

From: Easton Parish Council (EPC)
Contact: chair@eastonparishcouncil.co.uk
29 Woodview Road,
Easton, Norwich,
Norfolk, NR9 5EU

Secretary of State for Communities
and Local Government
2 Marsham Street
Westminster
LONDON
SW1P 4DF

12th May 2017

Email version also sent (with all the attached references) :

sajid.javid@communities.gsi.gov.uk

helen.macnamara@communities.gsi.gov.uk

karen.rose@communities.gsi.gov.uk (National Planning Case Unit, NCPU)

Dear Sir,

Broadland District Council (“BDC”)

**Proposal for Greater Norwich Food Enterprise Zone (“GNFEZ”)
Local Development Order (“LDO Proposal”)**

In reliance upon Regulation 4(8) (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the Regulation”), we formally request that you issue a screening direction in the case of the above LDO Proposal.

Easton Parish Council (“EPC”)

The village of Easton, Norfolk has a strong community who are passionate about our village, the area and keeping is so special to us all. Easton is situated to the west of Norwich between two main rivers, the River Yare to the South and the River Tud to the North. Easton originated as a linear village along a street and was a post-medieval settlement clustered on a crossroads east of the church of St Peter (Grade I). The church of St Peter is situated at the west of the village. It can be dated back to the twelfth century and in the fourteenth Century Easton produced a famous scholar Adam de Easton who became a Roman Cardinal and is depicted in the village sign.

Easton has seen growth in the 1960’s and 1970’s with development mainly to the south of the A47 and is surrounded by ancient woodland, open countryside and farmland. To the north of the A47 an area known by locals as Lower Easton which has a number of dispersed settlements including a number of Grade II listed buildings which are within an undulating landscape with dense woodland to the north.

Easton is about to receive substantial residential growth increasing the village by about 150%, the plan for this went through a number of years of careful scrutiny and has been approved on a basis that is very sympathetic to the existing village and to help protect the characteristic feel of the village the EPC has produced a neighbourhood plan which is now presently under formal examination before it is put to the residents of Easton for adoption which we hope will happen in July 2017.

EPC has great concerns in relation to this LDO, the residents of Easton are very concerned with the LDO being allowed to move forward without a EIA being undertaken. It is clear that this LDO is only part of a much larger scheme and has been used in an attempt to distort the environmental impact the proposed development will have on the local area.

EPC does not understand why all other applications for this development in the past has always been on the basis that an EIA was required even to the point that on the 9th October 2009 the SoS gave a direction that an EIA was required.

EPC has though the consultation process raised many concerns¹ in an initial response which was followed up with a supplementary response², our concerns have gone unanswered by BDC

Listed below are a number of other reasons why EPC feel that the SoS needs to revisit his decision not to provide a screening direction in this matter.

The unique environmental sensitivity of the site

The site lies in the valley of the River Wensum and its tributary the River Tud. The entire River Wensum is a designated SAC and SSSI noted for its high ecological interest as an enriched calcareous lowland river - is one of the foremost chalk rivers in the UK. The Wensum runs within 2km of the site whilst its tributary the Tud runs less than 0.5km of the site. The unique nature and qualities of the Wensum and the tributary Tud river valleys should be pro-actively protected.

Previous EIA Screening Request from BDC

We are aware that BDC made a request to SoS DCLG on February 24th 2017 for an EIA screening direction on the LDO Proposal. However, this request was presented to SoS with minimal information, and failed to draw the SoS's attention to the controversial nature of the LDO Proposal. There were over 300 responses to BDC's consultation earlier this year, largely objecting to this particular location for a Food Hub site. Many responses pointed out very serious environmental issues with the proposal at this site, and the inadequacy of a non-EIA based LDO to protect the local environment. Many objectors including EPC do not oppose the concept of a Food Hub in the Greater Norwich area.

Further, the complex history of this proposal, including previous SoS screening directions requiring an EIA were not mentioned by BDC.

