



Appeal Decision

Inquiry commenced on 22 May 2018

Site visit made on 31 May 2018

by Frances Mahoney PGDipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2019

Appeal Ref: APP/K2610/W/17/3188235

Racecourse Plantations, Plumstead Road East, Norwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by SCC Norwich LLP and Thorpe & Felthorpe Trust against the decision of Broadland District Council.
 - The application Ref 20161896, dated 31 October 2016, was refused by notice dated 14 June 2017.
 - The development proposed is the erection of up to 300 new homes and the creation of a new Community Woodland Park.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 300 new homes and the creation of a new Community Woodland Park at Racecourse Plantations, Plumstead Road East, Norwich in accordance with the terms of the application, Ref 20161896, dated 31 October 2016, subject to the conditions set out in the schedule annexed hereto.

Preliminary matters

2. The Inquiry sat from the 22-25 May, 30-31 May 2018 with an accompanied site visit on the 31 May 2018.
3. The description of development makes it clear that this proposal is for a residential development of up to 300 homes and the creation of a new Community Woodland Park (CWP). The CWP is proposed to comprise some 61 hectares spread across the plantations¹, excluding the 9 hectares of proposed residential development at Racecourse Plantation².
4. In this outline proposal all matters are reserved for future consideration save that of access. I have considered the proposed development as described.
5. The appellant company has collectively described the three commercial forestry plantations known individually as Racecourse, Belmore and Brown's³, as Racecourse Plantations. Locally these are known as Thorpe Woodlands. For

¹ Belmore Plantation is within the red lined application site (dwg no 1602 PL01). Both the land outside of the 9 hectare residential development area of Racecourse Plantation and Brown's Plantation are within the blue line area, outside of the application site.

² The residential development is wholly within the red line application site (dwg no 1602 PL01).

³ Racecourse Plantation is to the north of Plumstead Road East, whilst Belmore and Brown's Plantations are to the south.

clarity I shall refer to them individually by name where relevant or collectively as Thorpe Woodlands.

6. There has been some confusion over whether Thorpe Woodlands constitutes an Ancient Woodland. Although the Woodland has a number of the ecological characteristics of Ancient Woodland, the 2012 detailed field survey work of Professor Oliver Rackham, along with Applied Ecology, which included historical mapping, proved this was not an Ancient Woodland⁴. Neither the Council nor the appellant company maintain such a position and I am satisfied on the basis of the evidence that such a status is not relevant in this instance.
7. Following the close of the Inquiry a revised National Planning Policy Framework (the Framework) July 2018 was issued and comments from the main parties were canvassed. Those received have been taken into account in the consideration of this appeal⁵. The references to the Framework in this report refer to the revised Framework.

Background

8. Thorpe Woodlands is currently actively commercially managed for forestry, including clear felling, selective felling and coppicing programmed annually. The Felling Licence, issued by the Forestry Commission, grants permission to fell until 2023⁶. That notwithstanding Thorpe Woodlands were designated County Wildlife Sites (CWS) in 1997⁷.
9. Within the central eastern part of Racecourse Plantation are established paintball/archery businesses. Planning permission was granted in December 2005 and it was apparent at the site visit, where I observed delineating fencing and associated paraphernalia, including obstacles, targets as well as support buildings and car parking, that both uses persist⁸.

Policy Background

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014) (JCS)⁹, the Broadland Development Management Development Plan Document 2015 (DMDPD)¹⁰, the Broadland Site Allocations Development Plan Document 2016 (SADPD)¹¹ and the Broadland Growth Triangle Area Action Plan (GTAAP)¹².
11. The appeal site lies within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle which the JCS identifies as a location to deliver at least 7,000 of the 36,820 new homes which the strategic policies supporting the spatial vision of the JCS promote, identifying broad locations for delivery.

⁴ Ancient Woodland status had previously applied but this attribute was retracted following the findings of the Rackham Report.

⁵ Inquiry Docs 39, 40.

⁶ Inquiry Doc 34 - Forestry Licence 32176.

⁷ Racecourse Plantation designation Ref 2041 & Belmore and Brown's Plantation Ref 2042.

⁸ Council's CD 46.

⁹ Council's CD 1.

¹⁰ Council's CD 2.

¹¹ The SADPD does not cover allocations within the Growth Triangle. Therefore, the specific policies of the SADPD are not relevant in this instance Council's CD 3.

¹² Council's CDs 4.

12. Whilst Thorpe Woodlands lies on the built edge of Norwich it is outside the settlement limit and is not specifically allocated for development.
13. It is an agreed position that the Council does not have a five year housing land supply (5YHLS). The Norwich Policy Area had a 4.7 years housing land supply as detailed in the Annual Monitoring Report 2015-2016¹³

Main Issues

14. The proposed homes and supporting infrastructure would certainly change the character and appearance of this part of Racecourse Plantation. However, the promoted cases do not include an objection to the proposal on such grounds. Urbanising development is only a stone's throw from the development site and the Masterplan shows how the surrounding woodland would permeate through the proposed development, creating important visual and physical linkages between the built development and its ecologically sensitive setting. GTAAP allocations are also proposed on neighbouring sites. There is no suggestion that the proposal would have a significant adverse effect on the function of the area as a landscape setting to the future built edge of Norwich.
15. The appeal site lies wholly in flood zone 1 and is identified as being at very low risk of flooding from surface water. Surface water flows runoff would be attenuated using Sustainable Urban Drainage System secured by means of planning condition. The Flood Risk Assessment¹⁴ provides surety in this regard.
16. Whilst concern has been raised by residents in respect of the impact of the proposed development on the local highway network I am conscious that Plumstead Road East links into the Northern Distributor Road (NDR), the strategic road system around the City. There is forecast to be a significant reduction in traffic on the local network as a result of the NDR. It is an agreed position of the parties that there is likely to be a net reduction in traffic on the network overall, with the appeal development, the NDR, and the Growth Triangle allocated sites in place¹⁵. I have no reason to question this agreed position. Therefore, I am satisfied that the impact of the proposal on the highway network is not a matter that requires further consideration¹⁶.
17. Concern has also been raised by residents in respect of the pressure the future residents of the proposed development may put on local services such as schools and health. I recognise this is a rational fear for residents, but no substantive evidence has been submitted to support such a matter. The Council has not promoted such an impact as part of their case and no request for financial contributions to such local services has been made. I, therefore, am satisfied that this is not a determinative issue in this case.
18. Neighbouring residents to the proposed residential development site expressed reservations in respect of noise and disturbance which may emanate from the new homes. Having viewed the relationship of the existing properties to the location of the new homes, I am satisfied that there is a significant distance between the two with intervening tree/shrub cover, both existing and with the potential for enhancement as part of any landscaping scheme. Disturbance

¹³ Statement of Common Ground (SofCG) paragraphs 54 and 55.

