

Author	North Norfolk District Council
Session details	Week 1 Day 1: Matter 1
Scheduled Hearing Date	Tuesday 23 January 2024, 10am
Exam Library No.	EH007 (a)

North Norfolk District Council's response to Inspector's Matters, Issues & Questions (1.1 to 1.12) in relation to:

Matter 1: Duty to co-operate, other legal requirements, habitats regulation assessment & plan period.

Issue: Whether the Council has complied with the duty to co-operate and other legal requirements, and whether the plan period is 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

[BLANK PAGE]

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

1.1 Duty to Co-operate:

(i) **What are the strategic matters dealt with by the plan to which the duty applies and which other authorities and organisations are affected by them?**

1.1.1 The Authority has prepared a Duty to Cooperate Compliance Statement [A8] which outlines the requirements of the duty, which Authorities and organisations it relates to, and lists the principle matters which are strategically significant and may have cross-boundary implications. The main cross boundary issues of strategic significance are:

- Reducing and mitigating the impacts of climate change
- Delivery of sufficient homes, including gypsy and traveller provision
- Management of designated landscapes
- Disposal of foul and surface water in accordance with the Habitat Regulations (Nutrient Neutrality)
- Cross boundary highway impacts (Coltishall/Horstead)
- Delivery of supporting infrastructure such as health and education
- Efficient use of water
- Hoveton/Wroxham (Cross boundary community/shared town centre, infrastructure capacity)
- Coastal management
- Green Infrastructure and Recreational impact Avoidance Strategy (GIRAMS)

1.1.2 Overall, there has been a significant degree of cooperation in preparing the Plan both through formal structured arrangements, the various consultation

processes supporting plan preparation, and direct liaison and working together in relation to specific issues with applicable organisations.

- 1.1.3 The main mechanism to ensure effective cooperation is via a formal Norfolk wide Duty to Cooperate Member Forum which was established in 2015 expressly to ensure that the requirements of the duty are met. This is supplemented by a County/District Local Plan Liaison Group which meets regularly in relation to highways, flood, education, health and social services, minerals and waste, and environmental matters. A number of formal partnerships such as the Norfolk AONB Partnership and Coastal Partnerships East also assist with cooperation. The Authority has worked closely and positively with a broad range of statutory and non-statutory consultees throughout the various stages of Plan preparation, as reflected in various Statements of Common Ground.
- 1.1.4 This has resulted in many of the concerns raised by various partners being addressed via policy development and modification so that the number of issues where agreement has not been reached are now very small. Cooperation has been on-going and effective, and the Authority will continue to work positively with partners to address any remaining concerns.
- 1.1.5 The Norfolk Strategic Planning Framework **[A8.1]** documents 31 separate Agreements endorsed by all Norfolk Planning Authorities and a range of strategic Partners. Separate Statements of Common Ground have been completed with many partners which confirm the current position (as detailed below). These Agreements have directly influenced the content of the Local Plan, the policies of which reflect the Agreements.
- 1.1.6 The most significant remaining cross-boundary area of concern relates to the potential traffic impacts associated with the large-scale growth proposed at North Walsham, particularly in the adjacent communities of Coltishall and Horstead in Broadland District (see response to question 1.1 (iii)).

Statements of Common Ground have been completed with:

- Breckland District Council **[EX025]**
- Broads Authority **[EX027]**
- Broadland District Council **[EX030]** (to follow)
- Great Yarmouth Borough Council **[EX028]**
- Historic England **[EX023]**
- Kings Lynn & West Norfolk Borough Council **[EX024]**
- Natural England & Norfolk LPAs (GIRAMS) **[EX014]**
- Natural England (Nutrient Neutrality) **[EX009]**
- Norfolk County Council **[EX029]**
- Norwich City Council **[EX026]**
- South Norfolk Council **[EX031]** (to follow)

Position Statements have been prepared by:

- Anglian Water, Broads Authority, Environment Agency, North Norfolk District Council (Development in the Horning Water Recycling Centre Catchment, 2017) **[I12]**

- Broads Authority, Environment Agency, North Norfolk District Council (Development in the Horning Water Recycling Centre Catchment, Updated August 2023) [EX012]
- Anglian Water - Horning Statement of Fact (April 2022) [I13]
- Anglian Water - Horning Statement of Fact (Updated August 2023) [EX013]
- Norfolk County Council Highways North Walsham Position Statement [Appended to Matter 5]

(ii) For each strategic matter, how has the engagement been carried out, what has been the outcome and how has this addressed the strategic matter?

1.1.7 This is addressed in the Duty to Cooperate Compliance Statement [A.8].

(iii) Specifically, prior to submission of the plan, did the Council engage constructively, actively and on an on-going basis with Norfolk County Council and Broadland District Council regarding the transport effects of the proposed growth of North Walsham, and in particular the potential effect on the radial routes into Norwich? What is the evidence for this engagement and what were its results (as at the time of submission, because the duty to co-operate must have been met prior to submission and cannot be rectified afterwards).

1.1.8 In the very early stages of Plan preparation the issue of potential off-site traffic impacts at Coltishall was not identified as a concern, with the focus being on the localised impacts in North Walsham and consideration of the feasibility, and configuration of a new link road from Norwich Road to Cromer Road and potentially further northern and/or southern links.

1.1.9 The District Council and Norfolk County Council jointly procured highway consultants, WSP, to undertake high-level feasibility work to appraise the options with the principal purpose of demonstrating deliverability (at least at a high-level) of large-scale growth to the west of North Walsham. The North Walsham Link Road Feasibility Study [D19-D21] presents the conclusions. This gave North Norfolk District Council and the Highway Authority sufficient reassurance that a deliverable proposal appeared feasible whilst recognizing that further detailed work would be required.

1.1.10 These studies were subject to consultation at the Regulation 18 stage of Plan preparation, including with Broadland District Council.

1.1.11 Broadland District Council raised concerns both about the engagement process and the adequacy of the WSP work.

1.1.12 Prior to Regulation 19 publication, North Norfolk sort further confirmation from the Highway Authority that they did not object to the proposals and that there

were no 'showstoppers' which would lead to a conclusion that the proposals would have severe impacts on the road network which could not be mitigated. The Highway Authority confirmed their opinion that whilst more detailed work would be required, and the scheme itself would need to incorporate exemplar transport measures, there were no grounds for not proceeding.

