

NORWICH CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

Appeal by Honeyview Investments Ltd against the refusal of planning permission by
Norwich City Council of

*“Construction of a Class E food store with associated access, car parking, servicing and
landscaping.”*

at 10 Barnard Road, Norwich, NR5 9JB

Planning Inspectorate Reference: APP/G2625/W/25/3375696

Council Reference: 23/01615/F

STATEMENT OF CASE

1.0 Introduction and Background Information

- 1.1 This appeal statement relates to an appeal against Norwich City Council's ("the Council") decision to refuse planning permission, following an application submitted by Honeyview Investments Ltd (the "Appellant") under reference 23/01615/F (the "Application"), for the following description of development (the "Development"):

"Construction of a Class E food store with associated access, car parking, servicing and landscaping."

- 1.2 The Council's planning committee resolved to refuse the Application on 8th May 2025, and a decision notice was issued on 16th May 2025 (the "Decision Notice"). The planning permission was refused for the following reasons:

"1. The proposed development would result in the loss of an existing valued community facility which is contrary to policy DM22 of the Development Management Policies Local Plan 2014 and paragraph 98(c) of the National Planning Policy Framework 2024.

2. The application involves the loss of protected trees that form part of a continuous existing landscaping feature along the southern side of Dereham Road, which makes an important contribution to the character, local distinctiveness and quality of the urban environment. The loss of the protected trees does not facilitate a substantially improved approach to the design and landscaping of the development that would outweigh the loss of the trees contrary to policy DM7 of the Development Management Policies Local Plan 2014 and paragraph 136 of the National Planning Policy Framework 2024.

3. The proposals fail to encourage sustainable travel through a failure to provide adequate infrastructure to support and prioritise access to the site by non-car modes contrary to policies DM1 bullet 3 and DM28 of the Development Management Policies Local Plan 2014, part 1 of policy 2 of the Greater Norwich Local Plan 2024 and paragraphs 110, 115 and 117 of the National Planning Policy Framework 2024.

4. The proposals fail to reduce car use and as a consequence fail to reduce dependency on the private car contrary to policy DM1 bullet 3 of the Development Management Policies Local Plan 2014."

- 1.3 On 15 January 2026, the Council confirmed to both the Planning Inspectorate (“PINS”) and the Appellant that, having reviewed its position, this Statement of Case will set out that the Council (a) will not defend RfR3 (fail to encourage sustainable travel) and (b) will not defend RfR4 (fail to reduce dependency on the private car), subject to agreeing suitable conditions. The Council confirmed that it will continue to defend RfR1 and RfR2 and this Statement of Case is presented on this basis.
- 1.4 This Statement of Case provides for a description of the site and its surroundings, the proposed development, relevant planning history, national and local planning policy context and relevant guidance, the Council’s case with regard to the reasons for refusal and outlines their statutory duties.
- 1.5 An initial draft of the Statement of Common Ground (“SoCG”) was received from the Appellant in December 2025 and further details in relation to these matters are expected to be provided within the SoCG prepared by the Council and the Appellant.
- 1.6 This Statement of Case is prepared on behalf of the Council and in accordance with the Inquiries Procedure Rules (SI 2000/1625) and has regard to the Inspectorate’s ‘Procedural guide: Planning appeals – England’ (updated 9th December 2025) (“the Procedural Guide”), in particular section 11 Inquiries. It provides a succinct statement of the case that the Council will present at the Public Inquiry.

2.0 Site and Surroundings

2.1 Site Location

The appeal Site (“the Site”) provides a site area of 1.02ha, located within the Bowthorpe Employment Area, and consists of a single storey building used as a bowling facility, operated by Namco Funscape. The facility includes 30 bowling lanes, a video games area, a café and separate ‘Pro shop’, together with a separate room with a bar which operates as a function suite available for private hire.

2.2 The existing facility provides a car park for over 100 cars to the south of the building, which is within the Appellant’s ownership but does not form part of the Appeal Site. Servicing for the existing building is to the north and east. The site is accessed from the south, directly from Barnard Road via an existing access road which also serves the adjacent hotel to the east.