¹ Direct link to EPC formal response to the LDO <https://eastonparishcouncil.co.uk/wp-content/uploads/2015/10/Easton-Parish-Council-formal-response-to-Greater-Norwich-Food-Enterprise-Zone-Local-Development-Order.pdf>

² Direct link to EPC supplementary response to the LDO <https://eastonparishcouncil.co.uk/wp-content/uploads/2015/10/Easton-Parish-Council-Supplementary-response-to-Greater-Norwich-Food-Enterprise-Zone-Local-Development-Order.pdf>

We are also aware that on 8th March 2017 that NPCU wrote to BDC stating that there were no apparent issues that indicated the need for the SoS to exercise his power under the Regulations. We are requesting here that this position is urgently reviewed, given the further information which we provide here, and that SoS does now investigate and issue a screening direction in the case of the LDO Proposal.

BDC are conflicted in being both the proposer and the determiner in this controversial case. The only way that an impartial and fully evidence based decision on the EIA to be reached is for the SoS to now issue an EIA screening direction as a matter of urgency.

Brief history of the LDO Proposal

The site of the current LDO Food Hub proposal lies within the BDC LPA boundaries. However, there is a wider, longer-term project to develop a larger Food Enterprise Zone which straddles the borders of BDC and South Norfolk District Council (“SNDC”). The current LDO proposal follows a number of very similar proposals in both BDC and SNDC LPA areas of similar size and nature.

In August 2009, an application was made for a “*Food Hub incorporating Food Storage & Distribution*” at Dereham Road, Easton to South Norfolk District Council (“SNDC”), application 2009/1307. On October 9th 2009, the Government Office of the East of England (“GO-East”), responded to the applicant stating that in the opinion of the SoS that the application was an EIA-development, and highlighted the scale of increase in road traffic, waste and pollution, and the visual effect on the landscape as critical environmental issues³. Documents relating to this are on the SNDC Planning Portal⁴ including a site plan⁵.

In August 2014, another application was made to both SNDC⁶ (application 2014/1792) and BDC⁷ (application 2014/1431) for “*Food production and agriculture related floor space. | Food Hub Site Dereham Road Easton Norfolk*”. In February 2015, SNDC wrote to the applicant specifying the requirements for a full Environmental Statement⁸. This lists issues to be taken into account:

- Cumulative effects on neighbouring villages;
- Environmental features likely to be affected by development including Site of Special Scientific Interest and Special Areas of Conservation – proximity to the river Wensum, and Coastal floodplain grazing marsh biodiversity action plan priority habitat, and Bowthorpe Marsh Local Nature Reserve downstream on river Yare;
- A requirement for baseline studies, assessment of effect, mitigation and monitoring into Transport and Access; Air Quality; Landscape and Visual Issues; Archaeology and Built Heritage; Noise and vibration; Ground Conditions and Water Management; Ecology; and Socio-Economic;

³ GO-East letter, 2009_1307-GO_EAST-386344 (1).pdf

⁴ Direct link to SNDC 2009/1307, <https://info.south-norfolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZVUBOQJV575>

⁵ SNDC 2009/1307 site plan – ITEM-01-2009_1307-LOCATION_PLAN__APPENDIX_1_-377746.pdf

⁶ Direct link to SNDC Planning Portal for 2014/1792, <https://info.south-norfolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NB2JGLOQ00Z00>

⁷ Direct link to BDC Planning Portal for 2014/1431, <https://secure.broadland.gov.uk/MVM/Online/dms/DocumentViewer.aspx?PK=675158&SearchType=Planning%20Application>

⁸ ITEM-09-2014_1792-SCOPING_OPINION-1227188.docx. NB: Word autofill gives a misleading date of this letter.

Early this year, BDC have consulted on a Local Development Order (LDO) for a 19ha (usable 16.5ha) *Food Hub*. BDC now intend to take the LDO proposal, as a non-EIA development, to their Cabinet meeting of Tuesday May 23rd. The proposal is supported by a negative screening opinion developed by BDC itself, and copied to SoS on February 24th 2017.