- 1.1.14 In response to the concerns raised, North Norfolk District Council modified the text of the Plan to make clear the need for highway mitigation measures along the B1150 corridor including at Coltishall.[para 14.0.10 and para 14.3.4]. Although criteria 12 of the proposed policy requires the delivery of off -site highway improvements the Authority accepts that in light of the new evidence **[EX17 and 18 -Highway Impact Assessment]** this could be further improved to make explicit reference to the identified package of mitigations both at North Walsham and Coltishall.
- 1.1.15 Latterly, a steering/reference group has been established comprising North Norfolk and Broadland District Councils, the Highway Authority, the developer consortium and their planning and highway consultants and representatives of the B1159 Highway Group. This has provided input and steered the process of producing a Highway Impact Assessment for the proposals, the identification of potential mitigation measures and the undertaking of local public consultation in Coltishall/Horstead. The scope of this Assessment has been discussed and agreed with Broadland District Council. The Assessment includes a number of specific mitigations in Coltishall which will be necessary to address the impacts arising from the Development **[EX017, EX018]**.
- 1.1.16 North Norfolk and Broadland District Councils, the Highway Authority, and the Consortium are working positively to secure the early delivery of the required mitigation and towards the completion of a joint Statement of Common Ground. It is intended that this will result in the tabling of policy modifications to expressly require the early delivery (prior to commencement) of the mitigations identified. For its part, North Norfolk District Council accepts that the current policy wording should be improved in respect of the need for off-site mitigations as it was drafted at a time when the results of detailed Traffic Impact Assessment were not available. North Norfolk will support all policy modifications which provide a greater degree of certainty about the need for mitigations, what those mitigations are, and when they will be required to be delivered.
- 1.1.17 Further details of the associated engagement are provided in the timeline below.
- **May 2019** - First Draft Local Plan (Options) published for public consultation.
 - **Mid 2020** - WSP jointly commissioned by North Norfolk District Council and Norfolk County Highway Authority to consider the high-level impacts of proposed growth in North Walsham **[D19-D21]**
 - **Nov 2020** - Draft WSP Report published.

- **Sept 2021** - WSP publish Technical Note Addendum considering impacts at Coltishall. Technical noted shared with Broadland District Council prior to Reg 19 consultation.
- NNDC seeks confirmation from Highway Authority that there are no 'showstoppers' that would prevent development and confirmation received.
- **Jan 2022** - Regulation 19 consultation.
- **May 2022** - AECOM was engaged by the Consortium in May 2022 to develop the transport evidence undertaken to date to further understand the impacts of the proposed allocation.
- **Autumn 2022** - meeting held with BDC to set out the scope of work underway. Feedback was received from BDC which informed the scope of the Transport Assessment, and associated modelling and traffic surveys.

A series of meetings were held with BDC, their members, and the public to share information. These meetings were as follows:

- **3 August 2023** - Meeting with BDC, NCC, NNDC to update on transport evidence progress and findings. Feedback was received and considered.
- **7 August 2023** - Coltishall & Broadland Member Briefing to update on transport evidence progress.
- **29 September 2023** - Coltishall & Broadland Member Briefing regarding Transport Assessment.
- **27 November 2023** - Coltishall & Broadland Stakeholder Briefing regarding Transport Assessment.
- **6 December 2023** - Public exhibition to share Development Brief and Transport proposals.
- **19 December 2023** - Coltishall & Broadland Stakeholder Briefing regarding Consultation feedback, potential Policy Wording changes and possible Statement of Common Ground.

The Draft Transport Assessment and associated data were shared with BDC, and they distributed this to their key stakeholders.

(iv) Overall, has the Council engaged constructively, actively and on an on-going basis with the relevant bodies in maximising the effectiveness of the NNLP in relation to the strategic matters? Has the duty to co-operate thus been met?

1.1.17 Yes, taken overall the Plan is informed by, and is the result of, significant co-operation and engagement with a wide range of stakeholders in relation to strategically important cross-boundary issues. The effectiveness of this cooperation is evident in the Plan, its policies and the wide-ranging agreements that are in place. The Plan is significantly more effective as a result of this cooperation.

1.2 Has the preparation of the plan complied with the 2004 Planning and Compulsory Purchase Act and the relevant regulations?

1.2.1 Yes. The preparation of the Plan complies with the 2004 Planning and Compulsory Purchase Act (as amended):

Section 15: Local development scheme

1.2.2 The Council has prepared and consistently maintained a Local Development Scheme [A10] which specifies the local development documents which are to be development plan documents as part of the Single Local Plan DPD, and the subject matter and geographical area to which each development plan document is to relate. It includes a timetable for their preparation and revisions to the scheme have been undertaken where the Council considered it appropriate.

Section 17: Local development documents

1.2.3 The Council is satisfied that the local development documents, being the single Local Plan DPD as specified in the Local Development Scheme, adequately sets out the authority's policies relating to the development and use of land in their area. The Policies are set out in sections 3-22 of the submitted Local Plan [A1].

1.2.4 On 6th April 2018, Section 10A (1) of the Local Plan Regulations 2012 was inserted to require a local planning authority to review a local development document (a) in respect of a local plan, every five years from the date of adoption; (b) in respect of a statement of community involvement, every five years, starting from the date of adoption. This regulation does not apply in respect of the submitted Local Plan, which is already under review.

Section 18: Statement of community involvement

1.2.5 The Council has prepared a Statement of Community Involvement [A9] which is a Local Development Document which meets the requirements of the Act. The Council has reviewed the adopted SCI in relation to Section 10A (1) of the Local Plan Regulations 2012 (as amended) and is satisfied that it remains up to date and fit for purpose.

Section 19: Preparation of local development documents

1.2.6 The Development Plan Documents, namely the Single Local Plan DPD, has been prepared in accordance with the Local Development Scheme (LDS) [A10]. The Council's response to Question 1.4 explains how the Plan is compliant with the adopted LDS.

1.2.7 The Plan includes policies designed to secure that the development and use of land in the North Norfolk administrative area contributes to the mitigation of, and adaptation to, climate change. Policy CC1 sets out the key guiding principles that development proposals should address in order to ensure that new development positively contributes to mitigating and adapting to climate change and delivers climate resilient sustainable growth to address the challenges most relevant for North Norfolk. Relevant policies which contribute to the mitigation of, and adaptation to, climate change are detailed in Figure 4, page 25 of the submitted Plan [A1].

- 1.2.8 The strategic priorities for the development and use of land in the North Norfolk administrative area are identified in Section 2.4 of the submitted Local Plan. The Council is satisfied that policies to address the strategic priorities are set out in the Single Local Plan DPD.
- 1.2.9 In preparing local development documents the Council has had regard to national policies and advice contained in guidance issued by the Secretary of State, namely the National Planning Policy Framework, National Planning Practice Guidance and any other relevant and up to date national guidance. The Council has also had regard to related local development documents which are to be development plan documents. A Sustainability Appraisal of the single Local Plan DPD has been carried out [A3].

Section 20: Independent examination

- 1.2.10 The single Local Plan DPD has been submitted to the Secretary of State for independent examination along with all relevant supporting documents. In doing so, the Council has complied with all relevant requirements contained in regulations under this part. See 'Regulation 22: Submission of documents and information to the Secretary of State', below, for further information.
- 1.2.11 The preparation of the Plan also complies with the relevant regulations, namely The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

Regulation: 5 Local development documents

Regulation: 6 Local plans

- 1.2.12 The Council has prepared a single Local Plan DPD which sets out:
- the development and use of land which the local planning authority wish to encourage during any specified period;
 - the allocation of sites for a particular type of development or use;
 - environmental, social, design and economic objectives which are relevant; and,
 - development management and site allocation policies, which are intended to guide the determination of applications for planning permission.

Regulation 8: Form and content of local plans and supplementary planning documents: general

- 1.2.13 Each Local Plan policy contains a reasoned justification. At the point of adoption, the emerging Local Plan is intended to supersede all currently adopted policies of the Core Strategy incorporating Development Management Policies (2008), Proposals Map (2008), and Site Allocations Plan (2011). No policies of the existing Development Plan are identified to be saved.