2.3 To the north of the Site is Dereham Road, with residential development in the parish of Costessey, within South Norfolk District, to the north of the road. The Site currently has no direct access to Dereham Road for vehicles, pedestrians or cyclists. To the south and west are commercial buildings which extend further south and west. Further to the south are the residential areas of Bowthorpe, Chapel Break, Clover Hill and Three Score.

2.4 Constraints

The Site is located within the Bowthorpe Employment Area which is designated employment land. Tree Preservation Orders (“TPO”) apply to a group of 7 Oak trees and a single Sycamore tree to the north of the Site (TPO 613) and to 4 Silver Birch trees and 3 mixed tree groups to the south of the Site, located on land within the Appellant’s ownership but predominantly outside of the Site (TPO 634). There are no designated heritage assets located within or adjacent to the Site and it does not contribute to the significance of any designated heritage assets in the surrounding area.

2.5 The Site is located within Flood Zone 1, however there are areas of the Site that are at low, medium and high-risk probability of surface water flooding.

3.0 Appeal Proposals

- 3.1 The proposal seeks planning permission to demolish the existing building on site, which has a gross internal area of 3,345sqm, to allow construction of a Class E food store with a gross internal area of 1,949sqm (including a net sales area of 1,331sqm, of which 1,001sqm would be for convenience goods sales and 250sqm for comparison goods sales), 102 car parking spaces, 42 cycle parking spaces, landscaping and pedestrian and cycle access including a proposed access ramp into the site from the north.
- 3.2 The site would continue to be accessed from the existing access from Barnard Road which is shared with the hotel site adjacent to the east and would be modified to also provide a point of access to a separate parcel of land to the south of the appeal site.

4.0 Relevant Planning History

- 4.1 A summary of the relevant planning history for the appeal site is provided below:
- 07/00056/O. Outline application for the erection of hotel and bowling alley, refused and dismissed at appeal – 30 April 2007.
 - 06/00056/O. Outline proposals for the demolition of existing bowling alley and erection of hotel and separate public house/restaurant, withdrawn – 27 April 2006.
 - 4/2000/0399. Extensions and alterations to front of building, new mezzanine level restaurant and alterations to car park, approved – 12 July 2000.
 - 4/1999/0985. Extensions to building at front and rear and to car park, approved – 17 February 2000.
 - 4/1994/1013. Erection of signs, approved – 6 January 1995.
 - 4/1992/0793. No.2 Post mounted triangular signs, temporary consent – 18 December 1992.

5.0 Development Plan Policies and Guidance

5.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Act 2004 together require that planning applications must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

5.2 The requirements in determining applications “*in accordance with*” the plan does not mean that an application must comply with each and every policy, but it is approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the courts, that Development Plans are a broad statement of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. The statutory adopted Development Plan for the appeal site comprises of the following:

- Greater Norwich Local Plan (Adopted March 2024) (“GNLP”)
- Norwich Development Management Policies Local Plan (Adopted December 2014) (“DMPLP”)

5.3 The Policies of the Development Plan relevant for the determination of this appeal are considered to be the following:

GNLP

- GNLP1 - The growth strategy
- GNLP2 - Sustainable communities
- GNLP3 - Environmental protection and enhancement
- GNLP6 - The economy
- GNLP7.1 - The Norwich Urban Area, including the fringe parishes

DMPLP

- DM1 - Achieving and delivering sustainable development
- DM2 - Ensuring satisfactory living and working conditions
- DM3 - Delivering high quality design
- DM5 - Planning effectively for flood resilience

- DM6 - Protecting and enhancing the natural environment
- DM7 - Trees and development
- DM11 - Protecting against environmental hazards
- DM16 - Supporting the needs of business
- DM18 - Promoting and supporting centres
- DM20 - Protecting and supporting city centre shopping
- DM21 - Protecting and supporting district and local centres
- DM22 - Planning for and safeguarding community facilities
- DM28 - Encouraging sustainable travel
- DM29 - Managing car parking demand in the city centre
- DM30 - Access and highway safety
- DM31 - Car parking and servicing
- DM33 - Planning obligations and development viability

