

North Norfolk District Council Local Plan Examination

Statement of Common Ground

As Agreed Between

North Norfolk District Council

and

The Broads Authority

October 2023

1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared between North Norfolk District Council (the Council) and The Broads Authority (BA). The purpose of the SoCG is to provide matters of fact in relation to the engagement between North Norfolk District Council and the Broads Authority with respect to the Duty-to-Cooperate, confirm that the Norfolk Strategic Planning Framework (NSPF) provides a vehicle to demonstrate compliance with the Duty-to-Cooperate on strategic cross boundary matters between the two authorities and there are no outstanding strategic planning issues to address. The SoCG will also inform the Inspector of areas of agreement and disagreement, if any, between the two parties with regard to the submitted North Norfolk Local Plan [A1] and regulation 19 consultation. Such document references used in this Statement are those used in the North Norfolk Local Plan Examination document library and are indicated in square brackets. These documents can be accessed on the Council's Examination web site [Home | Local Plan Examination Library \(north-norfolk.gov.uk\)](http://north-norfolk.gov.uk).
- 1.2 This SoCG reflects the ongoing process of communication throughout Plan preparation.

2. Background

- 2.1 There is a strong history of joint working and co-operation amongst the Norfolk authorities¹ through the Norfolk Strategic Planning Officers Group (NSPG), key roles of which are to identify and manage the spatial planning issues that impact on more than one local planning authority area and to support better integration and alignment of strategic spatial and investment priorities. The NSPG is responsible for several jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework² (NSPF) [A8.1] which details 31 cross boundary agreements (May 2021). Both the Council and BA are signatories to the NSPF.
- 2.3 The Council is committed to engaging positively with its neighbours to address strategic planning matters through the Duty to Cooperate requirement and to ensure that there is co-operation on strategic matters that cross administrative boundaries.
- 2.4 The Norfolk authorities, along with Natural England, Environment Agency, Anglian Water, Marine Management Organisation, Active Norfolk, Water Resources East, and the new Anglia Local Enterprise Partnership, work collaboratively to address strategic issues across the area. The meetings also include liaison with Suffolk Councils and relevant updates on their planning policy and Local Plan work.
- 2.5 A Member forum (MF) oversees the work of the NSPG and comprises an elected Member from each of the authorities. The NSPG consists of key planning policy officers from each Planning Authority in Norfolk as well as other key statutory agencies, responsible for overseeing policy development for strategic planning purposes. Both the MF and NSPG are governed by formal terms of reference.
- 2.6 The MF meets on a regular frequency (every 3 months), and its role is advisory. The NSPG meet on a monthly basis and is itself supported by further officer groups – a Steering Group

¹ Breckland District Council, Broadland District Council, Broads Authority, Great Yarmouth District Council, Borough Council of Kings Lynn and West Norfolk, North Norfolk District Council, Norfolk County Council and Norwich City Council

² [Norfolk Strategic Planning Framework - May 2021 \(north-norfolk.gov.uk\)](http://north-norfolk.gov.uk)

and Technical Subgroups. Any proposals or recommendations of the MF are not binding on the constituent member authorities. However, where there are matters pertaining to key strategic planning, for example, the preparation of a joint Plan or implications at a County wide level of future development, then any agreement at the MF is subject to ratification at individual authority level.

- 2.7 In addition to the agreements arising from the NSPF, the Council has consulted BA at each stage of the preparation of the North Norfolk Local Plan. The Council and BA also work collaboratively in several partnerships, including the Norfolk Coast Partnership, producing the Norfolk Coast Area of Outstanding Natural Beauty Management Plan 2019-2024 (Revised 2022) [G14] and the emerging Coastal Adaptation Supplementary Planning Document [J9]. More recently the Councils have worked collaboratively across the county, with Natural England and Anglian Water, in the ongoing development of strategic mitigation to address the issues of nutrient neutrality. Further details of this engagement is set out in the Council's Duty to Co-Operate Compliance Statement [A8].
- 2.8 The Broads Authority formally responded to the Regulation 19 consultation and the Council has reviewed these, as detailed in Appendix J of the Submitted Consultation Statement Schedule 3- Summary of representations received [A5.10]. As a result, a number of proposed minor modifications as set out in Appendix 1 of this document and detailed in Appendix K Schedule 4 - Schedule of proposed additional minor modifications, [A5.11] have been submitted along with the Local Plan.
- 2.9 Notwithstanding the areas of common ground as set out above and in detail at Appendix 1, there are areas, as set out at Appendix 2 of this document, that are identified as ones that the parties are not in total agreement. Nevertheless, BA provided its representations as comments and did not raise matters of soundness.
- 2.10 Further the Council and BA directly collaborated and have jointly agreed their respective policy approaches to the shared town centre of Hoveton. Such that any relevant proposal will need to be considered in the context of the whole town centre and policies contained in the relevant development plan. The Broads Local plan was adopted in May 2019.

