

Draft Policy LP14 – Coastal Areas

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](https://objective.co.uk)

Consideration of issues:

The main issues raised by consultees were:

- The Environment Agency commented that even the retention of the defences would not provide justification for the relaxation of the policy. Improvement of the defences would still place the new development reliant on the existing defences. In this respect they sought the deletion from 2d of “or promote the retention and/or improvement of local sea defences.” They also suggested that a definition of ‘high risk’ would be beneficial. This could be by reference to Flood Zone 3, areas shown to flood to a certain depth in the THM, etc. These changes are recommended to be accepted.
- Historic England welcomed 1 b but suggest changing ‘protecting’ to ‘conserving’ and changing ‘archaeological’ to ‘heritage’ assets in line with NPPF terminology. These changes are recommended to be accepted.
- Natural England suggested the rewording of Policy LP14, section 2a to read as follows: “promoting visitor access in coastal areas of the borough, whilst taking necessary measures to meet the requirements of the Habitats Regulations and protecting the integrity of the coastal European sites, working with partners and neighbouring authorities as appropriate.”
- How issues around the impact of sea level rise on coastal areas are dealt with.
- Holme Parish Council suggest including some examples to clarify the point about visitor promotion versus restrictions on development.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 1) **Remove the wording from 2d "or promote the retention and/or improvement of local sea defences."**
- 2) **Include in 6.3.1 a definition of 'high risk' and clarification of the minimum that any mitigation measures must achieve and reflect this in the flood risk policy LP22.**
- 3) **In 1 b change 'protecting' to 'conserving' and change 'archaeological' to 'heritage' assets**
- 4) **Reword 2a to read: "promoting visitor access in coastal areas of the borough, whilst taking necessary measures to meet the requirements of the Habitats Regulations and protecting the integrity of the coastal European sites, working with partners and neighbouring authorities as appropriate."**
- 5) **Include some examples of the approaches to visitor promotion versus restrictions on development referred to in 2a/b and 2d.**

Policy Recommendation:

LP14 Coastal Areas

Development in Coastal Areas

The Council will seek to balance the sensitive nature of the coastal area of West Norfolk for wildlife, landscape and heritage and the national and international designations including the Area of Outstanding Natural Beauty, and the effects of climate change, with the need for economic and social development of the area.

In this context the Council will:

1. Ensure protection through:
 - a. working in partnership with organisations such as Natural England and the Norfolk Coast Partnership and other conservation bodies to ensure that protected species and habitats on the coast are adequately protected;

- b. **protecting conserving** and enhancing the historic environment qualities of the coast including designated and undesignated **archaeological heritage** assets;
 - c. working with partners including the Environment Agency and local communities to limit any detrimental impacts of coastal change and take account and implement the policies of the Shoreline Management Plans;
 - d. where appropriate, ensuring mitigation or compensation measures are put in place where management strategies change or coastal habitats and the species using them may change in light of changes in climate;
2. Address new development by:
- a. promoting visitor access in coastal areas of the borough, whilst **considering any taking** necessary measures to meet the requirements of the Habitats Regulations and protecting the integrity of the coastal European sites, working with partners and neighbouring authorities as appropriate;
 - b. support and develop services which attract visitors throughout the year and provide for the local community to increase economic sustainability for businesses and services;
 - c. ensuring that any development on the coast is sustainable and able to withstand the effects of climate change;
 - d. resisting new and replacement dwellings and the extensive alteration of dwellings and relaxation of occupancy limitations unless the Shoreline Management Plans acknowledge the absence of risk **or promote the retention and/or improvement of local sea defences**;
 - e. ensuring that any new development enhances the distinctive local character of coastal areas as well as helping to support and enhance services and facilities for local people and visitors alike; supporting the recommendations of the AONB Management Plan and continuing to play a role as a key partner in the Norfolk Coast Partnership;
 - f. using the Green Infrastructure Strategy and the Green Infrastructure Mapping to identify possible areas for biodiversity enhancement on the coast (**The Wash** and North Coast) and deliver this through decisions on planning applications and partnership working.

Policy LP14 contributes to Strategic Objectives 2, 5, Economy; 7, 8, 9 Society; 11, 12, 13, 14, 15 Environment; 32, 33, 34 Coast.

Supporting text:

LP14 Development in Coastal Areas (previously CS07)

Introduction

6.1.1 The impact of flooding and climate change threatens the distinctive villages, landscape and heritage of the area. In adapting to flooding and climate change, the strategy will promote new and innovative approaches to mitigate risk which do not undermine existing coastal assets. The Sustainability Appraisal has highlighted that some land may in time be lost to the sea, therefore it is important that mitigation strategies are developed for threatened sites that may be designated of special importance, historic interest or particular landscape character.

6.1.2 Existing Shoreline Management Plans (SMPs) for the Coast (The Wash and North Norfolk SMPs) plan for the impacts of changes in Shoreline Management over the next 100 years. These were led by the Environment Agency in consultation with the borough council. Methods of management include holding the line and improving and safeguarding defences, managed alignment whereby there is defence, although it may mean the loss or gain of some land and, lastly, managed retreat where areas may be lost to the sea. All of these options will be considered through statutory organisations and public consultation with benefits and risks appropriately weighed.

6.1.3 To ensure that people and their homes are protected from flooding, new development will need to be carefully considered. Therefore, where the Shoreline Management Plans and Strategic Flood Risk Assessments highlight an area at high risk of flooding on the coast with no possible mitigation, development will be resisted for safety reasons. **High risk refers to areas in Flood Zone 3 and areas shown to flood to a certain depth in the Tidal Hazard Mapping.**

6.1.4 Whilst development and investment is needed in the coastal areas of the borough, it is important that growth is sustainable, well planned and can demonstrate use of sustainable building methods in locations with good access to services and facilities which serve local communities well.

6.1.5 The Wash East Coastal Management Strategy (WECMS) (2015) was prepared with the Environment Agency to identify the preferred strategic coastal management approach for the frontage between Hunstanton and Wolferton Creek, on the Norfolk coast of The Wash. The Strategy implements the policies of **the** The Wash SMP (2010).

6.1.6 The strategy splits the coastline into three distinct areas:

- unit A - Hunstanton Cliffs
- unit B - Hunstanton Town
- unit C - South Hunstanton to Wolferton Creek

6.1.7 In Unit C a funding approach to maintain the sea defences through recycling and recharge of beach material has been developed (see Policy LP15 Coastal Change Management Area for more detail). A Coastal Management Plan (CMP) is being prepared for Hunstanton, setting out a more detailed management approach for Units A and B.

6.1.8 A Coastal Zone Planning Statement of Common Ground has been agreed (2018) between the Norfolk and Suffolk coastal local planning authorities to set out an agreed approach to coastal planning in relation to:

- Demonstrating compliance with the “Duty to Cooperate”;
- Agreeing shared aims for the management of the coast;
- Maintaining and developing a shared evidence base; and
- Recognising the importance of cross-boundary issues in relation to coastal management.

Policy LP14 Development in Coastal Areas - East Marine Plans Supporting Policies:

SOC1: Proposals that provide health and social wellbeing benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.

SOC2: Proposals that may affect heritage assets should demonstrate, in order of preference:

- that they will not compromise or harm elements which contribute to the significance of the heritage asset;
- how, if there is compromise or harm to a heritage asset, this will be minimised;
- how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against;
- the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate harm to the heritage asset;

TR3: Proposals that deliver sustainable tourism and/or recreation related benefits in communities adjacent to the East Marine Plan areas should be supported.

CC1: Proposals should demonstrate that they have taken account of how they may:

- be impacted upon by, and respond to, climate change over their lifetime
- impact upon any climate change adaptation measures elsewhere during their lifetime

- Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.

BIO1: Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including habitats and species that are protected or conservation concern in the East Marine Plan and adjacent areas (marine, terrestrial).

BIO2: Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests

Sustainability Appraisal:

LP14 Coastal Areas Policy

The changes to the policy recommended have no material impact on the scoring – it remains as having a strong likely positive effect.

LP14: Coastal Areas Policy																							
Policy	SA Objective:																						Overall Effect
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+	-	
LP14	+/-	0	0	+	+	+/-	+	+	0	0	++	0	0	+	++	0	0	++	+	++	+16	-2	Likely Positive Effect +14
Draft LP14	+/-	0	0	+	+	+/-	+	+	0	0	++	0	0	+	++	0	0	++	+	++	+16	-2	Likely Positive Effect +14
No Policy	-	+/-	+/-	+/-	+/-	+/-	-	+/-	+/-	0	-	0	0	0	0	+	+	0	+	+	+11	-10	Likely Mixed Effect +1

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response / Proposed Action
Norfolk Coast Partnership (AONB)	Comment	<ul style="list-style-type: none"> BIO2: 'Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interest'. 	'Where appropriate' sounds a little vague, please consider earlier comment about Biodiversity Net Gain.	Disagree BIO2 is merely quoting one of the Marine Plans supporting policies, which is not ours to change.
Mr Paul Blay	Object	<p>1. Coastal and Low-lying areas - impact of rising sea levels. Most important, the draft pays little attention to the differential impact on parts of the Borough of the accelerating rise in sea levels now taking place. Sea levels are expected to rise significantly during the Plan period: potentially, by a metre or more over the next 80 years. Changes of this magnitude will alter dramatically the use, both existing and potential, that can be made of many coastal and other low-lying areas. Changes of this magnitude will be a major factor for the future of North-West Norfolk. The draft needs to give serious attention to the resulting major changes that are likely.</p>	The draft needs to give serious attention to the resulting major changes that are likely.	A Climate Change policy will be included in the Plan.
Planning Advisor Environment Agency	Object	<p>Bullet point 2d: Even the retention of the defences would not provide justification for the relaxation of the policy. Improvement of the defences would still place the new development reliant on the existing defences. We do not recommend the inclusion of "or promote the retention and/or improvement of local sea defences."</p>	Remove the wording "or promote the retention and/or improvement of local sea defences."	Agree remove wording as requested by Environment Agency.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response / Proposed Action
Planning Advisor Environment Agency	Object	6.1.3 - A definition of 'high risk' would be beneficial. This could be reference to Flood Zone 3, areas shown to flood to a certain depth in the THM etc.	Some clarification of what the minimum that any mitigation measures must achieve would be beneficial. The statement is a sequential/exception test position and should be reflected in the flood risk policy.	Agree include a definition of 'high risk' and clarification of the minimum that any mitigation measures must achieve and reflect this in the flood risk policy LP22.
Historic Environment Planning Adviser, East of England Historic England	Mixed	Object - Welcome 1 b but change 'protecting' to 'conserving' and change 'archaeological' to 'heritage' assets in line with NPPF terminology. Welcome reference to local character of coastal areas in 2e.	Change 'protecting' to 'conserving' and change 'archaeological' to 'heritage'.	Agree make changes as recommended by Historic England. Support is noted and welcomed.
Norfolk Coast Partnership (AONB)	Support	Support policy LP14 Coastal Areas.		Support is noted and welcomed.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response / Proposed Action
Parish Clerk Holme-Next-The-Sea Parish Council	Object	With respect to the effects of climate change it is unclear how protection (and exposure to risk?) will be balanced against the need for economic and social development. The approach to 2a and 2b (promoting visitor access) seems inconsistent with that in 2d (resisting new and replacement dwellings). Some examples might help.		Agree include some examples of the 2 approaches referred to in 2a/b and 2d.
Consultations Team Natural England	Mixed	Natural England are supportive of Policy LP14 and the specific requirements to ensure protection of the natural environment, landscape and biodiversity in accordance with the AONB Management Plan, East Marine Plan and Shoreline Management Plan,	We suggest the rewording of Policy LP14, section 2a to read as follows: "promoting visitor access in coastal areas of the borough, whilst taking necessary measures to meet the requirements of the Habitats Regulations and protecting the integrity of the coastal European sites, working with partners and neighbouring authorities as appropriate." We welcome the use of Green Infrastructure Mapping to identify and	Agree amend the wording of 2a as suggested by Natural England. Support is noted and welcomed.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response / Proposed Action
			deliver biodiversity enhancement on the coast.	

Draft Policy LP15 – Coastal Change Management Area (Hunstanton to Dersingham)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](#)

Consideration of issues:

The main issues raised by consultees were:

- The Environment Agency (EA) recommended a number of minor changes which are recommended to be accepted.
- The need for a more strategic approach to climate change and sea level rise covering the entire coastal area. The new Climate Change policy will deal with issues around the impact of sea level rise on northern coastal areas.
- The restrictions on new development in this area. These are appropriate given the very low standard of protection and risk of overtopping and breaching of defences in this part of the borough. No change is recommended.
- The approach to temporary, time-limited consents and whether this is in line with national policy on Coastal Change Management Areas. The policy provides for existing temporary consents to be renewed in line with the funding agreement that exists through the Community Interest Company (CIC).

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group: The Task Group is recommended to:

- 6) Amend the description of the area where the policy applies as suggested by the EA.
- 7) Amend policy wording 1. and 2. by deleting 'tidal Flood Zone 3' and replacing with 'areas at risk of flooding in a 1 in 200 AEP event (including the relevant allowance for climate change), either directly or as a result of a breach in the coastal defences'.
- 8) Rephrase 2d. to: "the dwelling will incorporate 'resistance and resilience' measures...." to replace 'flood mitigation and resiliency'.
- 9) Change 'should' in policy wording 2g. and 4 to 'must'.
- 10) Amend 4 to state that 'Extensions that encroach within 16m of the toe of the flood defences will not be permitted.'
- 11) Update the wording of para. 6.2.2.
- 12) Include a reference to UKCIP in para. 6.2.5.
- 13) Amend the wording of 6.2.6 by deleting 'The required standard of protection from tidal flood risk, as stipulated in the National Planning Practice Guidance is one in 200 years (0.5% annual probability).' Replace with 'Although there are defences in place, the standard of protection they offer is low so there remains a significant risk of them being overtopped and/or breached within the lifetime of the development.'

