

Matter 1

(A) Legal requirements and  
(B) The spatial vision and the spatial  
planning objectives (JCS parts 01 &  
04, including the key diagram at p29)

**Part A**

**EXAMINATION OF THE JOINT CORE STRATEGY for BROADLAND,  
NORWICH & SOUTH NORFOLK**

**Matter 1  
Item A-1**

**Matter 1 (A) Legal requirements and (B) The spatial vision and the spatial  
planning objectives (JCS parts 01 & 04, including the key diagram at p29)**

(A) Legal requirements:

A1 Has the JCS been prepared in accordance with the relevant Local Development Schemes? No

The JCS cannot claim to have been prepared in accordance with relevant Local Development Schemes because these are unique. There is no evidence to show that the Councils share the same vision. It is the vision of the GNDP whose constitution has removed the process from the elected representatives<sup>1</sup>.

Why should the GNDP set policy through an officer led structure, the activities and processes of which were kept hidden not only from the community but also from most councillors. The members of this group were senior members of their councils whose views were similar and this led to a process, which lacked rigour or the acceptance of contrary views. The consultation process and especially the Rule 25 Consultation can demonstrate that this is the case<sup>2</sup>. This was typified by the presentation of large volumes of paper often repetitive, on which councillors had to make decisions within 7 days. Summaries, officer briefings and at council level, delegated powers, being the principle tools for this process.<sup>3</sup>

There is insufficient evidence to show that any commonality has been created in the Joint Core Strategy. There remain three separate Local Authority Schemes all altered by a process over which the community has had little influence. There is also a curious omission of the Broads Authority from this process. The JCS does not cover the area of the Broads Authority, which is a separate planning Authority. The other three councils are also separate planning authorities and it is arguable that the nature of this Special Statutory Authority with its guardianship of the Broads should have shaped the developments where there is contiguity. This exclusion runs a continual risk of setting policies that could be detrimental the Broads SSA.

The arrangements for creating this Joint Core Strategy might meet current guidance but fails to address the obligations of the Councils to observe National legislation. This includes evidence to show that they have met the requirements of the Climate Change Act 2008. There is also an obligation under the Aarhus convention (1998)<sup>4</sup> for them to show that access to information, public participation in decision-making

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<sup>1</sup> EiP 7

<sup>2</sup> JCS7

<sup>3</sup> A-1-App 1 Broadland Growth Project (SNUB 2.7)

<sup>4</sup> A-1-App 2 Aarhus Convention [www.unece.org/env/pp/documents/cep43e.pdf](http://www.unece.org/env/pp/documents/cep43e.pdf)

and access to justice in environmental matters has been complied with.

The Sustainability Appraisal does not adequately address this and the latest changes seem to show that they propose to forego environmental benefits to enhance developer's profits. This would not accord with their obligations.

It is clear that there is no Strategic overview within this proposal. The current LDF shows variations in the plans of each council. Where is the sense in the JCS that given this Strategy the Councils will now produce the rest of the more detailed policies and allocate sites for new development?

Even the housing provision outlines are inconsistent. Only in the Eco town is there any commitment to the introduction of low carbon building though even here the introduction of a so-called Rackheath Code, which does not meet the highest standards for Building and the very high density construction, also casts doubt upon the commitment to sustainability. It has been argued that there is no such thing as an eco development on a green field site.

It would be much more sensible in terms of the commitments to low carbon living if the Building Regulations were updated and the higher standards applied universally. The strategy is silent on this issue. Is there a bias within the Planning Framework which favours developers over communities? The shortfall in new building which is evident from the beginning of the recession reflects the reduced profitability in this sector. The procedures in these proposals allowing developers access to the total control over their own profitability seems to be unfair to the rest of the population, particularly so when it results in less rigorous standards for 'exemplar' projects.

There is no flexibility built into the plan or contingencies to meet changes to the strategic environment. This is perceived as a significant shortcoming, which could result in the Strategy failing totally. This may well leave the Councils exposed in the event that some or all of their assumptions prove to be no longer valid. It is not reasonable to leave the public in the GNDP area at risk because there has been no adequate consideration of a considerable number of critical issues.

It is important for the work to include an input from the County Council but it is disappointing that they used the opportunity to resurrect an abandoned project for a four-lane highway called the Northern Distributor Road. This is a poorly designed, expensive and environmentally unsound project, which at 13.9km in length would fall into the category covered by the requirements of the Aarhus convention Para 8c.

