

Subject: Nutrient Neutrality advice from Natural England

From: Stuart Pontin <Stuart.Pontin@southnorfolkandbroadland.gov.uk>

Date: 12/04/2022, 12:50

To: Stuart Pontin <Stuart.Pontin@southnorfolkandbroadland.gov.uk>

CC: Helen Mellors <Helen.Mellors@southnorfolkandbroadland.gov.uk>, Tracy Lincoln <Tracy.Lincoln@southnorfolkandbroadland.gov.uk>

Dear Parish Clerk,

I'm writing to update you in relation to recent advice issued by Natural England and the implications for the consideration of planning applications.

Alongside all other local planning authorities in Norfolk, Broadland District Council has received a [letter dated 16 March 2022](#) from Natural England concerning nutrient pollution in the protected habitats of the [River Wensum Special Area of Conservation](#) and the [Broads Special Area of Conservation and Ramsar site](#). The letter advised that new development within the catchment of these habitats comprising overnight accommodation has the potential to cause adverse impacts with regard to nutrient pollution.

The Conservation of Species and Habitats Regulations 2017 require local planning authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. At present there are no identified mitigation solutions available locally to resolve these impacts, but we are actively seeking solutions and prioritising this area of work.

Whilst the Council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Wensum or the Broads Special Area of Conservation and Ramsar site will not have an adverse effect. Therefore, until these matters are resolved, the Council will not be able to grant planning permission for developments comprising overnight accommodation within the affected catchments without an appropriate assessment.

The Council will be working closely with its neighbouring authorities and Natural England to better understand the implications and identifying possible options for mitigation to ensure sustainable development can proceed. Unfortunately, at present it is not possible to state how long this may take to resolve, but we are seeking to expedite this issue and will be looking at short term and long term solutions. However, the Council will keep this webpage up to date with more information as it arises.

Full details of the advice received from Natural England and the methods for calculating the nutrients generated by proposals can be seen on the Council's website at <https://www.southnorfolkandbroadland.gov.uk/planning-applications/apply/2>

Regards

Stuart Pontin

Business Improvement Team Manager

t 01508 533796 e stuart.pontin@southnorfolkandbroadland.gov.uk



This email and any attachments are intended for the addressee only and may be confidential. If they come to you in error you must take no action based on them, nor must you copy or show them to anyone. Please advise the sender by replying to this email immediately and then delete the original from your computer. Unless this email relates to Broadland District Council or South Norfolk Council business it will be regarded by the council as personal and will not be authorised by or sent on behalf of the councils. The sender will have sole responsibility for any legal actions or disputes that may arise. We have taken steps to ensure that this email and any attachments are free from known viruses but in keeping with good computing practice, you should ensure they are virus free. Emails sent from and received by members and employees of Broadland District Council and South Norfolk Council may be monitored.

Subject: Guidance note for Parish Councils re Open Space provision on new developments

From: Stuart Pontin <Stuart.Pontin@southnorfolkandbroadland.gov.uk>

Date: 22/04/2022, 15:07

To: Stuart Pontin <Stuart.Pontin@southnorfolkandbroadland.gov.uk>

CC: Cllr Steve Riley <cllr.Steve.Riley@southnorfolkandbroadland.gov.uk>, Sue White <Sue.White@southnorfolkandbroadland.gov.uk>, Helen Mellors <Helen.Mellors@southnorfolkandbroadland.gov.uk>

Dear Clerk

I am writing to you in connection with a report which was recently considered by the Overview and Scrutiny Committee at Broadland District Council, regarding how Town and Parish Councils can contribute to decisions relating specifically to the provision of public open space in new housing developments.

To assist Town and Parish Councils, we have prepared a guidance note which sets out the key stages in the planning process and details of how you can be involved in discussions relating to the form of development.

The report also highlighted the opportunities set out in the "Statement of Community Involvement" (SCI) and when the Council expects developers with significant development proposals, to engage with communities and other stake holders, such as Town and Parish Councils. Members of the committee requested that we contact all the major housebuilders who are developing in the District, to highlight the key elements of the Statement of Community Involvement (<https://www.southnorfolkandbroadland.gov.uk/statement-community-involvement>) and to confirm that the Council expects developers to engage in meaningful discussion with the Town and Parish Councils. This will be undertaken in the near future.

For major planning applications (10 or more dwellings), officers will offer and facilitate a meeting with the Town / Parish Council as early as practical in the consideration of the proposal, to discuss the main planning considerations, including open space provision.

I hope you find the attached document useful and will be happy to answer any questions you may have.

Regards

Stuart Pontin

Business Improvement Team Manager

t 01508 533796 e stuart.pontin@southnorfolkandbroadland.gov.uk



This email and any attachments are intended for the addressee only and may be confidential. If they come to you in error you must take no action based on them, nor must you copy or show them to anyone. Please advise the sender by replying to this email immediately and then delete the original from your computer. Unless this email relates to Broadland District Council or South Norfolk Council business it will be regarded by the council as personal and will not be authorised by or sent on behalf of the councils. The sender will have sole responsibility for any legal actions or disputes that may arise. We have taken steps to ensure that this email and any attachments are free from known viruses but in keeping with good computing practice, you should ensure they are virus free. Emails sent from and received by members and employees of Broadland District Council and South Norfolk Council may be monitored.