¹⁴ CD 1.30 & 1.31.

¹⁵ SofCG paras 36-37 – The terms of DMDPD Policy TS3 would not be compromised in that no significant adverse impact upon the satisfactory functioning or safety of the highway network would occur.

¹⁶ The proposal also includes further highway works: a dedicated pedestrian and cycling routes along Plumstead Road; two new toucan crossings on Plumstead Road; upgrade to the Trod, a well-used but informal path.

during the construction phase would be managed through the terms of an appropriate condition. Therefore, the living conditions of nearby residents is not a matter which requires further examination.

19. The appeal proposal seeks permission for a CWP across Racecourse and Belmore Plantations with Brown's being a woodland reserve with restricted access. The Council has made it clear that in respect of the recreational use of Belmore Plantation as part of the CWP there is no objection subject to conditions and S106, with any ecological impacts being mitigated by the more targeted management proposed¹⁷.
20. The appellant company has submitted a signed and completed S106 agreement¹⁸ relating to the provision and quantum of Affordable Housing (AH), provision and maintenance of the open space and CWP.
21. The S106 promises to make provision of AH equating to 33% of the total number of dwellings proposed which would be in accordance with the terms of JCS Policy 4 and is justified in terms of policy as well as wider need within the Norwich Policy Area.
22. The open space element of the agreement is necessary and justified by reason of JCS Policy 7, DMDPD Policies EN1, EN3 and RL1. It is the CWP element of the S106 which is questioned and will be returned to later in this decision.
23. Therefore, the main issues in this case are:
 - whether the proposed residential development within Racecourse Plantation would impact on the well-being of bio-diversity and ecological connectivity in the locality;
 - whether the proposal would prejudice the green infrastructure strategy which underpins comprehensive planning for future urban expansion within the growth triangle and wider Greater Norwich context; and
 - in light of these issues whether the appeal proposal achieves sustainable development¹⁹.

Biodiversity and Green Infrastructure impacts

24. As CWSs the value of the biodiversity of Thorpe Woodlands is of county importance²⁰.
25. In considering the value of the CWS it is necessary to contemplate it in the round. The value of a CWS is not particularly size focused. It should be based on an ecological judgement. Essentially, the purpose of identification is to recognise its ecological value and to help conserve those features by affording it a degree of protection²¹.

¹⁷ Inquiry Doc 36 para 4.

¹⁸ Inquiry Doc 38 & 32 (CIL compliance statement - Regulations 122 and 123 justification).

¹⁹ The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs – Framework paragraph 7.

²⁰ I see no reason to re-evaluate whether Thorpe Woodlands should be designated or not as a CWS. A S78 appeal is not the vehicle by which such a matter should be considered. In this instance the Woodlands have been the subject of several surveys, the most recent in 2012, none of which have resulted in an ensuing re-appraisal of the designation.

²¹ Framework paras 170 a), 171 & 174.

26. Racecourse Plantation is a combination of coniferous plantation and broad-leaved semi-natural woodland, over dry, sandy, acidic soils. It includes distinctive compartments of uniform, even-aged conifers along with similar compartmentalised recent broad-leaved planting. It is what would be expected of a forest in commercial use. However, the coniferous planting does not constitute native species. The glades and rides along with the heathland are what you would expect to see in a woodland on such a dry, sandy soil.
27. Thorpe Woodland is covered by a Forestry Licence to clear and selective fell, coppice, thin out and restock. The object of the Forestry Licence²² is to develop a diverse structure and wide range of hardwood and softwood species although re-stocking of commercial conifers is specifically identified in the license. This is not unexpected as commercial potential must be a prevailing objective in such circumstances.
28. The promoted ecological concern of the Council centres on the ecological impacts of the proposed built development within Racecourse Plantation. This wooded enclave, as already identified above, accommodates recreational business uses confined to the eastern part of the woodland. Paintballing/archery are not unusual activities within a woodland setting, providing recreational opportunities but with a loose harmony with ecology.
29. The ecological value of Thorpe Woodlands, in the main, lies in a combination of the flora and fauna it supports both in the immediacy of the Plantations and the wider linkages to green spaces beyond. Within the context of a mixed woodland, commercially used, some 246 species of flowering plants and ferns were identified in 2012, being a large number for the size of wood²³. The Woods are florally diverse including, of particular note, the presence of Chaffweed²⁴ and Allseed²⁵, both of which rarely occur in Norfolk and are near-threatened in Great Britain as a whole.
30. The CWS encompasses a mosaic of a broad habitat mix, including heath, wood pasture and woodland, having remained undeveloped for a long period of time²⁶. I have no doubt that this is a contributing factor to the number of plant species present, as well as the two nationally near-threatened species of particular note. I also consider that forestry operations, spreading seeds by means of vehicular movements, as advocated by the Rackham Report, offers a further plausible explanation. It may indeed be a combination of the two hypotheses which has resulted in the diversity in the flora of the Woodland.
31. That notwithstanding both the mosaic of habitats and the variety in the identified ground layer flora²⁷, in the context of a woodland which, amongst other things, includes glades, rides, ponds and diverse physical and age structure, along with dead wood both standing and fallen and the presence of seedlings, saplings and mature species, are both factors which particularly influence the value of the CWS. The broad habitat mix with semi-natural characteristics of the Woodland further contributes to the biodiversity value of the area.

²² Inquiry Doc 34.

²³ Professor Oliver Rackham – field survey.

²⁴ *Centunculus minimus*.

²⁵ *Radiola linodes*

²⁶ The Woodland being commercially forested has been the subject of re-planting both with coniferous and deciduous trees as well as impacted by the physical process of felling and coppicing of the trees. This too would affect both the habitats present as well as the flora.

²⁷ Including rare species.