5.4 Relevant Material Considerations

The following documents are material considerations relevant for the determination of this appeal:

- Landscape and trees SPD adopted June 2016
- Water efficiency advice note October 2015

5.5 National Planning Policy Framework (“NPPF” or “the Framework”) (December 2024, as updated February 2025)

The sections of the NPPF considered relevant to the proposal are:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 – Building a strong, competitive economy

- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

5.6 On 16 December 2025, the Government published a consultation document, *National Planning Policy Framework: proposed reforms and other changes to the planning system*. It does not constitute Government policy or guidance. As a consultation document, it may also be subject to change. Accordingly, whilst the Council will take the document into account, presently it attracts limited weight.

5.7 Additional national planning policy and legislation considered relevant to the appeal proposals include:

- National Planning Practice Guidance (“PPG”)
- Conservation of Habitats and Species Regulations 2017, as amended.

6.0 The Case for The Council

6.1 Reason for Refusal 1 states the following:

“1. The proposed development would result in the loss of an existing valued community facility which is contrary to policy DM22 of the Development Management Policies Local Plan 2014 and paragraph 98(c) of the National Planning Policy Framework 2024.”

6.2 The Council will explain that DMPLP policy DM22 concerns planning for, and the safeguarding of, community facilities and this is defined in the plan as *“Facilities and uses generally available to and used by the local community at large for the purposes of leisure, social interaction, health and well-being or learning. This will include, but not be confined to, community centres, historic and community public houses, premises for indoor sport, leisure and cultural centres, places of worship, doctor’s surgeries/ health centres, crèches, playgroups, libraries, schools and other training and educational facilities”*¹. The Council will set out that this is similar to, and expands upon, the examples of community facilities as set out in paragraph 98 a) of the Framework and will evidence that the premises are used for indoor sport and leisure and more generally by members of the public, including the local community and specific groups, as a place for social interaction.

6.3 The Council will therefore explain that, in having regard to the Development Plan, the existing use of the site is a community facility, and the appeal proposal would result in its loss.

6.4 The Council will refer to DMPLP policy DM22, which states that *“development resulting in the loss of an existing community facility will only be permitted where:*

- a) adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance; or*
- b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and*
- c) evidence is provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use.”*

¹ DMPLP Appendix 10 – Glossary of Terms, page 297

- 6.5 Furthermore, the policy states that *“the involvement of the local community will be sought in identifying the importance of local facilities”* and that *“where it is demonstrated that an existing community use is not viable, preference will be given to the change of use or redevelopment to alternative community uses before other uses are considered. Proposals for development which involve the unavoidable loss of community facilities for which there is a proven demand will be required to consider the scope for relocating or reproviding the facility either within the new development or on an alternative site within the locality and to make such provision where feasible and practicable”*.
- 6.6 The Council will explain that the existing facilities within 800m of the Site that can be defined as community facilities/use do not provide *“adequate alternative provision”* so as to accord with DM22 part a) as they are not able to address the specific requirements provided by the existing site as an indoor bowling area. Whilst the facility provides for a specialist type of provision for which alternatives may not realistically be expected to otherwise be provided within 800m, the policy nonetheless accounts for this circumstance, by setting out parts b) and c). As such, the Council will explain that the proposal does not meet the exception criteria provided by DM22 part a).
- 6.7 The Council will set out that parts b) and c) of DM22 require the Appellant to have demonstrated that it would not be economically viable, feasible or practicable to retain the building for its existing use (as per part b)); and that marketing efforts have demonstrated that there is no realistic interest in its retention for the current use or for an alternative community use (as per part c)). With regard to part b), the Council will set out that the Appellant has not sufficiently demonstrated that all reasonable efforts have been made to preserve the facility, and that the extent of the Appellant’s evidence as to the lack of economic viability to retain the building for a community use extends:
- a) to a letter in relation to market commentary on leisure uses²
 - b) a letter from the existing operators confirming that they will not be seeking to renew their lease as the location has *“become financially unviable”* for them³; and
 - c) commentary that other bowling facilities found elsewhere in Norwich has resulted in an over-provision against demand⁴.
- 6.8 The Council will explain that the policy requires parts b) and c) to have both been met for reasons that are applicable to this appeal. In order to be able to demonstrate that the

