

Author	North Norfolk District Council
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North Norfolk District Council's response to Inspector's Matters, Issues & Questions (11.1 to 11.5) in relation to:

Matter 11: Environment (ENV policies)

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

References in square bold brackets **[xx]** refer to Examination Library document numbers, their page and/or paragraph. The Examination Library can be accessed at:

www.north-norfolk.gov.uk/localplanexamination

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Introduction

This document is North Norfolk District Council's response to the Matters, Issues and Questions identified for examination by Inspector David Reed of the Planning Inspectorate, as published on 3 November 2023 [EH002]. This is one of eleven separate response papers produced to address the specific matter and issue as identified on the front page.

Each response paper includes a number of references to specific evidence which has been relied upon in answering the matters, issues and questions. These reference numbers relate directly to the Examination Library website, where all evidence is published:

www.north-norfolk.gov.uk/localplanexamination

References to 'modifications' relate to such modifications requested by the Planning Authority in Schedules 4 and 5 submitted alongside the Plan [A5.11 and A5.12]. For ease of reference, where these requested modifications relate to the Councils response to each question, details have been included in this response.

Response to Inspector's 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?

11.1.1 Yes, the Council considers that the submitted Plan, along with the proposed additional modifications, reflects the district's strategic aims and objectives, and has been positively prepared, is justified through robust and proportionate evidence, as set out in the document library [A14], and is consistent with national policy. A self-assessment of the Plan against the legal and soundness tests has been undertaken using the PAS self-assessment check sheets. Further information can be seen in the examination library [A11 and A12]. A number of policies/elements of policies have been developed to compliment wider strategic agreements through the Norfolk Strategic Framework and input from statutory bodies which is seen as testament to positively working together to deliver in this policy area.

11.1.2 Specifically, the ENV policies are positively prepared, justified, effective and align with Sections 12, 15 and 16 of the NPPF 2023, in recognising the importance of the natural and built environments and high quality design as being key aspects in the delivery of sustainable development, where paragraph 126 states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'.

11.1.3 Policies ENV 1 - ENV 8 collectively ensure that the important considerations of the district's landscapes, townscapes, settlement character, historic and natural environments, including biodiversity and geodiversity, are at the forefront of delivering climate resilient sustainable development. Policy ENV 1 relates to the Norfolk Coast AONB and The Broads, ensuring the Council carries out its statutory duty to conserve and enhance their special qualities. Policies ENV 2, ENV 3 and ENV 4 seek to protect and enhance landscape and settlement character, the designated heritage coast and undeveloped coast, as well as biodiversity and geodiversity

respectively. Policy ENV 5 ensures the Plan's compliance with the Habitats and Species Regulations 2017 (as amended) and sets out the approach to enable growth in the district through the implementation of measures to avoid adverse effects on the integrity of Habitats Sites arising from recreational disturbance delivered through the Norfolk-wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). Policy ENV 6 seeks to protect and promote high standards of living and working conditions while Policy ENV 7 secures the conservation and possible enhancement, of the historic environment. Lastly, Policy ENV 8 provides a set of design principles to ensure that the special character and qualities of North Norfolk are maintained and enhanced.

- 11.1.4 No main modifications are proposed for the ENV policies in the Plan, but some minor modifications are proposed as detailed in Appendix K: Schedule 4 – Schedule of Proposed Additional Minor Modifications **[A5.11]**. These do not affect the soundness of the Plan but aim to provide further clarity and legibility to the Plan.

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

- 11.2.1 No, the allocation of all of the sites within the Local Plan, including those within the Norfolk Coast AONB, are seen to establish their overall principle for development and as such, a modification is not required for the purposes of soundness. However, if it is considered helpful, the Council could consider the addition of wording to the start of criterion 3 of Policy ENV 1, to clarify that the criterion relates to major development proposals other than those specifically allocated in the Plan.

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

- 11.3.1 Yes, the modifications to criterion 1, 3 and 4 of Policy ENV2 from 'should' to 'must' as proposed in PMIN/ENV2/01, as detailed below, are justified. The Council places great weight throughout the Plan on ensuring development pays full attention to the defining and distinctive qualities of the varied landscape types and character areas and consequently, the modifications are justified to strengthen the policy and more accurately align the policy with the wider aims and objectives of the Plan.
- 11.3.2 It is the Council's experience through the application of the current comparative Policy EN 2 of the North Norfolk Core Strategy **[J1]** that the use of 'should' sets the bar too low and in particular, with regard to criterion 1, relegates the Landscape Character Assessment SPD **[J7]** and Landscape Sensitivity Assessment SPD **[J8]** to advisory documents, which as adopted Supplementary Planning Documents, does not give them the necessary teeth to genuinely influence development proposals.