Policy Recommendation:

Policy LP15 – Coastal Change Management Area (Hunstanton to Dersingham)

This policy applies within the area identified as being at risk of flooding during a 1 in 200 AEP event, now and in the future, either directly or through the failure of the coastal flood defences. An indicative area is illustrated within the Coastal Change Management Area as defined on the Policies Map.

New Developments

1. The following developments will not be permitted within areas at risk of flooding in a 1 in 200 AEP event (including the relevant allowance for climate change), either directly or as a result of a breach in the coastal defences Tidal Flood Zone 3 (including climate change) as designated on the Strategic Flood Risk Assessment (SFRA) Maps:
 - a. new dwellings;
 - b. new or additional park homes/caravans.

Replacement Dwellings

2. Replacement dwellings will only be permitted in areas at risk of flooding in a 1 in 200 AEP event (including the relevant allowance for climate change), either directly or as a result of a breach in the coastal defences Tidal Flood Zone 3 where all of the following seven criteria are satisfied:
 - a. a Flood Risk Assessment (FRA) must be undertaken for the development;
 - b. all habitable accommodation will be provided above ground floor level (habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets, storerooms, pantries, cellars and garages, are not considered to be habitable);
 - c. The dwelling will only be occupied between 1st April and 30th September in any one year;
 - d. the dwelling will incorporate resistance flood mitigation and resilience ~~resiliency~~ measures in accordance with the Department for Communities and Local Government publication: “Improving the flood performance of new buildings, flood resilient construction” (2007);
 - e. the building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/overtopping of the tidal defences;
 - f. a flood warning and evacuation plan will be prepared for the property and retained on site;

- g. the level of habitable accommodation provided by the new dwelling would not be materially greater than that provided by the original dwelling. Proposals ~~should~~ **must** not result in an increase in the number of bedrooms over and above the number in the original dwelling.

Replacement Caravans

3. The replacement of existing permitted caravans will be **allowed, permitted,** in doing so opportunities should be taken to improve the resilience/resistance of the replacement caravans.

Extensions

4. Extensions to existing properties (beyond any Permitted Development Rights that could be exercised) **should must** not materially increase the amount of habitable rooms. Significant extensions or those that raise the amount of habitable rooms in the property could lead to an increase in the number of people at risk and will not be permitted. A condition limiting the number of bedrooms will be imposed. Extensions that encroach within 16m of the toe of the flood defences will not be permitted.

Change of Use

5. Any proposed Change of Use will not be permitted if, as a result of the change, the flood risk vulnerability (as defined in the National Planning Practice Guidance) would be increased.

Seasonal Occupancy

6. Seasonal occupancy will be limited to between 1 April and 30 September. Applications to remove, relax or vary (by way of extension) any existing seasonal occupancy condition will be resisted.

Temporary Consents

7. Existing temporary consents for the siting of park/mobile homes and caravans will be renewed for a period **of 10 years** up to 2031. A flood risk assessment will need to be submitted with applications for such renewals.

LP15 Coastal Change Management Area (Hunstanton to Dersingham) Policy (previously DM18)

Introduction

6.2.1 The West Norfolk coastline has seen numerous inundations over the centuries, not least during the floods of 1953. Although defences and emergency arrangements are now much better, continued natural change to the coastline, the deepening challenges to the financial and practical feasibility of maintaining current defences, and the anticipated increased dangers associated with climate change mean that managing coastal flood risk is one of the key challenges for the Borough.

6.2.2 The Wash Shoreline Management Plan (SMP) identified uncertainties over the future management of the flood defences between Hunstanton and Wolferton Creek (west of Dersingham) ~~beyond 2025~~. The current intent of the SMP is to maintain the front line “shingle ridge” defence ~~up until 2025~~. However, this is subject to continued funding and also assumes that no irreparable damage is caused as a result of a storm tide event. ~~The approval for beach recycling in this area expired in 2012, but was continued until 2016, pending an alternative funding solution.~~

6.2.3 The EA and Borough Council continued to work together, along with other key partners, to better understand how coastal processes and climate change may affect this coastline in the future and develop a clearer strategy for its future management and funding. The Wash East Coastal Management Strategy (2015) took this process forward, following on from the SMP (2010) and the Coastal Change Pathfinder study (2011). This work led to the development of a funding mechanism incorporating contributions from the East Wash Coastal Management Community Interest Company (CIC) (formed by local holiday park operators and landowners), Anglian Water Services Limited and the Borough Council. This is overseen by a Funding Group, formed from the funding partners, including the EA and a Stakeholder Forum, led by the Borough Council. Legal agreements were established to ensure that the funding mechanism runs for at least 15 years (i.e. to 2031), providing for the annual beach recycling operation and contributing towards occasional recharge operations.

6.2.4 The policy seeks to prevent inappropriate development in a vulnerable area by adopting a precautionary approach in this location.

Relevant Local and National Policies and Guidance

National Planning Policy Framework: Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance

Strategic Policies:

LP37 Development in Rural Areas

LP14 Coastal Areas

LP16 Flood Risk.

LP06 Economy

Joint Protocol (2012) on Strategic Flood Risk Assessment and Tidal River Hazard Mapping, Environment Agency and Borough Council of King's Lynn & West Norfolk

The Wash Shoreline Management Plan (SMP) (Nov 2010)

The Wash East Coastal Management Strategy (2015)

The Marine Policy Statement/East Marine Plans: Policies:

EC1-2 Economy,

TR3 Tourism and recreation

CC1 Climate change.

Policy Approach

6.2.5 The Shoreline Management Plan identifies that coastal development is likely to be exposed to a much higher risk of flooding within 10 to 15 years, but this could be sooner. The UK Climate Impacts Programme (UKCIP) provides scenarios that show how our climate might change and co-ordinates research on dealing with our future climate.

6.2.6 The Strategic Policies aim to ensure that future growth in the Borough is sustainable and that the findings of the Strategic Flood Risk Assessment are used to guide future growth away from areas of high flood risk. This section of the coastline is considered to be at very high risk with only a one in 50 year (2% annual probability) standard of protection at best. Although there are defences in place, the standard of protection they offer is low so there remains a significant risk of them being overtopped and/or breached within the lifetime of the development. The required standard of protection from tidal flood risk, as stipulated in the National Planning Practice Guidance is one in 200 years (0.5% annual probability).

6.2.7 Considering the risks associated with the seasonality of each of the highest astronomical tides, the probability of storm surges, and wave action severity, reports undertaken for the Borough Council concluded the only safe period of occupancy was between 1 April and 30 September each year. Occupation outside these dates at this location could not be considered safe due to flood risk and would therefore be contrary to the National Planning Policy Framework/Practice Guidance.

6.2.8 A cautious approach will be taken to the renewal of earlier temporary planning permissions for the siting of park/mobile homes and caravans. Regard will be given to the anticipated increase in flood risk associated with rising sea levels, decayed or reduced defences, and climate change. A flood risk assessment will need to be submitted with applications for such renewals (a Flood Risk Assessment form is available from the Borough Council). Existing Article IV directions remove permitted development rights in this area.

Sustainability Appraisal:

LP15 Coastal Change Management Area (Hunstanton to Dersingham) Policy

LP15: Coastal Change Management Area (Hunstanton to Dersingham) Policy																								
Policy	SA Objective:																						Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+	-		
LP15	0	0	0	0	0	0	0	++	0	0	++	++	0	0	0	0	0	0	0	0	0	+6	0	Likely Positive Effect +6
Draft LP15	0	0	0	0	0	0	0	++	0	0	++	++	0	0	0	0	0	0	0	0	0	+6	-0	Likely Positive Effect +6
No Policy	0	0	0	0	0	0	0	--	0	0	--	--	0	0	0	0	0	0	0	0	0	-6	0	Likely Neutral Effect

The changes to the policy recommended have no material impact on the scoring – it remains as having a likely positive effect.

Appendix 1: Summary of Comments & Suggested Response:

Consultee		Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Town Clerk Hunstanton Town Council		Object	Limitation of occupancy from 1st April to 30 September is blighting regeneration of the South Beach Road Area. In that vicinity there are properties with a whole range of occupancy restrictions which is inconsistent. It is acknowledged that the days are shorter and the weather is usually colder during the winter months which increases the danger. Provided that the other 6 criteria are strictly adhered to including evacuation whenever a flood warning is issued, it is contended that the occupancy restriction is not justified.	Omit the occupancy restriction 1st April to 30 September but amend other sections. The inhabitants must be signed up to an effective flood warning system and on receipt of a warning, the property must be evacuated.	Disagree. The occupancy condition is essential in this area which has a very low standard of protection and falls within the Tidal Hazard Zone. EA response: The occupancy period is the time where large tidal surges are less likely to occur, therefore the risk of flooding is lower. However, the risk does remain that a storm could occur within this period and higher tides are not limited to winter months. The occupancy period was put in place to reduce the risk to existing development, not to unlock sites for development.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Mr Alan Dear	Object	<p>I suggest that the policy LP15 is amended by adding a sub category to 'the change of use' section in the following way:-</p> <p>Offer the opportunity for the owners of empty seaside plots, the chance to apply for permission to park a drive-on, drive-off vehicle on their plot, during the summer months. This could be administered by offering temporary permits for 1, 5, 10, 15 yrs. to successful applicants. The consent could be removed at any time if Climate Change starts to effect 'the safe period of occupancy' as stated by the EA as being the 1st April to 30th September.</p> <p>Reason At the moment the two empty plots situated along North Beach, Heacham, in particular run the risk of further deterioration. It is difficult to find the motivation to care for 'a white elephant'. This concession would enable families to enjoy their leisure plots during 'the safe period of occupancy' as quoted by the EA without increasing the risk to life or property.</p> <p>Safety - I don't believe that the proposed 'Change of Use' would result in an increase in the flood risk vulnerability.</p> <p>Reasons - The vehicle can be driven away from the site in seconds, if a dangerously high tide is predicted. The vehicle will not be stored on the site during the winter months A flood warning and</p>	<p>Change of use - Sub Category. Owners of empty seaside plots can apply for a temporary permit to enable them to park a drive on/ drive off vehicle on their plot during 'the safe period of occupancy' as described by the EA. (between 1 April and 30 September). The permit will be renewed or removed, at the digression of the planners and the EA. If it is considered that a plot has become unsafe for habitation during the summer months, due to an increased risk of Over-topping caused by a Tidal Surge, then the permit will be withdrawn.</p>	<p>Disagree. The long-standing approach agreed with the Environment Agency is not to allow any new development in this area, time-limited or otherwise, due to the combination of the high level of flood risk and the low standard of protection. The EA does not want us to change this approach and increase the numbers of properties and people at risk in this area. Their view is that although there are defences in place, the standard of protection they offer is low so there remains a significant risk of them being overtopped and/or breached. We, jointly, consider our approach to be an appropriate response, given our particular local circumstances, to national policy guidance, which locally balances to need to</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>evacuation plan will be prepared for the property and retained on site as for 'Replacement Dwellings'.</p>		<p>protect life and property with the economic value of the area.</p> <p>EA response: Drive on/off permissions: the use of the land to temporary site RV style caravans has a lower risk than the siting of a permanent caravan/park home style dwelling. However, taking a sequential approach it still should be avoided unless it can be demonstrated that there is no other locations, at lower risk of flooding, to locate the required sites. Even then it will need to demonstrate the proposals result in a wider benefit that outweighs the flood risk to meet the requirements of the exception test.</p> <p>The other concern would be that this would result in a</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
				<p>steady degradation of the policy position in this area and result in various applications to change the use to permanent caravans.</p> <p>EA response: "Safe period occupancy": The occupancy period is the time where large tidal surges are less likely to occur, therefore the risk of flooding is lower. However, the risk does remain that a storm could occur within this period and higher tides are not limited to winter months. The occupancy period was put in place to reduce the risk to existing development, not to unlock sites for development.</p>
Mr Alan Dear	Object	LP15 – Coastal Change Management Area (Hunstanton to Dersingham) New Developments Paragraph 1. Page 89	Page 89 Paragraph 1 a Delete 'New Build' from section 1a 'New	Disagree. The long-standing approach agreed with the Environment Agency is not

