

From: [Claire Curtis](#)
To: [A47-A11 Thickthorn](#)
Cc: [Peter Kerrison](#)
Subject: Application by National Highways Limited ("the Applicant") for an Order granting Development Consent for the A47/ A11 Thickthorn Junction request for comments
Date: 05 September 2022 17:18:46
Attachments: [image001.png](#)

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by National Highways Limited ("the Applicant") for an Order granting Development Consent for the A47/ A11 Thickthorn Junction

REQUEST FOR COMMENTS

In response to the Secretary of State request for comments, in respect of the delivery of public open space, requesting an update on the status of the application and associated S106 agreement, South Norfolk Council would respond as follows:

The S73 application is considered acceptable in principle, given the loss of open space is a result of the delivery of a nationally significant infrastructure project and as a result of the application site affected having previously provided open space in excess of local policy requirements and remaining so even after the land required for the junction is removed.

A Deed of Variation to the S106 is also underway and is currently in draft form with the wording being reviewed and negotiated between both parties to ensure the legal requirements are appropriately amended. This document is close to being acceptable with only minor queries and clarifications remaining outstanding.

With regard to determining the application itself, the Local Planning Authority has an interest in the developer (Big Sky Developments), so it will have to go before the development management committee for the final Decision to be made.

At this time, no committee date has been set as a result of outstanding uncertainties regarding the issuing of the decision. The site is located within the catchment of The Broads Special Area of Conservation (SAC). On the 16 March 2022 Natural England issued guidance to the Council following a review of the impact of nutrients on Habitats Sites which are already in unfavourable condition due to nitrates and phosphates. Within Norfolk, the catchment area for the Broads and the River Wensum have been identified as areas that are already in an unfavourable condition and as such it will be necessary to undertake a Habitat Regulations Assessment (HRA) for applications in these areas. This advice covers all types of overnight accommodation including, new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted development (which gives rise to new overnight accommodation) and other types of development such as large scale commercial. As a S73 of a Reserved matters, legal advice and established process requires the Council to re-issue the outline permission and associated conditions at the time of the decision. Mitigation through "nutrient neutrality" offers a potential solution. Nutrient neutrality is an approach which enables the Council to assess and quantify mitigation requirements of new developments. It allows new developments to be approved where there will be no net increase in nutrient loading within the catchments of the affected Habitats Site. When undertaking an HRA, at the screening stage, proposals should only be granted consent where it is possible to exclude, on the basis of objective information, that the proposal will have significant effects on the sites concerned. Where it is not possible to rule out likely significant effects, plans and projects should be subject to an appropriate assessment. That appropriate assessment must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the site.

The Council are 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 however we are seeking to expedite this and find solutions at pace to enable development to proceed.

Yours sincerely

Claire Curtis

Claire Curtis (Mrs)
Area Team Manager



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