32. The appeal proposes a fundamental shift of the management emphasis of Thorpe Woodlands from commercial forestry-led to ecologically driven. Areas of low ecological value coniferous woodland are proposed to be removed and/or thinned to create opportunities for heathland habitat creation. The aim of thinning is to increase light levels and thereby encourage natural regeneration/coppice growth of native hardwoods to develop a range of age classes and structure within the woodlands. The broad sheltered rides also offer heathland creation opportunities where more daylight is able to penetrate the Woodland. The thinning of coniferous trees would also refine the wider canopy allowing native species to thrive in a more spacious setting improving the coverage of native trees across the site. Such a management technique, whilst investing in the long-term development of the Wood, is not an erosion of the Woodland. It merely takes it in a different development direction with the emphasis on native species and ecological management. The creation of heathland and acid grassland within the woodland setting would promote the conservation and restoration, as well as enhancement, of these Priority Habitats²⁸.
33. The proposed development site would take up some 9 hectares of woodland. The area for built development set out on the Masterplan²⁹ has been shaped through the results of a detailed Tree Constraints Plan/Arboricultural Impact Assessment³⁰. This identifies that few trees of high/moderate value would be lost. From my observations the development area is considerably more open than other parts of Racecourse Plantation without the distinctive woodland canopy which characterises other parts of the Woodland. It includes non-native species which have been subject to storm damage and the regeneration of the Wood is less marked³¹. The trees of note are clustered into almost linear groups following the lines of the choked ditches. These have been accommodated within the Masterplan layout including managed informal green space, wildlife corridors, children's play space, informal recreational nodes and the provision of allotments and sports pitches³².
34. In considering the fauna of the Woodland, as part of the ecological surveys to inform the supporting case for the NDR, work identified a nationally important population of Barbastelle bats³³ in the vicinity of Thorpe Woodlands³⁴. This survey work included radio-tracking of three Barbastelle bats³⁵. The home range of two of the bats did not include Racecourse Plantation³⁶. However, the identified home range and foraging area of Bat 1 included the far eastern limit of the proposed development site which is intended to be an open area of allotments, sports pitches and play areas. Most of the extent of the home range spreads out into the wooded area of Racecourse Plantation and beyond³⁷,

²⁸ Framework Glossary.

²⁹ CD 1.44.

³⁰ CD 1.37 & 1.38.

³¹ It appears as being the least sensitive within the context of a mixed woodland.

³² Open Space/Recreation Strategy CD 1.43.

³³ Barbastella barbastellus – appear in Appendix II of the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitat) – requires that Barbastelles are strictly protected against deliberate killing, capture, damage/destruction of breeding and nesting sites, and disturbance, which is provided in UK law through the Wildlife and Countryside Act 1981 (as amended) & The Conservation of Habitats and Species Regulations 2017.

³⁴ Barbastelle bats are woodland bats.

³⁵ 2012 – Council's CD 41, Appendix S.

³⁶ Inquiry Doc 27 – Barbastelle Cumulative Data.

³⁷ Majority of the three bat ranges appeared to fall within open countryside to the east of site.

- currently subject to commercial forestry, including the paintballing and archery businesses.
35. The 2015-2016 survey undertaken by Applied Ecology³⁸ included long-term automated bat detector surveys, bat trappings and walked transect all on a number of nights over an extended period³⁹. The walked transect survey recorded seven individual call files of Barbastelle bats over the five survey sessions, which represents 0.2% of all recorded bat call files across Racecourse Plantation. Sixty-six registrations of Barbastelle call files from the long term automated detectors also make up only 0.2% of the total number of calls, and in considering this data I am aware that sixty-six registrations do not mean sixty-six Barbastelle bats. No Barbastelle bats were captured in the trapping survey; however, this does not mean there were none present, particularly in the context that these bats are rare and likely to be low in numbers⁴⁰.
36. The conclusion of the 2015-2016 report was that the bat species assemblage of Racecourse Plantation is dominated by the UK's most common bat species⁴¹ which forage within the wood with maternity roosts close by. No maternity roosts were identified for Barbastelles within the Plantation or within its range. A cluster of Barbastelle bat roosts is located in Rackheath Park to the north of Racecourse Plantation. Bats from this cluster feed in woodlands in the area including Racecourse Plantation.
37. From the totality of the survey data it is reasonable to surmise that Barbastelle bats are more prevalent in the wooded areas of Racecourse Plantation where the bats preferred habitat of deciduous trees prevails. Activity was concentrated in the eastern part of the Plantation, in the main, outside of the proposed development site with foraging extending out beyond the Woodland out into the wider countryside⁴².
38. The Norfolk Barbastelle Study Group highlight that Racecourse Plantation falls within the Core Sustenance Zone (CSZ)⁴³ for all the roosts identified in the NDR 2012 tracking surveys⁴⁴. The CSZ for Barbastelles is a radius of 6 kilometres. Inquiry Document 28 illustrates this coverage area. It does include some open countryside but also includes a considerable part of the north-western built-up area of the City as well as a number of allocated sites set out in the GTAAP.
39. There is no doubt that Barbastelle bats use Racecourse Plantation for foraging. However, whilst I appreciate there was disagreement between the experts in relation to the accuracy and appropriateness of the particular survey work in relation to the type of nets used in the trapping, the locations chosen for the survey work and the weather conditions and timing there-of, I am conscious that in any event the findings of the 2015-2016 Technical Ecology Report⁴⁵ are broadly similar to the NDR results. Further, the field and trapping surveys were carried out by professional consultancies well experienced and qualified in

³⁸ CD 1.5.

³⁹ CD 1.5 pages 20-21.

⁴⁰ Born out by the results of the automated bat detector surveys and walked transect where only 0.2% of call files were Barbastelle bats in either case.

⁴¹ Common Pipistrelle, Soprano Pipistrelle and Brown Long-Eared bats.

⁴² Barbastelles are habitual and so likely to visit the same locations to forage.

⁴³ CSZ refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost.

⁴⁴ White proof – appendix 8 page 51.

⁴⁵ CD 1.5.

this type of work⁴⁶. Inquiry Doc 27 usefully draws together the results of survey work in respect of Barbastelle bat activity from 2011 to 2018 from the various survey reports. The assembled pertinent survey results, in my view, supports the conclusion that the number of Barbastelle bats making use of Racecourse Plantation is low with an infrequency of visits and with no evidence of breeding⁴⁷.

40. The extent of the CSZ indicates that the Barbastelles can co-exist alongside and over built development. The proximity of the roosts, foraging locations, as well as the CSZ to allocated sites for mixed use development (GT 7) and residential development (GT 8 & GT 6) set out in the GTAAP⁴⁸ adjoining Racecourse Plantation to the north, east and to the south-east, adds weight to this premise.
41. GTAAP Policy GT 2 identifies that biodiversity and habitat connectivity will be achieved through the delivery of two primary and seven secondary green infrastructure (GI) corridors. A primary GI corridor links with a secondary GI corridor at a junction at Racecourse Plantation. The secondary GI corridor then divides and continues to the north over the GT 7 allocation⁴⁹ and to the east skirting the same future development site contained within a green landscape buffer running around its edge⁵⁰. The role of Racecourse Plantation as a hub within the strategic GI network has been the subject of examination leading to the adoption of the GTAAP. In part, the Racecourse Plantation corridors are for the protection and enhancement of the population of Barbastelle bats which will have to accommodate significant change within their CSZ particularly as allocated sites are built out.
42. The proposed open space/recreational strategy plan for the built development of Racecourse Plantation clearly shows the GI corridors maintained along with their linkages set within green landscaped thoroughfares outside of the built development site⁵¹. The allotments and sports pitches would be the closest edge of the appeal site to the GI corridors⁵². The eastern sector of the Plantation, which would remain largely undisturbed other than tree thinning as already mentioned and the creation of heathland along the rides, would still be available to the foraging bats as would the wooded areas of the northern section of the Plantation. Belmore and Brown's Plantations, between which the primary GI corridor passes would also still be maintained. Heathland plants persist in the Woodland and the proposal to enhance existing areas and re-introduce appropriate planting⁵³ and conditions would serve to further create a more diverse woodland environment where ecology comes to the fore as the overriding consideration rather than forestry profit.
43. In addition to maintaining the GI corridors, the proposed nurturing of native species of trees following the thinning of the existing conifer trees would significantly enhance what could be future roosting sites for Barbastelles and increase the attractiveness of the woodland for feeding. In addition, the