There is no evidence that the processes required under Article 6 have been undertaken and this renders this element of the Joint Core Strategy contrary to the law. There are also serious doubts about its funding and questions have been raised by the Department for Transport over the process by which the Councils gave themselves permissions.

Changes to the background assumptions are clearly recognised by the GNDP. The abandonment of the Regional Strategies and the political as well of financial implications should be informing this process. Despite this, the GNDP wishes to have the Joint Core Strategy approved and then review it. Surely they should review it and then present an up to date version from which the flaws have been removed.

**Cabinet 1 September 2009**

## **BROADLAND GROWTH PROJECT**

**Portfolio Holder:** Planning Policy & Conservation

**Wards Affected:** All

### **1 SUMMARY**

1.1 The purpose of this report is to outline the activity underway in respect of the Broadland Growth Project which has the objective of ensuring that the growth targets and aspirations for sustainable new communities are both met and delivered. In doing so, consideration also needs to be given to the fact that aspirations for service improvements will not just come from new residents in the growth areas, but from existing communities, which may be even more challenging. The Council is going to face a major challenge on a number of fronts stemming from the scale, nature and complexity of the growth, at a time when public finances are going to be under considerable pressure.

### **2 CONTEXT**

2.1 The Joint Core Strategy is still proceeding through the formal process towards examination and adoption, however it is anticipated that a concentrated pattern of growth in Broadland is likely to be confirmed. It is appropriate that early consideration is given to how the Council wishes to be involved in shaping the new communities which will be developed and ensuring timely delivery of the supporting infrastructure. Given the scale and nature of growth and the high expectations placed upon it, it is unrealistic to assume that this can be entirely developer lead with reliance entirely placed upon the Council's planning powers as the sole means of guiding and managing the development. A new approach is warranted.

### **3 DEVELOPMENT PLAN DOCUMENTS**

3.1 The Joint Core Strategy as currently drafted proposes to identify an area of approximately 1864 hectares, within the triangle formed by the existing urban edge of Old Catton, Sprowston, Thorpe St Andrew and the village of Rackheath as being suitable to accommodate a significant level of growth (see Plan attached as Appendix 1). A minimum of 10k new homes are identified as being built here by 2031, with supporting infrastructure both hard and soft, to deliver sustainable growth for the district and satisfy the targets set by the East of England Plan. An Action Area Plan is being prepared to identify the boundaries for the area and in process terms is intended to follow closely behind the Joint Core Strategy. It is evident however, that promoters of development in parts of the growth triangle are seeking to progress their proposals to a faster timetable than that currently programmed by the Council, which may require the Council to re-think its strategy for providing the detailed planning framework for this area. In light of Rackheath being confirmed in the Planning Policy Statement as a potential location for an eco town and early work being undertaken in respect of the land between Wroxham Road and Green Lane, (Broadland Park) a review is underway as to whether the preparation of a single Action Area Plan is still appropriate. The Spatial Planning Advisory Board will consider this issue at its meeting in October

and assist the Portfolio holder in identifying the best course of action to follow. If an alternative approach is recommended, this will be referred to Council later in the year for a decision

#### **4 ENGAGEMENT**

4.1 It is anticipated that the growth triangle will be divided up into three distinct development areas, one based around the Rackheath Eco-Community, the second based around land holdings to the east of Wroxham Road, continuing through to Broadland Business Park and almost circling Thorpe End, identified currently as Broadland Park. The third area extends west of Wroxham Road towards Norwich International Airport. This configuration is likely as a consequence of a number of factors which are described below.

4.2 Rackheath is being promoted by Building Partnerships/Barratt Strategic, with Council support, as an eco-community within the Government's eco-town programme and the land is substantially within single ownership. The location has been confirmed as a site which has potential to be an eco town within the Planning Policy Statement and this is now part of national planning policy. Development is anticipated as proceeding at a faster pace than the remainder of the growth triangle, with different levels of support from other agencies. It will be the focus of international attention and the Council's approach to this location is already more advanced than to the remainder of the area, with the formation of the Rackheath Programme Board, dedicated officer support and a programme underway of community engagement.

4.3 Broadland Park is being promoted by a consortia of landowners and land interests, led by KBC Asset Management, the fund that manages Broadland Business Park. The consortia has engaged the Princes Foundation to undertake an Enquiry by Design exercise to master plan the area and a scoping event has already been held in preparation for this. The early activity at this stage in the planning process is intended to support a submission to the examination which will consider the Joint Core Strategy. It is anticipated that this will support the Council's proposed identification of the area as being suitable for growth and it will also seek to demonstrate that the proposal is deliverable and therefore warrants being identified as a specific strategic allocation in the strategy. Officer support has already been requested by the promoters to assist in progressing this project and following the submission of the Joint Core Strategy it would be appropriate to establish a Programme Board for this area, along the lines of the Rackheath Programme Board, in addition to commencing a programme of community engagement.