3. Statement of Common Ground Agreement

3.1 The following statement has been identified, which the parties agree is common ground.

3.2 Agreement 1 – Duty to co-operate:

The signatories agree that the North Norfolk Local Plan has been prepared in accordance with the "duty to co-operate" imposed by section 33A of the Planning and Compulsory Purchase Act 2004 in that the Council has co-operated with the Broads Authority, as a neighbouring authority, through constructive and ongoing engagement on the impacts of sustainable development as set out in the Duty to Cooperate Statement of Compliance [A8] and that there are no outstanding strategic planning issues to be addressed.

3.3 Agreement 2 – Areas of Agreement taking account of proposed minor modifications

3.4 The signatories agree that the proposed modifications detailed in Appendix 1 address these specific matters raised by the Broads Authority at Regulation 19 and can be identified as areas of common ground.

3.5 Agreement 3 – Areas of Disagreement

3.6 The signatories agree that the remaining points raised, as detailed in Appendix 2, in relation to the Broads Authority's Regulation 19 responses, do not constitute soundness issues, but nevertheless are areas of disagreement.

4. **Signatories:**

North Norfolk District Council		
Name and Position	Signature	Date
Sarah Tudhope Senior Planning Officer	S Tudhope	
The Broads Authority		
Name and Position	Signature	Date
Natalie Beal Planning Policy Officer	N Beal	4 October 2023

APPENDIX 1

Areas of Agreement

BA comment / issue (summarised - see Schedule 1 [A5.8] for full representation)	Regulation 19 Reference number	NNDC comment / proposed modification reference
Para 3.2.6 needs to include reference to the Broads	LPS334	Agree. Minor modification proposed PMIN/3.2/02 to include a direct reference to 'the Broads' within this paragraph.
Figure 5. needs to show the Broads Authority boundary.	LPS334	Agree. Minor modification proposed PMIN/3.2/03 For Figure 5 add reference to 'Broads Authority Executive area' to key.
Request reference to the dark skies of the Broads within paragraph 3.13.8 " The Broads Authority also has intrinsically dark skies that are protected through its Local Plan ".	LPS336	Agree. Minor modification proposed PMIN/3.13.01 to include the additional wording to add further clarity to the supporting text.
Request change within paras 20.0.2 and 20.0.3 for references to the Norfolk Broads to Broads Authority Executive Area.	LPS348	Agree. Minor modifications proposed PMIN/20.0/01 and PMIN/20.0/02 to amend references to 'the Norfolk Broads' in Para. 20.0.2 and 20.0.3 to 'the Norfolk Broads Authority Executive Area'.

APPENDIX 2

Areas of Disagreement

BA comment / issue (summarised - see Schedule 1 [A5.8] for full representation)	Reg 19 Reference numbers	NNDC comment / proposed modification reference
Policy CC2, 1 remove para 1 or combine with para 2.	LPS334	Comment noted. The Council does not consider it necessary to remove point 1 of Policy CC2. Point 1 sets out the strategic approach of the policy, which is caveated to take account of the wider environmental, social and economic benefits of renewable energy.
Policy CC2, 2.b. add 'and character' to point to read, <i>the special qualities and character of all designated nationally important landscapes and heritage assets including their settings.</i>	LPS334	Comment noted. The Council does not consider it necessary to amend Policy CC2, 2b. The term 'special qualities' is considered to adequately incorporate 'the character' of the designated assets within the criterion.
<p>At Figure 5, the size of wind turbines set out as small, medium and large are bigger than those within the BA Landscape Sensitivity Study (BALSS), so the NNDC policy could theoretically allow 60m high turbines close to the BA boundary, which would be a concern. BALSS Figure 4.3: Wind Turbine Sensitivity; Medium Turbines (20 - 50m) shows all but 2 Landscape Character Areas (LCAs) (on Norwich fringe) as having High sensitivity. Fig 4.4 Wind Turbine Sensitivity; Large Turbines (50-70m) shows all LCAs as having High sensitivity.</p> <p>It is suggested to either pull the blue area away from the Broads boundary or introducing a 'buffer zone' along the Broads/NNDC boundary where perhaps a different more</p>	LPS334	Comment noted. The Council does not consider it necessary to amend Figure 5 as requested. The policy wording at 2b. provides the necessary protection and flexibility required without the need for a buffer zone, which would be inflexible and would not take account of a range of relevant considerations, such as topography (see PPG Para: 008 Reference ID: 5-008-20140306). It is considered that the Policy addresses harm irrespective of the size of a proposed wind turbine.