⁴⁶ Applied Ecology Ltd and AEWL Ltd. The Council acknowledged that Daniel Whitby, Director of AEWL Ltd and founder of the Bat Conservation and Research Unit is an expert in the field of Barbastelle bats specifically.

⁴⁷ CD 1.5 paras 4.25 – 4.53.

⁴⁸ Council's CD 4.

⁴⁹ Part of the GT 7 allocated area lies within the CWS.

⁵⁰ GTAAP Proposed Allocations Plan CD 3.8.

⁵¹ CD 1.43.

⁵² Some 175 metres from the primary GI corridor/ride to the built development.

⁵³ The appropriate seed bank is known to exist. Less invasive (mechanical) methods of management would encourage re-establishment.

Landscape and Ecological Management Plan⁵⁴ would be able to identify and implement specific management initiatives to target the enhancement and introduction of plants and environmental conditions which would encourage insects appealing to the Barbastelle bat population.

44. Further initiatives such as pond restoration, the creation of open habitats and connected rides, as well as the restoration of the network of historic ditches, would all benefit other present species such as the great crested newt, other reptiles and wetland wildlife. The increase in native species of trees in conjunction with a more organic management of habitats would further benefit other present mammals such as Muntjac, Roe and transient Red deer. In this way the maintenance of the Primary and Secondary GI corridors along with integrated wildlife corridors, if taken through the neighbouring allocations, would further enhance biodiversity and habitat connectivity.
45. The proposed CWP would be 'more than better' management of an existing resource⁵⁵. As already set out the CWP would secure public access to a Woodland which currently does not include a right of public access in the main. Its management currently has a different objective being commercially directed. The proposed CWP and its direction of management would:
- maximise opportunities for the creation of a well-managed network of wildlife habitats and would increase public access to the countryside;
 - safeguard the provision and management of formal and informal recreational open space including sports pitches, play areas and walking and cycling routes; and
 - protect, maintain, restore and enhance for the benefit of residents and visitors an environmental asset of the area; and
 - enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities, allotments and a layout that would encourage walking and cycling.
46. The SofCG sets out at paragraph 48 that as an agreed position so long as the CWP can be designed, delivered and managed in such a way that its ecological value, and role as part of the wider Green Infrastructure network, is protected, then it would be one of the most important and beneficial multi-functional green infrastructure hubs in the whole Growth Triangle.
47. DMDPD Policy EN3 sets out that development will be expected to make adequate arrangements for the management and maintenance of green infrastructure. The submitted and completed S106 agreement between the owners of the appeal site and the Council⁵⁶ deals with, amongst other things, the delivery and maintenance of the sports pitches, allotments, open space provision, children's play areas and green infrastructure in relation to the residential development site as a separate undertaking to that of the delivery and maintenance of the CWP. The scheme for the provision of on and off-site open space is not in question and, in the main, is a justified standardised approach⁵⁷.

⁵⁴ To be secured by condition.

⁵⁵ Inquiry Doc 36 para 34.

⁵⁶ Inquiry Doc 38.

⁵⁷ Inquiry Doc 32.

48. The Community Woodland Park Maintenance Contribution is the contentious element in this case. It is proposed as an on-going financial contribution towards management, repair and maintenance of the CWP in perpetuity⁵⁸. It is proposed ultimately that the individual owners of the market dwellings would provide the required, agreed financial contribution in line with a maintenance covenant. Prior to the sale of the individual dwellings the owners would remain responsible for any contributions or costs and as the Landscape and Ecological Management Plan must be submitted before development commences⁵⁹ it is logical that the owners would be responsible for the commissioning and negotiation in relation to the scheme itself.
49. In essence the Council is concerned that it would not be reasonable to place long term responsibility for the maintenance and on-going development of the CWP on the future residents of the new homes, particularly as the size of the CWP goes beyond what would normally be required for associated open space for a development of this nature and the CWP would benefit the wider public of the City. I cannot agree. The future residents of the houses would have immediate and ready access to a much-valued woodland. They would benefit from living within such a natural, woodland enclave. The development's setting would, no doubt, be part of the appeal for future purchasers. They would be fully aware of the requirements of the maintenance covenant before embarking on a purchase. This may or may not influence their decision in this regard. I do not consider such a situation unusual and in a society where the well-being of all is the ultimate objective, with the public purse under pressure, such a private-sector support for the wider public good should be encouraged.
50. There was some debate on the reasonable costs which could be levied on individual owners, the Council alluding to costings for maintaining Mousehold Heath as a destination city park. However, such a comparison did not strike me as appropriate and I found the evidence in relation to the delivery mechanism of Knights Wood more convincing and, albeit, it did not include the same level of woodland it presented the framework as to how a CWP of distinction and value could be achieved. The mechanism proposed for the delivery and long-term maintenance of what would be an important part of the green infrastructure network is appropriate and justified. In this way the terms of JCS Policy 1 and DMDPD Policy EN3, which both seek to secure adequate arrangements for the management and maintenance of green infrastructure, would be achieved.
51. Moving then to a wider stage, Norfolk is a county which does include a number of European sites, including The Broads and RAMSAR site/Broadland SPA. The potential for impact on the integrity of these European Sites from any increased recreational pressure as a result of the cumulative increase in housing was identified within the Habitat Regulation Assessment for the JCS. With that as a potential impact identified at the strategic level, a Revised Habitats Regulation Assessment of the North-East Norwich Growth Triangle Area Action Plan⁶⁰ was produced. The outcome, in general terms, was that within the Growth Triangle area already consented publicly available open space contained within the Growth Triangle area, would provide appropriate

⁵⁸ Part of the CWP is outside of the red lined application site but within the blue land within the control of the owners. The terms of the S106 would secure the delivery and maintenance of this blue land as part of the larger CWP, including the development site and Belmore Plantation.

