



From: Cllr Peter Milliken
Easton Parish Council
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Phil Courtier, Head of Planning
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Broadland District Council

Email:
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Dear Sirs,

Broadland District Council (“BDC”)

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

We are writing to advise you that we have formally requested SoS DCLG to issue an EIA screening direction in the case of the above LDO Proposal under Regulation 4(8) (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. We have also requested that the SoS makes an Article 14 direction to restrict the adoption of the LDO by BDC before a date that is fourteen days after the publication by SoS of a EIA screening direction. We are aware that several other bodies and interested parties have also submitted requests to the SoS for an EIA screening direction.

We also draw your attention to the comments made by the court in R (on the application of Roskilly) v Cornwall Council [2015] EWHC 3711.

“If the Secretary of State concludes in considering an application for a screening direction that the development is environmental impact assessment development then that is a conclusive determination that an environmental impact assessment is required, and pursuant to Regulation 3(4) permission cannot be granted until the environmental information contained in an environmental impact assessment has been taken into account by the planning authority. If the planning authority chooses to grant consent and prior to the resolution of a direction requested of the Secretary of State then they run the risk that if that direction is positive they will have granted a planning consent which is infected with illegality. It follows from this analysis that, were it necessary to do so, I would also have been minded to conclude that no reasonable planning authority, knowing at the time when they formed a resolution to grant planning permission that there was an outstanding request of the Secretary of State to make a determination on a screening direction, would proceed to grant planning permission without knowing the outcome of that screening direction process.”

Whilst this refers to a conventional planning application process, it must be concluded that similar legal principles would apply to adopting an LDO whilst the SoS is considering an application for a screening direction.

We append the full text of our letter of request to the SoS below for your information.

We should be very grateful for an acknowledgment by email (chair@eastonparishcouncil.co.uk) to this letter.

Yours sincerely



Peter Milliken

Chair Easton Parish Council