Regulation 9: Form and content of the adopted policies map

- 1.2.14 As the adoption of the draft Local Plan would result in changes to the previously adopted policies map (North Norfolk Proposals Map), the Council has prepared a comprehensive replacement Policies Map [A2]. This illustrates geographically the

policies in the plan and shows, by comparison, how the adopted policies map would be changed as a result of the new plan. It is reproduced from and based on an Ordnance Survey map, and it explains any symbol or notation which it uses.

Regulation 18: Preparation of a local plan

- 1.2.15 In August 2015, the Council issued the 'Regulation 18 Notification: Subjects of the Local Plan' [B14] which notified the appropriate bodies of the subject of the Local Plan which the Council proposed to prepare and invited those bodies to make representations on what a local plan with that subject ought to contain.
- 1.2.16 The 'Interim Consultation Statement' [B11] details who the Council engaged with at this stage (Appendix A), how the Council engaged (Pages 11-14), and how the representations were taken into account (Pages 13-14 and Appendix C).
- 1.2.17 In addition to the Regulation 18 Notification, the Interim Consultation Statement provides details of a number of sub-stages of consultation undertaken during the early plan preparation process as part of Regulation 18.
- 1.2.18 In May 2019, a comprehensive, district-wide consultation was subsequently undertaken on the 'First Draft Local Plan (Part 1)' [B5] as a final key element of the Regulation 18 plan preparation process. The 'Consultation Statement - Proposed Submission Version (Reg 19)' [B1] details who the Council engaged with at this stage (Pages 3-4 and Appendix F), how the Council engaged (Pages 5-7) and how the Regulation 18 stage representations were taken into account (Pages 15-89).
- 1.2.19 Extensive publicity was undertaken to promote all Regulation 18 engagement activity. Key examples of this are documented in the Appendices to the Interim Consultation Statement [B11] and in Appendix G of the 'Consultation Statement - Proposed Submission Version (Reg 19)' [B1].

Regulation 19: Publication of a local plan

- 1.2.20 As required by this regulation, prior to submitting the Local Plan for examination, the Council made a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with Regulation 35. Regulation 35 prescribes that relevant documents are made available for inspection at the principal office and other such places as the Local Planning Authority considers appropriate, and to publish these documents on the Council's website. The Statement of Representations Procedure (Formal Notice of Consultation) [B2] explains where documents were made available for inspection, and the places and times at which they could be inspected. This statement remains available on the consultation webpage as was made available at the time of publication:
www.north-norfolk.gov.uk/tasks/planning-policy/local-plan-consultation
- 1.2.21 The Statement of Representations Procedure (Formal Notice of Consultation) [B2] was sent to all persons on the Council's Local Plan Consultation Database (including each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1)).

Regulation 20: Representations relating to a local plan

- 1.2.22 This regulation enables any person to submit representations to the local planning authority about a local plan which the local planning authority propose to submit to the Secretary of State.
- 1.2.23 Any such representations must be received by the local planning authority by the date specified in the statement of the representations procedure. Consequently, the deadline for making representations was clearly articulated in the statement and also in relevant publicity material. During the consultation period (17 January - 28 February 2022) it was agreed to provide a one-week extension (to 7 March 2022). This was notified by a range of publicity methods including to all persons on the Council's Local Plan Consultation Database (including each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1)).

Regulation 22: Submission of documents and information to the Secretary of State

- 1.2.24 On 11 May 2023, the Authority formally submitted the Local Plan and associated documentation to the Secretary of State. The submitted documents are detailed in document **[A14]**. In addition to the Local Plan Proposed Submission Version **[A1]**, the submitted documents include:
- a) A Sustainability Appraisal Report **[A3]**;
 - b) A submission Policies Map **[A2]**;
 - c) A statement setting out **[A5]**:
 - i. (which bodies and persons the local planning authority invited to make representations under regulation 18;
 - ii. how those bodies and persons were invited to make representations under regulation 18;
 - iii. a summary of the main issues raised by the representations made pursuant to regulation 18;
 - iv. how any representations made pursuant to regulation 18 have been taken into account;
 - v. if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and
 - vi. if no representations were made in regulation 20, that no such representations were made;
 - d) copies of any representations made in accordance with regulation 20 **[A5.8 & A5.9]**; and,
 - e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan **[A14]**.
- 1.2.25 Compliance with this element of Regulation 22 was achieved via the 'Notice of Submission to Secretary of State' **[A13]** and submission of the documents listed in the submitted Examination Library **[A14]**, on 11 May 2023.
- 1.2.26 Following the submission, all submission documents were made available on the Council's website and are available for inspection in accordance with Regulation 35. The 'Notice of Submission to General and Specific Consultees' **[A13.1]** provides the

relevant information, including a statement of the fact that the documents are available for inspection and of the places and times which they can be inspected.

- 1.2.27 Following submission to the Secretary of State, the 'Notice of Submission to General and Specific Consultees' [A13.1] was provided to all persons on the Council's Local Plan Consultation Database (including each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1)). This included providing notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been so submitted.

1.3 Has the preparation of the plan complied with the Council's Statement of Community Involvement?

- 1.3.1 Yes, the Council is satisfied that the Plan has been prepared in compliance with the adopted SCI. The Council's adopted Statement of Community Involvement [A9] sets out how the Council intended to engage with members of the public and stakeholders in the preparation of the Local Plan.
- 1.3.2 The SCI specifies a range of different engagement methods that could be utilised to try to ensure that everyone had the opportunity to be involved in plan-making. Details of the engagement methods undertaken in preparing the Plan can be found in the Consultation Statement - Submission Version (Reg 22) [A5], pages 12-14 and 96-97. In addition, specific examples of the engagement undertaken in accordance with the SCI can be seen in Appendix G - Consultation Notices & Event Information [A5.7].
- 1.3.3 The SCI lists the specific, general and duty to cooperate consultation bodies as specified in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) who must be consulted at key stages. Details of the consultation bodies that were consulted at key stages can be found in Appendix F to the submitted Consultation Statement [A5.6].
- 1.3.4 Figure 2, on page 10 of the adopted SCI, sets out a flowchart for the Local Plan making process. The Council is satisfied that the Plan preparation process undertaken reflects that described in the flowchart. Details of key stages of Plan preparation with dates can be found in Table 1 of the submitted Consultation Statement [A5]. Further commentary of the process undertaken up to submission can be found in both Section 5 and Appendix 1 of the adopted Local Development Scheme [A10].

1.4 Is the plan compliant with the Council's Local Development Scheme?

- 1.4.1 Yes. Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), requires the Council to produce a Local Development Scheme and prescribes what it should detail. These key requirements, in relation to North Norfolk, are listed below along with an explanation as to how the submitted Local Plan is compliant:

- **The local development documents which are DPDs**
As detailed in section 3.3 of the adopted LDS [A10], the Council's submitted Local Plan is a single DPD document comprising of strategic, non-strategic policies and strategic site allocations.

- **The subject matter and geographical area to which each DPD relates to**
The role and content (subject matter) of the single Local Plan DPD is detailed in Appendix 1 of the SCI. The Council is satisfied that the contents of the submitted Local Plan accurately reflects the description of the subject matter contained in the LDS.
- **The timetable for the preparation or revision of DPDs**
At the time of submission, the past, present and future milestones were accurately reflected in the LDS.