As well as the LDO consultation⁹, BDC have a related planning application 2017/0052¹⁰ for the LDO.

Detailed reasons for an SoS EIA Screening Direction on the LDO Proposal

We now provide detailed grounds for the SoS to issue a screening direction for the LDO Proposal:

1. A previous SoS screening direction in 2009 for an earlier application of essentially the same proposal at the same wider site required an EIA, as above.
2. An SPD for a Food Hub in the Greater Norwich area was developed by SNDC and BDC between 2013 and 2014. Among issues highlighted in a 2013 consultation was “consideration of scale”. The Councils concluded “*an indicative scale for an initial phase of up to 10 ha is suggested.*”¹¹. This proposed initial scale was confirmed by BDC Full Council on 10th July 2014¹².

The Food Hub SPD was adopted in July 2014. Restriction of the scale of the initial phase to 10ha is clearly laid out in the “Scale and Design” where it says¹³ “*An indicative scale for an initial phase of up to 10ha is suggested, with subsequent phases brought forward at a later date to capitalise on the successful implementation of initial development.*”

3. A 10ha site meets the criteria for a Schedule 2 development in the EIA regulations. **BDC have now departed from their own agreed policy for the initial site with the current LDO proposal being a 19ha site, which also fails to meet the criteria of a Schedule 2 development.**
4. BDC itself had no doubt over the necessity of an EIA on the previous 2014 planning application. This application covered the current LDO proposal area in BDC and an adjacent area in SNDC. This proposal was for 40ha, and is closer to the clear long term objective of a 50ha Food Hub, straddling both BDC and SNDC, as proposed to DEFRA, and designated by DEFRA as a Food Enterprise Zone in March 2015. This 2014 application was for a similar development on the same ridge, the BDC part being the same element as is now proposed as a non-EIA LDO.

⁹ Direct link to consultation portal: <http://broadland-consult.limehouse.co.uk/portal/fez/ldo?tab=files>

¹⁰ Direct link to planning portal: <https://secure.broadland.gov.uk/MVM/Online/dms/DocumentViewer.aspx?PK=705841&SearchType=Planning%20Application>

¹¹ Quoted from – ITEM-02-Food_Hub_SPD_Public_Participation_Statement_April_2014.pdf, page 7.

¹² ITEM-03-140710_FULL_Council(4).pdf, page 73, and minuted decision ITEM-04-140710_MINS_Council(1).pdf, page 7 and 8

¹³ ITEM-05-Food_Hub_SPD_Adopted_Version_July_2014_0.pdf, page 9

5. BDC replied to the applicant¹⁴ by 20th October 2014¹⁵, and the letter includes this sentence:

“However, the general consensus was that the main issues identified in your scoping document should be addressed within the EIA and this is the opinion shared by Broadland District Council.”

6. Given the clear intention of an eventual 50ha site, and the smaller 2014 proposal being required an EIA by BDC and SNDC, the current LDO proposal should be an EIA site under cumulative arguments alone.

7. SNDC submitted a bid to DEFRA for a Food Enterprise Zone¹⁶. The bid document contains a 10 pt Project Plan for a 1 year project between March 2015 and April 2016 for the parallel development of a Master Plan for a 50 ha area (to be develop over 15 – 25 year period), alongside the initial LDO for a 10ha site. The application to DEFRA makes various statements:

“The larger Food Enterprise Zone site would be masterplanned alongside the preparation of the LDO which could also facilitate relocation of the Norwich Livestock Market. The LDO would determine the uses and other criteria already outlined in the SPD and provides the detail about the design codes, plot ratios, parking ratios etc”;
and

“Development and Adoption of a master plan for the Greater Norwich Food Enterprise zone within a 12 month period”; *and*

“An LDO would need to go into considerably more detail about the appropriate uses, design codes, plot ratios, parking ratios etc”.

The supporting details for the LDO proposal from BDC do not include the masterplan showing acceptable mixes and relationships of uses, either for this site in isolation or the 50 hectare DEFRA defined submission.