4.4 The third area to the west comprises a number of individual landowners, including Norfolk County Council, who it is understood are in discussion regarding establishing a consortia approach, although the status of this is far from clear. Discussions are on going between officers and agents acting on behalf of the landowners to improve understanding of the position. At some point it is anticipated that similar arrangements that have been put in place for Rackheath and those proposed for Broadland Park, will be needed to be replicated for this area.

4.5 The growth area triangle is bisected by radial routes entering the city, with the proposed line of the Norwich Northern Distributor Route, potentially forming a southern edge to the Rackheath project and a northern edge to the other areas. Current land uses within the respective areas, also provide distinctive characteristics and offer different opportunities.

4.6 A significant proportion of the area identified as being potentially suitable for

growth is likely to be under the control of consortia which are keen to facilitate development. However, some landholdings may remain within individual landowner control, which may be critical to the overall success of the growth area and could frustrate the proper master planning in achieving the best outcomes. In other growth locations the local authority has been able to influence strategic decisions through having a financial stake in the project, through land ownership, acquisition or having an equity share. Broadland owns very little land within the growth triangle, however one of its partners the County Council does. It is clear that a significant financial contribution would be forthcoming from the developers, either through the Community Infrastructure Levy and/or section 106 contributions, which the Council could forego in part to secure an equity share. In addition, Eco town status provides the opportunity to secure additional financial support from central government from the growth fund to assist in early implementation of the proposals and the government is currently consulting on the bidding arrangements to access a proportion of the £60m available to the four eco town locations. A response to the consultation is being prepared in conjunction with partners and work has already commenced on preparing the Rackheath Programme of Development, which will form the basis of the bidding document to secure a proportion of the funds available.

4.7 This funding could be utilised in securing an equity stake in the project. Such an approach has significant risks but it may be one way of ensuring that the strategic infrastructure is secured in the right location and at the right time in the course of development. The Council needs to consider how it will address the prospect of land not coming forward in a co-ordinated manner, in addition to how it will ensure strategic infrastructure is delivered to a community driven timetable and not that of the developer and managing the risks accordingly.

4.8 Working in partnership with organisations such as the Homes and Communities Agency, with their considerable experience of investment and land acquisition is one way this risk could be mitigated. Discussions are on-going with the HCA with a view to establishing framework agreements and a package of support, involving both members and officers in order to give the Council more confidence in taking the Rackheath eco community project forward and a detailed report will be provided on progress to the Rackheath Programme Board and Cabinet in due course. The experience gained may be transferable across the different parts of the growth area to assist in management and delivery.

4.9 Working within the communities affected by the growth has already commenced in particular, in Rackheath and Salhouse, but this will be an on going programme which will need to be expanded to cover the full extent of the growth triangle and beyond. Building capacity within the organisation to undertake this properly to ensure that it is effective is a priority and discussions are underway with consultants to identify a programme of work to facilitate this.

## **5 SUB-REGIONAL CONTEXT**

5.1. The growth in Broadland cannot be seen in isolation from that taking place in the wider area, hence the preparation of the Joint Core Strategy with Norwich and South Norfolk. The Greater Norwich Development Partnership has been put in place to oversee and manage primarily the spending priorities for the Growth Point Funding and the preparation of co-ordinated strategies across the Councils' area. The Partnership has no executive functions, all decisions needing ratification by the respective Councils cabinets/executive. In taking forward proposals to manage the growth of the area, consideration needs to be given to what role if any the GNDP could play in this, particularly as at some point a

decision is going to need to be made on the establishment of a Local Implementation Board, to prioritise and make decisions on infrastructure provision to support the growth locations and for a 'local delivery vehicle' to be identified to ensure the delivery. There are many examples of different forms that local delivery vehicles can take, which range from the setting up of an autonomous body, such as in the case of the Milton Keynes Partnership or Cambridgeshire Horizons, or joint arrangements such as the PUSH partnership in South Hampshire. Discussions within the GNDP are at an early stage on this issue, however given the processes already underway in respect of Rackheath, it is anticipated that a Council led 'local delivery vehicle' for the eco community will need to be established fairly quickly, which will have an influence over the future shape of any approach taken at the sub-regional level. The Council will need to take a position on this issue and initiate the process of discussion with its partners, so as to be well prepared.

