public benefits without it sufficient to justify the conflicts with policy identified herein. If the decision maker saw fit, this could nonetheless be required by condition.

Local Finance Considerations

- 4.90 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example.

Navigation and vessel safety

- 4.91 It is acknowledged there may be concerns about the replacement sea / quay wall in the north-west corner of the site for a new berthing station (due to possible impacts on river turbidity and navigation – see comments from Great Yarmouth Port Authority) but the new wall would not extend into the river channel to any significant extent beyond the existing quay wall; initial proposals suggest the new sheet pile wall would

be 1m in front of the existing, supported by another sheet pile rear anchor wall behind that.

- 4.92 In terms of operations, the applicant estimates that SOV use by a single operator on the whole berthing area would amount to 3 SOV trips made every two weeks, or 78 trips per annum. Whilst there is no information available about current river or port traffic loads, nor of the capability of the GYPA or its operators Peel Ports as GYPC to manage additional trips, this is considered to be a small additional load on river traffic and the location in the estuary is unlikely to hinder traffic further upstream.
- 4.93 Planning conditions would be used to agree precise details of the quay heading and sea wall construction; if these were to be significantly different to the proposals outlined these could be discussed with GYPA.
- 4.94 The GYPA also raise questions about the use of navigation aids and illumination in the river environment; whilst these details are able to be required by condition their relevance to the planning regime is limited as the Marine Licence and port permitting systems would cover these better.
- 4.95 In terms of safety within the site, the proposed use of land at the north of the application site for the main parking and storage and loading areas off South Denes Road will reduce the potential conflict between movements within the O&M campus.

Conclusion and planning balance

- 4.96 It is acknowledged there is a minor and low-level impact on the setting of designated heritage assets but these less than substantial in their degree and short- medium term in their nature and are outweighed by the wider public benefits of the development.
- 4.97 In the interests of economic investment and with acknowledgement that this is the first stage of longer-term regeneration at the site, it is not proposed to impose onerous limits on the style, design, height or activity of the permanent external storage areas, though it is considered necessary to require specific measures to contain certain goods or materials stored there.
- 4.98 Approval of the application in its current form involves a degree of uncertainty as to the final details of the infrastructure being provided to serve the wider O&M Campus Facility. However, there are sufficient reasons and grounds to reassure the decision maker that the development proposed, and that which will be enabled by this development, can be designed, constructed, and operated in a manner which satisfies the concerns of development plan policy, statutory stakeholders and consultees. Those mitigation measures lie in part with the local planning authority and in part with the role played by other regulatory regimes, but in as far as they are required for the purposes of making the planning application acceptable these can be secured by any permission being subject to carefully considered conditions, and agreement of further details prior to the commencement of developments on this application and in the adjoining site.

- 4.99 The delivery of the wider employment site and regeneration benefits will be expedited by ensuring a degree of progress can be maintained in a timely fashion through approval of this application. To do so will begin a process of development that will create significant public benefits through economic investment and jobs creation for both the Borough and the region, as well as enabling expansion of the renewable energy sector to make a modest but valued contribution to the national decarbonisation and climate change agenda.
- 4.100 The application as it stands has gone a long way towards addressing the impacts of this development as identified through the Environmental Statement but requires the HRA and Appropriate Assessment process to be completed so that the necessary mitigation measures required pursuant to those can be contained in the development. Thereafter a monitoring programme can be instigated to ensure compliance, so that in combination the mitigation and monitoring built into the development process will prevent likely significant effects on the environment and avoid significant detrimental effects on internationally designated sites.

5. RECOMMENDATION:-

(i) To first complete the Habitats Regulations Assessment process and include any Appropriate Assessment mitigations into the scheme as necessary, followed by review and approval by Natural England.

(ii) Then Approve –

Subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS2, CS3, CS9 and CS11 of the Great Yarmouth Local Plan: Core Strategy, Paragraphs 8, 62, 111 and 130 of the NPPF, and is consistent with the aims set out in emerging policies of the final draft Local Plan Part 2.

Proposed Conditions:

The final form of conditions will be confirmed in liaison with the applicant but the following general summarised terms are required.

- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the application form and approved plans received by the local Planning Authority on 19th March 2021 drawing reference:
 - Site Plan

and in accordance with the revised plans received by the Local Planning Authority on 6th September 2021 drawing reference:

- 2022-044 – Proposed and Existing Elevations
- 2022-005 – Proposed Floor Plans
- 2022-006 – Proposed Floor and Sectional Plans

- 3) Developments and uses on the land adjoining this development shall be restricted to those serving port-operational and energy sector activities only.
- 4) Notwithstanding the LDO, remove permitted development rights for the use of new buildings and land to be used initially for port and energy sector uses but then change to other uses.
- 5) Surface water drainage scheme to be agreed for the road, car parking, turning/access areas, substation, and permanent external storage areas – pre-commencement.
- 6) No surfacing or hardstanding to be installed in the temporary works areas without express permission being granted, and that application shall provide details of surface water drainage to follow principles at condition 3 above.
- 7) The permanent car parking area within this permission shall be limited to no more than 64 spaces as applied for.
- 8) Flood warning and evacuation strategy for this application (pre-use).
- 9) Flood mitigation & protection designs and tidal flood water storage scheme to be agreed for the wider O&M Campus site – pre-commencement in O&M.
- 10) Flood warning & evacuation strategy for later phases on O&M site (pre-use).
- 11) Foul drainage scheme to be agreed for the later O&M campus development.
- 12) Sea wall / quay works – details to be agreed to inc piling (vibro-piling as preference, with soft-start piling if not).
- 13) Ecological Clerk of Works is needed to oversee the works to sea wall and shoreline activities, to carry out marine mammal observations 30 minutes prior to any percussive piling being undertaken to ensure that there are no marine mammals within 500m of the proposed works.
- 14) Ecology protections set out at report paragraph 4.67 points i – x.
- 15) Ecological enhancement plan to be agreed.
- 16) Landscape scheme principles to be proposed for the whole site for use in subsequent phases of development.
- 17) Hours of construction should be restricted.
- 18) Construction traffic and management plan to be agreed.
- 19) Dust control.
- 20) Contamination investigations and remediation.
- 21) Further contamination precautions during development.
- 22) No removal of the existing turning head on South Denes Road without (i) first beginning the process of a TRO to stop up the highway, and (ii) confirming the intended extent of adoptable highway, and (iii) providing construction details of the extended roads to adoptable standard, and (iv) ensuring there are suitable designs agreed for a new turning head at the end of the newly-extended adopted highway area. The area of highway shall remain open until an adopted turning area is provided to standard.
- 23) No development of the roads shall commence until:
 - a. construction details of the road with a permanent continuous 3.0m wide footpath / cycleway along one side of the new road have been agreed; and,
 - b. details of temporary safe pedestrian route along the road for use until such time as the path is provided, are agreed; and,
 - c. details of phasing plan for footpath provision to be agreed; and,
 - d. details to show how provision will be made to enable future footpath links along South Denes Road; and,