1.5 Have the likely environmental, social and economic effects of the plan been adequately addressed in the Sustainability Appraisal? Does the appraisal test the plan against reasonable alternatives for the spatial strategy of the plan and the distribution of housing and employment land?

- 1.5.1 Yes. The Sustainability Appraisal is a systemic process, and its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The process the Council followed is set out in Figure 1 of the Sustainability Appraisal (SA) Report **[A3]** on page 2. A draft SA Scoping Report **[B13]** meeting the requirements of stage A was published in September 2016 and further refined in May 2019, both being subject to consultation with statutory bodies. This provided the framework in which sustainability effects were described, analysed and compared and subsequently, formed the basis of the appraisal in relation to the effects of the Local Plan.
- 1.5.2 The SA Framework consists of 16 SA objectives that include the issues in Section 6 of Schedule 2 of the UK SEA Regulations, as well as additional social and economic matters in order to reflect the three broad strands of the sustainability appraisal.
- 1.5.3 It is not the role of the SA to determine the options to be chosen, but to inform in the identification of the appropriate options, by highlighting the sustainability implications of each. As such, the Sustainability Appraisal informed plan development through testing and evaluating the submitted Plan's policies and reasonable alternatives against the SA objectives and the likely significant effects on the environment, including short, medium, and long term effects, as well as permanent and temporary effects, positive and negative effects and secondary, cumulative and synergistic effects. The SA Framework is set out in Chapter 6 of the SA Report. The assessment of the submitted Plan's policies and site proposals is set out in Chapter 8 with the cumulative and synergistic assessments in Chapter 9. The appraisals of the alternative policy and site proposal options are set out in Appendix D and Appendix E respectively. The alternative policy options for the spatial strategy are detailed at pages 320-328, which include a rural dispersal approach (Policy SD3B) where housing delivery would see development in a significant number of small rural communities and hamlets that scored poorly against the 16 SA Objectives. The alternative policy options for employment land are set out at pages 411-416 and include approaches to protect existing employment land and allocate differing amounts of additional land for employment uses.

-
- 1.6 Does the Habitats Regulations Assessment (with the August 2023 addendum) identify the likely significant effects of the plan on the various European nature conservation sites and carry out the necessary appropriate assessment? In relation to each impact pathway and each affected site, are suitable and effective mitigation measures put forward, what are these and how will they be secured? Which policies of the plan secure the necessary mitigation and are further modifications required? Does English Nature agree with the HRA findings?**
- 1.6.1 Yes. The Plan has been subject to Habitat Regulation Assessment, HRA in accordance with the Conservation of Habitats and Species Regulations 2017, as amended, (Habitats Regulations) for the purposes of preparing and examining the Plan.
- 1.6.2 The HRA considered the implications of the Plan (at each stage) for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed Plan. A 20 km distance from the district boundary was used in the main for the purposes of identifying the European sites. This distance reflects a typical maximal extent that a plan could reasonably be considered to generate measurable effects. However due to the identification of greater zones of influence in terms of recreational impacts two further European sites beyond 20kmn were also identified (Breckland SPA/SAC and the Wash SPA/Ramsar).
- 1.6.3 The final HRA report **[A4]** from the lists of European sites identified and the earlier Interim HRA, May 2019 **[B9]**, and Draft Scoping Report, May 2017 **[B12]** identified a number of potential impact pathways that could have the potential to result in likely significant effects, LSE. These included: loss of supporting habitat, general; urban effects, Recreation, water issues such as water quality and flood management and air quality. The Plans policies and site proposals were then screened for likely significant effects. Where the screening identified a risk a more detailed assessment was undertaken in order to ascertain more information about the likely significant effects and gave the necessary scrutiny to potential mitigation measures. This is known as the Appropriate Assessment stage of the HRA. The screening looked at the policies and proposals prior to any mitigation measures being utilised in line with the 2018 People Over Wind Judgment as detailed at section 3.5 of the HRA Report **[A4]**, page 25.
- 1.6.4 During the screening, likely significant effects for two individual European sites; Overstrand Cliffs SAC and Paston Great Barn SAC were ruled out. The Impact pathways of air quality and loss of functional habitat were also subsequently ruled out.
- 1.6.5 The Appropriate Assessment (AA) undertook a detailed assessment against the likely significant impacts from General Urban, Recreation and Hydrological effects in relation to all Plan policies and proposals. **It concluded that the North Norfolk Local Plan is in conformity with the Habitats Regulations, and at a Plan level a conclusion of no adverse effects, alone or in-combination, on European site integrity can be drawn.**
- 1.6.6 **Natural England**, as the statutory nature conservation body for England, advised

through their representation submitted at regulation 19 that:

'Natural England is satisfied that the Habitats Regulations Assessment (HRA) (Footprint Ecology, 9th December 2021) [A4], has provided a robust assessment of the Regulation 19 stage of North Norfolk District Councils Draft Local Plan in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and having regard to relevant case law. Natural England agrees with the conclusions made in the HRA and supports the mitigation measures suggested. Although, GIRAMS is considered to be the main mitigation measure for recreational disturbance, we would also like to draw your attention to site specific green infrastructure that may also reduce any likely significant effects from development proposals, as detailed in Policy CC11 of the Local Plan.'

Consultation Statement Appendix I, Schedule of Representations, Ms Laura Joyce, Natural England Regulation 19 Rep ID LPS762 [A5.9, page 611]

Impact Pathways, Affected Sites, and Mitigation Measures put Forward.

- 1.6.7 **For urban effects**, likely significant effects were identified alone for the Norfolk Valley Fens SAC with respect to two allocations at Holt and three strategic policies (SS1, HOU1 and DS1, (sites H20 & H27.1)). Adverse effects on integrity are ruled out alone for the allocations through the protective wording in the allocation policies that ensures project level HRA checks for urban effects and suitable mitigation is secured as necessary, once further details for the sites are available.
- 1.6.7 The AA concluded that the very localised nature of urban effects and the very specific location for the allocations means that there is no need for in-combination assessment as there is no potential for in-combination effect.
- 1.6.9 In relation to housing growth and distribution outside Holt the HRA concluded that urban effects from windfall growth would only be relevant to the Norfolk Valley Fens SAC if in close proximity to Beeston Common, in Sheringham. Adverse effects can be ruled out alone due to the very localised area involved and the protective policy ENV4 which ensures the need to rule out adverse effects on integrity before planning permission is granted.
- 1.6.10 For recreation effects, due to the overall quantum of growth screening identified likely significant effects in-combination across all site proposals except E7, Tattersett Business Park and NW52, North Walsham Industrial Estate. Screening identified likely significant effects alone for 4 allocations (2 at Holt, H20 & H27/1 and 1 at Blakeney BLA04/A and 1 at Wells-next-the-sea, W07/1), where close proximity and footpath links to European sites could pose risks.
- 1.6.11 In order to comply with the Habitat Regulations in March 2022 and in combination with all Norfolk local planning authorities and with the support of Natural England the Council adopted and implemented the Norfolk Green Infrastructure Recreational Avoidance and Mitigation Strategy, GIRAMS. The details of this are set out in submitted documents **G9** and **G10**. This strategic approach secures strategic mitigations across the multiple European sites and is a means to adequately address cumulative effects from recreation concerns. The Plan establishes the use of GIRAMS through policies ENV5 and CC11 and reinforced throughout the relevant site allocations.
- 1.6.12 The HRA report concludes *that it (GIRAMS) provides the means to address the*

cumulative effects from recreation and ensures adequate mitigation is secured to address recreation concerns.... as such with the strategy in place the Council can rule out adverse effects in combination for all allocations in the plan [A4, para 5.24].