## **6 THE SCALE OF GROWTH**

6.1 The scale of development envisaged is unprecedented in Broadland and the expectations on the planning process to deliver satisfactory outcomes has never been higher. It is clear that both members and officers are on a steep learning curve and consideration needs to be given to how collectively we can prepare ourselves to direct, manage and guide the project, which is not just about planning, but embraces a much wider remit, encompassing infrastructure delivery, community engagement and community building, how residents will respond to the new development, live and interact, and govern themselves. From learning gained through participation in the Liveable Communities competition, it will be proposed that the Council adopts a Code to guide future development in the growth area, providing a framework for developers and residents both new and old to aspire and conform to, when projects are being developed and taken forward. The concept and an early draft will be the subject of a report to Cabinet in October.

6.2 The delivery of jobs is a key factor, for without the employment in the right locations to support the new residents, the growth area will become a dormitory for Norwich. This should not be left to chance and the Council should take an active role therefore in seeking to encourage the expansion of existing businesses, identify sectors for growth and positively source new opportunities, and engage in discussions with potential service operators which may shape the characteristics of the new communities. The Broadland Community Partnership offers a potential starting point to begin these wider discussions with partners and awareness raising with partners through the Board has already commenced.

## **7 ORGANISATION IMPACT**

7.1 It is easy to focus on the scale of the development as being the key issue. It is more than that. This is also about a radical change in the way new communities are constructed, served, governed and connected. The radical change also has a significant impact upon how the Council is going to operate in the long term. To date, with one or two exceptions, the Council has operated services equitably across the district. This approach may need to change, particularly in the context of the eco-community, where new models of service delivery are being promoted i.e. community led waste management service (impact on existing contracts), community trusts owning and managing local assets; energy service companies. The developers are changing the way they build communities, the new residents will have to change their lifestyles, which

will impact upon the Council, and therefore it will need to change the way it operates.

7.2 What is evident, is that the Council will need to deploy resources in a different way and to an increased level. Experience with Rackheath and more recently with Broadland Park has demonstrated this and this is very much the early stages. Officer support to date has been drawn from primarily the Development Management and Conservation and Policy Unit, with the Broadland Life Co-ordinator providing dedicated support to work being undertaken in the community in Rackheath. As the project develops, officer support from Environmental Services, Business Support and Leisure and the Communications team will be necessary, with direct service staff involvement increasing as development commences and properties are occupied. This will become a council-wide initiative.

7.3 As the approach taken to Rackheath is proposed to be replicated for the other growth areas, further dedicated staff will be necessary. Support from our partner organisations will also need to be secured and consideration may also need to be had to whether the Council seeks its own expertise in certain disciplines such as highway design, strategic green infrastructure and development economics for example. A detailed report on these issues will be presented to Cabinet in October, although preliminary work is already underway in securing additional capacity in areas of urban design and community engagement. A shared post with the Greater Norwich Development Partnership to project manage the current activity in respect of Rackheath has been agreed and is being advertised.

7.4 Whilst attending to the growth agenda is likely to be the focus of activity over the next few years, service delivery to the remainder of the district will continue and consideration should be given to ensuring that this does not diminish as a consequence of attention being focussed elsewhere. The growth agenda is presenting the Council with some opportunistic organisational development activity with relative risk factors driving the design/vision of the organisation and its values, in addition to political appetite. Getting this right should ensure that the Council is able to flex and respond as an organisation to different community needs as the growth agenda develops. The Portfolio holder for Partnerships and Change Management has commenced the Broadland Futures project which has the objective of ensuring that decisions about the future provision of services are based on real information and data on how services currently operate and their costs along with an understanding of the culture of the organisation and its contribution to the effective delivery of services. This will form a sound basis from which to move the organisation forward.

7.5 All of this will be taking place within the context of decreasing public funds, in terms of direct support from central government through the Rate Support Grant and reducing grant streams. There will also be a general election by June 2010 with the prospect of a new government introducing new policies and taking a different approach to a number of issues, including development and delivery of public services. This will add to the challenge.

## **8 LEGAL IMPLICATIONS**

8.1 The Council has the power under section 2 of the Local Government Act 2000 to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental well being of the area: the "well being power". In exercising this power the Council must have regard to its sustainable community strategy, that is, the Broadland Community Plan. The Council has twin ambitions to 'have carefully planned and well housed



communities' and to 'achieve environmental excellence'. These ambitions link to the Community Plan Themes 3, 5 and 8, 'where we live', 'decent homes' and 'Living for the Future'.