It is understood that the Master Plan has never been developed, so it is not possible to gain a clear understanding of the cumulative development anticipated for the site leading to an eventual 50ha development. Proceeding with a 19ha initial phase without an EIA is folly given the clearly foreseen future expansion plans for the site.

8. BDC has chosen to ignore the impending implementation of the T&CP (EIA) Regulations 2017 that requires alternative sites to be evaluated. Alternative sites exist that meet BDC's location criteria, including brownfield land. The new Regulations come into force on 16th May, prior to the BDC Cabinet meeting of 23rd May 2017.

Very few of the supporting comments in the LDO consultation were site specific. In other words, they were supportive of the concept of a Food Hub somewhere in the Greater Norwich area, but did not require a Food Hub at this particularly sensitive location.

¹⁴ ITEM-10-20141431 Decision.pdf

¹⁵ ITEM-10-20141431 Decision.pdf, the letter is undated, but the PDF scanned version has a dated date of 20th October 2014.

¹⁶ ITEM-24-South Norfolk EOI-FEZ_LEP final 16.3.15.pdf

9. BDC's Screening document (1.1) at the outset states that it is being drawn up to support the GNFEZ LDO (ie an eventual 50ha Food Hub). This is repeated in its barrister's advice "This Screening Assessment has been undertaken in order to support the GNFEZ LDO". Whereas this may not give rise to legal error, in the circumstances where BDC is the proposer and determiner, this is a remarkable infelicity suggesting questionable impartiality on the part of BDC as decision maker on its LDO Proposal.
10. The adjoining LPA, South Norfolk District Council (SNDC) whose boundary is immediately adjacent to the subject site, requested and repeated its recommendation that an EIA should be undertaken. Concurrently, with the BDC Consultation earlier this year, the SNDC Cabinet discuss the BDC LDO Proposal at Item 11 of their February 6th 2017 meeting, and made this recommendation¹⁷:

"Request that Broadland District Council assess the need to undertake a full Environmental Impact Assessment of the proposals and in making the reassessment, take in to account the responses received from the consultation exercise;"

11. The parish councils of Easton, Marlingford and Colton, Weston Longville, Taverham, Barnham Broom, Barford and Wrampingham and the Town Council of Costessey objected to the LDO on the subject site. Ringland Parish Council expressed concerns on traffic generation and requested more consideration.
12. BDC contacted Natural England as a statutory consultee who responded to BDC as follows on Feb 8th 2017:

"... Natural England does not consider that this Greater Norwich Food Enterprise Zone Local Development Order poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again."

BDC have subsequently claimed that Natural England have no objection. However, they have not referenced the caveat from Natural England in the second paragraph above that this does not mean there are not impacts on the natural environment.

We disagree that the proposal is low risk, and are writing to Natural England to request they re-assess their statement.

¹⁷ ITEM-32-letter to broadland re LDO food hub Final.pdf

13. BDC have failed to comply with the basic principles of its enabling document, the "Food Hub" SPD of July 2014:
- a. *"a specific proposal would need to be fully justified as acceptable through the planning application process"*. A specific proposal has never been drawn up and the planning application process has been abandoned without comment or justification.
 - b. *"it should be based on an overall Master Plan"* - none has been prepared, as above.
 - c. *"it should be completed in phases"* - no reference is made to phasing in the LDO other than reference to a first phase *"the area of which **should not exceed 10ha**"* - the subject site is 19ha. Further without knowledge of the phasing, cumulative impact cannot be assessed. We believe this is salami slicing to avoid proper environmental assessment.
 - d. Note that as a condition to the previous planning application 2014/1792 SNDC stated (9/2/15) *"Quantum - that the phasing of the development be fully explained"*. The BDC LDO proposal, and its EIA screening, is silent on further phasing.
 - e. *"it should be viable"* - there is no reference, far less an assessment in the LDO or supporting documents on viability.
 - f. *"it should be near public transport"* - there is no public transport to the subject site nor nearby and there are no footpaths from the villages to the site. This also breaches BDC's local plan policy TS2.
 - g. *"it should be developed in a sustainable way"* - see e) above plus no cycle way and Church Lane (access to subject site) and barrier of A47 dangerous (breaches 2.4 of Screening "cyclists and pedestrians must access site safely") thus encouraging car dependency and car parking. Also subject site all greenfield, productive land without considering brownfield options. No reference to the Greater Norwich Local Plan current consultation on its Sustainability Appraisal
 - h. *"to benefit local agriculture and local producers"* - no consideration whatsoever of conditions, their efficacy or legal covenants to achieve this goal.
 - i. a prime consideration in the SPD was the relocation of Norwich Livestock Market – this is not mentioned in the LDO or supporting documents.
14. Scoping and Screening Report and HRA with the LDO proposal are factually incorrect. The HRA Screening report is a travesty which offers superficial analysis and poor protection to the local natural resources – the BDC HRA assessment is largely a cut and paste of their EIA assessment – in some places, it contains self-referential loops and provides no real