— Attachments: —

Parish Council involvement with developers and the planning authority regarding the allocation of public open space in new developments

The following outlines how Town and Parish Councils can engage with Broadland District Council through the planning process, specifically with regard to the requirements contained in Section 106 Legal Agreements (S106) relating to open space and sports provision.

The guidance note outlines the key stages in the planning process at which Town and Parish Councils can get involved with the planning process to contribute to the considerations relating to the provision of open space associated with new developments.

Town and Parish Councils are a statutory consultee in relation to the consideration of planning applications and can be actively involved in the development of policy through the Development Plan and through developing their own Neighbourhood Plans.

Statement of community involvement

(<https://www.southnorfolkandbroadland.gov.uk/statement-community-involvement>)

Broadland District Council's Statement of Community Involvement (SCI) sets out who the Council will consult with and at what stages in relation to the preparation of the local plan and in the determination of planning applications.

The SCI also details in section 3 how the Council expects developers with significant development proposals to engage with communities prior to an application being made.

Local Plan Preparation

Town and Parish Councils are involved at the following stages of the preparation of Local Plan documents :

- **Evidence gathering**
- **Consultation on initial documents**
- **Pre submission publication**

During these consultation stages, Town and Parish Council's can comment on the location and form of development and the associated infrastructure needs.

Neighbourhood plans

In addition to contributing to the Development Plan, all Town and Parish Councils can prepare their own Neighbourhood Plans.

A Neighbourhood Plan is a community-led framework for guiding the future development and growth of an area. It will contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development.

The Council has two Community Planning Officers (Richard Squires and Vicky West) who work with Town and Parish Councils in developing their Neighbourhood Plans. Neighbourhood Plans are part of the overall Development Plan and are a consideration when determining planning applications.

In addition, where a Neighbourhood Plan has been adopted, the Town or Parish Council will receive a greater proportion of the Community Infrastructure Levy (CIL) (<https://www.southnorfolkandbroadland.gov.uk/community-infrastructure-levy>) resulting from development in their area (CIL increase from 15% to 25% of the total received).

Supplementary Planning Documents

(<https://www.southnorfolkandbroadland.gov.uk/downloads/download/104/recreational-provision-in-residential-development-spd>)

The Council has an adopted Supplementary Planning Document (SPD), “Recreational Provision in Residential Development” which relates to developments of 5 or more dwellings. This sets out the formula to calculate the amount of open space required based on property types for play, formal pitches, allotments and informal open space (Green Infrastructure). It also sets out in relation to the scale of development, when this can be provided off site and when it needs to be provided on site.

No of dwellings	Informal open space	Allotments	Formal
5 – 24	Off - site	Off – site	Off – site
25 – 149	Off - site	Off – site	Child play on site, remainder off site
150 – 399	On site	Off - site	Child play on site, remainder on / off site
400 – 999	On site	On site	Child play on site, remainder on / off site
1000+	On site	On site	On site where characteristics allow

Where provision is to be made off site, a financial contribution is required, and this is calculated in accordance with the SPD and is secured through the completion of a Section 106 Legal Agreement (S106). The District Council will look to liaise with Town and Parish Councils with regard to how these contributions are used.

Pre application advice

Developers and land owners can seek an informal opinion from Planning Officers prior to submitting a planning application to establish the planning policy considerations and requirements. For larger developments, in line with the SCI, Officers will encourage and expect developers to engage with community groups, including Town and Parish

Councils to enable them to comment on the proposals and to help identify and infrastructure needs.

Town and Parish Councils can discuss open space proposals at this stage with the developer and help to identify where these could be provided and whether the Town and Parish Council would wish to take on responsibility for these at a later date.

Planning applications

Town and Parish Councils are a statutory consultee for planning applications and frequently submit comments on proposals which will be considered as part of the determination of the application. Comments received will be assessed in the determination report and where this is considered by the Planning Committee, the Town and Parish Council can speak at the meeting.

If the Town or Parish Council has specific comments relating to proposals for the provision of open space in the application, then these can be raised at this stage and will be taken into account.

For major planning applications (10 or more dwellings), officers will offer and facilitate a meeting with the Town / Parish Council as early as practical in the consideration of the proposal, to discuss the main planning considerations, including open space provision.

Section 106 Legal Agreements

(<https://www.southnorfolkandbroadland.gov.uk/s106-agreements>)

For larger developments a legal agreement is usually required to secure the provision, implementation and future maintenance of the open space requirements. This can relate to on site or off site provision (or a mix). For on site provision this will be implemented by the developer and once completed will be passed to either a management company, the Town or Parish Council or the District Council, together with a 10 year maintenance contribution.

Where there is an off site contribution, this will be paid to the District Council at a specified point in the development, usually linked to occupation of a set number of houses.

The District Council will usually work with the Town or Parish Council to secure delivery of open space within the locality, to serve the new development. Broadland District Council has two officers who work with the Town and Parish Councils in relation to the spend of S106 and CIL contributions (Sally Hoare - Community Infrastructure Officer and Emily Lipscomb - S106 and Community Infrastructure Officer).

In addition, Officers from the Economic Development Team and Help Hub and Communities Team can assist Town and Parish Councils with securing match funding etc for projects.