stringent policy approach could be applied.		
<p>CC13 (1) e The preceding sentence and this bullet read together don't read quite right.</p> <p>Proposed change to Policy CC13 (1) (e) Change to: 'e) the dark skies of the area, through addressing light pollution and noise pollution'</p>	LPS337	<p>Comment noted. The Council does not consider it necessary to amend Policy CC13 Criterion 1e) as requested.</p> <p>Criterion 1e) is intended to relate to any potential light and noise pollution across the district and it is considered imperative to the operation of the Policy to remain so. Criterion 3 refers to the matter of dark skies, in accordance with NPPF para. 185c).</p> <p>NB: see proposed modifications PMIN/3.13.01 and PMIN/6.6/01 for agreements to include direct references to the Broads Authority's Area dark skies.</p>
<p>3.13. Proposed change to supporting text: Information should be added to the supporting text to explain what the Council expects an applicant to do to show how they have addressed impact on dark skies.</p>	LPS337	<p>Comment noted. The Council does not consider it necessary to amend the supporting text as requested.</p> <p>The mitigation of light pollution, along with other forms of pollution, will be assessed on a case-by-case basis and the details required are likely to vary accordingly. As such, the submission of set details would be too prescriptive. Guidance regarding the matter of light pollution is well documented in the PPG and it is likely that the Council's updated Design Guide SPD will provide additional guidance in this regard.</p> <p>NB: see proposed modifications PMIN/3.13.01 and PMIN/6.6/01 for agreements to include direct references to the Broads Authority's Area dark skies.</p>
<p>Proposed change CC13 (3) 'Proposals for development should must minimise the impact on tranquillity and dark skies in North Norfolk and the adjoining Authorities' areas'.</p>	LPS337	<p>Comment noted. The Council does not consider it necessary to amend Policy CC13, Criterion 3 as requested.</p> <p>The policy at criterion 1 states 'that proposals will avoid, minimise and take every opportunity to reduce.... e. light and noise pollution. Criterion 3 reinforces this with specific reference to the wider characteristics and values of the AONB and setting of the Broads.</p>

		<p>The wording accords with the NPPF para. 185c), which states ‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’</p>
<p>SS1 - Impact on the Broads (and AONB?) needs to be specifically mentioned here.</p> <p>Proposed change ‘The proposal is small scale, incremental growth compatible with the form and character of the village and its landscape setting in terms of siting, scale, design, impact on heritage assets and historic character and the Broads; and’</p>	LPS338	<p>The Council does not consider it is necessary to amend Policy SS1, Criterion 3c as requested. Policy SS1 is a strategic policy which should be read as part of the wider plan, where policies relating to the protection of designated built and landscape assets, including landscape character would be considered under other policies of the plan, including Policies ENV1 and ENV2. As such, it is not necessary to amend the Policy wording as proposed.</p>
<p>Policy SS2 d & e - I am surprised that these uses are to be permitted outside of/far from development boundaries which is likely to rely on use of private car to get to and from them. It is not clear why this is the case. This is of relevance to the Broads as some of the area of NNDC next to the Broads is classed as countryside. I would have expected, if a more permissive approach were required or desired, that text along the lines of i would be appropriate for d and e.</p> <p>Proposed change d. temporary and permanent accommodation for gypsies and travellers where there is a demonstrable need for the development and where</p>	LPS339	<p>Disagree. The representation does not relate specifically to Policy SS2 but is concerned that the Policy is too restrictive in relation to Para. 79 of the NPPF and that too many villages are identified in the Countryside Policy Area. Policy SS1 provides a clear settlement hierarchy for sustainable growth, where Policies SS2 and SS3 and HOU3 provide a clear framework for growth in the Countryside, which seeks to promote affordable housing, in particular. The local plan aims to deliver the quantity of homes necessary to meet the assessed needs of the district. The NPPF requires Plans to promote sustainable development and in particular where it will enhance and maintain rural services (NPPF para 79). The updated Distribution of Growth Background Paper provides the methodology to justify the settlement hierarchy that has been identified.</p>