evidence¹⁸. A **proper fully “in combination” and “cumulative effect” HRA Screening should be produced.** Major problems are:

a. Failure to consider the February 2015 SNDC statement (letter as above) that *“this is an environmentally sensitive area on a broad ridge between the River Yare and River Wensum”* Both are SAC's.

b. Failure in BDC's HRA to take account of the Environment Agency's (EA) statement :

“The River Tud is located approximately 500 metres north of the LDO area. The River Tud has a 'high' sensitivity receptor on account of the type of species and habitat present....River Tud is able to support Brown Trout, Bullhead Brook Lamprey, native White Clawed Crayfish. The River Tud is a tributary of the River Wensum which is a European Designated Site”.

NB: BDC's HRA is wrong to say that the River Tud is 800 metres away, EA's figure of 500 metres is correct (and the flood footprint is closer). BDC's HRA only considers great crested newts whereas there is legally protected fauna in close proximity (see also 'drainage' later).

c. Failure on a grand scale in screening on cumulative impact as it makes no reference to:

i. the more substantial Defra designated development of at least 50 ha for which there is no promised Master Plan,

ii. no reference to the wider 1 mile by 2 mile FEZ the 2015 designated DEFRA FEZ

iii. to consider possible outcomes to the current public consultation by Highways England on the A47 (North Tuddenham to Easton) improvements which may see the strategic junction located at the B1535 HGV Route, rather than at Easton

iv. to consider Norfolk County Council's (NCC) stated aim of an extension to the Norwich Northern Distributor Road across the R. Wensum SAC and valued landscapes of Royal and Ringland Hills and Wensum and Tud Valleys. NCC (NCC Environment, Development and Transport Committee 27/1/17) has explicitly referred to the Food Hub as being a catalyst for this destructive and expensive route, probably one of the most expensive roads ever to be built by a county council.

v. To consider the GNLP Working Group's 0145A to D development assessment on 369ha adjacent consisting “ 3,900 dwelling and 72ha of land for

¹⁸ For example:

- Section 4.4 on Air Pollution and Combustion makes a forward reference to section 4.8 (where it will be “considered further”). Section 4.8 does not consider the issue further, or “in combination” (it’s supposed objective) but just refers back to section 4.4.
- Ditto, section 4.5 on foul water discharge, and section 4.9
- Ditto, section 4.6 on water abstraction, and section 4.10
- Ditto, section 4.7 on surface water discharge, and section 4.11.

commercial uses, incorporating district centres composed of retail, community facilities, primary schools, open space, landscaping including wildlife corridors and country park and associated infrastructure.”

