

Matter 11: Environment (ENV policies)

Issue: Whether the policies for the environment are positively prepared, justified, effective and consistent with national policy.

Relevant Questions:

11.1 Are the ENV policies positively prepared, justified, effective and consistent with national policy? Are any main modifications necessary, and if so, what should these be?

11.2 Should any specifically allocated major development sites in the AONB be an exception to the general presumption in Policy ENV1(3)?

11.3 In Policy ENV2(1,3 & 4), would it be justified to amend 'should' to 'must' as now suggested by the Council?

11.4 In Policy ENV3(1), should schemes specifically allowed by the local plan be listed as an exception?

Original Representation Summary:

The Local plan has, in its detailed allocations, given insufficient weight to the protection of the AONB and other environmental designations.

There needs to be reference to the national significance of the juxtaposition of the sand features (dunes, cusped forelands, and spits) and the salt, fresh and brackish water marshes of the AONB in the Heritage and Undeveloped Coast area. It is the location of the largest privately owned National Nature Reserve which forms part of the rapidly developing Holkham Estate visitor attractions.

Examination Statement.

My name is John Edwards, and I am a resident of Wells-next-the-Sea and a retired Chartered Town Planner and member of the Royal Town Planning Institute. My most recent active post was at Chief Officer level. Since 2020 I have been vice-chairman of the Wells-next-the-Sea Neighbourhood Plan Working Party. The Neighbourhood Plan was submitted to North Norfolk in July 2023 and is currently at 'Examination' which is due to formally begin on 3rd January 2024. <https://www.north-norfolk.gov.uk/info/planning-policy/neighbourhood-plans/wells-next-the-sea-neighbourhood-plan/>

My interest in this examination is principally centred around Wells which lies within the Heritage Coast and the AONB designations.

The NPPF gives great weight to the protection of Areas of Outstanding Natural Beauty (AONBs) and makes it clear that permission should be refused for major development other than in exception circumstances and where it can be demonstrated that development is in the public interest. Consideration of such applications should include an assessment of the need of the development, the impact of permitting it, the cost and scope of developing outside of the designated area and any detrimental effects on the environment, the landscape, and

recreational opportunities. The NPPF goes on to say that major development within a heritage coast is unlikely to be appropriate unless it is compatible with its special character. These assessments are equally applicable to allocations.

Proposed Policy ENV1 (3) states that 'Proposals for major development will be refused, unless exceptional circumstances exist, and it can be demonstrated that the proposal is in the public interest'. The Local Plan also proposes two specific locations in Wells – one of 50 dwellings and one of 24. Both are considered to be 'major developments' for the purposes of the major development test applicable within AONBs. As currently drafted, there is no explicit rationale given which justifies why the two allocations Wells have been made and also how they perform against the tests set out in national policy e.g. what those exceptional circumstances are and how the development of the site is in the public interest. In the absence of such a rigorous appraisal, those allocations should not be included in the Local Plan.

The Inspector poses a question in relation to Policy ENV3(1), asking should schemes specifically allowed by the local plan be listed as an exception?

Policy ENV3 (1) reads as follows: "In the designated Heritage Coast and Undeveloped Coast, as defined on the Policies Map, development will only be permitted where it can be demonstrated to require a coastal location, and which will not be significantly detrimental to the open coastal character". This is consistent with the approach taken by the NPPF. The NPPF also requires that policies are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

Currently as drafted there is an inconsistency and a tension between sections of the Local Plan. Whilst the ENV policies make it clear the circumstances where development within the various national environmental designations can take place, the plan also contains a number of allocations which would on first inspection appear to fly in the face of those policies. For the sake of clarity either the proposed allocations within the plan are rigorously assessed against the ENV policies and that assessment is contained in the relevant site specific sections so that the rationale is clear, or those allocations are listed as exceptions in the policy. However, in listing them as exceptions it should still be clear in the supporting text why those allocations are required in the Plan, despite being 'exceptional' and should have clear and firm justification as to how they meet the public benefit, public interest, and coastal location tests. Without either, the Plan is inconsistent at best and incoherent at worst.