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>I think that it would be prudent timing and good management to adapt policy LP15 in the following ways.</p> <p>1a. New Builds. Include new builds situated along North Beach Rd, Heacham in the same section as rebuilds under the same rules and regs. stated in LP15, because unlike South Beach, Heacham, Snettisham and Dersingham they are protected by the, much improved, sea wall. And/or Make provision in the policy LP15 for granting permits for drive-on/ drive-off vehicles for the owners of the two empty plots. That would give motorhome owners the same benefits as caravan and mobile home owners until 2031.</p> <p>I am requesting this because I think that people are safer than ever before if they own a property along North Beach.</p> <p>My reasons explained:-</p> <p>1 Replacement buildings are sited on plinths or stilts to mitigate against the threat of over-topping.</p> <p>2 Most are restricted to summer occupancy 'The safe period' which means that few people are resident in the area in the winter when all three floods occurred.</p>	<p>Developments' and include it in section 2 'Replacement Dwellings'</p> <p>Wording – 'New Build situated in North Beach Rd., Heacham, as well as replacement dwellings in Tidal Flood zone 3, will only be permitted where the following seven criteria are satisfied.'</p>	<p>to allow any new development in this area, time-limited or otherwise, due to the combination of the high level of flood risk and the low standard of protection. The EA does not want us to change this approach and increase the numbers of properties and people at risk in this area. Their view is that although there are defences in place, the standard of protection they offer is low so there remains a significant risk of them being overtopped and/or breached. We, jointly, consider our approach to be an appropriate response, given our particular local circumstances, to national policy guidance, which locally balances to need to protect life and property</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>3 The sea wall was tested in 2013 and stood firm. Minimal over-topping occurred along North Beach when devastation was caused elsewhere along the coast.</p> <p>4 Mike McDonnell through the CIC has raised enough money to support our sea defences until at least 2031.</p> <p>5 The chance of a Tidal Surge over-topping is predicted as 1/200 each year. There are no recordings of an over-topping in the summer months, which is why it is labelled by the EA as 'the safe period of occupancy'</p> <p>6 IF there is a tidal threat the upgraded flood warning signs in Hunstanton and Heacham will give people up to 5 hrs warning , and then, nearer to high tide, there will be a request to evacuate if a tidal surge becomes more threatening</p> <p>7 New Builds on the two empty plots along North Beach are in theory replacement dwellings. Number 64 for example had a really nice 3 bedroom bungalow on it until 1978.</p> <p>Other reasons: How is Climate change going to affect sea levels? Statistics and Predictions are only Statistics and Predictions. They are not necessarily fact. I have read more than 20 studies, reports and policies about the effects of Climate Change. I am now totally confused is to whether 'Doomsday' is approaching, or that there is 'not much to worry about', because many of them offer conflicting views. They all claim to use scientific evidence.</p>		<p>with the economic value of the area.</p> <p>EA response: "Safe period occupancy": The occupancy period is the time where large tidal surges are less likely to occur, therefore the risk of flooding is lower. However, the risk does remain that a storm could occur within this period and higher tides are not limited to winter months. The occupancy period was put in place to reduce the risk to existing development, not to unlock sites for development.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>If we take the worst case scenario and assume that the sea will overtop during every spring tide, we can plan for it. The Dutch see rising sea levels as an opportunity for innovation. They have developed Floating, Pontoon and Stilt Houses to suit the various vulnerable locations. 'Make room for the river' is one of their slogans. There are also many examples in this country. Properties in Maidenhead, Lewis and St Osyth innovative examples.</p> <p>No one knows what is going to happen in the future, we can only predict it. Due to incorrect predictions the planning policies, the owners of my plot have lost up to 40yrs of family fun, unnecessarily, since their bungalow was washed away in1978. If we are going to work with the predictions of scientists, can we prepare for what might happen in the next 10, 20, 30 yrs. as well as looking 100 years ahead.</p> <p>We could work on data gleamed from the study on sea level rise. The first epoch predicts a possible sea level rise of 30cm in the next 30yrs? Surely we do not have to retreat yet? If a 'Lawful Development Cert.' is not considered appropriate, the owners of the two empty plots could be issued permits valid until the CIC funding runs out. They could then be reviewed, replaced or removed if it was deemed necessary. The owners could enjoy their plots while the authorities would retain control of making the ultimate decision. The granting of a permit, for empty plot owners, would give</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		motorhome owners the same benefits as caravan and mobile home owners until 2031. 'A compromise to accommodate, without a compromising in safety'.		
Planning Advisor Environment Agency	Object	Replacement Caravans 3. Replacement of existing permitted caravans will be permitted. Should there be an aspiration to improve the resiliency of the caravans through extensions?	EA clarified that the physical replacement of caravans (if requiring planning permission) would be an opportunity to improve the resilience/resistance of them and if the policy could make this a requirement then this would be beneficial.	Agree amend wording to encourage improved resilience/resistance in replacement caravans.
Planning Advisor Environment Agency	Object	Replacement Dwellings 2 d. reword the bullet point, "the dwelling will incorporate flood mitigation and resiliency ..."	Rephrase to: "the dwelling will incorporate resistance and resilience measures...."	Agree.
Planning Advisor Environment Agency	Object	Use of 'should' in policy wording; change to 'must'.		Agree.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Planning Advisor Environment Agency	Object	Replacement Dwellings - Should there be a condition on all applications that remove the permitted development rights as there is a concern that even minor development near the flood defences could pose a risk to them?		Disagree – this is unnecessary as the area is subject to an Article IV direction removing these rights. We could however reference this in the supporting text.
Planning Advisor Environment Agency	Object	The Coastal Flood Risk Hazard Zone shouldn't be limited to this map, rather it should be a specific flood event scenario.	The area could be the outline for the 0.5% AEP tidal outline, plus an allowance for climate change, and may include a caveat to state that it is subject to change in line with updated climate change allowances. It is also recommended that the Coastal Change Management Area is included on the SFRA mapping.	The policy wording has been amended in line with the EA's subsequent clarifications of the area affected. We can't add the CCMA to the SFRA mapping. This was completed and published in November 2018.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Planning Advisor Environment Agency	Object	Extensions - Ideally this should also restrict extensions that encroach towards the defences.	EA subsequently clarified that this may catch a lot things that they would not be concerned with so it could be worded something like this: “Extensions that encroach within 16m of the toe of the flood defences will not be permitted.” 16m reflects the Environmental Permitting Regulations requirements for tidal defences. EA are trying to catch those extensions that will further hinder access to the defences.	Agree.
Planning Advisor Environment Agency	Object	New developments	EA subsequently clarified that with the updated sea level allowances released in	Agree – amend policy wording as suggested.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>(1) The following developments will not be permitted within Tidal Flood Zone 3 (including climate change) as designated on the Strategic Flood Risk Assessment (SFRA) Maps. There is a mismatch between the terminology used within the local plan and the SFRA. Flood Zone 3 is not referenced as 'Tidal Flood Zone 3' on the SFRA mapping.</p>	<p>December 2019, the current mapping of the flood risk along the coast (and along the Tidal River) contains a greater level of uncertainty. Without commissioning an update of the Wash Flood Modelling and the Tidal Hazard Mapping, the only way to account for this uncertainty will be to require applicants to submit an assessment of their tidal flood risk. This will require a broader definition of the area covered by LP15 to include a buffer around the current flood zones/THM extents.</p> <p>Some rough wording:</p> <p>"This policy applies within the area identified as being at risk of flooding during a 1 in 200 AEP event, now and in the future, either</p>	

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			directly or through the failure of the coastal flood defences. An indicative area is illustrated within the Coastal Change Management Area on the Policies Map”.	
Planning Advisor Environment Agency	Object		Paragraph 6.2.2 needs to be updated or deleted.	Agree – update para. 6.2.2 as suggested.
Planning Advisor Environment Agency	Object	6.2.5 UK Climate Impacts Programme (UKCIP) may be a more relevant reference or an additional reference here.	UK Climate Impacts Programme (UKCIP) may be a more relevant reference or an additional reference here.	Agree - include reference to UKCIP in para. 6.2.5.
Planning Advisor Environment Agency	Object	6.2.6 – ‘The required standard of protection from tidal flood risk, as stipulated in the National Planning Practice Guidance is one in 200 years (0.5% annual probability).’ This sentence isn’t very relevant. Areas must be protected to this standard to be classed as an Area Benefitting from Defences in the EA Flood Map, but this point is not		Agree – amend wording by deleting this sentence and replacing it with the suggested text.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		relevant for the sequential test. The point to make here is that, although there are defences in place, the standard of protection they offer is low so there remains a significant risk of them being overtopped and/or breached within the lifetime of the development.		
Parish Clerk Holme- nest-the-Sea Parish Council	Mixed	The value of this policy is recognised but the Borough needs a more strategic approach to climate change and sea level rise covering the entire coastal area. This would take account of the northern coastal areas such as Holme which has managed realignment status in the SMP and where more than 40% of the Parish is at risk from Climate Change.		Disagree - the strategic approach to climate change and sea level rise will be set out in the Climate Change policy. The SMP policy covering the north coast (North Norfolk SMP) is currently going through a refresh process.
McDonnell Caravans	Mixed	<p>My name is Michael McDonnell. My business is McDonnell Caravans based in Gayton, which was established in 1966. I own 7 holiday caravan parks in West Norfolk, from Snettisham to Brancaster.</p> <p>I am also responsible for setting up the 'The East Wash Coastal Management Community Interest Company' (C.I.C), which acts as a not for profit company, acting for the interests of the community at large. We have to date raised over £600,000 to be used for the annual RE-CYCLING (of sand) exercise between Snettisham and</p>		<ol style="list-style-type: none"> 1. The policy can't deal with the range of existing permissions and use rights that have arisen over many years in this area. 2. The revised policy LP15 does allow for the renewal of existing temporary permissions

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>Hunstanton, in conjunction with The Borough Council and The Environment Agency. We are also accumulating these funds to go towards the cost of a RE-CHARGE, which is when the dredgers come into The Wash and blow back the sand and shingle to help maintain the front line sea defences. There is also a pledge from The Rural Flood Defence Fund to commit £300,000 to this RE-CHARGE exercise when it is required, probably within the next 3-4 years.</p> <p>Because the "C.I.C" has made a 15 year commitment to fund the annual recycling, we have a 42% support grant from Central Government through the 'partnership funding' mechanism, as opposed to the normal 25%. This has been brought about by means of every caravan park owner, in the 'flood risk area' i.e. between the front line and second line of defence, contributing £50 per caravan plot, on an annual basis, in order to ensure that we are using our best efforts to protect our coastline, and preserve its longevity.</p> <p>My comments for your consideration are:</p> <p>1. There is a considerable amount of planning permission inconsistency, covering the Snettisham, and Heacham South and North Beach areas.</p>		<p>to 2031 (the end of the current funding agreement).</p> <p>3. Para. 6.2.3 describes the role of the CIC.</p> <p>4. See answer to (2.) above.</p> <p>5. Noted.</p> <p>6. The policy does adopt a positive approach to the renewal of existing permissions. The approach to extensions is necessarily restrictive to avoid more people being put at risk in this area.</p> <p>7. The restrictions on new development stated in the policy are the long-standing approach agreed with the Environment Agency in the light of the very poor standard of protection and high risk of overtopping/breaching</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>2. There is considerable amount of both uncertainty and unease amongst the various private property owners, many of whom have temporary planning permissions which expire in 2020.</p> <p>3. Local Plan DM18 does not take into account the existence of the C.I.C, and the fact that it has funded the annual RE-CYCLING since 2016, (because of the withdrawal of Central Government funding).</p> <p>4. I suggest that the temporary planning permissions be renewed, either on a permanent basis, with the occupation restrictions, or at the very least that they are renewed up to 2031 or 2032, to coincide with the completion of the 15 year term to which the C.I.C is currently committed. You should also be aware that all of the caravan parks in this area operate from mid-March to October 31st unless they are on the 11 month season.</p> <p>5. The C.I.C is “promoting the retention and/or improvement of local sea defences” as per earlier policy CS07.</p> <p>6. Failure to adopt a more constructive attitude to planning extensions/renewals may lead to the whole of this vulnerable coastal strip being abandoned, which would ultimately result in the loss of the front line defences, in the absence of which the second line of defence, the grass bank, would ultimately also become</p>		<p>in this part of the borough.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>vulnerable, and the severe economic consequences to the area in general, that would lead to.</p> <p>A more detailed version of my comments is available in a letter which was sent, by e-mail, to Peter Jermany, on 2nd January this year.</p> <p>7. Whilst I am largely in support of the proposed Policy LP15 – Coastal Change Management Area (Hunstanton to Dersingham), quite obviously there will be a very small number of plots, for example on the North Beach Road at Heacham, where the placing of a holiday caravan or lodge, on a plinth, will NOT lead to a greater flood risk. This is the type of inconsistency which people find difficult to reconcile; replacement of existing permitted caravans is OK, but not next door!!?</p>		

Draft Policy LP16 Design and Sustainable Development

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](https://objective.co.uk)

Consideration of issues:

The main issues raised by consultees were:

- Need to require health impact assessments;
- Need to include/cover waste water requirements;
- Lack of evidence base to support inclusion of nationally described space standard.

Policy Recommendation:

The resulting changes recommended to the policy and supporting text are set out below.

Strategic Policy

Policy LP16 Design and Sustainable Development

1. All new development in the borough should be of high quality design.
2. **Where relevant** new development will be required to demonstrate its ability to:
 - a. **Conserve Protect** and enhance the historic and natural environment and reduce environmental risks;
 - b. enrich the attraction of the borough as an exceptional place to live, work and visit;
 - c. respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout, materials and access will enhance the quality of the environment;
 - d. where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements, landscape setting, distinctive settlement character, landscape features and ecological networks.
 - e. optimise site potential, making the best use of land including the use of brownfield land;
 - f. enhance community wellbeing by being accessible, inclusive, locally distinctive, safe and by promoting healthy lifestyles (see Policy LP32 Community & Culture);
 - g. achieve high standards of sustainable design.
3. To promote and encourage opportunities to achieve high standards of sustainability and energy efficiency, **development proposals will be required to demonstrate should include:**
 - a. the use of construction techniques, layout, orientation, internal design and appropriate insulation maximised to improve efficiency;
 - b. the innovative use of re-used or recycled materials of local and traditional materials to decrease waste and maintain local character;
 - c. the reduction of on-site emissions by generation of cleaner energy **where appropriate;**

- d. within larger developments of sufficient scale the provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area and the integration of the development into the GI network, or the creation of linkages to it wherever possible;
- e. the provision of good access links for walking and cycling;
- f. the provision of swift and bat boxes and bee bricks where appropriate;
- g. the promotion of water efficiency - all new housing must meet Building Regulation requirement of 110 l/h/d. Non-domestic buildings should as a minimum reach 'Good' BREEAM status;
- h. the incorporation of multifunctional Sustainable Drainage Systems (SuDS);
- i. designs that exceed the present standards set by Building Regulations will be encouraged;
- j. water reuse and recycling and rainwater and stormwater harvesting, and other suitable measures have been incorporated wherever feasible to reduce demand on mains water supply;
- k. evidence that there is, or will be, sufficient wastewater infrastructure capacity to accommodate the development;
- l. at the design stage, that attention has been paid to the Design Council Homes England 'Building for a Healthy Life 12' standard for well-designed homes and neighbourhoods and the Borough Council will encourage all new schemes to be assessed against the Building for a Healthy Life 12 criteria, or successor documents as appropriate;
- m. the maximisation of internal space by requiring encouraging all new homes across all tenures to meet the Government's Nationally Described Space Standard (NDSS), unless other material planning considerations would mean that these space standards are not achievable.