<p>alternative sites within defined Set lement Boundaries are shown not to be available or suitable.</p> <p>e. community facilities and services including, but not limited to, community halls, health, education, places of worship and community led developments where there is a demonstrable need for the development and where alternative sites within defined Set lement Boundaries are shown not to be available or suitable.</p>		
<p>Policy HC6 - Does not refer to the impact of telecommunications infrastructure on the setting of the Broads (and AONB?). This could be weaved into part b. Relevant part of NPPF The Broads and the setting of the Broads is protected at NPPF Paragraph 176.</p> <p>Proposed change ‘it has been demonstrated that the least visually intrusive option has been selected, including the use of innovative design and construction and/or sympathetic camouflaging and landscaping, which does not impact on the Broads or its setting; and’</p>	LPS340	<p>The Council does not consider it necessary to amend the policy as requested. Whilst it is agreed that the highest degree of protection will be given to the designated landscapes it must also be recognised that a high proportion of the District and many smaller set lements fall under the AONB. The defined special qualities of the AONB and the Broads are recognised specifically through Policy ENV1 and relevant decisions will be made with reference to the Development Plan as a whole.</p>
<p>Comment on ENV1 Needs to refer to the dark skies of the AONB and the Broads. ENV1 para 4 part c refers to tranquillity, but given the darkness of the skies of the AONB and Broads that is referred to in the Local Plan, dark skies needs to be mentioned specifically. I see reference to ‘nocturnal character’, but I am not really</p>	LPS341	<p>The Council does not consider it necessary to amend the policy as requested. In line with the policy, proposals must demonstrate how they reinforce the local distinctness and local character as defined by the 2021 North Norfolk Landscape Character Appraisal, LCA, which is adopted as a Supplementary Planning Document, SPD. It’s recognised that dark skies can make an important contribution to people’s perception and enjoyment of the landscape but that they can also form part of the characteristics of some of the identified</p>

<p>sure what that term means; I don't see it explained anywhere – as mentioned, dark skies is talked about. If that is meant to refer to dark skies or addressing light pollution, then either say that or explain what nocturnal character means.</p> <p>Policy ENV 1b – should perhaps say 'built and geological features', as I take the term 'cultural heritage' to include historic structures.</p> <p>Proposed change: Either explain what nocturnal character is or be specific and talk about dark skies and light pollution.</p>		<p>landscape character types. Where relevant dark skies are identified in the LCA and form part of the valued features of the identified landscape characters. The impacts and opportunities to address vary in relation to the forces for change, vision and the individual landscape strategies and guidelines for each landscape type detailed in the LCA.</p> <p>In addition, Policy CC13 Protecting Environmental Quality specifically addresses light pollution in bullet 1(e). Bullet 3 requires proposals specifically to minimise the impact on tranquillity and dark skies across all of North Norfolk and adjoining authorities' areas which includes the Broads.</p>
<p>Comment on ENV2 Paragraph 6.2.6 refers to dark skies which is supported, but there does not seem to be a mention in the policy itself – policy ENV2. I see reference to 'nocturnal character', but I am not really sure what that term means; I don't see it explained anywhere – as mentioned, dark skies is talked about. If that is meant to refer to dark skies or addressing light pollution, then either say that or explain what nocturnal character means.</p> <p>Comment on Figure 8 Needs to reference the BA Landscape Character Assessment – perhaps as a footnote?</p> <p>Proposed change to ENV2 Either explain what nocturnal character is or be specific and talk about dark skies and light pollution.</p> <p>Proposed change to Figure 8</p>	<p>LPS342</p>	<p>The Council does not consider it necessary to amend the policy as requested. In line with the policy, and proposed modification (PMIN/ENV2/01) proposals in North Norfolk outside the Broads Local Planning Authority Area must be informed by the key characteristics and valued features of the distinctive landscape types as identified in the Landscape Character Appraisal SPD and, Landscape Sensitivity Assessment SPD and relevant Conservation Area Appraisals. It's recognised that dark skies can make an important contribution to people's perception and enjoyment of the landscape but that they can also form part of the characteristics of some of the identified landscape character types. Where relevant dark skies are identified in the LCA and form part of the valued features of the identified landscape characters. The impacts and opportunities to address vary in relation to the forces for change, vision and the individual Landscape strategies and guidelines for each landscape type detailed in the LCA.</p> <p>In addition, Policy CC13 Protecting Environmental Quality specifically addresses light pollution in bullet 1(e). Bullet 3 requires proposals specifically to minimise the impact on tranquillity and dark skies across all of North</p>