## **9 FINANCIAL IMPLICATIONS**

9.1 A project fund of £338k has already been established to support the growth project. On going arrangements will be subject to the annual budgeting process, and the ability of the Council to secure external contributions through different funding streams.

## **10. OPTIONS FOR CABINET**

10.1 Cabinet is requested to:

- (1) Note the report.
- (2) Agree to set up the Broadland Park Programme Board, details of membership and terms of reference to be agreed by the Strategic Director and Chief Planner in consultation with Planning Policy and Conservation Portfolio holder.
- (3) note the intention to provide a response to the eco town growth fund consultation and support the prioritisation of work and commitment of resources in preparing a Rackheath Programme of Development document to secure growth point funding.
- (4) endorse the actions of officers in holding discussions with the Homes and Communities Agency and support efforts in brokering a partnership arrangement with the Agency to assist the Council in taking the Rackheath eco community project forward.
- (5) support the approach being taken by officers in respect of a 'local delivery vehicle' and in the discussions with partners within the GNDP.

Phil Kirby  
Strategic Director & Chief Planner

**1 September 2009**

**CONVENTION ON ACCESS TO INFORMATION, PUBLIC  
PARTICIPATION IN DECISION-MAKING AND ACCESS TO  
JUSTICE IN ENVIRONMENTAL MATTERS**  
done at Aarhus, Denmark, on 25 June 1998

**Extracts**

**Article 6**

**PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES**

1. Each Party:

(a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I;

(b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and

(c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes.

2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision making procedure, and in an adequate, timely and effective manner, inter alia, of:

(a) The proposed activity and the application on which a decision will be taken;

(b) The nature of possible decisions or the draft decision;

(c) The public authority responsible for making the decision;

(d) The envisaged procedure, including, as and when this information can be provided:

(i) The commencement of the procedure;

(ii) The opportunities for the public to participate;

(iii) The time and venue of any envisaged public hearing;

(iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;

(v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and

(vi) An indication of what environmental information relevant to the proposed activity is available; and

(e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.

3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.

4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.
5. Each Party should, where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.
6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:
  - (a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;
  - (b) A description of the significant effects of the proposed activity on the environment;
  - (c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;
  - (d) A non-technical summary of the above;
  - (e) An outline of the main alternatives studied by the applicant; and
  - (f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.
7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.
8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.
9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.
10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate.
11. Each Party shall, within the framework of its national law, apply, to the extent feasible and appropriate, provisions of this article to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

#### **Article 7**

##### **PUBLIC PARTICIPATION CONCERNING PLANS, PROGRAMMES AND POLICIES RELATING TO THE ENVIRONMENT**

Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment.

## **Article 8**

### **PUBLIC PARTICIPATION DURING THE PREPARATION OF EXECUTIVE REGULATIONS AND/OR GENERALLY APPLICABLE LEGALLY BINDING NORMATIVE INSTRUMENTS**

Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.

## **Annex I**

### **LIST OF ACTIVITIES REFERRED TO IN ARTICLE 6, PARAGRAPH 1 (a)**

#### 1. Energy sector:

- Mineral oil and gas refineries;
- Installations for gasification and liquefaction;
- Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more;
- Coke ovens;
- Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kW continuous thermal load);
- Installations for the reprocessing of irradiated nuclear fuel;
- Installations designed:
  - For the production or enrichment of nuclear fuel;
  - For the processing of irradiated nuclear fuel or high-level radioactive waste;
  - For the final disposal of irradiated nuclear fuel;
  - Solely for the final disposal of radioactive waste;
  - Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

#### 2. Production and processing of metals:

- Metal ore (including sulphide ore) roasting or sintering installations;
- Installations for the production of pig-iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tons per hour;
- Installations for the processing of ferrous metals:
  - (i) Hot-rolling mills with a capacity exceeding 20 tons of crude steel per hour;
  - (ii) Smitheries with hammers the energy of which exceeds 50 kilojoules per hammer, where the calorific power used exceeds 20 MW;
  - (iii) Application of protective fused metal coats with an input exceeding 2 tons of crude steel per hour;
- Ferrous metal foundries with a production capacity exceeding 20 tons per day;
- Installations:
  - (i) For the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
  - (ii) For the smelting, including the alloying, of non-ferrous metals, including recovered products (refining, foundry casting, etc.), with a melting capacity exceeding 4 tons per

day for lead and cadmium or 20 tons per day for all other metals;

- Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m<sup>3</sup>.