- 1.6.13 In relation to identifying LSE alone the appropriate assessment went on to rule out adverse effects in relation to the two sites in Wells-next -the -Sea, W07/1 and Blakeney BLA04/A, due to their specific locations, distances and access to the coastal European sites and the small-scale nature of the allocations. In order to address LSE alone in relation to the remaining sites at Holt, protective wording in the allocation policies around the requirement to provide adequate information in order to undertake a project level HRA is used. This approach ensures that the localised risks are checked at project level and are addressed through specific design elements and tailored mitigation at time of application and ensures that the development can only come forward with the necessary mitigation in place.
- 1.6.14 The HRA concludes that the Plan through the use of the GIRAMS and policy clauses requiring any necessary project level HRA can rule out adverse effects for all allocations in the Plan.
- 1.6.15 **For hydrological effects**, screening identified likely significant effects through three strategic policies, SS1, HOU1 and DS1 and alone from a number of sites: HV01/B, LUD01/A, LUD06/A, H27/1, H20, F10, F02, F03 and F01/B.
- 1.6.16 **In terms of water supply**, the 2019 Water Resource Management Plan, WRMP, prepared by Anglian Water in combination with the Environment Agency and Ofwat shows that the regional water supply is under significant pressure not just from population growth but also from climate change, sustainability measures and the need to increase resilience against drought. The WRMP shows that a surplus of 150ML/D in 2020 will shift to a total regional deficit of -144ML/D by 2045. In order to address the issues, the plan includes a 25yr demand management strategy which will more than offset projected growth in household demand through moving water resources, addressing leaks, and maximising the use of existing assets along with a reduction in consumption via water efficiency measures The plan has been through its own HRA and as such the HRA report for the submitted NNDC Plan concludes that adverse effects in integrity from water supply can be ruled out for all European sites, alone and in-combination, [A4, para 6.6].
- 1.6.17 **In relation to water quality**, capacity issues have been identified at Horning, Hoveton and Fakenham Water Recycling Centres. In addition, the Ludham WRC is close to capacity and Natural England in the Site Improvement Plan for the Broads, have identified concerns relating to the treatment works at Stalham with respect to phosphate levels in the Broads.
- 1.6.18 **In relation to Horning**, Horning WRC (Knackers Wood Water Recycling Centre) does not currently have capacity to accommodate further foul flows as flows remain above the permitted Environment Agency's (EA) license. A Joint Position Statement (JPS) was signed by the North Norfolk District Council, Environment Agency, EA, Broad's Authority, and Anglian Water in 2017 [I12], which put in place a presumption against development in Horning that increase the flows and standalone foul water treatment solutions, as they also have the potential to adversely affect water quality. There are no allocations in the Plan that feed into the WRC but Policy SS1 identifies the settlement as a small growth village (see proposed modifications PMIN/4.1/03 & PMIN/4.1/04 below). Policy ENV4, Biodiversity and Geodiversity contains a specific

criterion around LSE on proposals that needs to be satisfied before permission could be granted. The HRA report concludes that this blanket policy approach is sufficient to rule out adverse effects from development.

1.6.19 Since the JPS Anglian Water have been undertaking investigations to understand why the WRC is receiving excessive flows and they have now concluded that the unstable ground conditions in this area are the significant cause of continued structural failures of both the public sewerage network managed by Anglian Water and privately-owned drainage network. When combined with the high-water table and frequent over topping there are high levels of groundwater infiltration and inundations to both private and public foul water systems through multiple points, most is outside their remit to control. Remedial work has been undertaken and investment remains through the Anglian Water Asset Management Plan 7 (AMP7), 2020-2025 of £5.291 million for additional WRC flow capacity and Anglian Water are continuing with a number of network improvements. More detail is contained in the Councils Infrastructure Delivery Plan, Background Paper No. 4 [C4] and Anglian Water's Statement of Fact April 2022, [I13]. In August 2023 the JPS was subsequently updated [EX012] and Anglian Water have issued a further updated Statement of Fact, August 2023 [EX013] which details the updated work and ongoing situation. The situation currently remains unchanged in that there is a presumption against developments that increase flows to the WRC and that developers will need to engage with relevant parties in order to identify and progress possible interventions; indeed AW, the LPAs and EA actively encourage pre-application discussions. In line with policy ENV4 any proposals would need to demonstrate at project level any required mitigation.

1.6.20 **In relation to the small growth town of Hoveton and site HV01/B**, Anglian Water have advised that all opportunities to prevent and reduce surface water ingress to the foul network should be taken. It is therefore necessary to be able to ensure any future development in the Hoveton WRC catchment is dependent on sufficient capacity at the WRC. The HRA report eliminates the adverse effects with respect water quality and the Broads SAC/Broadland SPA/Ramsar through the requirements of the site allocation criterion 8 and 9 which require the provision of a site-specific water catchment and foul water drainage strategy by the developers prior to any commencement and any enhancement of sewage infrastructure prior to first occupation. Site promoters (HV01/B) are understood to have engaged directly with Anglian Water on the development of an acceptable foul water and drainage strategy that will safely reduce pressure and usage of the existing network, through upgrades to the unadopted pumping station at Brook Park and connecting directly to the Belaugh Water Recycling Centre. More detail on this can be found in the Consultation Statement Appendix I, Schedule of Representations, Alastair Curran (Planning Places), Regulation 19 Rep ID LPS 544 [A5.9, page 437.]

1.6.21 **In relation to the small growth town & village of Stalham and Ludham**, Anglian Water advise that enhancements are required to the foul sewage network capacity and investment is planned through AMP 7 and 8 (2020- 2030) for Stalham and AMP7 for Ludham as detailed in background paper 4, the Councils infrastructure Delivery Plan [C4, section 5.6]. The AA and HRA integrity test concludes that adverse effects on integrity, alone or in-combination for specific allocations are eliminated with respect to water quality and the Broads SAC/Broadland SPA/Ramsar through the wording included in the relevant allocation criterion in site allocations HV01/B, LUD01/A, LUD06/1, ST23/2 and ST19A which identifies the requirements for clear

plans to be agreed for any necessary sewage infrastructure improvements and for these to be confirmed at project HRA level.