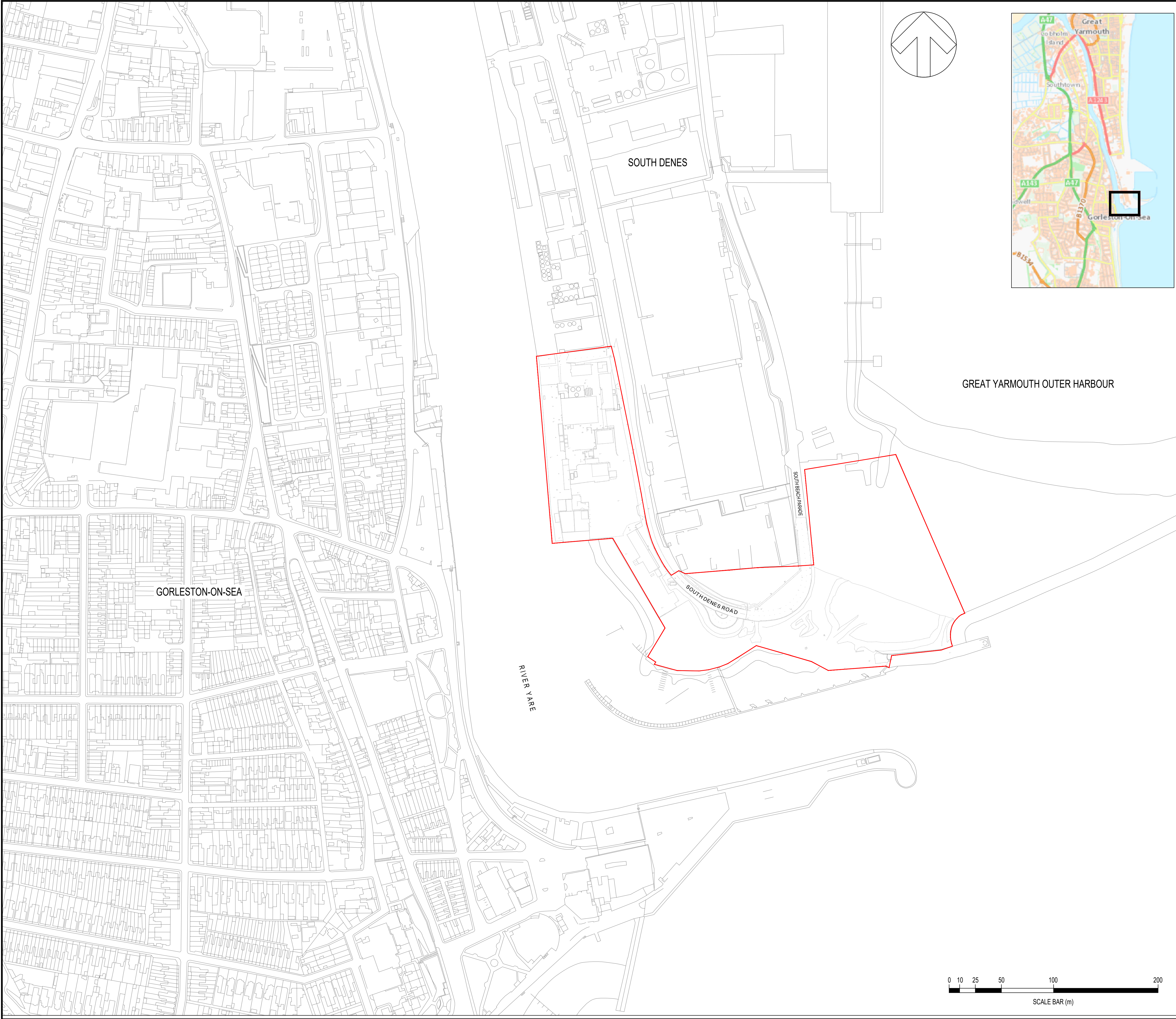
- e. details to show how provision will be made to enable future public transport connections into the site.
- 24) With the exception of temporary construction works, no use of land or the external storage areas until the adoptable-standard 3.0m footpath has connected that site up to the closest public highway footpath.
- 25) Precise details of the new substation, to ensure adequate area exists and/or to provide wall enclosure and screening thereof.
- 26) Precise details of the sea wall / quay heading construction to be agreed.
- 27) Limits on uses to be allowed on the adjoining temporary works area lands, to restrict activities to those involved in constructing the O&M Campus only.
- 28) Restrict uses allowed in the permanent external storage areas and removal of PD rights to change uses.
- 29) Restrictions on heights of materials or structures to be stored in the permanent external storage areas.
- 30) Any 'loose' materials to be stored need to be within enclosing structures.
- 31) Sea wall and quay heading construction details to be agreed.
- 32) Restrict permanent storage areas to the 2no. areas shown in the layout plan.
- 33) Provide monitoring regime for the impacts of the development.

And any other conditions considered appropriate by the Development Manager.

Appendices.

- 1) Site Location Plan
- 2) Existing Site Layout plan ref 002 P03
- 3) Proposed Site Layout Plan ref 003 P04
- 4) Public representation - general comments
- 5) Environment Agency holding objection
- 6) Lead Local Flood Authority holding objection
- 7) Local Highways Authority comments
- 8) Natural England objection

File name: \\UK\WSPGROUP\COMMON\DATA\PROJECTS\7078\XXX\7078881 - GREAT YARMOUTH O&M DETAILED DESIGN\03 WIP\02 MARTIME\03 DRAWINGS\PLANNING DRAWINGS\FIGURE 1.DWG, printed on 30 April 2021 12:49:58, by Appleby, Sue



GREAT YARMOUTH OUTER HARBOUR

KEY

DO NOT SCALE

PLANNING APPLICATION BOUNDARY

P02	30/04/2021	SA	SECOND ISSUE	ZF	
P01	20/04/2021	SA	FIRST ISSUE	ZF	XXX
REV	DATE	BY	DESCRIPTION	CHK	APP

DRAWING STATUS: S2 - FOR INFORMATION



62-64 Hills Road, Cambridge, CB2 1LA, UK
T+ 44 (0) 1223 558 050, F+ 44 (0) 1223 558 051
wsp.com

CLIENT: GREAT YARMOUTH BOROUGH COUNCIL

ARCHITECT:

PROJECT: GREAT YARMOUTH
OPERATIONS AND MAINTENANCE FACILITY

TITLE: SITE LOCATION PLAN

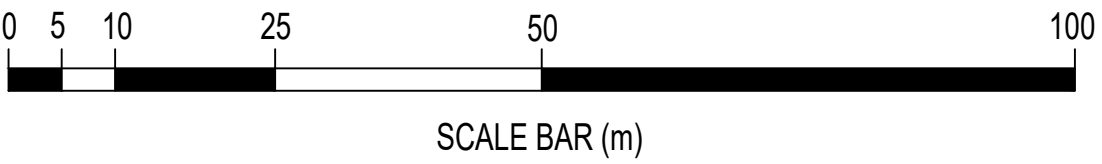
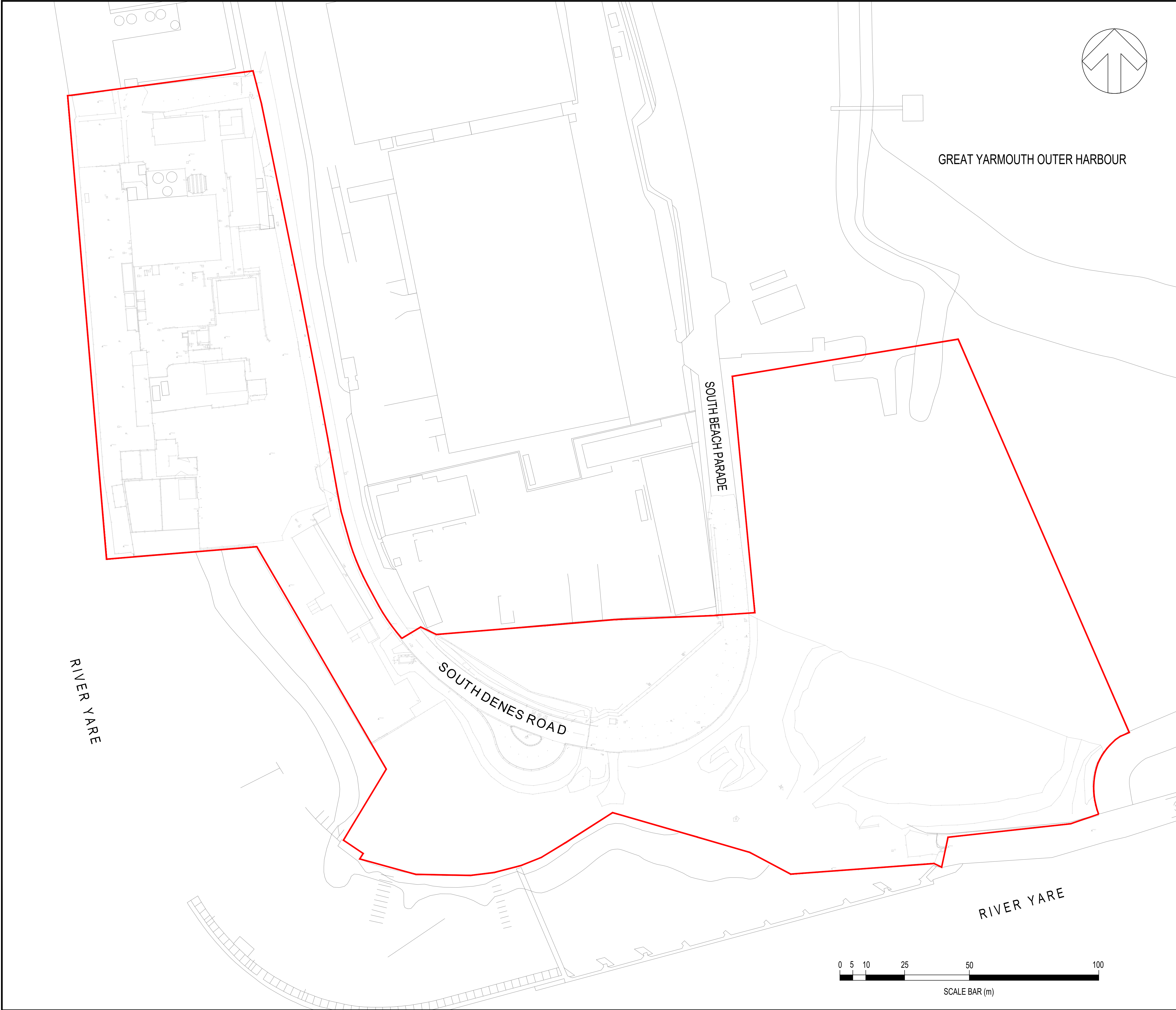
SCALE @ A2: 1:2500	CHECKED: ZF	APPROVED:
PROJECT No: 70079505	DESIGNED: ZF	DRAWN: SA
DATE: April 21		

DRAWING No: 001	REV: P02
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KEY

PLANNING APPLICATION BOUNDARY

P02	07/05/2021	SA	THIRD ISSUE	ZF	
P02	30/04/2021	SA	SECOND ISSUE	ZF	
P01	20/04/2021	SA	FIRST ISSUE	ZF	XXX
REV	DATE	BY	DESCRIPTION	CHK	APP

DRAWING STATUS: S2 - FOR INFORMATION



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CLIENT: GREAT YARMOUTH BOROUGH COUNCIL

ARCHITECT:

PROJECT: GREAT YARMOUTH
OPERATIONS AND MAINTENANCE FACILITY

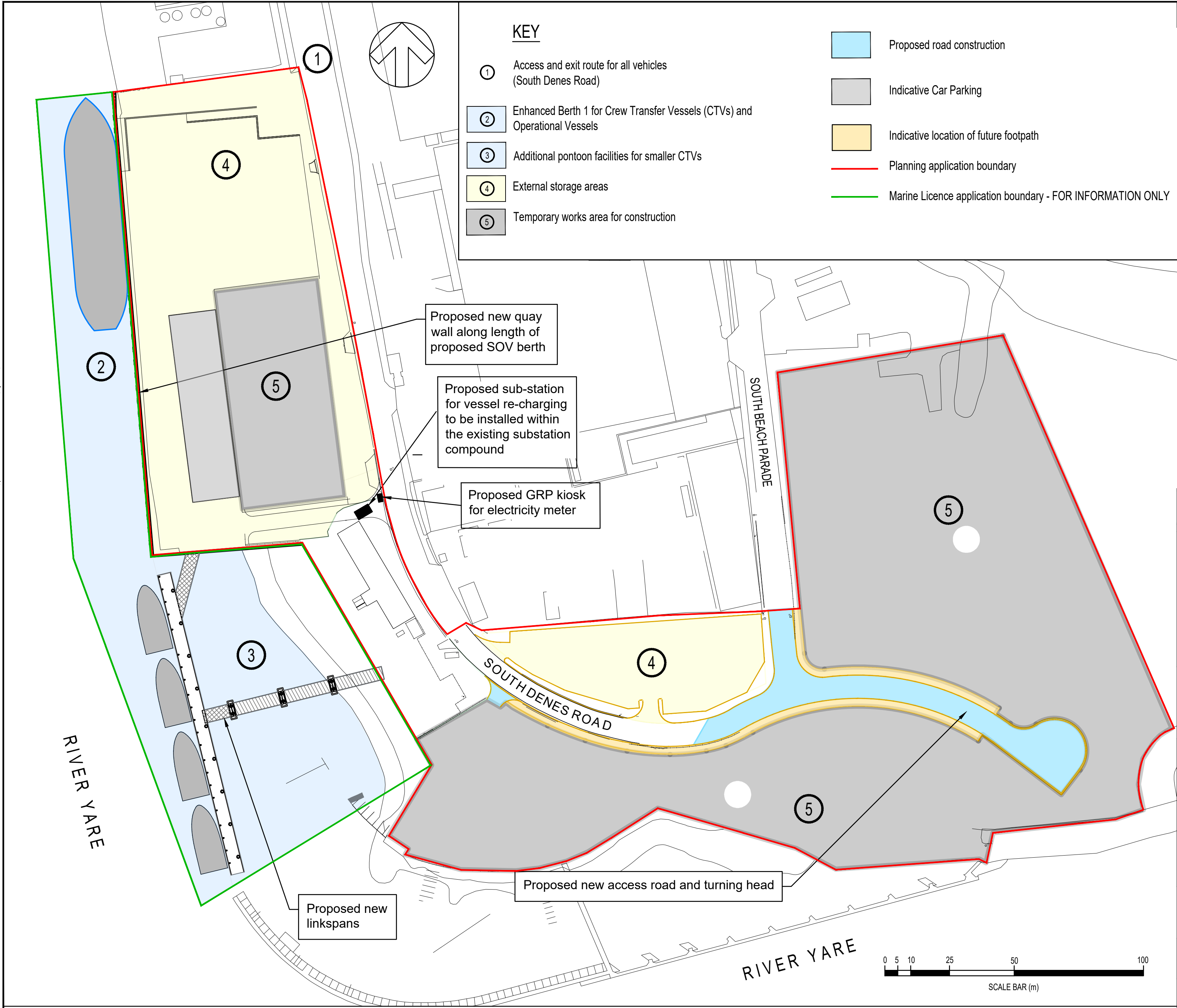
TITLE: EXISTING SITE LAYOUT

SCALE @ A2: 1:1000	CHECKED: ZF	APPROVED:
PROJECT No: 70079505	DESIGNED: ZF	DRAWN: SA
		DATE: May 21

DRAWING No: 002	REV: P03
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File name \\UK\WSPGROUP\COMMON\DATA\PROJECTS\70078\XXX\70078981 - GREAT YARMOUTH O&M DETAILED DESIGN\03 WIP\02 MARITIME\03 DRAWINGS\FIGURE 3.DWG, printed on 20 October 2021 16:08:49, by Felaine, Zuzanna