Relevant Proposed Modification

Additional Modifications to the Plan are put forward through Schedule 4 - Schedule of

Proposed Additional Minor modifications [A5.11]. The Table below details the relevant modification in relation to the response above.

PMIN/ENV2/01	<p>Amend criterion 1, 3 and 4 of Policy ENV2 as follows:</p> <ol style="list-style-type: none"> 1. Proposals for development should must be informed by, and be sympathetic to the key characteristics and valued features of distinctive Landscape Types and Character Areas, their strategic objectives and guidelines as identified in the North Norfolk Landscape Character Assessment SPD (2021) and Landscape Sensitivity Assessment SPD (2021)(1) and relevant Conservation Area Appraisals. 3. Development proposals should must demonstrate that their location, scale, design and materials will protect, conserve and enhance:... 4. Proposals should must demonstrate measures that enable a scheme to be well integrated into the landscape, and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network and provide biodiversity enhancements.
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11.4 In Policy ENV3(1), should schemes specifically allowed by the local plan be listed as an exception?

11.4.1 No, the allocation of sites and the small-scale housing allowance afforded to designated Small Growth Villages are seen to establish the overall principle for development and as such, a modification to list such proposals as being exceptions is not necessary for the purposes of soundness. However, the proposed modification PMIN/ENV3/01 to criterion 1 of Policy ENV 3 as detailed below, would qualify that the requirement for development proposals within the designated Heritage Coast and Undeveloped Coast excludes those identified through the Selected Settlements in Policy SS 1.

Relevant Proposed Modification

Additional Modifications to the Plan are put forward through Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11]. The Table below details the relevant modification in relation to the response above.

PMIN/ENV3/01	<p>Amend Criterion 1 of Policy ENV3 as follows:</p> <ol style="list-style-type: none"> 1. In the designated Heritage Coast and Undeveloped Coast, as defined on the Policies Map, development proposals not identified through the Selected Settlements in Policy SS1, 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.
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11.5 Is it justified for Policies ENV 6 and ENV 8 to require compliance with the North Norfolk Design Guide when this does not form part of the plan?

- 11.5.1 Yes, the requirement for conformity with the adopted North Norfolk Design Guide Supplementary Planning Document 2008 (SPD) [J6] is justified for Policies ENV 6 and ENV 8 in providing maximum clarity and consistency about local design and amenity matters to ensure all relevant planning proposals meaningfully consider and apply the content of the North Norfolk Design Guide SPD at the earliest stage in the formulation of a scheme. As an adopted SPD, the North Norfolk Design Guide has been subject to public consultation and consequently, is an appropriate document that provides comprehensive guidance on a range of local design and amenity matters.
- 11.5.2 It is the Council's experience, through the application of existing comparative policies, such as Policy ENV 4 Design of the Core Strategy [J1] where proposals are expected to 'have regard to the North Norfolk Design Guide', that the bar is set too low and relegates the SPD to an advisory document rather than it having genuine influence on the design quality of development in the district. This is inconsistent with the NPPF's objectives 'that good design is a key aspect of sustainable development' (NPPF paragraph 126) and for the Council, such policy wording needs to be strengthened to ensure that local design and amenity matters are at the heart of all development proposals, in order to reflect local design preferences and enhance the local character and distinctiveness of the different areas of the district 'with a consistent and high quality standard of design' (NPPF paragraph 128).
- 11.5.3 In considering the wording of Policies ENV 6 and ENV 8, the Local Planning Authority considered a number of alternatives and recognised that it could not elevate the status of the Design Guide to a policy document. As such, both policies allow flexibility for proposals to put forward justifications for departures from the SPD guidance, and as such, compliance to the Design Guide SPD is not absolute.
- 11.5.4 In the future, such supplementary planning documents may be addressed by the requirement for them to be prepared as part of the development plan, but in the interim, and consistent with the NPPF, it is important that design of development is given greater attention.