- 1.6.22 **In relation to the large growth town of Fakenham**, the AA concluded that based on the existing permit and the Local Plan trajectory there was sufficient headroom at the WRC to accommodate growth up to 2032. Further Anglian Water investment is currently aligned with the trajectory of the Local Plan and expected growth levels through AMP9 (2030- 35). This would include capacity upgrades and investment to increase biological treatment capacity of the WRC programmed for completion by the end of 2025. The HRA concludes that for all the Fakenham allocations, specific allocation policy wording ensures that any growth beyond 2032 is dependent on headroom being available at the WRC, ensuring adverse effects on integrity can be ruled out alone or in-combination.
- 1.6.23 **In relation to surface water site allocation**, F10 is identified as posing a risk to the River Wensum SAC due to its close proximity to the boundary of the SAC. The HRA concludes that the policy wording (criterion 7), that requires a project level HRA ensures that the allocation is dependent on the necessary survey work and site design. Allowing a conclusion of no adverse effects on integrity alone or in-combination at plan level to be drawn.
- 1.6.24 In addition, the AA identified that the allocations in Holt, (H20 and H27/1-PMIN/12.3/01) are both in close proximity to Holt Lowes, as part of the Norfolk Valley Fens SAC, and are all upslope, therefore development may influence water flow, run off and the hydrology of the SAC which is an alkaline Fen Habitat and requires a high-water table. The HRA concludes that the requirement in the site allocations for a project HRA covering hydrological issues including is sufficient mitigation for the Plan and ensures that the allocation is dependent on the necessary survey work and site design.
- 1.6.25 For any other growth through strategic policies SS1 and HOU1 i.e. growth outside the allocations the HRA concludes that adverse effects on integrity from hydrological issues are ruled out alone for all European sites due to the protective policy ENV4, Biodiversity and Geodiversity.
- 1.6.26 **The 2023 addendum to the HRA [EX008]** was undertaken to inform the subsequent requirement to take account of nutrient neutrality advice issued from Natural England on 16 March 2023. The HRA addendum has been updated at each stage of the Plan and should be read in conjunction with the submitted HRA **[A4]**. It considers the conclusions made in the submission HRA **[A4]** and updates the findings to reflect the new evidence and the proposed main modification PMAIN/3.13/01 **[A5.12]**. This updates the text in policy CC13 Protecting Environmental Quality of the Plan by adding safeguards to the overarching approach so that qualifying development proposals in the River Wensum Special Area of Conservation (SAC), the Broads SAC, and the Broadland Ramsar.
- 1.6.27 The addendum screened the Plan and concluded that without mitigation (in line with People over Wind Judgement) all qualifying development proposals located within the catchment of the River Wensum SAC and the Broads SAC and the Broadland Ramsar will have a likely significant effect alone on the respective European sites. policies affected include SS1, HOU1 & DS1 (sites BRI01/02, F01/B, F02, F03, F10, HV01/B, ST19/A and ST23/2).

1.6.28 The Appropriate Assessment and integrity test considered the proposed modification and the HRA concluded that the Main Modification to CC13 proposed by the Council (PMAIN/3.13/01) does not change the finding of the submission version HRA and instead further strengthens the conclusions, in light of new evidence regarding nutrient neutrality. The policy requirement for development to demonstrate nutrient neutrality within the catchments of the River Wensum SAC, the Broads SAC and the Broadland Ramsar ensures impacts are avoided. This means adverse effects alone from all the Plan Policies (and incorporating the Main Modification), with respect to water quality and European site integrity are eliminated. As such, at a Plan level a conclusion of no adverse effects, alone or in-combination, on European site integrity is still drawn.

1.6.29 This conclusion is supported by the SoCG with Natural England [EX009]. More information is contained in question 1.8.

Relevant Proposed Modifications

Additional Modifications to the Plan are put forward through Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11] and Schedule 5 - Schedule of Proposed Additional Main Modifications [A5.12]. The Table below details the relevant modifications in relation to the response above.

PMIN/4.1/03 & PMIN/4.1/04	In relation to Table 2 small growth village housing apportionment and consideration of the Joint position Statement in relation to Horning – in order to bring updated information and clarity.
PMIN/12.3/01	Site H27/1 (land at Heath Farm Holt(employment) is removed as the site is no longer available and does not have a realistic prospect of delivery
PMAIN/3.13/01	In relation to policy CC13 Protecting Environmental Quality, and Nutrient Neutrality considerations

1.7 In relation to recreation effects, does Policy ENV5 and the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) ensure the necessary mitigation and is this strategy effective?

1.7.1 Yes. The introduction to the GIRAMS [G9, section 1.1] explains that the strategy has been produced by consultants under the guidance of a steering group comprising the Norfolk local planning authorities, Natural England and the Forestry Commission and various workshops held with other key stakeholders such as officers from Norfolk County Council Environment Team, Norfolk Coast AONB Partnership, Norfolk Wildlife Trust and RSPB.

1.7.2 The approach follows and has been informed by other work that has been undertaken elsewhere in the Country on similar strategic mitigation schemes such as the Essex and Suffolk Coast RAMS, and North & East Kent and the Solent and throughout its production have been guided by Natural England.

1.7.3 A Statement of Common Ground (SoCG), advanced through the Norfolk Strategic

Framework on behalf of the Norfolk LPAs, was agreed with Natural England (NE) in March 2022 [EX014]. As detailed in response to Matter 1 question 1.6, NE consider that the *GIRAMS is considered to be the main mitigation measure for recreational disturbance*. Policy ENV5; Impacts on Internationally Designated Sites: Recreational Impact Avoidance and Mitigation Strategy along with the approach detailed through Criterion 3 of policy CC11; Green Infrastructure ensure that the findings of the strategy are implemented through the Plan and are material considerations to the determination of applications.

- 1.7.4 The final Habitat Regulations Assessment HRA [A4] concluded that the Norfolk GIRAMS provides the means to address cumulative effects from recreation and ensures adequate mitigation is secured to address recreation concerns. Through policy ENV4, CC11 and policy wording in the relevant allocations, the HRA is satisfied that planning permission will be dependent on the necessary green infrastructure in accordance with the strategy being secured. With the strategy in place the HRA rules out adverse effects in-combination for all allocations in the Plan.
- 1.7.5 The effectiveness of the GIRAMS will be dependent on its application through the planning system by all Norfolk Planning Authorities (except the minerals and waste authority. As detailed through agreement 28 in the Duty to Cooperate Statement - Norfolk Strategic Planning Framework, May 2021 [A8.1], section 9.9 page 88-94, the Councils are committed to its delivery. The strategy was adopted by all Norfolk Authorities on 31 March 2022 and the tariff has been applied to subsequent qualifying permissions since, either through S111 payments or S106 agreements.
- 1.7.6 The GIRAMS is being taken forward jointly through the Norfolk Strategic Framework as part of the Duty to co-operate.
- 1.7.7 Through the Norfolk Strategic Framework, and in line with the actions agreed with Natural England in the SoCG March 2022 [EX014], a refinement to the GIRAMS strategic mitigation package was commissioned in Early 2023 in order to add more detail around specific deliverables through a detailed review of all individual European sites and their specific mitigation needs. This work is again guided by a joint LPA/NE steering group and is now in its final stages. A number of work shops across the district have been held with local stakeholders and site owners and the emerging findings discussed at steering group level in November 2023. The final report will update the mitigation package of the original GIRAMS and indicate practical on site and strategic level mitigation measures. The final report and revised action plan / mitigation proposals is scheduled to be taken to NSF in the first quarter of the New Year.
- 1.7.8 It will be necessary to have in place an effective process to implement the mitigation measures and the LPAs are exploring the options of a joint governance/project board facilitated by a dedicated project officer. It is also acknowledged by the Norfolk authorities that the implementation of the strategy will need to be monitored and reviewed as necessary. Through the SoCG [EX014] the Norfolk authorities have committed to *implementing any agreed revisions identified in the Review into a Revised Action Plan (subject to consultation with Natural England) as soon as is reasonably possible and no later than 6 months from the date of the Review*.
- 1.7.9 Consequently, there is confidence that the GIRAMS is robust and will be effective in addressing the potential recreational impacts from development on European sites.