⁵⁹ A condition is required to secure the submission and delivery of this management plan.

⁶⁰ Council's CD 5.

mitigation for potential disturbance impacts on the Broadland International Sites. Therefore, on the basis of the proposed allocations within the GTAAP, there was sufficient confidence for negative impacts on site integrity of International Sites from the development in the Growth Triangle to be considered unlikely.

52. However, I am conscious that the 300 homes proposed on the appeal site appear not to have been factored into the Habitat Regulation Assessments undertaken to inform the examination of Development Plan documents. Therefore, in adopting a precautionary approach I cannot immediately rule out a likely significant effect of the proposal on International Sites, that being pressure from future residents of the houses increasing recreational pressure on these sites of sensitivity, undermining integrity⁶¹.
53. I have considered the presented evidence⁶² and place particular weight on the proposed CWP. This is currently in private ownership which amounts to some 61 hectares of woodland space⁶³. There is no or limited authorised right of public access to Thorpe Woodlands, but it is clear from the well-trodden paths and anecdotal evidence both in writing and orally that local residents value the generally unimpeded access they currently enjoy. Such access is tolerated by the owners and up until now has not been subject to censure. However, I am conscious that public access could be restricted. The appeal proposal is accompanied by a signed and completed Deed of Planning Obligation under S106 of the Town and Country Planning Act 1990 between the Council and the owners of the land, which includes a promise to permit public access where specified to provide informal recreation and open space were the development to be permitted⁶⁴. Thorpe Woodlands was identified in the Revised Habitats Regulation Assessment of the North-East Norwich Growth Triangle Area Action Plan⁶⁵ as a further opportunity for the provision of additional accessible green (recreation) space within the Growth Triangle.
54. The Council's position is that the CWP is not required to support the City of Norwich's growth to the north-east but would be desirable⁶⁶. However, it is clear to me that based on the evidence before me the proposed CWP would certainly mitigate the effect of the proposed development on International Sites by means of the provision of a significant area of woodland, including allotments, sports pitches and play space, readily accessible to both future and existing residents with secured rights of access and management in perpetuity.
55. Whilst I appreciate that the amount of woodland/recreational space goes beyond what would normally be required to mitigate the effects of such a proposal⁶⁷, it would certainly add to that already provided and consented recreational space within the Growth Triangle. The recreational provision should also be considered in terms of its qualitative value which I consider to be necessary to create an important and multi-functional green infrastructure hub in this important area of growth for the City. The fact the Council had

⁶¹ Neither party raised *People against Wind v Coillte Teoranta* as being a ruling which would affect the determination of this appeal – Inquiry Doc 13 para 23. Similarly, Natural England raised no concerns in this regard.

⁶² I consider I have enough evidence to undertake such an assessment.

⁶³ Does not include the 9 hectares proposed for housing.

⁶⁴ Inquiry Doc 38.

⁶⁵ CD 5 para 7.3 bullet 5.

⁶⁶ Based on the comment within CD 5 para 7.3 bullet 5.

⁶⁷ In terms of Council standards.

identified it as an opportunity for provision and the already regular usage by existing residents, albeit with unsecured access, leads me to the assessment that the proposed 300 homes present no adverse effects on the integrity of European Sites in the circumstances that the proposed CWP is successfully delivered.

56. For the reasons set out above the development proposals as a whole would protect and enhance the biodiversity of the District, avoiding fragmentation of habitats, providing a multifunctional green resource, including the provision of open space, formal recreational space and wildlife resources and links between them and supporting the delivery of a co-ordinated green infrastructure network throughout the District⁶⁸. It would provide sufficient and appropriate green space infrastructure to minimise visitor pressure on European sites. As a result, the appeal proposals, including the CWP, would not compromise the terms of JCS Policy 1, GTAAP policy GT 2, and DMDPD Policies EN1, EN3, RL1, minimising the impact on the well-being of biodiversity and ecological connectivity in the locality, and on the green infrastructure strategy which underpins comprehensive planning for future urban expansion within the Growth Triangle and wider Greater Norwich context⁶⁹.

Any other impacts

57. Consequently, in light of the above conclusion in terms of biodiversity and ecology, the Council's main focus of objection to the proposal, I must consider if there are any other reasons why planning permission should be withheld.
58. DMDPD Policy GC2 sets out that new development will be accommodated within settlement limits. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the Development Plan. Fundamentally, this seeks to focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities. Albeit that the appeal site lies outside of the settlement boundary it is just on the edge of Norwich and within the Growth Triangle. There is no suggestion its location is not well related to identified locational criteria⁷⁰. However, it is not an allocation. So, it then falls to consider whether it accords with policy of the Development Plan.
59. DMDPD Policy GC1 identifies that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development taken from the Framework. Proposals that accord with the policies in the DMDPD should be approved without delay, unless material considerations indicate otherwise.
60. Policy GC1 then goes on, much as Framework paragraph 11 does, to introduce the tilted balance⁷¹. At the heart of this is the requirement to consider whether

⁶⁸ Including the delivery of Primary and Secondary Green Infrastructure Corridors.

⁶⁹ In reaching this view I have had regard to the comments of the local groups including the Norfolk Wildlife Trust.

⁷⁰ CD 1.4 penultimate page 4TH paragraph down.

⁷¹ Framework paragraph 177 identifies that the presumption in favour of sustainable development (paragraph 11) does not apply where development requiring appropriate assessment because of its potential impacts on a habitats site is being planned or determined. I am aware that the Technical consultation on updates to national planning policy and guidance dated October 2018 proposes an amendment to Framework paragraph 177 which essentially adds the qualification to the current wording that the presumption in favour of sustainable

relevant policies are out of date, in circumstances where there are relevant policies applicable to the proposal, as in this case. If so then planning permission should be granted unless material considerations indicate otherwise.

61. There is no dispute that the Council cannot demonstrate a 5YHLS. JCS Policies 4, 9 and 10 set out the number and distribution of housing in the Norwich Policy Area and the number of houses to be provided within the Growth Triangle. These numbers are accepted as being out of date and with the Revised Framework comes the standard method for calculating local housing need. In the formulation of the emerging Greater Norwich Local Plan the standard method of calculation is to be used. The emerging Plan will be the appropriate vehicle for the examination of a co-ordinated and evidenced approach in the context of the Revised Framework and the National Planning Practice Guidance. In the mean-time the Council has relied upon the Central Norfolk Strategic Housing Market Assessment (SHMA)⁷² as a determinative piece of evidence in assessing the weight to be given to the relevant housing policies. In the circumstances of the current period of flux and change and, taking into account, the allocations within the GTAAP which are coming forward with planning permissions, the use of the SHMA as a jumping off point seems a reasonable place to start.
62. However, in this instance, it does not prove necessary to make such a balancing exercise having found no adverse impacts in respect of the proposed residential development or the CWP. It is reasonable to conclude that there are no material considerations which indicate in any other direction than to approve the proposal without delay, the policies of the Development Plan as a whole not being compromised.
63. Had it proved necessary to apply the tilted balance within DMDPD Policy GC1, I am satisfied that the benefits of the proposed scheme, as identified above, would have prevailed, taking into account the lack of offence to the Development Plan as a whole.