Density of development

- 4. In seeking to make the most efficient use of land, the Council will expect proposals to optimise the density of development in the light of local factors such as:
 - a. the setting of the development;
 - b. the form and character of existing development; and
 - c. the requirement for any onsite infrastructure including amenity space.

Flood Risk and Climate Change

5. The Council's Strategic Flood Risk Assessment (SFRA) outlines potential flood risk throughout the borough. In order to ensure future growth within the borough is sustainable: the findings of the SFRA will be used to guide planned growth and future developments away from areas of high flood risk, including the coastal area. Development in any location will be expected to manage water sustainably and reduce surface water runoff **using multifunctional Sustainable Drainage Systems (SuDS) where possible**;
6. Shoreline Management Plans, Marine Plans and associated documents, will also serve to highlight the future needs and changes that may affect coastal communities arising from changes in climate and will be taken into account in decision making.

Renewable Energy

7. The Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits. **Commercial and agricultural buildings with a significant area of flat/low pitch roofs (over 250m²) should make provision for solar panels within their detailed design to maximise the use of the roof area. (See also Policy LP21).**

East Marine Plans Supporting Policies:

[CC1](#): Proposals should demonstrate that they have taken account of how they may:

- Be impacted upon by, and respond to, climate change over their lifetime
- Impact upon any climate change adaptation measures elsewhere during their lifetime
- Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.

[CC2](#): Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.

[WIND2](#): Proposals for offshore wind farms (OWFs) inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.

[EC3](#): Proposals that will help the East Marine Plan areas to contribute to offshore wind energy generation should be supported.

SOC3: Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference: a) that they will not adversely impact the terrestrial and marine character of an area b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts

LP16 Design and Sustainable Development

Introduction

6.3.1 Good design is a key element of sustainable development. In preparing for population growth in the borough it is imperative that proposals for new development and redevelopment are based on sound design principles. This will help ensure that what is being constructed now will be of high quality and can last far beyond the timescale of the plan. Developers will be encouraged to refer to publications and best practice on quality design in formulating development proposals.

6.3.2 The borough has a wealth of heritage in terms of its environment and history. With this wealth come challenges as the borough will need to provide extra homes and associated infrastructure without causing a detrimental impact on these qualities. Through public consultation we have learnt that communities feel that safeguarding our natural resources is crucial to ensure future generations have access to a healthy and attractive environment.

6.3.3 The choice of location has a key bearing on the long term sustainability of any proposed development. The Proposals Map and the Settlement Hierarchy Policy LP02 show a more strategic overview of acceptable locations for development. However, more specific details such as the exact location, form, layout and accessibility of the site for proposed development should also be designed to promote sustainability, for example, by situating development next to established walking, cycling or public transport routes for access to local services.

6.3.4 Grasping opportunities to enhance and expand our natural resources is vital to ensure that people and wildlife can adapt to the impacts of climate change. There is a need to find innovative solutions to maximise opportunities to help cut our carbon emissions. **To aid wildlife developments should include integral bird and bat boxes within the building fabric wherever possible (for example, the Manthorpe swift box), in order to provide important new nesting and roosting opportunities. Provision of new nesting sites on new development can offer an important lifeline for these species.**

6.3.5 Due to the location of the borough and the nature of many of the settlements, the use of the car remains the only viable option for many residents to travel. Changes in the road network and long term investment in public transport may be able to lessen the problem along with ensuring that new development is sensibly located with adequate facilities.

6.3. Planning in Health, an engagement protocol between local planning authorities, public health and health sector organisations in Norfolk, was adopted in March 2017. This health protocol came about in recognition of a need for greater collaboration between local planning authorities, health service organisations

and public health agencies to plan for future growth and to promote health. It reflects a change in national planning policy and the need for health service organisations to deliver on the commitments within the 5 year forward view.

6.3.6 To help aid decisions, numerous studies have been undertaken to ascertain the resources we have in the borough coupled with any issues relating to sustainability and climate change and how best we can move forward in protecting our natural resources.

6.3.7 Part IV of the Environment Act (1995) and the relevant policy and technical guidance documents set out the Local Air Quality Management process. This places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives (AQOs) are likely to be achieved.

6.3.8 Two Air Quality Management Areas (AQMAs) have been declared in King's Lynn town centre and Gaywood due to exceedances of the annual mean objective for Nitrogen Dioxide. Source apportionment work has concluded the main source of the NO₂ is emitted from road vehicles. An Air Quality Action Plan (AQAP) has been published setting out the measures put in place in pursuit of the objectives. The borough council's Annual Status Reports show the strategies employed by the council to improve air quality and the progress that has been made.

6.3.9 The AQAP includes measures which are part of the development planning and development control process. Policy LP18 ensures that that any development is assessed in terms of its potential environmental impact, including air quality. Applications for development are screened and considered in consultation with the Environmental Quality Team in accordance with current technical guidance.

6.3.10 The NPPF requires that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs, and the cumulative impacts from individual sites in local areas. Development should seek to identify opportunities to improve air quality or mitigate impacts that have been identified, through measures such as traffic and travel management, and green infrastructure provision and enhancement.

6.3.11 Water resources should be protected to ensure that people have access to water and that growth is sustainable. Sustainable Drainage Systems (SUDs) may include the following: drainage channels; water courses; infiltrations areas such as swales; attenuation ponds; and wetland areas. As well as providing protection from flooding these measures can also provide recreational opportunities and new habitats for wildlife.

6.3.12 The largest potential environmental risk is likely to be associated with a water company Water Recycling Centre discharge remote from the site boundary. Wastewater infrastructure requirements and/or the importance of ensuring that new development should not result in a breach of environmental legislation due to the increased polluting load from wastewater treatment works serving those developments. The policy requirement is to demonstrate that there is, or will be, sufficient wastewater infrastructure capacity to accommodate each individual development. This would likely take the form of a Pre-Development Enquiry response from Anglian Water submitted in support of each new planning application.

6.3.13 The borough lies within one of the driest parts of the UK. Planned growth in housing and employment will significantly increase water demand. The area's large agricultural sector is also dependent on water availability in the summer. Water quality is crucial, due to the number of protected sites relying on high water quality. Anglian Water supplies water to the borough. Essex and Suffolk Water have the ability to transfer water to Essex via the Ely Ouse Transfer Scheme. Water companies have a statutory obligation to prepare and review Water Resource Management Plans (WRMP) once every 5 years setting how they will maintain a sustainable balance between water supplies and demand.

6.3.14 Anglian Water's Water Resources Management Plan to 2040 demonstrates how sufficient water for future growth will be provided and therefore water supply is not a strategic constraint to development through appropriate supply and demand measures. Consideration is given to reducing the potential demand for water before proposing supply measures.

6.3.15 Local Plans can also contribute to long term water resilience by ensuring that new development incorporates water efficiency measures including the adoption of the optional higher water efficiency standard (110 litres/per person/per day).

6.3.16 The Norfolk Strategic Planning Framework (NSPF) set out an Agreement that when preparing Local Plans to seek to include the optional higher water efficiency standard (110 litres/per person/per day) for residential development.

6.3.17 The NSPF also suggested that individual authorities may also wish to consider the inclusion of a specific water efficiency BREEAM standard for commercial development within their Local Plans. Improved water efficiency is not limited to measures within dwellings and commercial buildings and a collaborative approach to promote innovation in water efficiency/re-use is required working closely with water companies and site promoters/developers.

6.3.18 Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

6.3.19 In achieving appropriate densities planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

6.3.20 A Level 1 Strategic Flood Risk Assessment (SFRA) was completed for the borough in 2018 and shows the areas at risk from flooding. A Level 2 SFRA is being prepared. By using this evidence development can be steered away from areas at risk and more sustainable communities can be planned as a result.

6.3.21 Shoreline Management Plans have been prepared by the Environment Agency. These look at how the coast will be managed over the next 100 years. Options include holding the line, managed realignment or retreat. All options undergo extensive stakeholder and public consultation. Marine Plans were prepared by the MMO for the East Inshore and Offshore areas in 2014.

6.3.22 The Borough Council's Green Infrastructure Strategy is used by the Council to plan and deliver a network of high quality green spaces and other environmental features. The Green Infrastructure Strategy helps to deliver sustainable methods of design by incorporation of pathways and cycle tracks in new development, the provision of trees for urban cooling and areas which act as a refuge for wildlife in a changing climate.

6.3.23 To help meet sustainability targets renewable energy needs to be considered. There are many different types of renewable energy choices, from solar energy, wind and biomass through to energy efficient installations such as combined heat and power and ground source heating. All of these technologies and methods of construction have a role to play in meeting Government targets and were seen as positive outcomes for the borough in the Sustainability Appraisal.

Sustainability Appraisal:

LP16 Design and Sustainable Development

The changes to the policy recommended have no material impact on the scoring – it remains as having a likely positive effect.

LP16: Design and Sustainable Development																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP16	0	+	+	+	+	+	+	++	++	+	++	+	0	+	+	0	0	0	0	0	+16	0	Likely Positive Effect +16
Draft	0	+	+	+	+	+	+	++	++	+	++	+	0	+	+	0	0	0	0	0	+16	0	Likely Positive Effect +16
No Policy	0	+	+	+	+/-	+/-	+/-	+	++	+	++	+	0	+	+	0	0	0	0	0	+15	-3	Likely Positive Effect +12