Further issues with the LDO Proposals as non-EIA development

15. Failure to take account of the polluting industries that would be permitted in the LDO – as well as the livestock market and others there is boiling blood, chitterlings, nettlings or soap; boiling, burning, grinding or steaming bones; boiling or cleaning tripe, breeding maggots from putrecidal animal matter; cleaning, adapting, treating animal hair; dealing rags and bones; drying skins; making manure from bones, offal, blood or other putrecidal animals, manufacturing animal charcoal, blood albumen, catgut, glue or feeding stuff; melting, refining or extracting fat or tallow; preparing skins; distilling, refining or blending animal or vegetable oils; boiling linseed oil or producing alphatic esters, gum of lower fatty acids, bulyric acid, caramel, hexamine or iodoform; milling. Plus, run off from car parks, service aprons and vehicle servicing points and chemical storage. These potential uses under the current LDO drafting do not appear to involve 'fleshing'.
16. Failure to consider possible need for Air Quality Zone juxta the A47.
17. Failure to appreciate that matters of air pollution, combustion, foul water, surface water and water abstraction cannot be dealt with through non-defined and non-existent conditions. The nature and complexity of such measures cannot be treated as reserved. Without concurrency the significant effects on the environment cannot be properly reached. Neither can the efficacy of mitigation be judged.

Further, there is a breach of NCC's Norfolk Local Flood Risk Strategy (Draft 2015) that states that - risks must be identified, surface water management plan requires to be drawn up, 'in combination effects need to be considered and all this must be concurrent (see also 18 below)
18. Failure to consider the depletion of resources – the subject site is good agricultural land, no water framework assessment has been done, “seek to maximise water efficiency” is meaningless in an ecologically stressed area, no abstraction licence, vulnerable principal aquifers.
19. Failure to take into account the absorption capacity of the subject site – the Rossi Long Consulting document and WSP record show that all tests for surface water infiltration to ground water reservoirs failed. It shows that flow is to the River Tud, a sensitive receptor, via ditches and existing culvert under the A47. There is no consideration of catchment sensitivity flagged by SNDC. Industrial foul water is to be pumped to Easton Pumping Station where failure would be catastrophic to the biodiversity of sensitive rivers, lowland marshes and coastal grazing marsh.
20. In this and other respects, there is no regard for the precautionary principle, the LDO conditions give no level of certainty. Note, for example, the EA's comments on the vulnerability of the River Wensum SAC, indeed Lord Carnwath in R (Champion) v North Norfolk used the statement:

“ probably the best whole river of its type in nature conservation terms, with a total of over 100 species supports an abundant and diverse invertebrate fauna, the native freshwater crayfish (a European protected species) as well as a good mixed fishery”

21. Contrary misinterpretation of Historic England's comments in Screening. Contrary to BDC's statement, Historic England states of the Grade 1 Listed Church of St Peter at Easton and Grade 2 Listed Church at Honingham:

“Historic England considers that the setting of both churches could be 'compromised' by the development” and of the mitigation proposed by BDC: “ it neither establishes the level of impact on the churches' setting or the efficacy of mitigation” and concludes “ we maintain our view that the development would result in harm to the significance of these heritage assets, in terms of NPPF we are unable to refine this view”.

So how can BDC interpret this as Historic England being happy with the mitigation measures?

22. Disregard in Screening for the landscape consultant's, Shiels Flynn report¹⁹ that regards this elevated site, on a ridge, an important gateway approaching the City, it refers to the wide vistas over the River Tud to Ringland Hills and the vulnerability of this area of countryside to conglomeration with the Norwich urban fringe.

23. **The Statutory advertisement for BDC's LDO consultation misled the public.** On Tuesday January 24th 2017, BDC placed an advert in the Eastern Daily Press²⁰ for the current consultation under Town and Country Planning (Development Management Procedure) Order 2015 Article 38 which at point (i) stated to the public that the LDO under consultation:

“is an EIA application accompanied by an Environmental Statement”

24. Failure in Screening, by Traffic Consultants Rossi Long/BDC to adequately brief on the possible future development – see 9(c) above. Further, although it refers to a further 890 dwellings at Easton, it only appears to assess the impact of traffic from the subject site on Easton Roundabout on the A47 and then puts faith in the future improvement of this roundabout, whereas there is no plan to improve this roundabout. Neither does it assess safety on Church Lane or at the roundabout. It is considered that no traffic from the subject site will pass close to “any” residential property, whereas, the west site of the 890 house development at Easton bounds Church Lane.