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P04	20/10/2021	ZF	FOURTH ISSUE	ZF	ZF
P03	07/05/2021	SA	THIRD ISSUE	ZF	
P02	30/04/2021	SA	SECOND ISSUE	ZF	
P01	20/04/2021	HWP	FIRST ISSUE	ZF	XXX
REV	DATE	BY	DESCRIPTION	CHK	APP

DRAWING STATUS:	S2 - FOR INFORMATION
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CLIENT:	GREAT YARMOUTH BOROUGH COUNCIL
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ARCHITECT:	
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PROJECT:	GREAT YARMOUTH OPERATIONS AND MAINTENANCE FACILITY
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TITLE:	PROPOSED SITE LAYOUT
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SCALE @ A2:	CHECKED:	APPROVED:
1:1000	ZF	

PROJECT No:	DESIGNED:	DRAWN:	DATE:
70079505	ZF	SA	October 21

DRAWING No:	REV:
003	P04

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Application 06/21/0415/F

Name Ashley Hunn

Address .

Telephone

Email

Response GC General Comments

Speak No

Comments

Change Type

OWPC14313

Transfer

Delete or Invalidate

Delete/Invalidate

When the outer harbour was originally constructed the local community lost a popular viewing spot at the bottom of South Beach Parade, where hundreds of people would visit each weekend. To mitigate this the local people were promised a public viewing area with the outer harbour construction, which has failed to be delivered. Maybe give something back to the local community in the form of a small public viewing area (say 15 - 20 parking spaces) to the north east of the area of South Beach Parade and the new proposed turning head on proposed layout 3, with a view into the outer harbour This would give back something which has been lost and I'm sure would be even more popular that what the community had before.

Great Yarmouth Borough Council
Planning Department
Town Hall
Great Yarmouth
Norfolk
NR30 2QF

Our ref: AE/2021/126269/01-L01
Your ref: 06/21/0415/F
Date: 17 August 2021

Dear Sir/Madam

REDEVELOPMENT OF LAND ADJACENT TO GREAT YARMOUTH PORT TO PROVIDE VEHICULAR ACCESS, PARKING AND SERVICE INFRASTRUCTURE FOR AN OPERATIONS AND MAINTENANCE FACILITY TO SUPPORT OFFSHORE RENEWABLE ENERGY PROJECTS, COMPRISING: UPGRADES TO QUAY WALL TO PROVIDE NEW SHEET PILING AND A NEW REAR ANCHOR WALL, AND PROVISION OF A NEW DOCKING BERTH FOR SERVICE OPERATION VESSELS; INSTALLING PONTOON LINK SPANS FOR USE BY CREW TRANSFER VEHICLES; NEW ELECTRICITY SUBSTATION KIOSK; NEW AND EXTENDED ROADS, NEW VEHICLE ACCESS AND TURNING HEAD; CONSTRUCTION OF PARKING AREA; PROVISION OF LAND FOR USE AS STORAGE AREAS, INCLUDING FOR SHIPPING CONTAINERS; AND, ASSOCIATED INFRASTRUCTURE WORKS

LAND AT SOUTH OF SOUTH DENES ROAD AND SOUTH BEACH PARADE, GREAT YARMOUTH, NORFOLK, NR30 3QF

Thank you for your consultation and apologies for the delay in providing our response due to an administrative error. We have reviewed the application as submitted we have reviewed the application as submitted and are raising a holding objection on Flood Risk Grounds as no details of flood risk of flood management proposed. Further details can be found within the Flood Risk section below. We are also requesting further information on Contaminated Land along with comments on Ecology and Environmental Permitting.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the redevelopment of land adjacent to Great Yarmouth Port to provide vehicular access, parking and service infrastructure for an operations and maintenance facility to support offshore renewable energy projects. It is not clear what the vulnerability classification of the development is within the application, and this should be confirmed with any future submission.

Appendix 10.1 should include a Flood Risk Assessment to support this application.

Whilst this appendix provides a groundsure assessment which discusses that parts of the fall within flood zone 3a, it does not provide any site specific detail of the this risk. We therefore consider it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Use the correct flood levels from us
2. Consider the impacts of climate change to the development over its lifetime. It should be noted that the 2018 Coastal Flood Levels were calculated prior to the release of the UKCP18 update, and adjustment should therefore be added to modelled flood levels to account for the latest climate change advice.
3. Correctly calculate the expected flood depths on site.
4. Assess breach risk for the proposed development.
5. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
6. No topographic survey has been submitted
7. It is proposed to construct a small sub-station/electrical kiosk adjacent to the proposed pontoon to enable vessel recharging. The vulnerability class, according to Table 2 of the Guidance document 'Flood Risk and Coastal Change' is not defined, but the footnotes to Table 3 confirm that any essential infrastructure, that has to be located within flood zone 3a, that has passed the exception test should be 'designed and constructed to remain operational and safe for users in times of flood. Insufficient details have been provided to demonstrate that this facility has been designed to remain operational during a flood.

Overcoming our Objection

1. Flood levels can be requested from our Customers and Engagement team. Please see the Advice to applicant section.
2. Please refer to the climate change section of the 'advice to applicant'
3. The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths.
4. The applicant should refer to the Strategic Flood Risk Assessment (SFRA) for the relevant breach information, bearing in mind that climate change allowances have been revised since it was produced, and making additional allowances accordingly)see 'Climate Change Allowances' section for more detail.
5. The applicant should include a Flood Emergency Plan detailing the actions to take before, during and after a flood. The FRA should provide details of the flood characteristics across the site, should a breach of overtopping of existing defences occur, considering the rate of onset of flooding, the duration of flooding and the depths and velocities of flooding. The Flood Plan should the details the actions site users should take in the event of a flood, including details of refuge areas within existing buildings at the site.
6. Submit a GPS verified topographic survey.
7. Provide details showing the mitigation measures proposed to enable the substation to remain operational flor the design, 0.5% annual probability flood, inclusive of climate change, as a minimum, and how this can be adapted to protect the facility from the extreme 0.1% flood, inclusive of climate change, also.

The applicant can overcome our objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will be safe will

not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

We have included a factsheet with our response, which sets out the minimum requirements and further guidance on completing an FRA is available on our [website](#).

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#).

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Further advice can be found within the Flood Risk appendix at the end of this letter.