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
STP Estates Group (inc. West Norfolk NHS Clinical Commissioning Group, Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, Norfolk Community Health and Care NHS Trust, Norfolk and Suffolk NHS Foundation Trust)	Object	The STP estates group encourages healthy developments and would like to see a Health Impact Assessment to be required for 50 dwellings or more to ensure healthy living and wellbeing of the population. This threshold would ensure that the cumulative total of housing being built on small and medium sites would also be assessed to ensure it meets healthy living principles.		Disagree that this should be in policy. Make reference instead in supporting text to Norfolk health protocol.
Town Clerk Hunstanton Town Council	Object	The layout of estates of houses should facilitate connections to the surrounding areas so that public transport routes can serve the estate. The house roofs should be aligned to take maximum advantage of the sun's rays and opportunities to generate solar power.	Addition of appropriate wording to section 2 of LP16.	Disagree. The 1 st point is already covered by LP16. The 2 nd point will be covered in the new climate change policy and 3a already covers orientation.
Planning Advisor Environment Agency	Object	We welcome LP16 2a, however, it will be very difficult for the developers of individual developments to provide sufficient evidence to satisfy this requirement – particularly as the largest potential environmental risk is likely to be associated with a water company WRC discharge remote from the site boundary. There is no specific mention of wastewater infrastructure requirements and/or the importance of ensuring that new development does not result in a breach of environmental legislation due to the increased polluting load	We suggest that there should be a more specific policy requirement: to demonstrate that there is, or will be, sufficient wastewater infrastructure capacity to accommodate each individual development. This would likely take the form of a Pre-Development Enquiry response	Agree incorporate in policy and supporting text.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>from wastewater treatment works serving those developments.</p>	<p>from Anglian Water submitted in support of each new planning application.</p>	
<p>Anglian Water Services Ltd</p>	<p>Mixed</p>	<p>Reference is made to development proposals incorporating Sustainable Drainage Systems (SuDs) which is fully supported. This will help to reduce the risk of surface water and sewer flooding.</p> <p>Policy LP16 refers to residential developments delivering the optional building regulation water efficiency standard of 110 litres per person per day. We understand that the Environment Agency considers that the area served by Anglian Water is an area of serious water stress as defined in the Environment Agency 2013 'Water stressed areas final classification report'. Therefore we would fully support the optional water efficiency standard being applied within the Kings Lynn and West Norfolk Local Plan area.</p> <p>We note that reference is made to encouraging developers to have a greater level of water efficiency which is also supported. Anglian Water as a water company is keen to encourage increased water efficiency/re-use as part of new residential developments. To support this we are offering financial incentives for residential developers that</p>	<p>It is therefore proposed that Policy LP16 be amended as follows;</p> <p>f. the promotion of water efficiency - all new housing must meet Building Regulation requirement of 110 l/h/d. Non-domestic buildings should as a minimum reach 'Good' BREEAM status;</p> <p>g. the incorporation of Sustainable Drainage Systems (SuDS);</p> <p>h. designs that exceed the present standards set by Building Regulations will be encouraged;</p> <p>i. <u>Water reuse and recycling and rainwater and stormwater harvesting and other suitable measures should be incorporated wherever feasible to reduce demand on mains water supply.</u></p>	<p>Support is welcomed.</p> <p>Agree include new point on water reuse as suggested.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>demonstrate that water use would be 100 litres/per person/per day at the point of connection. As outlined in our current Developer charges the fixed element of zonal charge for water supply would be waived where this can be demonstrated. We are also actively working with developers to install green water systems in new homes including rainwater/stormwater harvesting and water recycling systems.</p> <p>Further details of Anglian Water’s approach to green water proposals is available to view at: https://www.anglianwater.co.uk/developers/green-water.aspx</p>		
Parish Clerk Castle Rising Parish Council	Support	Support requirement that new development is of good quality and contributes to sustainable development. This should require major applications to clearly set out how they respond to local/national environmental/heritage constraints and the related policies for their protection, how they have engaged with the local community, how they respond to local character and reinforce distinct identity of their location.		Support welcomed.
Mr Ian Cable	Object	Not all developments provide appropriate or desirable generation of energy on site. Microgeneration is not always the most efficient or appropriate. For example, solar panels	Amend: 3c. reduction of on-site emissions by generation of cleaner energy where appropriate;	Agree include ‘ <u>where appropriate</u> ’ in 3c.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>are not always efficient taking into account local climatic conditions; these may be better served by larger units.</p>	<p>Within small scale development there may be insufficient space for green space for wildlife.</p> <p>Amend: 3d. <u>within larger developments of sufficient scale</u> provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;</p> <p>Commercial buildings provide ideal more appropriate opportunities for larger scale micro generation, particularly solar, without adverse impact on design/aesthetics.</p> <p>Add: Commercial and agricultural buildings with significant area of flat/low pitch roofs (over 250m²) should make provision for solar panels within their detailed design to maximise the use of the roof area.</p>	<p>Agree include '<u>within larger developments of sufficient scale</u>' in 3d.</p> <p>Agree inclusion of suggested text re solar panels on commercial buildings in point 7.</p> <p>Disagree with deletion of 3j).</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>Increasing the size of homes in accordance with NDSS standards is not always desirable, quality of development and surroundings is in some cases more important than size; and is inherently less environmentally friendly, requiring greater inherent energy and materials to construct and more energy to run during the building lifetime. People should be encouraged to make better use of space and resource. This policy conflicts with 'making the most efficient use of land'. Size can be controlled by demand on the open market without need for policy dictate.</p> <p>Delete; j.</p>	
Lord Howard, Castle Rising Estate	Support	Support requirement that new development is of good quality and contributes to sustainable development. This should require major applications to clearly set out how they respond to local/national environmental/heritage constraints and the related policies for their protection, how they have		Support is welcomed.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		engages with the local community, how they respond to local character and reinforce distinct identity of their location.		
Mr D Russell	Object	Within small scale development there may be insufficient space for green space for wildlife.	<p>Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;</p> <p>Increasing the size of homes in accordance with NDSS standards is not always desirable, quality of development and surroundings is in some cases more important than size; and is inherently less environmentally friendly, requiring greater inherent energy and materials to construct and more energy to run during the building lifetime. People should be encouraged to make better use of space and resource. This policy conflicts with 'making the most efficient use of land'. Size can be</p>	<p>Agree include '<u>within larger developments of sufficient scale</u>' in 3d.</p> <p>Disagree with deletion of 3 j).</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>controlled by demand on the open market without need for policy dictate.</p> <p>Delete; j.</p>	
Mr David Miller	Object	Within small scale development there may be insufficient space for green space for wildlife.	Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;	Agree include ' <u>within larger developments of sufficient scale</u> ' in 3d.
Mr R Cousins	Object	Within small scale development there may be insufficient space for green space for wildlife.	<p>Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;</p> <p>Increasing the size of homes in accordance with NDSS standards is not always desirable, quality of development and surroundings is in</p>	<p>Agree include '<u>within larger developments of sufficient scale</u>' in 3d.</p> <p>Disagree with deletion of 3j).</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>some cases more important than size; and is inherently less environmentally friendly, requiring greater inherent energy and materials to construct and more energy to run during the building lifetime. People should be encouraged to make better use of space and resource. This policy conflicts with 'making the most efficient use of land'. Size can be controlled by demand on the open market without need for policy dictate.</p> <p>Delete; j.</p>	
Mr & Mrs J Lambert	Object	Within small scale development there may be insufficient space for green space for wildlife.	Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;	Agree include ' <u>within larger developments of sufficient scale</u> ' in 3d.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Mrs A Cox	Object	Within small scale development there may be insufficient space for green space for wildlife.	<p>Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;</p> <p>Increasing the size of homes in accordance with NDSS standards is not always desirable, quality of development and surroundings is in some cases more important than size; and is inherently less environmentally friendly, requiring greater inherent energy and materials to construct and more energy to run during the building lifetime. People should be encouraged to make better use of space and resource. This policy conflicts with 'making the most efficient use of land'. Size can be controlled by demand on the open market without need for policy dictate.</p> <p>Delete; j.</p>	<p>Agree include '<u>within larger developments of sufficient scale</u>' in 3d.</p> <p>Disagree with deletion of 3j).</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Dr A Jones	Object	Within small scale development there may be insufficient space for green space for wildlife	Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;	Agree include ' <u>within larger developments of sufficient scale</u> ' in 3d.
Mr & Mrs J Clarke	Object	Not all developments provide appropriate or desirable generation of energy on site. Microgeneration is not always the most efficient or appropriate. For example, solar panels are not always efficient taking into account local climatic conditions, these may be better served by larger units	<p>Amend: 3c. reduction of onsite emissions by generation of cleaner energy where appropriate; Within small scale development there may be insufficient space for green space for wildlife.</p> <p>Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;</p>	<p>Agree include '<u>where appropriate</u>' in 3c.</p> <p>Agree include '<u>within larger developments of sufficient scale</u>' in 3d.</p> <p>Agree inclusion of suggested text re solar panels on commercial buildings in point 7.</p> <p>Disagree with deletion of 3j).</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>Commercial buildings provide ideal more appropriate opportunities for larger scale micro generation, particularly solar, without adverse impact on design/aesthetics. Add: Commercial and agricultural buildings with significant area of flat/low pitch roofs (over 250m2) should make provision for solar panels within their detailed design to maximise the use of the roof area.</p> <p>Increasing the size of homes in accordance with NDSS standards is not always desirable, quality of development and surroundings is in some cases more important than size; and is inherently less environmentally friendly, requiring greater inherent energy and materials to construct and more energy to run during the building lifetime. People should be encouraged to make better use of space and resource. This policy conflicts with 'making the most efficient use of land'. Size can be</p>	

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>controlled by demand on the open market without need for policy dictate.</p> <p>Delete; j.</p>	
<p>Planning Advisor Environment Agency</p>	<p>Object</p>		<p>This should be bookmarked for removal prior to submission to the inspectorate. A document that has not been produced (Level 2 SFRA) cannot steer a document that has been produced (Local Plan).</p>	<p>Disagree – the draft Level 2 SFRA was available when the document was produced. The final Level 2 SFRA was published in July 2019.</p>
<p>Conservation Officer Norfolk Wildlife Trust</p>	<p>Mixed</p>	<p>We support the aspirations set out in 6.3.4. for enhancing and expanding our natural environment. Rebuilding the connections between our remaining areas of importance for wildlife, to increase connectivity will help wildlife populations move in adaptation to climate change, but will also play an additional role by acting as a carbon sink.</p> <p>We support the recognition in 6.3.11 that SUDs can provide multiple benefits for recreation and wildlife as well as flood prevention, but also ask that recognition is made of the benefits to quality of life from closer proximity to wildlife that SUDs can bring to urban environments. Whilst it is noted in 6.3.13 that Anglian Water indicate there are no strategic constraints to water supply within the plan period, the</p>		<p>Support is welcomed.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>Norfolk Strategic Planning Framework recognises that the County is an area of serious water stress. Increased demands for water also place additional pressure on wetland habitats and therefore we strongly support the plan’s target for higher water efficiency standards for residential and commercial development.</p> <p>Policy Text We support the reference to protection and enhancement in 2.a. and recommend that specific reference is also made to biodiversity net gain.</p> <p>We support the provision of measures in 3, in particular points d, f, g and h.</p> <p>We suggest the wording in the first sentence could be made clearer, in line with the preceding paragraph, i.e. ‘to promote and encourage opportunities to achieve high standards of sustainability and energy efficiency new development will be required to demonstrate its ability to include ...’.</p> <p>We strongly support 3.d., and recommend that in addition it includes reference to the integration of the development into the GI network, or creating linkages to it wherever possible.</p> <p>We also recommend that policy LP16 should include a requirement to include integral bird and bat boxes within building fabric wherever possible (for example, the Manthorpe swift box), in order to provide important new nesting and roosting opportunities. Provision of new nesting</p>		<p>Disagree with inclusion of reference to net gain at present while Environment Bill is yet to be passed.</p> <p>Support welcomed.</p> <p>Agree wording along these lines to be included.</p> <p>Agree wording included in 3d.</p> <p>Include reference to these measures in supporting text.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>sites on new development can offer an important lifeline for these species.</p> <p>Flood Risk and Climate Change – we recommend that specific reference to SUDs is also made in this part of the policy text, to reflect the wording of the supporting text in 6.3.11.</p> <p>Renewable Energy – there is some overlap with policy LP21. We are pleased to note the policy support for new renewable energy sources but the wording of the second sentence is unclear regarding the circumstances where the Council would regard such development as unacceptable.</p> <p>We recommend that specific reference is given in the policy and supporting text to the government’s carbon reduction and renewable energy goals which overlap with the plan period, and that these are used to set a target for renewable energy provision from new development that the Council will seek (for example, the Merton rule), in order to meet the challenges of climate change set out in the Vision and Strategic Objectives.</p>		<p>Agree include SUDS reference in point 5 of the Policy.</p> <p>Include cross-reference to LP21.</p> <p>This will be covered by the Climate Change policy.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Mr L Aldren		Within small scale development there may be insufficient space for green space for wildlife	Amend: 3d. within larger developments of sufficient scale provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;	Agree include <u>'where appropriate'</u> in 3c.
Historic Environment Planning Adviser, East of England Historic England	Object	Object - We welcome criterion 2a but suggest changing the word protect to conserve in line with the NPPF.	Change 'protect' to 'conserve'.	Agree - change 'protect' to 'conserve' in 2a.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Parish Clerk Castle Rising Parish Council	Support	While we support the requirement that all new development is of a good quality and contributes to sustainable development principles, this should require all major applications to clearly set out how they respond to the local and national environmental and heritage constraints and the related policies for their protection, how they have engaged with the local community, how they respond to local character and reinforce the distinct identity of their location.		Support is welcomed.
Norfolk Coast Partnership (AONB)	Object	<p>A general observation of LP16 Design and Sustainable Development ‘innovative use of re-used or recycled materials of local and traditional materials to decrease waste and maintain local character;’ Using recycled materials such as glass and metal whilst being sustainable can also look out of place in the landscape and therefore depending on the landscape sensitivity may not be appropriate.</p> <p>In the same policy it goes on to say ‘provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area;’ Need to try and move away from large areas of lawn as green space within development which has no biodiversity value and look to innovative green space design that will really maximise biodiversity value and provide recreational space.</p>		Comments are noted.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Parish Clerk West Winch Parish Council	Object	<p>West Winch Parish Council comment – Good Design should incorporate strong sound insulation measures for protection against noisy neighbours, especially in adjoining houses, to avoid future social and anti-social behaviour issues, stress and health issues. Adequate parking must be provided to accommodate residents’ needs and service vehicles, such as plumbers, workmen and delivery of goods. Garages must be large enough to accommodate family cars, bicycles and outdoor items.</p> <p>6.3.2 West Winch Parish Council comment – Public consultation is good but the information needs to be presented in a much more easy to understand form and not in lengthy documents.</p> <p>6.3.5 West Winch Parish Council comment – has consideration been given to provision of suitable points to charge electric cars which may be a requirement in the future?</p> <p>6.3.16 West Winch Parish Council comment – As we have been warned in the media that water resources will be crucial over future years, the Borough Council must work closely with Anglian Water to ensure adequate supply at each stage of major development, or smaller development totals which would have accumulative equal. Essential services, such as hospitals, must and cannot be restricted.</p>		Comments are noted. Vehicle charging points will be included in policies in the Plan.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Gladman	Object	<p>Policy LP16 relates to design requirements and considerations for new development and development proposals in the Borough. In order to ensure that the policy relates fairly to the varying scale and types of development which might be proposed and subjected to its requirements, Gladman consider that the words “where relevant” should be inserted at the head of the policy to ensure that only where the nature/character of the development necessitate a response that the policy is engaged for applicants.</p> <p>Part 3J of the policy requires all new dwellings across all tenures to meet the Government’s Nationally Described Space Standard (NDSS). The NDSS is an optional standard and does not form part of building regulations. PPG confirms that where local planning authorities wish to apply NDSS, sufficient evidence confirming need is necessary to support its implementation. No evidence is provided by the Council to support the application of this optional standard. Gladman request that this evidence is provided to ensure that this policy requirement is appropriately and transparently justified.</p> <p>Part 4 of the Policy sets out the Council’s approach to density. Gladman welcome the flexibility provided within the policy whereby density is to be considered on a site by site basis. The application of stringent density requirements could result in inappropriate development at a sensitive or less</p>		<p>Agree to the inclusion of ‘where relevant’ at poin2 of the Policy.</p> <p>Disagree subject to the completion of the supporting evidence by housing colleagues.</p> <p>Support welcomed.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		sustainable location, or result in a development which fails to respond to site specific conditions, constraints and opportunities.		
Pigeon Investment Management Ltd	Object	<p>1.31 We support the Council’s approach to encouraging the generation of energy from renewable sources without requiring a specific percentage of development to meet specified requirements. When seen alongside the increasing requirements for insulation in new developments through building regulations this approach is a pragmatic one, as it provides the flexibility to take a holistic approach to the generation of energy at a domestic scale taking into account other material considerations.</p> <p>1.32 Whilst the general themes of Policy LP16 are considered acceptable there is concern about the impact of applying internal space standards by requiring all new homes across all tenures to meet the Government’s Nationally Described Space Standard (NDSS). In our experience the implication of space standards is that to deliver larger bedrooms the footprints of new homes often have to increase in size. This creates a less efficient form of construction, especially for smaller dwellings, that is subsequently reflected in sales prices. Such a requirement will inevitably affect the affordability of new homes across the Borough particularly</p>	<p>Suggested change: 1.33 So as not to have a detrimental impact upon the affordability of new homes the wording of criterion j of section 3 of Policy LP16 should be amended so that space standards are ‘encouraged’ rather than being a strict planning requirement. Should it not be possible for a development to comply with the NDSS, for reasons such as design, best use of land, etc. then Policy LP16 should include wording to allow development to be permitted.</p> <p>The wording of criterion j of section 3 of Policy LP16 should be amended as set out below:</p>	Agree to the suggested change to j).