Conclusion

64. So, with that in mind, to summarise in respect of the proposed residential development within Racecourse Plantation, there would be no adverse impacts on the well-being of bio-diversity and ecological connectivity in the locality, nor would the development prejudice the GI strategy which underpins comprehensive planning for future urban expansion within the Growth Triangle and wider Greater Norwich context.
65. Further, the appeal proposal would be in accordance with the policies of the Development Plan when considered as a whole. It constitutes Sustainable

development would apply where there will be no adverse effect from the project on the integrity of the habitats site. That notwithstanding, the promoted change has yet to be finalised and so the terms of the current Framework paragraph 11 still stands. However, DMDPD Policy GC1 includes a Development Plan policy requirement that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. I am conscious of the statutory requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004. I find that whilst the Framework is an important material consideration as Government's planning policy for England the statutory duty upon the decision-maker to determine proposals in accordance with the development plan, taking a pragmatic approach, in the current circumstances I intend to apply the policy requirements of the Development Plan.

⁷² Council's CD 22.

Development which is about change for the better. Consequently, the appeal is allowed.

Conditions

66. An agreed schedule of conditions was produced following discussion at the Inquiry. I have amended and amalgamated a number of conditions for clarity, elimination of duplication, and taking into account guidance in this regard.
67. Only conditions which are formally required to be discharged prior to works commencing on site have been promoted as pre-commencement conditions. These have been agreed by the appellant company as a party to the agreed schedule of conditions. These are imposed as they involve details to be approved for the arrangements of the work on site (Phasing Plan, Construction Management Plan, Construction Environmental Management Plan, Contamination Investigation), groundworks and infrastructure approval (highway layout and works, archaeology, landscaping, tree protection, drainage, lighting strategy) and the Landscape and Ecological Management Plan which forms the basis of the development of the CWP and should be at the heart of the reserved matters details. These details are required to be submitted and approved in writing by the Local Planning Authority prior to commencement of development.
68. Standard conditions are required on the approval of the reserved matters and on the commencement of development. Further conditions are required to ensure that the submission of reserved matters and later details comply with the considerations/parameters taken into account in the approval of the outline permission. Confirmation of the approved plans is needed to define the site and is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
69. In the interests of preserving and enhancing the character of the locality details of the facing and roofing materials of the new homes are required to be agreed.
70. For clarity and the avoidance of doubt a condition limiting the number of dwellings to no more than 300 should be imposed.
71. To properly inform the design process related to the reserved matters the parameters set out in the Illustrative Masterplan and the Design and Access Statement, with particular regard to the Open Space and Recreation Strategy Plan, should be followed.
72. The permitted scheme would result in the order of 300 new homes being built. The management of the phasing of the construction of these buildings would be of importance to secure the required services for the individual dwellings such as roads, lighting, play provision and landscaping in the right place and at the right time. An appropriate condition has been imposed to secure agreement on the phasing involved.
73. The locality has been identified as having some possible archaeological interest. Therefore, a condition requiring a programme of investigation is justified.
74. It is reasonable that investigations should be carried out in relation to possible contamination of the woodland.

75. Conditions relating to the provision of strategic foul water drainage and Sustainable Urban Drainage System is deemed necessary to ensure adequate arrangements are in place, particularly in relation to flooding and in the interests of environmental impact.
76. In the interests of sustainability, a condition relating to the provision of a Materials Management Plan relating to in site minerals/materials may be available for use as part of the proposed development.
77. Details of the highway improvement works, roads, footways and cycleways are required to ensure the standard of construction, provision to secure access upon occupation and future management and maintenance of streets prior to adoption. The provision and maintenance of visibility splays either side of the main access points is secured by condition. All these matters are in the interests of highway safety, management and residential amenity.
78. The condition relating to the Construction Management Plan is required in order to protect the amenities of nearby residents and general amenity.
79. A condition relating to the submission of an amended Framework Travel Plan and its subsequent implementation is necessary to provide sustainable transport objectives giving people a real choice about how they travel.
80. The management/protection and long-term well-being of the natural elements of the ecology of the development site and the CWP is important to safeguard for the reasons of amenity and biodiversity. Various conditions are imposed to this end.
81. In the interests of landscape character, visual and residential amenity and for the avoidance of doubt a detailed hard and soft landscape scheme should be imposed. Such details will form part of the reserved matters details to be submitted to the Council for consideration.
82. The woodland location of the residential development requires that a scheme for the protection of retained trees should be submitted, approved and implemented to safeguard the well-being of the woodland setting.
83. A condition relating to the securing of at least 10% of the development's energy from decentralised and renewable or low-carbon sources as an attempt to tackle climate change in accordance with planning policy is justified in the interests of the long-term well-being of the planet.
84. In relation to lighting limitations on external lighting in the public realm, these are necessary to minimise visual impacts on this edge of settlement site as well as the management/protection and long-term well-being of the natural elements of the ecology of the development site for the reasons of biodiversity and amenity.

Frances Mahoney

Inspector

Annexe 1

Schedule of Conditions

1. Application for approval of ALL "reserved matters" must be made to the Local Planning Authority not later than the expiration of THREE years beginning with the date of this decision. The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.
2. Application for the approval of the "reserved matters" shall include plans and descriptions of the:
 - details of the layout;
 - scale of each building proposed;
 - the appearance of all buildings including the precise details of the type and colour of the external materials to be used in their construction;
 - the landscaping of the site; and
 - the layout and landscaping of the Community Woodland Park within the site.

Approval of these "reserved matters" must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

A phasing plan to indicate the timing and sequence in which the development is to be constructed, including the relationship of dwellings to the delivery of infrastructure, shall be submitted for approval with the first reserved matters application. The development shall be carried out in accordance with the approved details.