Groundwater and Contaminated Land

We have looked at the supplied document list on the planning portal and whilst there is an Environmental Desk Study Appendix 9.1 on, the list indicates there is a Interpretative Ground Investigation report Appendix 9.2. However, when we open the file, it is the Desk Study again.

Please can we request that you supply the Ground Investigation report for our review?

Ecology

In relation to section 8.2 we would back up Natural England comments made in the Biodiversity and Geology section regarding the need for the ES to assess the impact of all phases of the proposal on protected species, the requirement for surveys to be carried out at the right time of year by and appropriately qualified ecologist.

Environmental Permitting

A flood risk activity permit may be required because the proposed works, e.g. sheet piling in a main river meets one or more of the following flood risk activity definitions as taken from Schedule 25, paragraph 3(1) of The Environmental Permitting (England and Wales) Regulations 2016 which we have outlined below.

Meaning of “flood risk activity”

3.—(1) Subject to sub-paragraph (2), a “flood risk activity” means—

(a) erecting any structure (whether temporary or permanent) in, over or under a main river;

(b) the carrying out of any work of alteration or repair on any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the

flow of water in the main river or to affect any drainage work;

(c) erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river;

(d) any dredging, raising or taking of any sand, silt, ballast, clay, gravel or other materials from or off the bed or banks of a main river (or causing such materials to be dredged, raised or taken), including hydrodynamic dredging and desilting;

(e) any activity which is likely to divert the direction of the flow of water into or out of a main river or alter the level of water in a main river;

(f) any activity within 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river) or any activity within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river) which is likely to—

- (i) cause damage to or endanger the stability of the banks of that river or of any culvert,
- (ii) cause damage to any river control works,
- (iii) alter, reconstruct, discontinue or remove any river control works,
- (iv) divert or obstruct flood waters or affect the drainage of that river, or
- (v) interfere with the regulator's access to or along that river;

(g) any activity (other than an allowed activity) on a flood plain that is—

(i) more than 8 metres from a non-tidal main river or more than 16 metres from a tidal main river, or

(ii) more than 8 metres from any flood defence structure or culvert on a non-tidal main river or more than 16 metres from any flood defence structure or culvert on a tidal main river,

which is likely to divert or obstruct floodwaters, to damage any river control works or to affect drainage;

(h) any activity within 16 metres of the base of a sea defence which is likely to—

(i) endanger the stability of, cause damage to or reduce the effectiveness of that sea defence, or

(ii) interfere with the regulator's access to or along that sea defence;

(i) any activity within 8 metres of the base of a remote defence which is likely to—

(i) endanger the stability of, cause damage to or reduce the effectiveness of that defence, or

(ii) interfere with the regulator's access to or along that defence;

(j) any quarrying or excavation within 16 metres of the base of a remote defence which is likely to cause damage to or endanger the stability of that defence;

(k) any quarrying or excavation within 16 metres of a main river or any flood defence structure or culvert on that river which is likely to cause damage to or endanger the stability of the banks of that river.

A full copy of Schedule 25 can be provided upon request.

General information on flood risk activity permitting using the following link:

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

For site specific flood risk activity permitting advice the operator should contact our flood risk activity permitting mailbox at FDCCoastal@environment-agency.gov.uk for further advice

We trust this advice is useful.

Yours faithfully

A handwritten signature in black ink that reads "L. Robson". The signature is written in a cursive, slightly informal style.

Mr Liam Robson
Sustainable Places - Planning Advisor

Direct dial 020 8474 8923

Direct e-mail Liam.Robson@environment-agency.gov.uk

Flood Risk Appendix

Advice for Applicant

Data Available

Our Customers and Engagement team can provide any relevant flooding information that we have available. Please be aware that there may be a charge for this information. Please contact: Enquiries_EastAnglia@environment-agency.gov.uk. For further information on our flood map products please visit our website at: www.environment-agency.gov.uk/research/planning/93498.aspx

Climate Change Allowances

Our current flood model data does not account for the latest UKCP18 climate change advice, and the FRA will therefore need to consider any uplift required to flood levels to ensure that the latest climate at change advice is followed. The amount of climate change required depends on the development type/classification, which has not been defined within a FRA at this stage. The following information should allow for climate change allowances to be appropriately incorporated in to the development design:

- For development classed as **essential Infrastructure**, [highly vulnerable](#) development and [more vulnerable](#) development our minimum benchmark for flood risk mitigation is for it to be designed to the '**upper end**' climate change allowance for the development lifetime, including decommissioning. The **upper end** allowance for 2120 is 0.31m higher than our current 2018 coastal modelling climate change flood levels, so as an approximation we recommend that 0.3m is added on to the on-site climate change flood levels received in the Product 4.
- For [water compatible](#) or [less vulnerable](#) development (e.g. commercial), the '**higher central**' climate change allowance for the lifetime of the development is our minimum benchmark for flood risk mitigation. In sensitive locations it may be necessary to use the **upper end** allowance to inform built in resilience. The **higher central** allowance for 2120 is approximately the same as our existing climate change flood levels from our 2018 coastal model, so you can use these climate change flood levels obtained in the Product 4.

Flood Resilient/Resistant Construction

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. To minimise the disruption and cost implications of a flood event we encourage development to incorporate flood resilience/resistance measures up to the extreme 1 in 1000 year climate change flood level. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx>) that the buildings will be constructed

to withstand these water pressures.

Safe Access

During a flood, the journey to safe, dry areas completely outside the 0.5% (1 in 200) annual probability event with climate change floodplain would involve crossing areas of potentially fast flowing water. Those venturing out on foot in areas where flooding exceeds 100 millimetres or so would be at risk from a wide range of hazards, including for example unmarked drops, or access chambers where the cover has been swept away.

Safe access and egress routes should be assessed in accordance with the guidance document [Defra/EA Technical Report FD2320: Flood Risk Assessment Guidance for New Development.](#)

Where safe access cannot be achieved an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with yourselves.

Emergency Flood Plan

Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with the Local Council.

Strategic Flood Risk Assessments

Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning process. The SFRA may contain information to assist in preparing site-specific FRAs. Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information.

via e-mail

Rob Parkinson
Planning and Growth
Development Management
Town Hall, Hall Plain
Great Yarmouth
Norfolk, NR30 2QF

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

Your Ref: 06/21/0415/F
Date: 30 June 2021
NCC Member: Cllr. Mike Smith-Clare

My Ref: FW2021_0499
Tel No.: 0344 800 8020
Email: llfa@norfolk.gov.uk

Dear Mr R Parkinson

Town and Country Planning (Development Management Procedure) (England) Order 2015

Redevelopment of land adjacent to Great Yarmouth Port to provide vehicular access, parking and service infrastructure for an operations and maintenance facility to support offshore renewable energy projects, comprising: upgrades to quay wall to provide new sheet piling and a new rear anchor wall, and provision of a new docking berth for Service Operation Vessels; installing pontoon linkspans for use by Crew Transfer Vehicles; new electricity substation kiosk; new and extended roads, new vehicle access and turning head; construction of parking area; provision of land for use as storage areas, including for shipping containers; and, associated infrastructure works

Land at south of South Denes Road and South Beach Parade, Great Yarmouth, Norfolk, NR30 3QF

Thank you for your consultation on the above site, received on 14 June 2021. We have reviewed the application as submitted and wish to make the following comments on matters relating to the disposal of surface water and all other surface water drainage implications.

