

Date: 23 November 2018
Our ref: 259233
Your ref: 18/00330/F



Ms Tracy Armitage
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Norwich City Council
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BY EMAIL ONLY

Dear Ms Armitage

**Planning consultation: 18/00330/F. Amendments. Part Full/Outline. Redevelopment of Anglia Square and adjacent land on Edward Street for up to 1250 dwellings.
Location: Anglia Square Including Land And Buildings To The North And West, Norwich NR3 1DZ**

Having previously commented on the original Habitats Regulations Assessment (HRA) report in our letter to Norwich City Council dated 4 May 2018 (our ref; 243107), our comments in this letter focus on the recently produced *Note of Clarification to Provide Further Information for the Habitats Regulations Assessment Pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations 2017*, dated November 2018, by Ecology Solutions (hereafter referred to as the '*Note of Clarification*').

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 OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would: in combination with other housing developments in the Greater Norwich area lead to increased recreational pressures which would

- have an adverse effect on the integrity of The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Broadland Ramsar
- damage or destroy the interest features for which the component Sites of Special Scientific Interest of the above sites have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- on-site green infrastructure measures as described in the application documents should be secured; and
- a proportionate financial contribution to the existing off-site GI and local GI initiatives, to help to reduce the effects of recreational pressures on designated sites.
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We advise that an appropriate planning condition or obligation is attached to any planning

Norwich City Council, as the planning authority, is the competent authority as defined under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). Natural England's role is to provide advice in relation to the HRA documents produced in relation to the application. Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt the HRA to fulfil your duty as competent authority.

The *Note of Clarification* concludes that it is possible to rule out the likelihood of significant effects arising from the proposal in relation to increased recreational pressures alone or in combination with other developments.

The Greater Norwich Joint Core Strategy (JCS) was adopted in March 2011 with amendments adopted in January 2014. The Appropriate Assessment (AA) of the JCS highlighted the need for consideration of hydrological impacts on Natura 2000 sites¹; and identified the need for green infrastructure (GI) provision to mitigate potential in-combination and cumulative effects associated with recreation impacts on international sites resulting from the JCS growth proposals. The principle being that if attractive GI is available close to new homes, residents will use that for their regular day-to-day recreation rather than visiting Natura 2000 sites.

The AA highlighted some areas of uncertainty regarding potential in combination and cumulative effects associated with growth and tourism (together with other issues) because of the dependence on the effectiveness and implementation of mitigation measures and actions required to avoid adverse impact on site integrity. The mitigation measures suggested were:

- The implementation of green infrastructure developments
- The allocation of greenspace to protect specific natural assets and designated sites to be implemented through area action plans (AAP).

The importance of providing suitable and accessible GI is reflected in the relevant policies in the JCS.

Appropriate Assessment

On the basis of information provided, it is the advice of Natural England that **it is not possible** to conclude that the proposal is unlikely to result in significant effects on the European sites in question. This is because **there will be in combination effects** with other allocated housing sites in the Greater Norwich Joint Core Strategy (JCS) (as evidenced in the HRA for the JCS and subsequently reflected in local spatial plan policies).

It is a requirement of the Habitats Regulations to consider the impacts of projects **either alone or in combination** at both the Likely Significant Effect (LSE) screening stage and during the Appropriate Assessment (AA) stage. There are likely effects from the proposed development but they are not significant alone. When the present application is considered for any potential LSEs that may arise in combination with other plans and projects ie with other new residential development which could affect Natura 2000 sites in the Broads, there is a LSE, and so these go through to the AA together and the assessment is done in combination.

It is only the appreciable effects of those plans and projects that are not themselves significant alone which are added into an in-combination assessment, which in this case are the effects of recreational disturbance (on the features of interest for which the Natural 2000 sites were designated). When considered in combination with other new housing proposals there is a combined effect of recreational disturbance on these sites.

¹ These are Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

At AA stage, subject to inclusion of satisfactory mitigation, which may involve both on-site and off-site measures, it may be possible to ascertain that a proposal will not adversely affect the integrity of the designated site. Where there is an adverse effect or it is uncertain, then conditions or planning obligations may be used to enable it to be ascertained that the proposal would not adversely affect the integrity of the site. Permission may then be granted subject to the conditions or obligation identified.

One way of off-setting the impacts of this development proposal is to provide suitable and accessible Green Infrastructure (GI) to attract and meet peoples' needs locally. Clearly it is difficult to provide this type of GI on-site for this development, given the urban nature and constraints of the application site. However, by making a proportionate contribution to the existing off-site GI and local GI initiatives, as already identified in the *Note of Clarification*, this would help to reduce the effects of recreational pressures on Natura 2000 sites further afield. This would be sufficient, in the case of this development, to conclude no adverse effect on Natura 2000 sites, in combination with other JCS allocations."

Greater Norwich Infrastructure Plan June 2018

Following the email of our draft response to Peter Hadfield, of Ecology Solutions, and you, sent on 19 November 2018, I have received an email reply from Peter on the same date. He confirmed that they did not dispute our advice regarding in combination effects and the AA. Where he did disagree was in relation to the off-site funding contribution. Having re-examined the *Greater Norwich Infrastructure Plan June 2018* that was referred to in the *Notice of Clarification*, under 1.5 it states:

While mainstream funding provides the primary support for new infrastructure, contributions from new development, such as Section 106 agreements and Community Infrastructure Levy are also important.

And under 2.3 of the document it states:

Estimates for the total forecast amount of CIL collected over the plan period have reduced over previous years, in part due to the increase in exemptions granted. The GNGB are considering undertaking a review of CIL which would in part consider forecasting.

The Local Plan policies JCS1, together with DM3, DM6 and DM8, support the idea that new housing development should contribute towards the provision of off-site GI as part of a package of mitigation measures to ensure that there is no additional increase in recreational pressures on designated sites.

If you have any queries relating to the advice in this letter please contact me on 020802 64893.

Should the proposal change, please consult us again.

Yours sincerely

Louise Oliver
Norfolk and Suffolk Team