In view of the questionable conclusions according to residents and the testimony of the landowner, of this hypothetical desk top report , BDC Cabinet promised to review Rossi Long's report.

25. Misinterpretation of the situation by Highways England (HE) who think that its reservations regarding “capacity and safety” can be addressed at “full planning application”. Clearly as there will be no planning application, capacity and safety needs to be addressed now – see

¹⁹ ITEM-22, Shiels Flynn Landscape Strategy.pdf

²⁰ ITEM-23- 2017Jan24-BDC-LDO-Advert-EDP.pdf

concurrency above. In any case, HE is in no position to draw conclusions until after the public consultation on A47 (North Tuddenham to Easton).

26. Failure to include supporting infrastructure within “whole” site. References have been made to requirement for large suds lagoon, pumping station, sewers. Further, there will be sub stations, governors, power networks and treatment plants.
27. Failure to consider the practicalities of providing off site infrastructure such as sewers – Anglia Water consider that the foul water network “may need reinforcing” and the widening of Church Lane (referred to by NCC). This may require CPO/public enquiry and Diocese land at the Grade 1 Listed St Peters Church may need to be acquired. In fact NCC has produced no plans on what would be a major widening to accommodate, HGV's, cycle lane and pavement.
28. Failure to consider the cost of 23 and 24 above on the public purse – see also viability above and the colossal cost of anchoring a Western Link Road close to a junction at Easton.
29. SNDC has questioned the efficacy of the code eg on the subjectivity of odours and emissions. BDC has now altered the code to use the legal concept of public nuisance as the criterion which is detrimentally way above a normal planning view of amenity. This gives no protection and invites legal action for recourse, rather than in house enforcement.
30. Failure to accept that the scale of the development is well beyond the thresholds eg: SPD specifies as does Schedule 2 of the Regulations, maximum 10ha, whereas 19ha proposed for first phase; 1,000 square metre building trigger in Regulations, whereas 50,000 square metre proposed for first phase. There can be no restriction on chimney and silo heights. Retail use could be permitted up to 5,000 square metres and thus should have been subjected to the Sequential Test.
31. Misinterpretation of response from EA, NE and HE and landscape consultants. BDC states they have “not identified any particular concerns”. On the contrary EA points to the River Tud sensitive receptor, the water framework directive requirement, foul water concerns, water resources within an ecologically stressed area and unhappy with “seek to maximise water efficiency” and refers to the need for an abstraction licence. In Natural England's caveat it is clear that there may well be particular concerns, the landscape consultants refer to “severe adverse change” and Highways England are concerned about capacity and safety.
32. Insufficient protection for the occupiers of Red Barn Cottage from nuisance. There is no protection 24/7 from noise (+14dBA), smell, dust, smoke, fumes, artificial lighting and solid and liquid discharges for these residents.

It is paramount that any development which proceeds at the proposed Food Hub site is only undertaken with the highest environmental safeguards, given the points made above, and in particularly its location within the River Wensum valley. We have outlined numerous reasons above why the BDC EIA screening opinion is wholly inadequate, and why it would be disastrous for both local residents, the local environment and amenity, if the LDO were to be adopted by BDC without a full EIA.

Further BDC are deeply conflicted in being both the proposer and the determiner in such a controversial case. It is essential that SoS relies upon Regulation 4(8) (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("the Regulation") to issue an EIA screening direction as a matter of urgency. This is the only way that an impartial and fully evidence based decision on the EIA can be reached.

We formally request that you issue an EIA screening direction as a matter of urgency

We should be very grateful for an acknowledgment by email (chair@eastonparishcouncil.co.uk) of our requests here for an EIA Screening direction, and an associated Article 14 direction.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Milliken', with a long horizontal flourish extending to the right.

CLlr Peter Milliken, Chair Easton Parish Council, Norfolk.