As this is a full planning application, the LLFA require a minimum level of information to be submitted as evidence of the development complying with national planning legislation (NPPF/PPG), national standards (i.e. BS8582, Non-Statutory Technical Standards for SuDS and Ciria C753) and local policy (NCC SuDS Guidance).

It appears the applicant has submitted an FRA and Surface Water Drainage Strategy as part of EIA documents, but upon reviewing the submitted appendices for the Environmental Statement, it appears the FRA (Appendix 10.1) has been submitted or uploaded incorrectly. Alas, LLFA have been unable to review this.

Secondly, upon review of the surface water drainage strategy (ref:- 70078981 Rev 1 by WSP and dated 13th May 2021) , it is missing several key bits of supporting information and we advise that current standard of submission is not suitable for a full planning application.

Although in principle the LLFA agree with the philosophy of the surface water drainage strategy, which is to discharge each plot of the proposed OM facility to sea/estuary at uncontrolled rates. There is no supporting evidence on how this will be achieved or if the proposals conform to the design criteria set out in Section 1.4.2 for all storm scenarios regardless of no restrictions on flow rates. A few critical elements that are missing include:-

- 1) Section 1.4.2 is missing that there should be no risk to people or property in the 100yr+40% CC event from rainfall and that any flooding should be dealt with by safe and practical exceedance routes.
- 2) Overview of field tests to support the decision why infiltration has been discarded i.e. groundwater levels and the made ground. No GI has been appended in support of this in the report.
- 3) No hydraulic calculations.
- 4) No drainage design drawings, including scaled drawings of the proposed surface water system, no impermeable area drawings, no site level plan etc etc.
- 5) No water quality assessment (although LLFA will seek clarification from the EA on this matter).
- 6) As per the pre-app discussion appended to the strategy document, the LLFA required an assessment of how future high tide scenarios/surges will affect the proposed surface water system/flood risk to each of the plots and the access road. Particularly for the no above ground flooding criteria during a 30yr storm event.

Overall, there has been no reference to this in the report. Although we agree that discharge to sea is favourable, there must still be an assessment of risk from surcharged outfalls during high tide/surge scenarios. This will demonstrate what residual risk the site could face, if any, during coincidence with a severe rainfall event. Evidence should be provided for free-flowing outfall and surcharged outfall conditions over a suitable duration (LLFA suggest one tidal cycle) when trying to meet the criteria set out in Section 1.4.2 of the strategy. A 50yr 12hr tidal event seems appropriate as the tide locking factor, as during events greater than this, the entire site will flood from the sea anyway (although people and property again should be out of harm's way).

(*Please make sure all tide data is converted from Chart Datum to Ordnance Datum)

- 7) Will the outfalls have tide flaps? If yes who will maintain them?
- 8) No details of the maintenance or management schedule for each element of the drainage infrastructure

We advise that the submitted Drainage Strategy is very preliminary in nature and contains insufficient information for an application for full planning permission.

We strongly advise that our 'Guidance on Norfolk County Councils Lead Local Flood Authority role as Statutory Consultee to Planning Document (March 2019) is reviewed to understand what is expected by the LLFA. This document can be requested [here](#). We

would expect any submission to pay due diligence in the design process and minimum submission guidelines in order to demonstrate a methodical approach to the drainage design and provide appropriate explanation/evidence as to why options have been taken or disregarded.

Once we, the LLFA, are satisfied we have been provided with an appropriate FRA and Drainage Strategy, we will provide a full annexed review of the submission.

Therefore, **we object** to this planning application in the absence of a Flood Risk Assessment (FRA) and satisfactory Drainage Strategy and would advise the Local Planning Authority to request the following:

- A Flood Risk Assessment (FRA) and Drainage Strategy that is representative of a full planning application. This must be produced in accordance with, but not limited to, the following:
 - National Planning Policy Framework (NPPF)
 - LLFA Statutory Consultee for Planning Guidance (March 2019)
 - The SuDS Manual (CIRIA C753)
 - BS8582:2013

Further guidance on the information required by the LLFA from applicants can be found [here](#).

If this information is provided, please re-consult and we will aim to provide comments within 21 days of the formal consultation date.

Yours sincerely,

Steve Halls
Senior Flood Risk Officer

Lead Local Flood Authority

Disclaimer

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



Robert Parkinson
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

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

Your Ref: 06/21/0415/F
Date: 12 August 2021

My Ref: 9/6/21/0415
Tel No.: 01603 638009
Email: liz.poole@norfolk.gov.uk

Dear Robert,

Redevelopment of land adjacent to Great Yarmouth Port to provide vehicular access, parking and service infrastructure for an operations and maintenance facility to support offshore renewable energy projects, comprising: upgrades to quay wall to provide new sheet piling and a new rear anchor wall, and provision of a new docking berth for Service Operation Vessels; installing pontoon linkspans for use by Crew Transfer Vehicles; new electricity substation kiosk; new and extended roads, new vehicle access and turning head; construction of parking area; provision of land for use as storage areas, including for shipping containers; and, associated infrastructure works. Land at south of South Denes Road and South Beach Parade, Great Yarmouth, Norfolk. NR30 3QF.

Further to my letter dated 28 July, the highway authority has now considered the submitted information and have the following comments:

Layout

The proposed road layout removes the existing turning area at the limit of the highway, which will need to be formally stopped up following the granting of planning permission, if the adopted highway is to be extended. If the Planning Act is used for this purpose, it must be undertaken in advance of the existing highway being removed. However the highway authority would not wish to adopt an extension of a road into an area that currently doesn't serve anything or even once it serves some form of port / industrial use.

Another comment relates to pedestrian/cycle movements around this area and from further afield. The highway authority accepts that the nearest footway is over 1Km to the north and it cannot reasonably expect this development to construct a 3.0m wide cyclepath that far. However, I remain of the view that we should not lose the opportunity to provide a cyclepath along the entire length of South Denes Road within this application boundary, which would be necessary for pedestrian / cyclists to safely move around the

development area and would enable future connections to the north, if / when the opportunity arises.

This application would appear to be providing the infrastructure for significant growth in the future, which should not be limited to just extending a road which the highway authority hasn't asked for. Whilst port activities clearly need to be located in this area, presumably the purpose of the redevelopment is to enhance economic activity and produce new job opportunities. To be a sustainable development, the transport statement needs to include more options for employees, etc instead of just using the car.

Transport Statement (TS)

The TS includes a capacity assessment of South Denes Road and argues that vehicle flows associated with the development would be low and does not give any specific info on timing of the trips which would be down to operational needs and therefore cannot be defined. The TS however does not highlight an issue.

The highway authority does not consider that there will be a network capacity issue arising from this development.

Whilst overall traffic flows are likely to be low, they will probably be peaky in nature due to the nature of the area and may have high proportions of commercial vehicles. The mix of traffic combined with volumes at peak times and the 30mph speed limit does not suggest a safe environment for pedestrians and cyclists using the carriageway.

Section 3.2.6 of the TS states '*part of the Proposed Scheme, could accommodate a 3m wide combined footway/cycleway*' The proposed layout includes an indicative footway at the southern end of South Denes Road.

In the opinion of the highway authority, the scheme should as a minimum include a 3.0m wide cycleway at one side of the carriageway for the full extent of the site, extending further northwards towards the town if possible. Perhaps a good approach if possible might be to tie in with any new facility 3RC will bring forward.

Given the drive towards net zero and the very essence of this site being to support sustainable energy generation, it should be an exemplar in supporting and encouraging active and sustainable travel.