<p>Add a footnote to the part of the key that says 'Broads Authority Executive Area' that says something like 'There is a Landscape Character Assessment for the Broads which can be found here: Landscape Character Assessment (broads-authority.gov.uk)'</p>		<p>Norfolk and adjoining authorities' areas which includes the Broads.</p> <p>The setting of the Broads is included in the Policy ENV1 which is specific in its purpose to ensure that the statutory duty and appropriate high level of protection is given to designated landscapes such as the Broads.</p> <p>NB: see proposed modifications PMIN/3.13.01 and PMIN/6.6/01 for agreements to include direct references to the Broads Authority's Area dark skies.</p>
<p>Request reference to the dark skies of the Broads within paragraph 6.6.7 "The Broads Authority also has intrinsically dark skies that are protected through its Local Plan".</p>	<p>LPS343</p>	<p>Agree (in part). Minor modification proposed PMIN/6.6/01 (additional text shown in red, deletions struck through) to Para 6.6.8 as follows:</p> <p>6.6.8 To date, two locations in North Norfolk (Wiveton Downs and Kelling Heath Holiday Park) have been awarded Dark Sky Discovery Site status and special attention should be given to these areas, and the wider AONB and The Broads, which also has protected dark skies.</p> <p>NB: see also PMIN/3.13/01 which proposes to add "The Broads Authority also has intrinsically dark skies that are protected through its Local Plan" to para. 3.13.8.</p>
<p>Policy HOU5 - Given that there is potential for Gypsy and Traveller and Travelling Showpeople accommodation to be away from settlements, we do not think that 'minimises impacts' is adequate. Our equivalent wording says 'The site will not harm the setting of any heritage asset or any adverse impact on the character and appearance of the surrounding landscape'. By saying 'minimises', this implies some impact is acceptable.</p> <p>Proposed change b. development minimises impact on the surrounding</p>	<p>LPS344</p>	<p>The Council does not consider it necessary to amend the policy as requested. The policy matters raised are covered in other specific policies in the Plan. Proposals will be assessed against the Local Plan and development framework as a whole.</p>

<p>landscape; the site will not harm the setting of any heritage asset or any adverse impact on the character and appearance of the surrounding landscape.</p>		
<p>Policy E6 - Comment: This section does not mention the Broads. The type of development could impact the setting of the Broads. This issue can be addressed by referring to the setting of the Broads.</p> <p>Proposed change E6 1 d i: the defined special qualities of the Area of Outstanding Natural Beauty and the Broads. E6 3 b i: the defined special qualities of the Area of Outstanding Natural Beauty and the Broads.</p>	LPS345	<p>The Council does not consider it necessary to amend the policy as requested. The policy is only applicable to proposals within the District. The setting of the Broads is included in the Policy ENV 1 which is specific in its purpose to ensure that the statutory duty and appropriate high level of protection is given to designated landscapes such as the Broads. Relevant decisions will be made with reference to the Development Plan as a whole.</p>
<p>Policy E7 - This section does not mention the Broads. The type of development could impact the setting of the Broads. This issue can be addressed by referring to the setting of the Broads at policy E7 3.</p> <p>Proposed change In all cases proposals must demonstrate measurable biodiversity net-gains; and that the proposal would not have a significantly detrimental impact upon: The key characteristics and valued features of the defined Landscape Type; the Broads, residential amenity; and the safety and operation of the local highway network.</p>	LPS346	<p>The Council does not consider it necessary to amend the policy as requested. The setting of the Broads is included in the Policy ENV 1 which is specific in its purpose to ensure that the statutory duty and appropriate high level of protection is given to designated landscapes such as the Broads. Relevant decisions will be made with reference to the Development Plan as a whole.</p>
<p>Policy E8 - This section does not mention the Broads. The type of development could impact the setting of the Broads. This issue can be addressed by referring to</p>	LPS347	<p>The Council does not consider it necessary to amend the policy as requested. The setting of the Broads is included in the Policy ENV 1 which is specific in its purpose to ensure that the statutory duty and appropriate high level of protection is given to designated landscapes</p>

the setting of the Broads at policy E8.

Proposed change

In all cases proposals must demonstrate measurable biodiversity net-gains; and that the proposal would not have a significantly detrimental impact upon: The key characteristics and valued features of the defined Landscape Type; **the Broads**; residential amenity; and the safety and operation of the local highway network.

such as the Broads. Relevant decisions will be made with reference to the Development Plan as a whole.