-
- 1.8 In relation to water quality and nutrient neutrality, does Policy CC13 (as proposed to be modified) ensure the necessary mitigation and will this be effective? On the basis of current legislation, what practical effect will this have on the implementation of the plan and the cost of development? What progress is being made to develop mitigation solutions and when might the embargo on small developments in the affected areas be lifted?**
- 1.8.1 Yes. Based on current legislation, the proposed modification to Policy CC13 will be effective and ensure compliance with the requirements of Habitat Regulations.
- 1.8.2 As submitted Policy CC13 of the Plan required development proposals to ‘*avoid, minimize and take opportunities to reduce pollution*’ including to water quality but the Plan made no direct reference to the legal requirements of the Habitat Regulations in relation to demonstrating no adverse effect on the integrity of designated habitats.
- 1.8.3 Proposed modification [PMAIN/CC13/01] requests that an additional clause is added to Policy CC13 to make clear that applications in the impacted catchments will need to provide additional information to demonstrate how proposals meet the requirements of the Habitat Regs, and secondly, that proposals which do not demonstrate at least nutrient neutrality (no further deterioration in Habitat condition) will not be permitted. The Policy is unambiguous in requiring compliance with the Habitat Regs in order for permission to be granted and will therefore be effective.
- 1.8.4 The approach to Nutrient Neutrality generally, and the specific wording of the proposed modification have been subject to Habitat Regulations Assessment [EX008] and are endorsed by Natural England in a Statement of Common Ground [EX009].
- 1.8.5 In its response to the Inspectors initial questions [EX003] the authority outlined how this was likely to impact on the delivery of development in the district by adding cost and delaying commencement of development for approximately 30% of the proposed growth in the district. Both of these potential impacts have been considered via a review of delivery expectations (revised trajectory [EX006]) and an update to the District Wide Viability Assessment [I11] to reflect potential additional costs associated with addressing this issue.
- 1.8.6 Royal Haskoning were commissioned by all Norfolk Authorities to prepare a Norfolk Mitigations Solutions Report to provide guidance on the types of mitigation that might be suitable, and indicative costs associated with these. The draft report was published in April 2023 [G15] and finalised in October 2023 [EX016].
- 1.8.7 In respect of both costs and delays it is not possible at this time to be definitive. This is because there are a wide range of potential mitigation measures, their costs vary significantly, and the timing of availability/delivery remains unclear. The approach taken to both the revised trajectory and costs implications has drawn on experience elsewhere, local evidence, and discussions with individual site promoters.

Updated Position - December 2023

- 1.8.8 Despite indications from government of an intention to legislate that nutrient

pollution in designated habitats should not prevent the grant of planning permissions for new homes, it remains the case that permissions for new polluting developments (housing and overnight accommodation) would be unlawful unless it can be shown that no significant impacts on Habitat sites will arise. Based on current legal requirements and the condition of designated watercourses, applicants will therefore need to demonstrate how their proposals will result in no more pollution entering the designated habitats.

1.8.9 Broadly, there are four potential routes to provide mitigation.

- Direct mitigation provided by the applicant either on the application site as part of the proposal, or via off-site delivery.
- The purchase of mitigation credits (off-setting) via a scheme being prepared by Natural England.
- The purchase of mitigation credits via Norfolk Environmental Trading (Joint Venture of Norfolk Authorities)
- Direct upgrades to WWTW in the impacted catchments. These, if part of the normal investment program of the water company are not themselves mitigation but will reduce the need for mitigation.

1.8.10 It is possible that third party markets in nutrient credits will emerge but currently the LPA is unaware of any activity in this area.

Costs

1.8.11 The potential costs of mitigation will be variable. Norfolk Environmental Trading intends to market credits at £2,400+VAT per 0.1kg/yr Total Phosphorus (inclusive of the nitrogen mitigation needed for the development site). Elsewhere in the country Natural England are marketing credits at £1,800. A typical dwelling in Norfolk will require between 1-6 credits depending on which WWTW is used.

1.8.12 The costs associated with mitigation are projected to fall significantly after 2030 by which time government has mandated the up grading of WWTWs within impacted catchments and the extent of mitigation required will be substantially reduced as a consequence.

1.8.13 An average estimated cost of £5,000 per dwelling is considered reasonable and has been included in the updated Viability Assessment.

Timing

1.8.14 Natural England is currently advising that short term mitigation credits are likely to be available from September 2024 with longer term mitigations by 2027. Norfolk Environmental Trading intends to have mitigation credits available imminently although in the first instance these are likely to be limited to the Yare catchment (not North Norfolk).

1.8.15 North Norfolk District Council is in discussion with potential mitigation providers in the upper reaches of the Wensum catchment with the potential to deliver around 3,000 nutrient credits within the next two/three years. North Norfolk will update the hearing in relation to progress.

-
- 1.9 Does the plan include policies designed to ensure that the development and use of land in North Norfolk contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the 2004 Act? Which in particular address this?**
- 1.9.1 Yes. The Plan accords with legislative requirements on climate change as set out in Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 that “Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change”. As set out in Section 2 of the Plan covering the spatial portrait, vision, aims and objectives the Plan has been produced with the overarching vision of contributing to the achievement of climate resilient sustainable development. Section 2.2 sets out the key challenges of managing and addressing climate change which help inform the Plans vision while section 2.4 outlines the key aims and objectives including those around the delivery of climate resilient sustainable development.
- 1.9.2 The Council declared a [climate change emergency](#) in early 2019 and has since produced an Environmental Charter with local residents an adopted strategy and Action Plan to achieve Net Zero emissions across its own operations by 2030. One of the key priorities and actions of the Corporate Plan 2019-2023 **[C13]** and the subsequent updated Corporate Plan 2023-2027 published September 2023 **[EX011]** in establishing a greener future for the whole district is the adoption of the submitted Local Plan and the delivery of climate resilient sustainable development.
- 1.9.3 One of the overriding and key challenges recognised by the Council is that the Plan in enabling growth to provide the required housing jobs and supporting infrastructure is to also to do so whilst conserving and enhancing the landscape and natural environment in the context of moving towards net zero and increasing our resilience to climate change. In doing so the Plan recognises that addressing climate change is a shared responsibility which must be pursued in mutually supportive ways. The Plan does not, and cannot, address wider issues relating to climate change that are outside the remit of the planning system such as emissions from existing development, agricultural practices, the approaches to national energy and transport investment or seek to extend outside the parameters of national policy through the setting of higher challenging targets than national policy. What it can and does do, is set a planning framework that seeks to ensure that proposals and decisions on new growth take account of the need to ensure a reduction in the carbon footprint of development and steer new development in a progressive way that adapts to and mitigates against, the inevitable changes in climate and help to create a step change across the district in development considerations that encourages modal shift in practices. Delivery through planning requires partnership work, political buy in and effective, coherent and consistent approaches through investment strategies, as well as legislation and regulatory change. As such in order to address climate change the challenge is not just through planning, but one that requires a step change in behaviour and modal shift in practices at all levels. This Plan seeks to set such a framework so collectively we can all move towards a more sustainable future as part of the wider overall measures being taken forward at national level.