### 3. Mineral industry:

- Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day or lime in rotary kilns with a production capacity exceeding 50 tons per day or in other furnaces with a production capacity exceeding 50 tons per day;

- Installations for the production of asbestos and the manufacture of asbestos-based products;

- Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tons per day;

- Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tons per day;

- Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tons per day, and/or with a kiln capacity exceeding 4 m<sup>3</sup> and with a setting density per kiln exceeding 300 kg/m<sup>3</sup>.

4. Chemical industry: Production within the meaning of the categories of activities contained in this paragraph means the production on an industrial scale by chemical processing of substances or groups of substances listed in subparagraphs (a) to (g):

(a) Chemical installations for the production of basic organic chemicals, such as:

(i) Simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

(ii) Oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;

(iii) Sulphurous hydrocarbons;

(iv) Nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;

(v) Phosphorus-containing hydrocarbons;

(vi) Halogenic hydrocarbons;

(vii) Organometallic compounds;

(viii) Basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);

(ix) Synthetic rubbers;

(x) Dyes and pigments;

(xi) Surface-active agents and surfactants;

(b) Chemical installations for the production of basic inorganic chemicals, such as:

(i) Gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;

(ii) Acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;

(iii) Bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;

(iv) Salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;

(v) Non-metals, metal oxides or other inorganic compounds such

- as calcium carbide, silicon, silicon carbide;
- (c) Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
- (d) Chemical installations for the production of basic plant health products and of biocides;
- (e) Installations using a chemical or biological process for the production of basic pharmaceutical products;
- (f) Chemical installations for the production of explosives;
- (g) Chemical installations in which chemical or biological processing is used for the production of protein feed additives, ferments and other protein substances.
5. Waste management:
- Installations for the incineration, recovery, chemical treatment or landfill of hazardous waste;
  - Installations for the incineration of municipal waste with a capacity exceeding 3 tons per hour;
  - Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day;
  - Landfills receiving more than 10 tons per day or with a total capacity exceeding 25 000 tons, excluding landfills of inert waste.
6. Waste-water treatment plants with a capacity exceeding 150 000 population equivalent.
7. Industrial plants for the:
- (a) Production of pulp from timber or similar fibrous materials;
- (b) Production of paper and board with a production capacity exceeding 20 tons per day.
8. (a) Construction of lines for long-distance railway traffic and of airports 2/ with a basic runway length of 2 100 m or more;
- (b) Construction of motorways and express roads; 3/
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.
9. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tons;
- (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tons.
10. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.
11. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;
- (b) In all other cases, works for the transfer of water resources between river basins where the multiannual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5% of this flow.
- In both cases transfers of piped drinking water are excluded.
12. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.
13. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
14. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km.

15. Installations for the intensive rearing of poultry or pigs with more than:
- (a) 40 000 places for poultry;
  - (b) 2 000 places for production pigs (over 30 kg); or
  - (c) 750 places for sows.
16. Quarries and opencast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.
17. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.
18. Installations for the storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tons or more.
19. Other activities:
- Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tons per day;
  - Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tons of finished products per day;
  - (a) Slaughterhouses with a carcass production capacity greater than 50 tons per day;
  - (b) Treatment and processing intended for the production of food products from:
    - (i) Animal raw materials (other than milk) with a finished product production capacity greater than 75 tons per day;
    - (ii) Vegetable raw materials with a finished product production capacity greater than 300 tons per day (average value on a quarterly basis);
  - (c) Treatment and processing of milk, the quantity of milk received being greater than 200 tons per day (average value on an annual basis);
  - Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tons per day;
  - Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tons per year;
  - Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization.
20. Any activity not covered by paragraphs 1-19 above where public participation is provided for under an environmental impact assessment procedure in accordance with national legislation.
21. The provision of article 6, paragraph 1 (a) of this Convention, does not apply to any of the above projects undertaken exclusively or mainly for research, development and testing of new methods or products for less than two years unless they would be likely to cause a significant adverse effect on environment or health.
22. Any change to or extension of activities, where such a change or extension in itself meets the criteria/thresholds set out in this annex, shall be subject to article 6, paragraph 1 (a) of this Convention. Any other change or extension of activities shall be subject to article 6, paragraph 1 (b) of this Convention.
- Notes
- 1/ Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.
- 2/ For the purposes of this Convention, "airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

3/ For the purposes of this Convention, "express road" means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975.