² Letter from Roche Chartered Surveyors dated 24 October 2024

³ Letter from Bandai Namco Amusement Europe Ltd, dated 14th December 2023.

⁴ Appellant Statement of Case paragraph 6.14

market commentary provided by the Appellant on the demand for leisure facilities in the locality can be substantiated, it is reasonable for this to have been demonstrated through a marketing effort to show that there is no realistic interest from the market in the retention of its existing use and that there is no market interest in an alternative community use. No evidence has been provided by the Appellant that this exercise has been done, and the Council will as such set out that a lack of market interest in the Site's existing use or an alternative community use has not been sufficiently evidenced.

- 6.9 The Council will explain that the letter from the existing operator does not provide any evidential basis to conclude that the Site, under its current use, could not be attractive to another operator nor does it identify that it would not be in demand in the market for another community use.
- 6.10 The Council will in evidence, set out the differences in terms of facilities, use and users, and locational catchments between the Site and other bowling provision within the wider area and explain why the existing use of the site provides community benefits and uses that are distinct from other ten pin bowling facilities within the wider area. The Council will set out that whilst the Appellant provides a series of reasons as to why the site is economically unviable under its current use, those reasons have either not been substantiated with evidence or appear to be specific considerations for the existing operator, rather than to the use⁵.
- 6.11 The Council will explain that the Appellant relies on the consideration that the site is attractive to the market for its redevelopment for a retail use, as evidenced by the intention of Lidl to occupy the site and the additional market commentary provided by the Appellant on retail use⁶; but that this does not negate the need to otherwise demonstrate that the Site is no longer in demand to the market as a use that can be defined as a community use, as is required by policy DM22.
- 6.12 Policy DM22 makes clear that development that results in the loss of an existing community facility will only be permitted where part a) or parts b) and c) are met. The policy recognises a need to involve the local community in identifying the importance of local facilities and that if it is demonstrated that an existing community use is not viable, that preference will be given to a change of use or redevelopment to alternative community uses before other uses are considered. The Council will explain that the Appeal proposal has not met the

⁵ Appellant Statement of Case paragraph 6.17

⁶ Letter from Roche Chartered Surveyors dated 21 January 2025

requirements of part a), nor of parts b) and c); fails to recognise the importance of the site as a facility to the local community and has not sufficiently considered the viability of alternative community uses before seeking to secure a retail use.

6.13 For these reasons, the Council will explain that the proposal is in conflict with Policy DM22 and, as a result, paragraph 98c) of the Framework, which requires planning decisions to *“guard against the unnecessary loss of valued facilities and services...”*

6.14 **Reason for Refusal 2** states the following:

“2. The application involves the loss of protected trees that form part of a continuous existing landscaping feature along the southern side of Dereham Road, which makes an important contribution to the character, local distinctiveness and quality of the urban environment. The loss of the protected trees does not facilitate a substantially improved approach to the design and landscaping of the development that would outweigh the loss of the trees contrary to policy DM7 of the Development Management Policies Local Plan 2014 and paragraph 136 of the National Planning Policy Framework 2024.”