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>for first time buyers in addition to affecting the viability of affordable homes.</p>	<p>3. To promote and encourage opportunities to achieve high standards of sustainability and energy efficiency, should include:</p> <p>'j. maximise internal Space in homes by requiring encouraging all new homes across all tenures to meet the Government's Nationally Described Space Standard (NDSS), unless other material planning considerations would mean that these space standards are not achievable.'</p>	
Persimmon Homes		<p>PHEM are concerned that the Council's evidence base for all dwellings to meet national space standards does not accord with the requirements set out within the National Planning Policy Guidance. The NPPG is clear as to the process by which a local authority seeking to adopt optional increased space standards must take into account and PHEM are concerned that these have not been met by the council.</p> <p>In respect of need the NPPG requires that 'evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider</p>	Remove Criteria 'j' from the mentioned policy.	Disagree subject to the completion of the supporting evidence by housing colleagues.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>any potential impact on meeting demand for starter homes.’ It would appear from the evidence base put forward that the requirement for national space standards for new homes development is based on a policy aspiration of the Council rather than being on need evidence as required by the NPPG. In assessing need for National Space Standards, the Council has failed to consider the following:</p> <ul style="list-style-type: none"> - no consideration of Housing market indicators that are clearly set out in national guidance which should test if the non-National Space Standards housing is fit for purpose. Such indicators could include slow or lack of sales or customer dissatisfaction surveys for non-compliant house types. - No monitoring data of homes built to National Space Standards in the Council’s Annual Monitoring Reports. Furthermore no reference is made at all to National Space Standards, let alone the need for, in the Strategic Housing Land Availability Assessment (SHMA). The SHMA is rather focused upon assessing the current and expected housing stock and its size in terms of the number of bedrooms provided in each house and how this compares to average household incomes across the district. 		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>Persimmon Homes have considered the key issues and evidence which may be required by the Council to establish need and the impacts of the policy which shows the following:</p> <ul style="list-style-type: none"> - The most impacted homes would be 2 and 3 bed starter homes. These are popular, fast selling houses which form an important first step onto the housing ladder. - The impact of affordability has been completely lost by the council. The space standards can increase build costs by 20%. New build house prices for starter family homes could increase by 20%. This is illogical when one of the key objectives of policy is to boost housing supply and improve affordability. - People purchase homes based on their need, wants and affordability. Introduction of the space standards restricts the market and removes choice - Introducing the space standards would effectively remove the choice to buy a new build for many families, thus placing more pressure on the second and rental market to meet needs and demands and worsening overall housing market affordability, particularly when the SHMA confirms that the 		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>mean households' incomes across the district are significantly below the national average.</p> <ul style="list-style-type: none"> - Range and choice of products on site also helps to successfully create mixed communities. Introducing space standards would severely restrict product and affordability for those at the lower end of the market. - There will also be direct implications for site yield and the effective use of land. Evidence shows an average 6% reduction in site capacity as a result of adopting space standards. This will inevitably reduce the output of sites and undermine allocations and housing trajectories. <p>Based upon the above, PHEM are of the view that the Council's evidence base is incomplete and does not form a robust assessment of consideration of the issues.</p> <p>On the basis of the above lack of evidence to support this policy, PHEM are of the view that point j of policy LP16 should be deleted from the Local Plan. The NPPG requires that 'the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of the potentially larger dwellings on land supply.</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.'</p> <p>In terms of additional costings for the provision of National Space Standards, an updated viability study should be done to assess the appropriateness of imposing such a requirement. Such a document should take into account additional costs with providing National Space Standards for both affordable and market houses. PHEM experience is that the space standards can increase build costs by 20%. In addition, there will also be direct implications for site yield and the effective use of land. The lack of viability information provided is unsuitable to allow a full assessment of the implications of this policy such that the inclusion of National Space Standards is not currently justified through suitable evidence.</p> <p>A detailed breakdown of costs needs to also be provided. The NPPG also states that 'there may be a need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.</p> <p>Consideration and implications on the timing of delivery of this policy are considered inappropriate and premature as the</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		Council have yet to establish either the need justification or suitable and fully evidenced viability work.		
Planning Manager - Local Plans Home Builders Federation	Object	This policy seeks to introduce the optional technical standards with regard to water efficiency and the National Described Space Standards. It will be important for the Council to ensure it has the necessary evidence to support the introduction of both these standards in line with PPG. We are concerned that the impacts of these standards are not fully considered by Council. For example, some of our members consider that standards can, in some instances, have a negative impact upon viability, increase affordability issues and reduce customer choice. This could lead to a reduction in housing delivery, and potentially reduce the quality of life for some residents. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards but are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. The industry knows its customers and what they want; our members would not sell homes below the enhanced standard size if they did not appeal to the market. We do not consider that such policies are in general required to deliver the homes people need and that local needs can be met without the introduction of the nationally described space standards.		Note the need for supporting evidence for the NDSS. The water efficiency requirement is evidenced through the NSPF work.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
<p>Consultations Team Natural England</p>	<p>Mixed</p>	<p>Natural England are supportive of Policy LP16 which affords protection and enhancement to the natural environment and aims to reduce environmental risks. We welcome the promotion of water efficiency as stated in point 3f.</p> <p>We suggest that the LPA reflects on the projected need and shortfall of water supply as demonstrated in the Revised Draft Water Resources Management Plan (2019) and considers if there is sufficient supply for commercial, domestic and agricultural demand.</p>	<p>We advise that the Local Plan HRA considers water supply in relation to those designated sites that are critically dependant on ground water as shown in section 3.6 of the Environment Agency’s North West Norfolk abstraction licensing strategy.</p> <p>We suggest that point 3g is amended as follows: ‘The incorporation of multifunctional Sustainable Drainage Systems.’</p> <p>We propose that Policy LP16 is referenced in Policies LP17 and LP22.</p>	<p>Agree the Local Plan HRA will do this.</p> <p>Agree to suggested addition to 3g.</p> <p>Agree to include these cross-references.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Consultations Team Natural England	Object	<p>Air quality - Natural England advises that proposals likely to generate additional emissions as a result of increased traffic generation should be considered in the Plan and the SA/HRA, particularly nitrogen and acid emissions and deposition which can be damaging to the natural environment. The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) should be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required and taking into consideration any cumulative /in-combination effects.</p> <p>We consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification. APIS provides a searchable database and information on pollutants and their impacts on habitats and species. The results of the assessment should inform updates to the HRA and SA, both of which will need to identify appropriate mitigation to address any predicted adverse impacts to the natural environment, including statutorily designated sites. Delivery of mitigation measures will need to be secured through the appropriate Plan policies.</p>		This will be covered in the SA and HRA of the Plan.

Draft Policy LP17 - Environmental Assets - Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](https://objective.co.uk)

Consideration of issues:

The main issues raised by consultees were:

- Historic England (HE) suggest changing ‘protect’ to ‘conserve’; changing ‘historic assets’ to ‘heritage’ assets; changing ‘Historic Parks and Gardens’ to ‘Registered Parks and Gardens’; and changing ‘Scheduled Ancient Monuments’ to ‘Scheduled Monuments’ in line with NPPF terminology. These changes are recommended to be accepted.
- The Norfolk Coast Partnership would like to see ‘heritage coast’ added to the list.
- Natural England would like a separate AONB policy.
- HE would like separate heritage policies.
- The need to give protection given to soils and best and most versatile agricultural land.

The resulting changes recommended to the policy and supporting text are set out below, together with a new separate heritage policy.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 14) Change ‘protect’ to ‘conserve’; ‘historic’ to ‘heritage’ assets; ‘Historic Parks and Gardens’ to ‘Registered Parks and Gardens’; and ‘Scheduled Ancient Monuments’ to ‘Scheduled Monuments’; also add ‘heritage coast’ to list.**
- 15) Amend wording of LP17 3 as suggested.**
- 16) Delete duplicate text in 6 and add remainder to 3.**

Policy Recommendation

Policy LP17a: Historic Environment

The historic environment of the Borough will be conserved and enhanced. Key buildings, structures and features which contribute to the Borough's character and distinctiveness will be protected from inappropriate development or change. Proposals which maintain, enhance and provide better understanding of the significance of the overall cultural heritage value of the Borough will be sought through:

- i) Supporting the repair and appropriate re-use of buildings and structures of historic, architectural, cultural or landscape value where the repair and/or use would not be detrimental to the character, appearance or integrity of the building or structure, its context or setting; and
- ii) Requiring the highest standard of design which will protect the historic environment and add to the future cultural heritage value of the locality.

The archaeology of the Borough will be better understood, protected and enhanced by:

- iii) Protecting archaeology from inappropriate development or change.

Appropriate development proposals that bring into use or improve an asset so it is no longer deemed at risk on the heritage at risk register will be supported where appropriate to their significance.

Policy LP17a contributes to Strategic Objectives 6 Economy; 10, Society; 12, 13, 16 Environment;.

Supporting Text

The NPPF defines Historic Environment as 'all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora'.

The historic environment and heritage assets within the borough feed into the importance of local identity, health and wellbeing, tourist exploration and having open spaces for all to use. The conservation and enhancement of the historic environment amongst adapting to environmental and socio-economic challenges is a key consideration when determining planning applications; and contributing to the Government's goals for improving our natural heritage and achieving goal 6 of the DEFRA 25 Year Environment Plan "enhanced beauty, heritage and engagement with the natural environment".

The Borough has a rich and varied cultural heritage. The historic environment makes a significant contribution to sustainable communities through supporting economic vitality, social and cultural links to the past and a dynamic and varied built environment.

The Borough has a significant number of heritage historic assets, including:

- 5 Registered Parks and Gardens;
- 42 Conservation Areas;
- approximately 2,000 Listed Buildings;
- 133 Scheduled Ancient Monuments (which is the greatest number for any district or unitary authority in the East of England);
- many non-designated heritage assets.

Parks and Gardens are fundamental components within the historic environment and are landscapes which are important heritage assets. In the Borough there are five Registered Parks and Gardens which play a large contribution to the benefits of the local community and its historical identity. Parks and gardens, amongst other natural and historical assets, all play crucial and valuable roles within society for their contribution to green infrastructure, climate change adaptation and enhancing the beauty of such natural spaces¹.

Heritage assets are defined by the NPPF as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)'.

- Designated heritage asset. The NPPF defines these as World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas designated under the relevant legislation.
- Non-Designated Heritage Assets. The PPG says these are locally designated 'buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, but which are not formally designated heritage assets'.

There will be archaeological interest in a heritage asset if it holds, or may potentially hold, evidence of past human activity worthy of expert investigation. Heritage assets with archaeological interest are the primary evidence source about the substance and evolution of places, and the people and cultures that made them.

Heritage at Risk is a term applied to designated heritage assets at risk as a result of neglect, decay, or inappropriate development, or vulnerable to becoming so. The Council generally supports improvements to the 'at risk' assets that will enable them to be taken off the register, but these changes must be in conformity with the other adopted policies of the Local Plan and with national planning policies.

Policy LP17a Environmental Assets – Historic Environment - East Marine Plans Supporting Policies:

[SOC2](#): Proposals that may affect heritage assets should demonstrate, in order of preference:

- that they will not compromise or harm elements which contribute to the significance of the heritage asset;
- how, if there is compromise or harm to a heritage asset, this will be minimised;
- how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against;
- the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate harm to the heritage asset.

[SOC3](#): Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:

- that they will not adversely impact the terrestrial and marine character of an area;
- how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them;
- how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against;
- the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.

Sustainability Appraisal:

Draft Policy LP17a - Environmental Assets - Historic Environment

The new policy recommended has a likely positive effect.

LP17a: Environmental Assets - Historic Environment																							
Policy	SA Objective:																					Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+		-
LP17a	0	0	+	+	+	+	+	0	0	+	+	+	0	+	+	0	0	+	0	0	+15	0	Likely Positive Effect +15
CS12	0	0	+	+	+	+	+	0	0	+	+	+	0	+	+	0	0	+	0	0	+15	0	Likely Positive Effect +15
No Policy	-	0	+	+	+	+	+	0	0	+	+/-	+	0	+/-	+/-	0	0	0	0	0	+10	-4	Likely Positive Effect +6

Policy Recommendation:

Strategic Policy LP17 Environmental Assets - Green Infrastructure, ~~Historic Environment~~, Landscape Character, Biodiversity and Geodiversity

1. Proposals to conserve protect and enhance our historic environment and landscape character, biodiversity and geodiversity will be encouraged and supported.
2. The Council will conserve protect (and where appropriate enhance) County Wildlife Sites, Ancient Woodlands, and Regionally Important Geological Sites ~~and designated and undesignated sites of historical value~~ from development which damages their interest or significance unless the need for, and public benefits of the development outweigh the loss of interest or significance.
3. Development should seek to avoid, and where this is not possible, justify, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area and not detract from the inherent quality of the environment.
4. Appropriate weight will be given to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.
5. The long-term capability of the best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) will be safeguarded as a resource for the future.
6. The Council and its partners will support a range of initiatives and proposals that will improve areas of poor quality lacking in biodiversity and geodiversity as well as maintaining, enhancing and linking areas of good quality.
7. The Borough Council will work with partners to ensure an integrated network of green infrastructure throughout the urban and rural areas (identified through the Green Infrastructure Management Plan) is successfully created and managed to:
 - a. meet the environmental, social and economic needs of local communities and the wider borough;
 - b. create a high quality environment for biodiversity and geodiversity to flourish;

- c. provide opportunities for species to adapt to the impacts of climate change;
 - d. contribute to an improved quality of life for current and future residents and visitors;
 - e. target areas identified as being deficient in multi-functional green space;
 - f. Incorporate **multifunctional** Sustainable Drainage Systems (SuDS) within new development to encourage new habitats.
8. **Development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area and not detract from the inherent quality of the environment.**

European Sites (see also Policy LP24)

Development proposals in the Breckland SPA

- 9. New built development will be restricted within 1,500m of the Breckland SPA. Development will be restricted to the re-use of existing buildings or where existing development completely masks the new proposal from the Breckland SPA. Beyond the SPA, a 1,500m buffer will also be applied to areas where the qualifying features are known to exist, or where nesting attempts have been made. In this area, development may be acceptable where suitable alternative habitat (outside the SPA) can be secured.