- 1.9.4 With the district being one of the most rural in lowland England and with the larger settlements distributed more or less evenly across the district and accommodating around half the populations North Norfolk's greenhouse gas emissions are dominated by the transport sector with road, (18.7%) and rail transport (5.7%) combined accounting for approximately 24.4% of CO2 emissions in the district (the most prominent greenhouse gas). This is closely followed by emissions from the residential sector which account for 23.1%. The Plan through the strategic distribution / location of growth and the specific strategic policy approaches taken on a range of related issues from sustainable construction, energy and water efficiency, coastal change management and the management of flood Risk and surface water seeking to meet the housing needs of a rapidly aging population is designed to lessen the impacts on future carbon emissions from private transport and the design of buildings. The Plan in addition recognises the varied landscape and geology and the benefits of enhancement through additional local open space provision and biodiversity net gain in relation to the mitigation of, and adaptation to, climate change.
- 1.9.5 Chapter 3 of the Plan introduces a range of 13 specific policies under the heading of Delivering Climate Resilient Sustainable Growth. However, these should not be taken as the sole policies in the Plan that contributes to the mitigation and adaptation of climate change. The Plan is holistic and its contribution to climate change is not limited or restricted to these policies alone and as such needs to be taken as whole. Figure 4 on page 25 of the submitted Plan **[A1]**, illustrates the most relevant plan policies in relation to addressing climate change.
- 1.9.6 In addition, as detailed in the Sustainability Appraisal Report **[A3]**, Page 49, all policies in the Plan have been tested against the Objectives as set out in SA Framework. The sustainability objectives used include specific objectives that promote the mitigation and adaptation to climate change. The Plans monitoring Framework also includes a number of specific key indicators designed to measure the effectiveness of the Plans policies and achievement of the Plans objectives including the delivery of climate resilient sustainable development.

1.10 Has the preparation of the plan complied with the Public Sector Equalities Duty? Does the Equality Impact Assessment demonstrate this?

- 1.10.1 Yes. The Public Sector Equalities Act are required to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 and to consider or think about how the Plan could affect people who are protected under the Equality Act The North Norfolk Local Plan has been prepared in accordance with the requirements of the Equality Act 2010 and the Equality Impact Assessment **[A7]** assess the potential impact of the policies in the Local Plan on different groups within the District.
- 1.10.2 The specific groups assessed are those set out in the Equality Act 2010 as protected characteristics. An assessment of the Local Plan policies has been undertaken in relation to these protected characteristics: • Age • Disability • Gender Reassignment • Race • Religion or Belief • Sexual Orientation • Sex • Marriage and Civil Partnership • Pregnancy and Maternity.

1.10.3 In addition to the protected characteristics, there are multiple other factors and characteristics which can lead to people being particularly at risk of disadvantage and social exclusion. Socio-economic factors, determined by social class and income level are vital considerations as they increase the likelihood of experiencing poverty, deprivation, ill-health and other related outcomes. Therefore, the assessment undertaken also considers the impact of the policies of the Local Plan in relation to socio-economic impact within the district.

1.11 Should an Appendix 6 be added to the plan to make explicit which policies are strategic policies (NPPF paragraph 21)? Does the list in in Background Paper 12 satisfy this requirement?

1.11.1 Yes. The requirements to identify the relevant strategic policies is contained in the NPPF para 21. The Council have proposed a modifications PMIN/1.0/01 as set out in Schedule 4 detailing the proposed additional minor modification [A5.11]. which provides clarification that the Plan for the area comprises a combination of strategic and non-strategic policies in line with paragraph 17 -19 of the NPPF along with the insertion of an additional appendix (Appendix 6) which identifies explicitly the strategic policies for the purposes of NPPF para 21. Background Paper 12 [C12] provides a comprehensive list of the policies of the Local Plan, indicating which are strategic, hybrid, and non-strategic based on a review of the policies based on guidance contained in the national Planning Practice Guidance on How a strategic policy is determined para: [076 Reference ID: 41-076-20190509](#) - Revision date: 09 05 2019 and the strategic aims and objectives of the Plan as detail on page 2 of the Background paper.

Relevant Proposed Modifications

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 modifications in relation to the response above.

PMIN/1.0/01	<p>Minor amendments to 1.0.1 and 1.0.2 – see Schedule 4. Add new text as follows: <u>1.0.3 The Local Plan contains the following elements:</u></p> <ul style="list-style-type: none"> • <u>A Spatial Portrait setting out the context and conditions that exist in North Norfolk and highlighting issues to be addressed within the Plan</u> • <u>A Spatial Vision setting out how the District will be at the end of the Plan period</u> • <u>20 Strategic Aims & Objectives set over 5 themes which all new development is required to meet in order to implement the Plan</u> • <u>The Strategic Policies and Development Management policies which guide development to ensure the delivery of the strategic vision and objectives of the District.</u> <p><u>1.0.4 The strategic policies are set out in Appendix 6.</u></p>
-------------	---

	<p><u>Add - Appendix 6: Strategic Policy identification.</u></p> <p><u>(Add new Appendix 6 which details the strategic policies as identified through Background Paper 12)</u></p>
--	--

1.12 With adoption hopefully sometime during 2024, does the plan look ahead for a minimum 15-year period from adoption? (NPPF paragraph 22). If not, should the plan period be extended to 2039 or 2040? The implications of this would be discussed under other matters as appropriate. If so, should the base date of the plan be moved forward to 2019 or 2020 to give a 20-year plan period?

1.12.1 In preparing plans, the requirements of paragraph 22 of the framework are that strategic policies should look ahead over a minimum 15-year period so as to anticipate and respond to long term opportunities and requirements. Shorter plan periods may be appropriate, provided such plans take account of long-term opportunities and requirements.

1.12.2 The Key Challenges and Vision included in the Plan, provide the foundation for the strategic policies. They are based on a clear assessment and understanding of the long-term opportunities, requirements, and challenges to be addressed within the plan period, and beyond.

1.12.3 The Council does not consider that a modification to the Plan period is necessary for soundness reasons. As outlined in our initial response to the Inspectors request for clarification [EX006], the Plan already provides for growth in the period beyond its stated end date in sufficient quantities to address needs over a longer period. This is particularly true of housing growth where the two larger strategic scale growth locations in Fakenham and North Walsham are assessed to deliver growth at the required rate until at least 2040.

1.12.4 Nevertheless, the Authority recognises that, given the number of years which have passed since the proposed start date of the Plan in 2016, there is a logic in rolling the Plan period forwards so that it removes years which have passed from the beginning of the period and adds additional years beyond the currently stated end date of 2036. This would ensure that the plan provided for at least 15 years growth from the potential date of its adoption. The implications of this are explained in our previous response [EX006].

1.12.5 If this is done, the Authority considers that a Plan period of 2020 to 2040 would be most appropriate as this has the virtue of being aligned with the evidence of housing need used in the Submission Plan which has been subject to public consultation.