6.15 The Council will refer to DMPLP Policy DM7, which states that *“Trees and significant hedge and shrub masses should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are exceptional and overriding benefits in accepting their loss.”*

6.16 Tree Preservation Order references TPO 613 applies to a group of 7 Oak trees and a single Sycamore tree to the north of the Site. The proposal would result in the removal of 9 trees, including 4 trees subject to the TPO. Policy DM7 states that *“development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value), will only be permitted where: a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows; or b) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow. Where the loss of trees is accepted in these circumstances, developers will be required to provide at least equivalent replacement in terms of biomass. This should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere.”*

- 6.17 The Council will explain that the proposal does not propose to remove the protected trees in order to enhance the survival or growth of other protected trees, and as such is not supported by the exception at part a).
- 6.18 The Council will set out in evidence, that whilst it welcomes the benefit in principle for the introduction of a pedestrian and cycle link from the Site to Dereham Road that would be provided to the north of the Site; the Appellant has not sufficiently demonstrated in evidence that such development could only come forward in a circumstance where protected trees are lost. The Council will explain that the proposed layout of the ramped access to Dereham Road has prioritised the layout and density of the car parking arrangement for the proposed development over the retention of protected trees.
- 6.19 Whilst the Appellant contends that this allows “*the proposed store to be located in the best position within the site to ensure an efficient use of land...maximising the potential for landscaping within the site*” and facilitates “*an efficient car parking layout*”⁷, the Council will set out that the trees proposed to be lost make an important contribution to the character, local distinctiveness and quality of the urban environment and that their loss has not been sufficiently justified within the proposed design layout. The Council will refer to consultation comments raised by their landscape consultee, which identify shortcomings in the landscaping design submission of the Appellant⁸, and which underpin a conclusion that the potential landscaping benefits of the proposal have not been sufficiently detailed so as to justify the loss of protected trees that make an important contribution to the urban environment.
- 6.20 Insofar as the Council conclude that the Appellant has not demonstrated that the loss of the protected trees would be justified, by way of allowing for a “*substantially improved approach to the design and landscaping of the development*” which would outweigh the loss, as per the requirement of DM7 part b), the proposal is in conflict with the policy, by failing to meet the exception provided by part a) or the test of part b). That the proposal provides for an increased number of tree planting by way of replacement is not of itself sufficient to accord with the policy, as it is a requirement where the proposal otherwise accords with parts a) or b).

⁷ Appellant Statement of Case para 6.29

⁸ Landscape consultation response dated 15th April 2025

6.21 The Council will set out that the proposal would as such conflict with DM7 and fails to sufficiently recognise the importance of trees to the character and quality of the urban environment, as set out at paragraph 136 of the Framework.

6.22 Benefits

The Council agree that the following are benefits of the scheme in planning terms⁹:

- Provision of a foodstore within a populated location
- Economic benefits including job creation during construction and during occupation
- Highways improvements to benefit cycle and pedestrian access to the site and the wider area
- The provision of electric charging points
- The management of the existing landscape and additional tree planting components of the landscaping scheme.

6.23 The Appellant also refers to the “*redevelopment of a previously developed site, which is unviable, outdated and visually unattractive*” as a benefit. The Council does not agree that this is a benefit, as for reasons set out in relation to RfR1, it does not conclude that it has been demonstrated that the site is unviable or outdated but does recognise that it proposes redevelopment of a previously developed site.

6.24 The proposal is able to deliver a 2% net gain for biodiversity. The Council concludes that this is an additional benefit of the proposal.

6.25 In its evidence the Council will explain the weight that it considers should be ascribed to these benefits.

6.26 Fallback as a material consideration

The Council will set out that it recognises that the existing building is not restricted by planning conditions and permitted development rights have not been removed; therefore the use of the existing building as a bowling alley now falls within the wider Class E use class¹⁰ and, in principle, could be changed to retail use as a permitted change without the need for planning permission.

⁹ As set out in paragraph 6.88 of the Appellant’s Statement of Case

¹⁰ As per The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

6.27 The Council will refer to the applicable case law (*Mansell*)¹¹ which sets out the approach to be taken to fallback within planning decision making. The first issue is whether there is a lawful fallback (whether there is a lawful ability to undertake such a use). Assuming there is, the question is whether there is a likelihood or real prospect of such a use occurring. The Court of Appeal case of *Mansell* [2017]¹² has clarified that for a prospect to be a real prospect; it does not have to be probable or likely: a possibility will suffice. However, the prospect cannot be “merely theoretical”. The requirement to have regard to a consideration imports on the decision maker a requirement to have before it sufficient material so that the consideration can be assessed. The final question is whether the implications of the proposed development are likely to be worse or broadly similar to the fallback. The weight to be attached to the fallback position as a material consideration will depend on the facts of each case.