Character Assessment

- 10. Proposals for development will be informed by, and seek opportunities to reinforce, the distinctive character areas and potential habitat creation areas identified in the King’s Lynn and West Norfolk Landscape Character Assessment and other character assessments.

Policy LP17 contributes to Strategic Objectives 6 Economy; 10, Society; 12, 13, 14, 16 Environment; 33 Rural Areas; 37, 38, Coast.

LP17 Environmental Assets (previously CS12)

Introduction

6.4.1 The Borough has a significant number of natural **and heritage historic assets**, including:

- an Area of Outstanding Natural Beauty - nationally recognised for its landscape importance;
- **Heritage Coast;**
- 5 Ramsar sites - internationally recognised for their wetland importance;
- 8 Special Areas of Conservation – internationally recognised for their unique habitats;
- 4 Special Protection Areas – internationally recognised for their birdlife;
- 6 National Nature Reserves;
- 29 Sites of Special Scientific Interest – nationally recognised for their ecological and geological importance;
- 212 County Wildlife Sites – locally recognised for their biodiversity value;
- 23 ancient woodlands;
- ~~5 Registered Parks and Gardens historic parks and gardens;~~
- ~~42 Conservation Areas;~~
- ~~approximately 2,000 Listed Buildings;~~
- ~~133 Scheduled Ancient Monuments (which is the greatest number for any district or unitary authority in the East of England);~~
- ~~many non-designated heritage assets.~~

6.4.2 Part of the appeal of the area to visitors and local people is the environment **and heritage**, therefore it is important that these assets are protected and enhanced.

6.4.3 The Council will work to the NPPF to ensure that our **heritage historic sites, buildings,** biodiversity and geodiversity are protected and that opportunities for enhancement sensitive to the area and features are grasped. **Appropriate weight will be given to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. The long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) should be safeguarded as a resource for the future in line with NPPF paragraph 170.**

6.4.4 The latest West Norfolk Habitat Regulations Assessment (HRA) included data relating to visitor pressure impact. This was informed by a variety of work in other districts, by Natural England and the Norfolk Coast Partnership. Since the latest revision to the HRA in 2015 Footprint Ecology consultants have completed a comprehensive study of visitor surveys at European protected sites across Norfolk during 2015 and 2016. This was published in 2017. The report was commissioned by the Norfolk Biodiversity Partnership/Norfolk County Council on behalf of all the planning authorities in Norfolk.

6.4.5 This new data that also takes into account adjacent authorities' visitor impact means that there is a much more reliable source of evidence to inform plan preparation and assess cumulative impact.

6.4.6 The overall conclusion of the report was that growth would cause greater visitor disturbance and therefore mitigation would need to be addressed through local authorities' plan documents. It was also recommended that the local authorities should work in partnership via a memorandum of understanding to deliver and fund strategic mitigation schemes.

6.4.7 A HRA was carried out in 2010 to ensure that the final Core Strategy document presented for examination was fully compliant and adverse effects upon the integrity of any of the European sites had been avoided or mitigated for. It was demonstrated through this report that the policies and amendments would not adversely affect the integrity of the European sites and that any adverse effects have been avoided or mitigated for through policy formulation.

6.4.8 The HRA for the SADMP plan: suggested a range of modifications and suggestions to enable positive mitigation and enhancement of European sites. These suggestions included improved and increased green infrastructure, monitoring, better site connectivity, more effective management of sites a programme of publicity to raise awareness and working in partnership with adjacent authorities.

6.4.9 The report by Footprint Ecology on visitor pressure also outlined mitigation proposals which included:

- restrictions on the activities of dog walkers;
- implement site and access management. The extent of these will need to be agreed with Natural England and the relevant local authorities;
- closing or re-routing of unofficial paths;
- permanent or seasonal restrictions and or closures of sites, or adoption of new fencing;
- operation of new car parking areas to draw visitors away from heavily-used or vulnerable sites; and
- allocating further Sustainable Accessible Natural Greenspace (SANG);
- adoption of interpretation materials.

6.4.10 In relation to Habitats Regulations Assessment monitoring and mitigation the Council has adopted the following strategy for affected areas a suite of measures including all/some of:

- on site provision of suitable measures;
- offsite mitigation;
- offsite alternative natural green space;
- publicity;
- a project level HRA to establish specific issues as appropriate.

6.4.11 In addition to the above suite of measures the Borough Council has adopted a Borough wide charge of £50 per house to cover small scale mitigation on designated sites and general monitoring.

6.4.12 The HRA Monitoring & Mitigation & GI Coordination Panel responds to monitoring information, including the recommendation for spending from the habitat mitigation fund (primarily aimed at the sensitive European site locations). The panel (Chaired by a Cabinet member from the Borough Council and including representatives from the RSPB, Natural England, Norfolk Wildlife Trust and others) considers the results of monitoring and proposes mitigation measures, as well as co-ordinating wider related proposals for green infrastructure in the Borough.

6.4.13 Norfolk local authorities comprising Broadland District Council, Breckland District Council, Great Yarmouth Borough Council, the Borough Council of King's Lynn and West Norfolk, North Norfolk District Council, Norwich City Council, South Norfolk Council and the Broads Authority are currently inviting tenders to prepare a Green Infrastructure and Recreational Avoidance and Mitigation Strategy. This will enable more informed strategic planning decisions that will help shape emerging Local Plans. The report which will initiate in March 2019 will serve as another vehicle to deliver solutions to impacts on Natura sites by for example identifying other less sensitive sites to accommodate visitor pressure. The Strategy will also consider cross boundary issues therefore ensuring that the cumulative impact of growth across Norfolk is considered and that the local authorities are all playing a role in addressing the impact of their development targets.

6.4.14 The increased growth in the borough means that there will be impacts on the environment in terms of land loss, disturbance and visual impact on the landscape. By working in partnership with other organisations more strategic gain can be made.

6.4.15 The 2007 Landscape Character Assessment recognises the different landscape character types in the borough and their sensitivity to accommodate change. It also provides guidance on how planning can help to make better decisions and shape the future of a more attractive and healthy environment.

6.4.16 Policy LP17 Environmental Assets - East Marine Plans Supporting Policies:

[BIO1](#): Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including habitats and species that are protected or conservation concern in the East Marine Plan and adjacent areas (marine, terrestrial).

[BIO2](#): Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.

[ECO1](#): Cumulative impacts affecting the ecosystem of the East Marine Plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.

[MPA1](#): Any impacts on the overall Marine Protected Area (MPA) network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.

[SOC3](#): Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:

- that they will not adversely impact the terrestrial and marine character of an area;
- how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them;
- how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against;
- the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.

Sustainability Appraisal:

Draft Policy LP17 - Environmental Assets - Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity

The changes to the policy recommended have no material impact on the scoring – it remains as having a likely positive effect.

LP17: Environmental Assets - Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP17	0	0	+	++	++	+	++	0	0	++	+	+	0	+	+	0	0	+	0	0	+15	0	Likely Positive Effect +15
CS12	0	0	+	++	++	+	++	0	0	++	+	+	0	+	+	0	0	+	0	0	+15	0	Likely Positive Effect +15
No Policy	-	0	+	+	+	+	+	0	0	+	+/-	+	0	+/-	+/-	0	0	0	0	0	+10	-4	Likely Positive Effect +6

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Historic Environment Planning Adviser, East of England Historic England		See updated comments at: 988		
Planning Campaigns Consultant CPRE Norfolk	Object		6.4.14 - It would be helpful for some definition or explanation of what is meant by "more strategic gain can be made" at the end of this paragraph.	Agree this can be explained.
Planning Advisor Environment Agency	Support	We support this policy; it complies with the Defra 25 Year Plan. The policy supports the net gain approach which aims to leave the natural environment in a better state through the development process, by restoring or creating environmental features that are of greater value to both people and wildlife.		Support noted and welcomed.
Mrs Sarah Bristow	Object	6 Environment - 6.4 LP17 Habitat - It is not sufficient simply to replace established trees with the same number of trees elsewhere; a habitat		Noted. These measures are being included in the

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>includes the undergrowth and that, together with the trees have taken years to provide a safe habitat for wildlife and birds. There is no mention of, say, a swift or owl box policy nor provision of holes in fences and access tunnels or runs to enable ground-based animals and hedgehogs to live alongside new developments. This is extremely important in a rural environment.</p> <p>Notably 6.4.3 The Council will work to the NPPF to ensure that our historic sites, buildings, biodiversity and geodiversity are protected and that opportunities for enhancement sensitive to the area and feature are grasped. Was felt to be a weak statement which needs to be substantiated. It is very much open to misinterpretation in many ways. Destroying rich, mature habitats should be taken seriously and the correct professionals consulted and appropriate surveys undertaken at all times.</p>		<p>supporting text to Policy LP16.</p> <p>Noted. Protection of heritage has been strengthened with new separate policy.</p>
Parish Clerk Castle Rising Parish Council	Object	LP17 fails to attach sufficient weight to the protection of natural and heritage assets. It does not distinguish between assets of international and national standing and those of more regional/local interest. It fails to prioritise the avoidance of adverse impacts on such assets over mitigation and compensation, which are lesser options and assume a level of harm that could otherwise be avoided. There should be no reason to consider allocations or other policies that would lead/likely to cause harm to recognised heritage or other assets.		Noted but disagree.
Norfolk County Council (Infrastructure Dev,	Object	6.4.1 This list should also acknowledge the presence of the large number of non-designated heritage assets that exist within the Borough. This is particularly important as there are no specific policies relating solely to the	The wording of LP17 3 could be amended as follows to keep it in line	