Provided that a 3m footway/cycleway is delivered on one side along the site frontage, the highway authority recommends no objection subject to the following conditions:

SHC 33A: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works which shall include a 3m footway/cyclepath along the site frontage have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

SHC 33B : Prior to the first use of the development hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

Informatives:

Inf.1: is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer. If required, street furniture will need to be repositioned at the Applicants own expense.

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

Yours sincerely



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

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

Date: 26 July 2021
Our ref: 356756
Your ref: 06/21/0415/F



plan@great-yarmouth.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Parkinson

Planning consultation: redevelopment of land adjacent to Great Yarmouth Port to provide an operations & maintenance facility to support offshore energy projects

Location: land at south of South Denes Rd & South Beach Parade Great Yarmouth Norfolk NR30 3QF

Thank you for your consultation on the above dated 15 June 2021 which was received by Natural England on the same date. This advice letter is provided in addition to Natural England's EIA screening consultation dated 7 January 2021 (our ref: 33660).

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.

Summary

In providing our advice we have considered the potential impacts from the construction and operation of an Operations and Maintenance Facility to support offshore renewable energy projects, including upgrades to the existing quay wall, installation of linkspans, a kiosk for mains electrical supply, the extension and realignment of South Denes Road, creation of parking and storage areas and associated utilities and drainage works, on land adjacent to Peel Ports, Great Yarmouth.

Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant a licence at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

1. Chris B. Thaxter, Ben Lascelles, Kate Sugar, Aonghais S.C.P. Cook, Staffan Roos, Mark Bolton, Rowena H.W. Langston, Niall H.K. Burton (2012) Seabird foraging ranges as a preliminary tool for identifying candidate Marine Protected Areas, Biological Conservation, Volume 156, 53-61, <https://doi.org/10.1016/j.biocon.2011.12.009>.

2. Perrow, M.R., Skeate, E.R., Lines, P., Brown, D. & Tomlinson, M.L. (2006). Radio telemetry as a tool for impact assessment of wind farms: the case of Little Terns *Sterna albifrons* at Scroby Sands, Norfolk, UK. Ibis, 148 (Supp.1), 57-75.

Detailed Comments

1. Designated sites

The proposal is situated within and in close proximity to a multitude of nationally and internationally designated sites. It has the potential to significantly affect the interest features of the:

- Outer Thames Estuary Special Protection Area (SPA)
- Southern North Sea Special Area of Conservation (SAC)
- Breydon Water Ramsar
- Breydon Water Special Protection Area (SPA)
- Broadland Ramsar
- Broadland Special Protection Area (SPA)
- Great Yarmouth North Denes Special Protection Area (SPA)
- Greater Wash Special Protection Area (SPA)
- The Wash and North Norfolk Coast Special Area of Conservation (SAC)
- Humber Estuary Special Area of Conservation (SAC)
- Great Yarmouth and North Denes Site of Special Scientific Interest (SSSI)
- Halvergate Marshes Site of Special Scientific Interest (SSSI)
- Breydon Water Site of Special Scientific Interest (SSSI)

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As the competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

2. Outer Thames Estuary SPA

i) Impacts to foraging birds during the breeding season

The proposal is situated within the Outer Thames Estuary SPA which is classified for the protection of the largest aggregation of wintering red-throated diver, and foraging areas for common and little tern during the breeding season.

The foraging areas designated for little and common tern enhance the protection afforded to their feeding and nesting areas in the adjacent SPA's, such as Breydon Water and Great Yarmouth and North Denes. Both species breed on the dynamic Scroby Sands intertidal sandbank, located 6km offshore from Great Yarmouth and within the Outer Thames Estuary. Research into the foraging range for breeding seabirds recorded the mean maximum foraging range of 15.2 km and 6.3km for common and little tern respectively, and the maximum foraging range as 30km and 11km¹. Surveys undertaken for the Scroby Sands Offshore Windfarm show that terns nesting on the Scroby Sands sandbank and nearby Great Yarmouth and North Denes SPA, also forage within the adjacent Greater Wash SPA². This suggests there is a degree of connectivity between sites and that the development footprint is within foraging range.

Whilst we recognise that the development is adjacent to a working port and should be considered within context, the introduction of noise disturbance above that of background levels can displace qualifying features. The Environmental Statement concludes no LSE to common and little tern and red throated diver due to the duration of the construction period (9months), context of the proposal (extension of a working port with existing background noise) and based on vantage point survey data for the Great Yarmouth third river crossing.

1. Chris B. Thaxter, Ben Lascelles, Kate Sugar, Aonghais S.C.P. Cook, Staffan Roos, Mark Bolton, Rowena H.W. Langston, Niall H.K. Burton (2012) Seabird foraging ranges as a preliminary tool for identifying candidate Marine Protected Areas, Biological Conservation, Volume 156, 53-61, <https://doi.org/10.1016/j.biocon.2011.12.009>.

2. Perrow, M.R., Skeate, E.R., Lines, P., Brown, D. & Tomlinson, M.L. (2006). Radio telemetry as a tool for impact assessment of wind farms: the case of Little Terns *Sterna albifrons* at Scroby Sands, Norfolk, UK. Ibis, 148 (Supp. 1), 57-75.

Vantage point surveys for the third river crossing were undertaken in May/June of 2018 and the study area comprised of both banks of the River Yare extending from Boundary Road to the north and Queen Anne's Road to the south, which is approximately >2km away from the proposed development. It is Natural England's understanding that no vantage point surveys have been completed to support the application at this stage. We recommend that surveys are undertaken to inform the HRA. We also suggest consulting the RSPB who collected data on foraging terns during the Great Yarmouth air show.

We suggest that the Planning Authority considers any additional noise disturbance generated by construction and operation. [TIDE toolbox - TIDE tools \(tide-toolbox.eu\)](https://tide-toolbox.eu) is a useful general tool in determining the level of disturbance to waterbirds, but please note that site specific conditions may apply.

ii) Disturbance/displacement of RTD

Natural England notes that there will be an estimated increase of vessel traffic of 2,268 trips annually and a baseline of 10,000 vessel movements from the port. This is approximately a 20% (22.68%) increase in vessel traffic and we reiterate that we do not consider this a "relatively small increase in vessel traffic". We reiterate that such an increase in vessel traffic could cause constant disturbance to the highly sensitive red-throated diver, which could result in the species displacement throughout the lifetime of the project, resulting in an Adverse Effect on Integrity. Natural England note there is no inclusion of a figure to display the routes that vessels will take. This is important so that we can determine any impacts on both the Outer Thames SPA and Greater Wash SPA bird species, especially if new shipping routes are being proposed.

In addition, Natural England is increasingly becoming concerned in relation to disturbance and/or displacement of red-throated divers from the more persistent presence of OWF-related vessels and could make a meaningful contribution to in-combination effects on the SPAs. As a result of this we advise that there is a likely significant effect from the proposals alone and in-combination which should be considered in the AA.

3. Marine mammals

Natural England reiterates our preference for vibro-piling as a mitigation measures to reduce subsea noise impacts to an acceptable level. However, we do welcome that where that is not possible, mitigation has been proposed to be adopted for soft-start piling; ECoW to carry out marine mammal observations 30 minutes prior to any percussive piling being undertaken to ensure that there are no marine mammals within 500m of the proposed works.