6.28 The Council will set out in evidence that the fallback position available to the Appellant is a real prospect, but as a material consideration the fallback attracts minimal weight because it is unlikely to come forward. The Council will refer to the Appellant’s submission in identifying that the market demand letters relied upon set out, inter alia, that:

- *“The existing building is not fit for modern purpose...with no certainty that a single floor could be created”*¹³
- *“Splitting the unit would be extremely expensive and not viable”*¹⁴
- *“the availability of other employment type accommodation both on the Bowthorpe Estate and nearby, means that an employment type use on the site would also require complete redevelopment rather than re-use of the existing building and given the scale and nature of the site, we do not consider that speculative re-development of the site would be a viable option.”*¹⁵
- That the position that *“the food store operator is looking at the long-term picture and can afford to make substantial initial investments (whether in a new store or re-purposing a suitable existing building), with the confidence of a good return on investment”*¹⁶ is inconsistent with both the market commentary otherwise presented, not otherwise substantiated with evidence and is inconsistent with the Appellant’s consideration of retail requirements, as presented within their Planning and Retail Statement and Retail Impact Assessment.

¹¹ *Mansell v Tonbridge and Malling* [2016] EWHC 2832 (Admin)

¹² *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314

¹³ Letter from Roche Chartered Surveyors dated 24 October 2024 page 3

¹⁴ Letter from Roche Chartered Surveyors dated 24 October 2024 page 3

¹⁵ Letter from Roche Chartered Surveyors dated 24 October 2024 page 4

¹⁶ Letter from Roche Chartered Surveyors dated 21 January 2025 page 2

6.28 The Appellant refers to examples of foodstores that have been established in pubs and other leisure development, to the demand for retail floor space as set out in their market commentary and to three options for subdivision available within fallback scenarios¹⁷. The Council will set out that, in having regard to a) the conclusions of the Retail Impact Assessment, the Planning and Retail Statement and the Council's Audit commentary, b) the requirements of other foodstore operators to occupy development and their existing occupation within the district, c) the unattractiveness of the existing building for subdivision in the market place and d) the lack of evidence to demonstrate viability or intention of delivery of one of the three presented fallback options, that those fallback scenarios are unlikely to come forward.

6.29 As such, the Council will set out that the fallback position attracts minimal weight as a material consideration to be weighed against conflict with the development plan, as those fallback scenarios are unlikely to come forward.

6.30 Planning Balance

The Council's evidence will demonstrate that the proposal is in conflict with the Development Plan overall. That conflict is not outweighed by other material considerations.

¹⁷ Appellant Statement of Case paragraph 6.75

7.0 Witnesses

7.1 At this stage, the Council expect to present evidence and a witness to address the following issues:

- Planning, with regard to RfR1, RfR2 and the planning balance.

8.0 Statutory Duties

8.1 The appeal site is not located within a conservation area and as such Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not arise. Furthermore, with respect to Section 66 of the aforementioned Act, the Council's position is that the site does not affect any listed buildings or their settings.

8.2 The appeal proposal has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) ("the Habitat Regulations"). The appeal proposal has been screened, using a precautionary approach, as not likely to have a significant effect on the conservation objectives either alone or in combination with other projects. The appeal scheme has, with regards to both recreational disturbance and nutrient neutrality, been safely determined with regards the Habitat Regulations.

9.0 Draft Conditions

9.1 If the Inspector were minded to allow the appeal, a series of conditions would be required. The Council will prepare a schedule of conditions in advance of the Inquiry but will broadly echo those already outlined in the committee report. The Council will seek to work with the Appellant to find common ground on a schedule of drafted conditions and will submit these to the Inspector.