3. The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:
 - Dwg No 1602_PL01 Red Line Location Plan
 - Dwg No 03/115 Combined Vehicular Access Proposal (insofar as it relates to the site access)
 - Dwg No 03/112 Rev A Eastern Access proposal and Pound Lane Crossover (insofar as it relates to the site access)
 - Dwg No 03/111 Rev A Western Access Proposal (insofar as it relates to the site access)
 - Dwg 03/104 Rev L Access Proposal Overview (insofar as it relates to the site access)

4. The details required by condition no 1 shall include provision for no more than 300 dwellings.
5. Any application for Reserved Matters shall be in accordance with the principles established in Drawing No 16836 TLP02 Rev A 'Illustrative Masterplan' and the Design and Access Statement (as amended by Dwg No 16836 TLP 01 Rev A Open Space and Recreation Strategy).
6. No development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
 - The programme and methodology of site investigation and recording;
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

7. As part of the first reserved matters submitted pursuant to condition no 1 a desktop contamination study:
 - (A) must be submitted to and approved in writing by the Local Planning Authority in line with current good practice guidance. The report must include a conceptual site model and risk assessment to determine whether there is a potentially significant risk of contamination that requires further assessment. Based on the findings of the desktop contamination study a site investigation and detailed risk assessment must be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site, whether or not it originated on the site. The report must include:
 - 1) A survey of the extent, scale and nature of contamination
 - 2) An assessment of the potential risks to possible receptors identified in the desk study report. The report must also include a revised and updated conceptual site model and risk assessment. There must be an appraisal of the remedial options, and details of the preferred remedial option(s). This must be conducted in accordance with currently accepted good practice guidance.

(B) Based on the findings of the site investigation a detailed remediation method statement must be submitted to and approved by the Local Planning Authority. Remediation must bring the site to a condition suitable for the intended use. The method statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990. Remediation work cannot commence until written approval of the proposed scheme is received from the Local Planning Authority.

(C) Following the completion of the remedial measures identified in the approved remediation method statement a verification report (also called a validation report) that scientifically and technically demonstrates the effectiveness and success of the remediation scheme must be produced and submitted to and approved by the Local Planning Authority. Where remediation has not been successful further work will be required.

(D) In the event that previously unidentified contamination is found during the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken as per Part (A) above, and where remediation is necessary a remediation method statement and post remedial validation testing must be produced and approved in accordance with parts (B) and (C) above.

(E) The development shall be carried out in accordance with the approved details.

8. Prior to commencement of development, in accordance with the submitted Create Consulting Engineers Flood Risk Assessment (Ref JJ/CS/P13-434/15) and Addendum (Ref GS/CS/P12-434/17 Rev A and Hydrological Context drawing 434 02/001), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- If soakage devices are proposed detailed infiltration testing in accordance with BRE Digest 365 shall be undertaken at the depths and locations of the devices.
- Surface water runoff rates will be attenuated to existing Greenfield runoff rates as set out in Table 1 of the FRA Addendum (Ref GS/CS/P12-434/17 Rev B).
- Provision of surface water conveyance for the 58.10ha. Catchment and attenuation storage for the proposed 10 ha. Residential development, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event. Additional calculations should be provided to show how the attenuation requirements can be achieved using multiple ponds connected by those watercourses which are being used for surface water conveyance.

- Detailed designs, modelling calculations and plans of the drainage conveyance network for the 10 ha. Residential development in the:
 - 1) 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 2) 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
 - The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include surface water which may enter the site from elsewhere.
 - Finished ground floor levels of properties are a minimum of 300mm above all sources of flooding (including watercourses, SuDS features and within any proposed drainage scheme).
 - Details of how all surface water management features will be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment for water quality prior to discharge.
 - A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary including the culvert under Pound Lane.
9. Prior to the commencement of development a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
10. Prior to the commencement of development, a Materials Management Plan – Minerals (MMP-M) shall be submitted to and approved in writing by the Local Planning Authority. The MMP-M will be informed by the Minerals Safeguarding Assessment (February 2017), carried out by Stephen M Daw Ltd. The MMP-M will consider the extent to which in site materials which could be extracted during the proposed development would meet specifications of use on-site through testing and assessment. The MMP-M should quantify the amount of material which could be reused on site; and for material extracted which cannot be used on-site its movements, as far as possible by return run, to an aggregate processing plant. The development hereby permitted shall be carried out in accordance with the approved MMP-M.
- The developer shall keep a record of the amounts of material obtained from on-site resources which are used on site and the amount of material returned to an aggregate processing plant, through the MMP-M. The

developer shall provide an annual return of these amounts to the Local Planning Authority, or upon request of the Local Planning Authority.

11. Prior to the commencement of development of each phase, details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including (if necessary) details of a Private Management and Maintenance Company, shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.
12. Prior to the commencement of development of each phase, detailed plans of the roads, footways and cycleways shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
13. Before any dwelling in each phase is first occupied the road(s), footway(s) and cycleway(s) for that phase shall be constructed to binder course surfacing level from the dwelling to the highway.
14. Prior to commencement of the development hereby permitted a visibility splay (measuring 4.5 x 120 metres to each side of the access where it meets the highway) shall be provided to both access points in full accordance with the details indicated on the approved plan (Drawing no. 03/104 rev L). The splay shall always thereafter be maintained free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
15. A phase specific Construction Management Plan (CMP), shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development of each phase. The CMP as approved by the Council shall be fully complied with at all times. The CMP shall address the following matters:
 - Access arrangements for construction vehicles.
 - Measures to control the tracking of mud off-site from vehicles.
 - Measures to control dust from the demolition and construction works approved.
 - Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
 - Adequate provision for the delivery and storage of materials.
 - Adequate provision for contractor parking.
 - A lorry routing schedule.
 - The hours of construction operation including any piling activity.

- Management and timing of deliveries.
- Contact details of the main contractor as well as for a nominated person responsible for dealing with any complaints about construction activity.
- Membership details for the Considerate Constructor Scheme.
- Mitigation measures for dust management and control of traffic and plant emissions during the construction of the dwelling based on section 5 of the submitted Air Quality Assessment.
- Pollution prevention measures to protect the water environment.
- Lighting within the site.

16. Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the highway improvement works as shown indicatively on Drawing No. 03/104 rev L, 03/111 rev A, 03/112 rev A, 03/115 have been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be in the form of a shared use cycleway / footway along the south side of Plumstead Road East (from its junction with South Hill Road north-eastwards to Dussindale Drive); two new toucan crossings of Plumstead Road East, a new section of shared use footway / cycleway along the north side of Plumstead Road East (linking the site to both new toucan crossings) southwards to the existing section of shared use and new bus stops along the site frontage. Prior to the first occupation of any dwelling hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

17. Prior to the first use or occupation of the development hereby approved, and notwithstanding the details submitted, an amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Framework Travel Plan shall include details of the mechanism for funding and ongoing enforcement of the Framework Travel Plan. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

18. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to commencement of development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;

- Appropriate management options for achieving aims and objectives including for protected and notable species identified within the Technical Ecological Report (2016), including but not limited to Barbastelle, Allseed and Chaffweed;
- Prescriptions for management actions;
- Preparation of a work schedule (including triggers for work and an annual work plan capable of being rolled forward over a 10 year period);
- Details of the body or organization responsible for implementation of the plan;
- Ongoing monitoring, management, maintenance and remedial measures to be carried out in perpetuity;
- A time table for implementation; and
- Timeframe for reviewing the plan.

