BROADLAND DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Quantum Land (Brundall) Ltd against the refusal of Broadland District Council to grant outline planning permission with the details of appearance, landscaping, layout and scale reserved for later determination, with the exception of Phase 1 for which details of all matters in relation to the 23 dwellings within that Phase are provided. Development to comprise: up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a country park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

PLANNING INSPECTORATE REFERENCE: APP/K2610/W/19/3239986

LOCAL PLANNING AUTHORITY REFERENCE: 20171386

Date: 1st September 2020

Written submissions on SAC/SPA issues by Charles Judson BA (Hons), MSc.

Principal Planning Officer

Broadland District Council
1. This statement has been produced to set out the Council’s position on matters relating to the impact of the appeal proposals on internationally designated sites, specifically the Broadland Special Protection Area (SPA) and the Broads Special Area of Conservation (SAC).

2. Whilst effect on the ecological integrity of the SPA and SAC is not a reason for refusal, the Inspector, as the competent authority (in terms of Article 6 of the Habitats Directive, which has been transposed into UK law through the Conservation of Habitats and Species Regulations 2017) will need to come to her own view as to whether the development proposed, either by itself, or in combination with any other project or plan, would be likely to have a significant effect on the integrity of the SPA or SAC in view of its conservation objectives. If there is a likely significant effect, it would not be lawful to grant planning permission unless it can be determined, after a full appropriate assessment, that there will not be an adverse effect on the integrity of the SPA or SAC (or there are imperative reasons of overriding public interest).

3. The application site is at a Euclidean distance of around 650m to the Broadland SPA and Broads SAC, which are part of the Natura2000 network. The national level of designation of the SAC and SPA at this location is the Yare Broads and Marshes Site of Special Scientific Interest (SSSI). The Broadland Ramsar site has roughly the same boundary as the Natura2000 sites in this location.

4. The Witton Run that flows along the northern boundary of the appeal site is a tributary to the River Yare, and enters the SPA/SAC/Ramsar site at the Strumpshaw Fen RSPB nature reserve via the Lackford Run. The Strumpshaw nature reserve has public access with trails, bird hides and a car park. The distance downstream to the SPA/SAC from the appeal site is around 2000m. There are some areas of semi-natural habitat both upstream and downstream of the appeal site that is recognised as being of County importance and that are designated as County Wildlife Sites (‘Local Sites’).

5. The conservation objectives of the SAC are to:

- Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

6. The conservation objectives of the SPA are to:
7. The HRAs for the Joint Core Strategy, Broadland Development Management DPD, and Broadland Site Allocations DPD identified that development in Greater Norwich, both at a site level and cumulatively, has the potential to lead to an impact on the integrity of the designated features of the Natura2000 network from increased recreational use. In addition, it was identified that in some locations in close proximity to Natura2000 component units, there was the potential for individual developments to impact wetland features via watercourses.

8. Given the conclusions of these HRAs, to ensure that there is no recreational impact on the Natura2000 network as referred to in policy EN1 of the DM DPD, policy EN3 of the DM DPD requires developments of more than 5 dwellings to provide at least 4ha of informal open space per 1000 population.

9. At the time of the application, the Council undertook a Habitats Regulations Assessment (HRA) (Core Document 8.37). This identified that an impact on site integrity could not be screened out (i.e. there was a likely significant effect) and therefore an Appropriate Assessment (AA) was necessary for potential impacts from (a) increased recreational use of Natura2000 sites and (b) water quality. The AA concluded that:

   a. With regards to the potential of increased recreational use, it is unlikely that there will be a significant impact on designated features of the Natura2000 network as a result of the development, either singularly or in combination with others in the locality and that no mitigation is necessary. The scheme itself provides for a significant element of open space including formal recreation and a country park which will in part be for public access and in part be set aside for biodiversity providing opportunities for residents of the development to undertake their daily recreational needs. The design, delivery and maintenance of this has been secured in schedules 2 and 3 of the section 106 agreement which will be presented to the Inspector ahead of the Inquiry.

   b. With regard to water quality and hydrological issues, mitigation will be required to secure, by condition, construction contamination and pollution control measures in a Construction Environment Management Plan (CEMP) and an appropriate SuDS drainage scheme.
10. Consequently, the Council considers that with the above mitigation there would be no adverse impacts on the integrity of the designated features of the Natura2000 sites, in accordance with the HRAs which support the development plan.