

Mr Colin Dunn  
Department of Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

PINS Ref: TR010037  
Our Ref: 304597

2<sup>nd</sup> September 2022

Dear Mr Dunn

#### **A47-A11 Thickthorn Junction – Big Sky Developments Limited Response to Request for Comments**

As planning agent acting on behalf of Big Sky Developments Limited, we wish to respond to the Secretary of State's request for comments consultation letter, dated 19<sup>th</sup> August 2022, in respect of the following matter:

#### **"1 Proposed delivery of public open space**

The Secretary of State understands that an application has been submitted by **Big Sky Developments Limited** to **South Norfolk District Council** which seeks to vary the proposed delivery of public open space as part of the Cringleford residential development. The Secretary of State requests that the parties provide an update on the status of that application, together with an update on the proposal to vary the associated section 106 Agreement."

An application under Section 73 of the Town and Country Planning Act 1990 was made by my client, Big Sky Developments, to vary the public open space scheme previously approved by South Norfolk Council as part of outline planning permission 2017/2120 and reserved matters approval 2018/2791. This application was validated by South Norfolk Council on 23<sup>rd</sup> December 2021 under reference 2021/2779 and seeks to align the proposed delivery of public open space with the proposals currently being considered by the Secretary of State.

Ingleton Wood LLP practising as Ingleton Wood  
Registered No. OC306572  
Partners are members of the LLP  
Regulated by RICS

Registered Office: 10-12 Alle Street, London, E1 8DE

Practice Secretary  
Kathryn Lee FCA

Operations Director  
Michelle Le Chalmers MCIPD MBA

#### **Partners**

John Dixon BA (Hons) Grad Dip Arch RIBA  
Stuart Norgett BA (Hons) Dip Arch RIBA  
David Cresswell BSc (Hons) MRICS  
Laura Mansel-Thomas BA (Hons) MSc PhD CEng FCIBSE MEI  
Paul Cavalier BSc (Hons) MRICS IMaPS  
Simon Gorst BA (Hons) MSc MRICS  
Anni Folan-White BEng (Hons) MSc CEng MCIBSE  
Christopher Mabbutt MScChE BSc (Hons) MRICS  
Daniel Legg BSc (Hons) FRICS IMaPS  
Darren Fowler BA (Hons) BAArch PgDip RIBA



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At present, the application remains active, and we are engaging regularly with South Norfolk Council throughout the determination period. We understand from South Norfolk Council that they consider our proposals to be acceptable in principle. To date, no amendments have been requested to the submitted proposal plans or documents. Key statutory consultees have not made any objections in respect of the details being varied.

The Deed of Variation to the associated Section 106 Agreement has been drafted by our client's Solicitor and is currently being circulated between parties at South Norfolk Council. We are expecting minor comments from South Norfolk Council being returned imminently. From our discussions with them, we understand that none of the comments disagree with the key principles of the proposed variation.

On 16<sup>th</sup> March 2022, Natural England wrote to South Norfolk Council, in a letter that has been made public, issuing updated guidance concerning nutrient neutrality. This has, in effect, prevented the issuing of most decisions relating to planning permissions for residential development within The Broads SAC catchment area located within South Norfolk District Council's boundary. This site in Cringleford falls within the catchment identified by Natural England.

As this application is made under Section 73, it results in the issuing of a new planning permission for the relevant area of the site. Accordingly, South Norfolk Council have approached determination with caution whilst they seek further legal advice and clarification on the types of development and applications affected. Determination of this application has therefore been significantly delayed because of the implications of this updated guidance.

Once clarity has been provided on the nutrient neutrality matter, and the Deed of Variation has been finalised, we expect the application to be heard by South Norfolk Council's Development Management Committee with a positive Officer recommendation for approval.

Yours faithfully

Nicol Perryman  
Associate | Planner  
Ingleton Wood LLP  