4. Air quality

As stated in Natural England's EIA screening consultation (dated 7th Jan 2021), we recommend that construction works within 200m of a designated site is scoped into air quality assessment so the potential impacts of dust and particulate matter to sensitive features are fully considered. This distance criteria should apply to transport activity both during construction and operation. Traffic emits various pollutants including nitric oxide, nitrogen dioxide, ammonia, nitrous acid, carbon monoxide, carbon dioxide, volatile organic compounds, polycyclic aromatic hydrocarbons, particulates and metals, which can pose an impact to the interest features of designated sites. The APIS websites advises that habitats associated with the Outer Thames SPA are sensitive to emissions. The Local Authority may wish to consider if sensitive habitats are present within 200m of the proposal and if so, will additional emissions result in exceedance of critical load.

We advise that an initial screening for these impacts prior to determination of this application.

1. Chris B. Thaxter, Ben Lascelles, Kate Sugar, Aonghais S.C.P. Cook, Staffan Roos, Mark Bolton, Rowena H.W. Langston, Niall H.K. Burton (2012) Seabird foraging ranges as a preliminary tool for identifying candidate Marine Protected Areas, Biological Conservation, Volume 156, 53-61, <https://doi.org/10.1016/j.biocon.2011.12.009>.

2. Perrow, M.R., Skeate, E.R., Lines, P., Brown, D. & Tomlinson, M.L. (2006). Radio telemetry as a tool for impact assessment of wind farms: the case of Little Terns *Sterna albifrons* at Scroby Sands, Norfolk, UK. Ibis, 148 (Supp. 1), 57-75.

Simple screening tools are available via the internet. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior to determination.

We agree with the undertaking of a method statement to identify and prevent any construction materials or works impacting designated sites. The method statement should detail appropriate mitigation measures to prevent any change in air quality due to fugitive dust, by active suppression of dust, erection of barriers or sheeting around construction works, installation of wheel washing facilities, reduction of speeds on haul roads. .

5. Water quality

Water quality Impacts on the environment arising from pollution is likely unless appropriate avoidance or mitigation measures are in place. Measures will need to be put in place to ensure that no pollution enters any surface water of the River Yare or the North Sea. We support the undertaking of a method statement to identify and prevent any construction materials or works impacting designated sites. The method statement should detail how materials will be controlled and stored onsite to prevent the risk of pollution to the North Sea and River Yare.

6. Biosecurity

When working on, or near, water it is important that equipment is drained after use and, as far as possible, dried, to prevent the transfer of water-borne disease, invasive non native species and pests. Clothing should also be dried after use. Depending on the level of risk (and where thorough drying is not practical) it may be necessary to disinfect equipment and clothing before it is used on another site, or where there is a risk of transfer within the site.

We support with the completion and implementation of a ballast management plan to reduce the spread of INNS.

7. Coastal and sediment process

We understand from the documentation provided that the proposal will be built on areas of sand and/or sediment. Should the proposal be approved, the Local Planning Authority will need to consider if works will be required to maintain or defend the development in future. Consideration should also be given to the potential impacts to sediment processes both within this specific context and the context of the wider project.

8. Cumulative and In-Combination Effects

Natural England previously advised that the potential in combination impacts of East Anglia 1 North (EA1N) and East Anglia 2 (EA2) offshore windfarms are considered at the operational phase. However, we note that the Applicant has stated *“East Anglia 1 North and East Anglia 2 are to be considered on the assumption that construction and operation activities will be operating out of Great Yarmouth Port (well within 2km of the Proposed Scheme). It is the effects at these locations that will be considered, rather than the windfarm site itself.”* Natural England advises that the effects of EA1N and EA2 be considered further that just that at Great Yarmouth Port; the increase in vessel traffic through OTE SPA, displacement effects of the presence of the windfarm itself etc. should also be considered.

We previously advised “The construction of Nautilus and Icen/ Mercator cable lines should also be scoped in for completeness”. However, we note that the Nautilus, Icen, and Mercator cable lines and Lowestoft Port development are not included in the assessment as they are outside of the ZOI of any assessment in chapter 6-12. Natural England advises that based on the time lines there is a high likelihood that there will be overlap between the installation of Icen, and Mercator cables, Lowestoft port development and G. Yarmouth port development and whilst not in the ZOI set by the

1. Chris B. Thaxter, Ben Lascelles, Kate Sugar, Aonghais S.C.P. Cook, Staffan Roos, Mark Bolton, Rowena H.W. Langston, Niall H.K. Burton (2012) Seabird foraging ranges as a preliminary tool for identifying candidate Marine Protected Areas, Biological Conservation, Volume 156, 53-61, <https://doi.org/10.1016/j.biocon.2011.12.009>.

2. Perrow, M.R., Skeate, E.R., Lines, P., Brown, D. & Tomlinson, M.L. (2006). Radio telemetry as a tool for impact assessment of wind farms: the case of Little Terns *Sterna albifrons* at Scroby Sands, Norfolk, UK. *Ibis*, 148 (Supp.1), 57-75.

project mobile species from the same designated site are likely to be impacted and therefore considered in-combination. However, we note that there is unlikely to be overlap with the installation of the Nautilus interconnector.

9. Breeding birds

Clearance works should be undertaken outside of the breeding season to ensure that active nests are not damaged or destroyed as in line with the Wildlife and Countryside Act (as amended). If works commence during the breeding season, the Environmental Statement recommends clearance works are preceded by nesting bird surveys, and If active nests are present appropriate construction/demolition buffers will be adhered to. We advise that buffer size is species specific and informed by evidence, this work should be undertaken by a suitably qualified ecologist.

Any areas of grassland disturbed during construction will need to be reinstated following construction to compensate for the loss of skylark nesting habitat and foraging habitat for skylark, starling and black redstart, as recommended in the Environmental Statement. We suggest opportunities for habitat improvement are explored and implemented where possible as required under the port authorities statutory undertaker duties.

10. Protected Species

Natural England has produced [standing advice](#)¹ 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 SSSI or in exceptional circumstances.

11. Priority species and habitats

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. This development proposal may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an EIA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [Ancient woodland, ancient trees and veteran trees: protecting them from development - GOV.UK \(www.gov.uk\)](#). We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, landscape, geodiversity and biodiversity receptors that may be affected by the proposed development before determining whether an EIA is necessary.

Should you determine that an EIA is not required in this case, you should ensure that the application is supported by sufficient biodiversity, landscape information and other environmental information in order for you to assess the weight to give these material considerations when determining the planning application

12. Net gain

Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. We draw your attention to Para 170, point d and Para 175, point d of the National Planning Policy Framework which states that:

Para 170: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing

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coherent ecological networks that are more resilient to current and future pressures”.

Para 175: “When determining planning applications, local planning authorities should apply the following principles:

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.

Natural England considers that all development, even small scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to [Biodiversity Net Gain: Good Practice Principles for Development. A Practical Guide. | CIEEM](#) which provide useful advice on how to incorporate biodiversity net gain into developments.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Victoria Wight
Norfolk and Suffolk Team

1. Chris B. Thaxter, Ben Lascelles, Kate Sugar, Aonghais S.C.P. Cook, Staffan Roos, Mark Bolton, Rowena H.W. Langston, Niall H.K. Burton (2012) Seabird foraging ranges as a preliminary tool for identifying candidate Marine Protected Areas, Biological Conservation, Volume 156, 53-61, <https://doi.org/10.1016/j.biocon.2011.12.009>.

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