The LEMP shall also include details of the legal and funding mechanism (s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and shall be reviewed on an annual basis in consultation with the Local Planning Authority to demonstrate that the aims and objectives are being met.

19. Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works (such as locating the development and its working areas and access routes away from areas of high ecological interest, or timing works to avoid sensitive periods) to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the Local Planning Authority.

20. Prior to the commencement of development of each phase, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The Reserved Matters submission shall include the following details (either within plans and sections or through a Landscape Strategy document). These details shall include:

- existing ground levels;
- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicles and pedestrian access and circulation areas;
- hard surfacing materials in public areas and private areas visible from the public realm;
- structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g., power and communication cables, pipelines etc. indicating manholes, supports etc.);
- retained historical landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include:

- trees to be retained;
- plans identifying all proposed planting in public areas and private areas visible from the public realm;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme and timetable.

The scheme shall be implemented in accordance with the approved programme and timetable. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place.

21. No works or development shall take place until a scheme for the protection of the retained trees to comply with the relevant sections of BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations (section 5.5 the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
- (a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 4.6.1) of every retained tree on the residential site and every retained tree whose root protection area adjoins or enters the residential site as shown on 3583/01/D16-1820 Draft Tree Protection Plan v5 October 2016 in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - (b) The details of each retained tree as required at para. 4.4.2.5 in a separate schedule.
 - (c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree Work -Recommendations.
 - (d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 6.2).
 - (e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 para 6.2.2 and Figure 2), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - (f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6.2).
 - (g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7).
 - (h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 4.6.1) of any retained tree, including those on neighbouring or nearby ground.

(i) The details of any special engineering required to accommodate the protection of retained trees (Annex A General advice for other interested parties), (e.g. in connection with foundations, bridging, water features, surfacing)

(j) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

(k) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

The agreed works/scheme shall be carried out as approved.

22. Prior to the commencement of development of each phase, details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.

23. Prior to the commencement of development of each phase, full details of a lighting scheme affecting the public realm, designed in line with the Institute of Lighting Professionals Guidelines for the Reduction of Intrusive Light Environmental Zone E1, shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved prior to the first occupation of each phase of the development and maintained in perpetuity.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Harriet Townsend Of Counsel Instructed by Jane Linley NP Law

She called

Dr David White Ecologist and Senior Green Infrastructure Officer
Norfolk County Council

Paul Harris Principal Planning Officer

Charles Judson Senior Planning Officer

FOR THE APPELLANT:

Christopher Katkowski QC Instructed by DLBP Ltd
assisted by Anjoli Foster Of
Counsel

They called

Timothy Goodwin Director, Ecology Solutions Ltd

Andrew Williams Director, Define

Dominic Lawson Chairman, DLBP Ltd

INTERESTED PARTIES

Dr Thomas Foreman Thorpe St Andrew Town Council – Town
Clerk

Jason Beckett Friends of Thorpe Woods

Paul Osbourne Friends of Thorpe Woods

John Fisher Ward member Thorpe St Andrew North West
Ward Broadland District Council and member for
Woodside of Norfolk County Council

Tim Catmull Local Resident

INQUIRY DOCUMENTS

- Doc 1 County Wildlife Site Criteria
- Doc 2 Note to Inspector re Clarification of the Local Planning Authority's Approach to Housing Land Supply
- Doc 3 Paintball Site Location Plan (Broadland District Council Application ref 20030185)
- Doc 4 Extract from MAGIC and Norfolk Green Infrastructure Management Project
- Doc 5 Norfolk Wildlife Trust Review of County Wildlife Site Designation at Racecourse Plantation 2011
- Doc 6 People over Wind and Peter Sweetman v Coillte Teoranta
- Doc 7 Planning Inspectorate Note 05/2018 Consideration of Avoidance and Reduction Measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta.
- Doc 8 Letter from Natural England 13 June 2013
- Doc 9 Appendix 1 of Rebuttal Proof of Mr Dominic Lawson
- Doc 10 Norfolk Biodiversity Action Plan Lowland Heathland and Dry Acid Grassland
- Doc 11 Mousehold Heath (Define)
- Doc 12 Other Woodlands (Define)
- Doc 13 Opening Statement for the Local Planning Authority
- Doc 14 Opening Statement for the Appellant
- Doc 15 AEW Ltd Racecourse Plantations Bat Trapping Survey and Summary 8 - 10 June 2016
- Doc 16 Statement by Mr Jason Beckett (Friends of Thorpe Woodlands)
- Doc 17 Statement by Cllr John Fisher (Broadland District Council)
- Doc 18 Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition
- Doc 19 BS 42020:2013 Biodiversity. Code of Practice for Planning and Development
- Doc 20 Table of Barbastelle Bat Data with Plan of the Norwich Distributor Road
- Doc 21 Statement by Mr Paul Osborne (Friends of Thorpe Woodlands)
- Doc 22 Statement by Dr Thomas Foreman (Thorpe St Andrew Town Council) DLBP Ltd List of Inquiry Documents Racecourse Plantations APP/K2610/W/17/3188235 5 June 2018
- Doc 23 Statement by Mr Tim Catmull
- Doc 24 Agreed Plans List
- Doc 25 Consultation Response of David Scully, Tunbridge Wells Council
- Doc 26 Draft Greater Norwich Local Plan Local Development Scheme
- Doc 27 Agreed Barbastelle Cumulative Data Plan
- Doc 28 6km Radii from Barbastelle Roosts Plan
- Doc 29 Broadland District Council Planning Committee Report for GT7 Allocation App Ref 20170104
- Doc 30 Town and Village Green Register of Declarations and Deposits
- Doc 31 Statement by Cllr Nigel Shaw (Broadland District Council)
- Doc 32 Local Planning Authority's Community Infrastructure Levy Compliance Statement (Affordable Housing and Open Space)
- Doc 33 Appellant's Community Infrastructure Levy Compliance Statement (Community Woodland Park)
- Doc 34 Forestry Licence
- Doc 35 Draft Section 106 Legal Agreement
- Doc 36 Closing Submissions for the Local Planning Authority

Doc 37 Closing Submissions for the appellant

Doc 38 Signed and completed S106 Agreement

Doc 39 Comments of the Council on the Revised National Planning Policy Framework

Doc 40 Comments of the appellant on the Revised National Planning Policy Framework