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Community and Env Services)		<p>historic environment. It should be clear in the Review that both designated and non-designated heritage assets will be considered as required by NPPF paragraphs 193-197.</p> <p>Policy LP17 3.</p> <p>The wording could be amended as follows to keep it in line with NPPF; Development should seek to avoid, <u>and where this is not possible justify</u>, mitigate or compensate for, any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest.</p> <p>It is unclear what is meant at the end of this paragraph by the ‘creation’ of new geodiversity and heritage interest. Sites of this type cannot necessarily be created in the same way that biodiversity habitat can. The wording here may need to be amended to reflect this.</p> <p>Policy LP17 6.</p> <p>The wording of this paragraph largely duplicates that of paragraph LP17 3. The County Council’s comments on LP17 3 also apply here.</p>	<p>with NPPF: ‘Development should seek to avoid, <u>and where this is not possible justify</u>, mitigate or compensate for, any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest.’</p>	<p>Agree – amend wording of LP17 3 as suggested.</p> <p>Agree – delete ‘geodiversity and heritage’.</p> <p>Agree - delete duplicate wording in LP17 6 and</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
				move remaining text to the end of LP17 3.
Norfolk County Council (Infrastructure Dev, Community and Env Services)	Object	In addition to F2.2, the Historic Environment team are aware of other allocated sites in the Local Plan Review for which the archaeological status has changed (where an archaeological evaluation has been carried out but where further archaeological fieldwork is required). It will take additional time to review all of these in detail, but we can provide comments to the Borough separately, so the policy wording can be revised where appropriate. It should be noted that the absence of a specific policy or text description requiring an archaeological assessment or field evaluation at a particular allocated site, should not be taken as an indication that no archaeological assessment, field evaluation or other archaeological work is required, either prior or subsequent to the granting of planning permission. The Historic Environment Record is constantly being updated - New discoveries are made and existing sites and buildings can be reinterpreted. The implementation of new national or local historic environment guidance and policy can lead to reassessment of the significance of individual or groups of heritage assets. Consequently, the baseline archaeological information against which the historic environment implications of an allocated site needs to be assessed will change throughout the lifetime of the Plan depending when it comes forward for development.		No change appears to be required.
Lord Howard, Castle Rising Estate	Object	LP17 fails to attach sufficient weight to the protection of natural and heritage assets. It does not distinguish between assets of international and national standing and those of more regional/local interest. It fails to prioritise the avoidance of adverse impacts on such assets over mitigation		Noted but disagree.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		and compensation, which are lesser options and assume a level of harm that could otherwise be avoided. There should be no reason to consider allocations or other policies that would lead/likely to cause harm to recognised heritage or other assets.		
Conservation Officer Norfolk Wildlife Trust	Mixed	We support the overall approach of this policy but are concerned at the wording of section 2 which does not appear to offer sufficient safeguard to ensure that environmental assets are safeguarded from inappropriate development, and is also at odds with the avoid, mitigate and compensate hierarchy set out in the following policy paragraph. The emphasis of this policy should first be on safeguarding the existing environmental assets in the district, through only permitting development which can robustly demonstrate that it is able to avoid or mitigate any impacts. There should be a presumption against proposals which damage the recognised environmental assets set out in this policy, unless it can be demonstrated that there is an exceptional and over-riding public need for the development (as per NPPF paragraph 175) which cannot be met elsewhere in the district or adjoining areas (rather than just land within the applicant's control), and that up front compensation (measurably in excess of the losses that would occur) can be delivered before the development commences in order to ensure no net loss. In the majority of cases, the assets listed in the policy are irreplaceable.	<p>Revise the policy wording to provide clearer protection for environmental assets.</p> <p>Paragraph 6 appears to mostly duplicate paragraph 3 and could be combined.</p> <p>Development Proposals in the SPA - for clarity this would benefit from the inclusion of a map showing the specific locations of the different zones.</p>	<p>Unclear as to the wording sought by the objector.</p> <p>Agree - delete duplicate text in 6 and add remainder to 3.</p> <p>A map of the Breckland SPA can be considered for inclusion.</p>
Historic Environment Planning Adviser,	Object	Object - This is a very broad policy covering Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity. Whilst this may be acceptable as a Strategic policy, I would expect to see more	Separate policy/policies for the historic environment. Should	Agree - provide a separate heritage policy.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
East of England Historic England		<p>detail in a Local Plan regarding heritage assets. The policy should also be locally specific. We would suggest that there should be separate policy/policies for the historic environment.</p> <p>In any event, suggest 'conserve' rather than 'protect' in bullet point 1 for greater consistency with the NPPF.</p>	<p>cover designated (listed buildings, registered parks and gardens, scheduled monuments and conservation areas) and non-designated assets, and be locally specific. The policy/ies should also refer to the issue of settings. The issue of Heritage at Risk should also be addressed.</p>	<p>Agree to change to 'conserve' rather than 'protect' in bullet point 1 for greater consistency with the NPPF.</p>
Historic Environment Planning Adviser, East of England Historic England	Mixed	<p>We welcome the reference to heritage assets. In first line change 'historic' to 'heritage assets'. 'Historic Parks and Gardens' should be 'Registered Parks and Gardens' and 'Scheduled Ancient monuments' should be 'scheduled monuments' - current preferred terminology.</p>	<p>Change 'historic assets' to 'heritage assets'.</p> <p>Change 'Historic Parks and Gardens' to Registered Parks and Gardens' and 'Scheduled Ancient monuments' to 'scheduled monuments'.</p>	<p>Agree.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Historic Environment Planning Adviser, East of England Historic England	Object	Object - We welcome reference to heritage assets. However the tests are not exactly consistent with those set out in the NPPF.	Review wording for greater consistency with paras. 193 -197 of the NPPF.	New policy for heritage provided.
Parish Clerk Castle Rising Parish Council	Object	While Policy LP17 seeks to protect and enhance natural and heritage assets, it fails to attach sufficient weight to their protection. It does not distinguish between assets of international and national standing and those of more regional or local interest. Further, it fails to prioritise the avoidance of adverse impacts on such assets over mitigation and compensation, which are lesser options and assume a level of harm that could otherwise be avoided. Such hierarchies are essential parts of a fully considered policy. Hence, the greatest protection would (and should under the terms of national policy in the NPPF) be given to national level constraints, which should not be harmed other than in the most exceptional circumstances. The policy should not offer the potential for protection of environmental and heritage assets to be outweighed or for the public benefits of the development outweigh the loss of interest or significance. Given the choices open to the authority in the Local Plan Review, there should be no reason to consider allocations or other policies that would lead to or be likely to cause harm to recognised heritage or other assets.		Disagree policies provide sufficient protection.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Norfolk Coast Partnership (AONB)	Object		6.4.1 - mention 'Heritage Coast' in list.	Agree.
Parish Clerk Gayton Parish Council	Object	<p>6 Environment, 6.4 LP17 Habitat</p> <p>It is not sufficient simply to replace established trees with the same number of trees elsewhere; a habitat includes the undergrowth and that, together with the trees have taken years to provide a safe habitat for wildlife and birds. There is no mention of, say, a swift or owl box policy nor provision of holes in fences and access tunnels or runs to enable ground-based animals and hedgehogs to live alongside new developments. This is extremely important in a rural environment.</p> <p>Notably 6.4.3 The Council will work to the NPPF to ensure that our historic sites, buildings, biodiversity and geodiversity are protected and that opportunities for enhancement sensitive to the area and feature are grasped. Was felt to be a weak statement which needs to be substantiated. It is very much open to misinterpretation in many ways. Destroying rich, mature habitats should be taken seriously and the correct professionals consulted and appropriate surveys undertaken at all times.</p>		<p>Noted. These measures are being included in the supporting text to Policy LP16.</p> <p>Noted. Protection of heritage has been strengthened with new separate policy.</p>
Parish Clerk West Winch Parish Council	Object	West Winch Parish Council is concerned that mass development will impact on the Grazing Commons (which are historic and have been mentioned in the Domesday Book). West Winch Common is a County Wildlife Site and the River Nar is an SSSI site. NPPF 1.5 para 170 (e) refers, also NPPF 174 (a) and (b).		Site specific comment – no change required to the policy.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Parish Clerk Holme-Next-The-Sea Parish Council	Object	<p>(para 6.4.4) The Footprint Ecology surveys were not comprehensive as suggested in the supporting text. They were carried out at selected locations and designed to focus on the impacts of new housing on visitor pressure on the Protected Sites (which is not to criticise their considerable value). The study did not presume to look at the impacts of the much more significant growth in tourism and this is something which must be taken into account and a baseline established against which future monitoring and the impact of mitigation measures can be assessed. Only once this comprehensive baseline is established can a meaningful framework for the interpretation of project-level HRA be defined and the cumulative impacts of growth be understood. (Para 6.4.11) The mitigation charge of £50 per house should be re-examined in relation to the effectiveness of measures implemented to date and the much higher charges implemented elsewhere in the country (e.g. the Dorset Heaths). How will ongoing impacts be dealt with that require recurrent expenditure? Better integration with tourism policy is needed. It is unreasonable to place the whole burden of these costs on developers/business. A tourism tax/levy would help pay for mitigation of impacts on the environment and shift the whole issue of tourist development to a new and much more sustainable level. Such taxes are widely used throughout Europe.</p> <p>Policy wording makes no reference to conserving and enhancing the AONB landscape which NPPF (para 172) recognises as having the highest status</p>		<p>The Norfolk-wide GI and RAMS study is dealing with these issues. The findings will influence the final version of this policy.</p> <p>A separate, new AONB policy is included in the revised Plan.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		of protection and where the scale and extent of development should be limited.		
Breckland District Council	Support	We welcome the references to the Breckland SPA throughout the Local Plan and support the overall aims of policy LP17 which seeks to restrict development within 1,500m of the Breckland SPA and that beyond the SPA, a further 1,500m buffer will also be applied to areas where qualifying features are known to exist. This policy approach is broadly similar our own, however, it is worth noting that policy ENV03 of our emerging local plan requires a Monitoring and Mitigation Framework to ensure that no adverse impact on the integrity of Breckland SPA will occur due to urban effects and recreational pressure arising from proposed growth. The Framework will consist of measures that monitor and address recreational pressure from proposed development, including the creation of an advisory group. Partnership working with King's Lynn and West Norfolk will be an important aspect of this framework and will enable more detailed consideration of proposed developments and refinement of the type of monitoring that needs to be put in place and any mitigation required to address identified impacts of development, both on an individual site level and the consideration of cumulative pressure.		Noted - The existing Monitoring and Mitigation Strategy and the emerging Norfolk-wide GI and RAMS study are dealing with these issues. The findings will influence the final version of this policy.
Planning Secretary Kings Lynn Civic Society	Object	Heritage - We feel the Local Plan is extremely 'light touch' on historic and cultural heritage matters. Other Local Plans we have reviewed often have a whole section on 'historic environment' and several specific policies on heritage assets. West Norfolk and King's Lynn has a tremendous historic wealth that must form part of our economic and social development strategy going forward. We were very disappointed to note that the Borough appeared to support de-listing of a formerly listed structure last		New, separate heritage policy included.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>year – and trust that this does not set a precedent. We would like to see Neighbourhood Planners encouraged to develop specific heritage policies and to identify ‘local lists’ of sites and structures of heritage importance. We would like to see the Borough make it clear that enforcement procedures and compulsory purchase orders will be used where owners fail to safeguard and maintain structures with heritage significance. We would like to see planning policy that encourages residential use of space over shops and other listed buildings in the town.</p>		
<p>Consultations Team Natural England</p>	<p>Object</p>	<p>Protected Landscape - We are concerned that the Local Plan does not include a specific policy for the Norfolk Coast AONB. Natural England expects the Plan to include strategic policies to protect and enhance valued landscapes, as well as criteria based policies to guide development. We advise the Local Planning Authority (LPA) to take into account the relevant Management Plan for the area. For Areas of Outstanding Natural Beauty, the LPA should seek the views of the AONB Partnership. Development proposals brought forward through the Plan should avoid significant impacts on protected landscapes, including those outside the Plan’s area and early consideration should be given to the major development tests set out in paragraph 172 of the National Planning Policy Framework (NPPF). We highlight paragraph 172 of the National Planning Policy Framework, which states that the scale and extent of development within Areas of Outstanding Natural Beauty should be limited. NPPF policy affords protection for designated landscapes which provides a default of no major development within an AONB unless exceptional circumstances can be demonstrated.</p>	<p>Natural England advises the inclusion of a policy specific to the AONB, in accordance with our advice above, this could be included within Policy LP17 and cross-referenced in Policies LP15 and LP21. In our view this is required to ensure that the Plan is sound with regard to compliance with paragraph 172 of the NPPF</p>	<p>A new, separate AONB policy is included in the revised Plan as suggested by the Norfolk Coast Partnership.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Consultations Team Natural England	Mixed	Natural England supports and welcomes the Council’s commitment to a cross boundary approach to recreational disturbance and Green Infrastructure (Para 6.4.13). We strongly advise that this is incorporated in the wording of Policy LP24 and referenced in LP17. We propose that wording for the strategy is consistent in Local Plan Policy across Norfolk Authorities. We welcome that bullet point 3 requires application of the ecological mitigation hierarchy. However we suggest minor amendments to ensure that avoidance measures are implemented wherever possible. Mitigation measures should be used where it is not possible to avoid adverse impact. Compensation measures should only be used as a last resort.	Whilst we appreciate the inclusion of Breckland SPA in policy we suggest that either all European sites are listed, or a dedicated section for European Sites is included in policy wording. We agree with the inclusion of site specific information for Breckland SPA but suggest that this is added under the European Sites section as a bullet point or within the supporting text. We advise that the Local Planning Authority amend the wording to provide further detail as demonstrated in Policy CS 2 (page 38) Forest Heath Local Development Plan. We also suggest that the	Agree – include ‘European Sites’ section and cross-reference to LP24.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>planning authority liaise with West Suffolk Council for inform nest attempt and buffer data to feed into the Local Plan HRA/SA and any other necessary assessment.</p>	
<p>Consultations Team Natural England</p>	<p>Object</p>		<p>Soils - The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.</p>	<p>Agree - Include soils and best and most versatile agricultural land in policy and supporting text.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>The Plan should safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future in line with National Planning Policy Framework paragraph 170. This is referenced in Policy LP21 – Renewable Energy, which is welcomed, but this needs to apply to all relevant development.</p> <p>Perhaps this could be included with Policy LP17 Environmental Assets.</p>	

Draft Policy LP18 - Environment, Design and Amenity

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](https://objective.co.uk)

Consideration of issues:

The main issues raised by consultees were:

- Anglian Water was generally supportive of the Policy, but suggested that applicants should also demonstrate that proposed developments would not be adversely affected by the normal operation of their existing assets e.g. water recycling centres (formerly sewage treatment works).
- A couple of consultees suggested that the policy appears to fail to safeguard the amenity of the community from the effects of development.
- Historic England suggested some minor wording changes.
- The Norfolk Coast Partnership questioned the lack of guidance in the Policy on light pollution.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 17) include the following wording: 'Proposals for development adjacent to, or in the vicinity of, existing uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of the criteria above'.**
- 18) in criterion 1 change 'protect' to 'conserve' and use 'historic environment' rather than 'heritage and cultural value' and change bullet point 2a to 'impact on the historic environment'.**

Policy Recommendation:

Strategic Policy

Policy LP18 – Environment, Design and Amenity

1. Development must **conserve protect** and enhance the amenity of the wider environment including **the historic environment its heritage and cultural value.**
2. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including:
 - a. **heritage impact on the historic environment;**
 - b. overlooking, overbearing, overshadowing;
 - c. noise;
 - d. odour;
 - e. air quality;
 - f. light pollution;
 - g. contamination;
 - h. water quality;
 - i. sustainable drainage; and
 - j. visual impact.
3. The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.
4. Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.
5. Development proposals should demonstrate that safe access can be provided and adequate parking facilities are available.
6. **Proposals for development adjacent to, or in the vicinity of, existing uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of the criteria above.**

Supporting Text

Introduction

6.5.1 Development proposals should aim to create a high quality environment without detrimental impact on the amenity of new and existing residents. Factors that could have a significant negative impact on the amenity of residents include: noise, odour, poor air quality, light pollution, land contamination and visual impact. It is also important to consider issues of security, privacy and overlooking when creating new development.

6.5.2 One of the Government's key aims in national planning policy is to create sustainable development. Proposals that are responsive to their location and consider the layout, materials, parking, landscaping and how people will use the space early in their design are likely to have a positive impact on amenity and will help to deliver sustainable development.

6.5.3 With an increasing population and less space available to develop within settlements, there has been a rise in applications for infill development on smaller plots. Issues arise when the infill development is unsympathetic to the existing street scene in its scale or design, or would result in the loss of important open spaces and greenery. There are also particular issues arising from the loss or reduction of residential gardens for infill development due to the impact on amenity, loss of land for urban drainage and the overall effect on the character of an area.

Relevant Local and National Policies and Guidance

- National Planning Policy Framework: Requiring Good Design
- Strategic Policy LP16: Design and Sustainable Development
- Norfolk County Council: Local Transport Plan, LTP3
- DEFRA: National Air Quality Strategy
- Borough Council: Contaminated Land Inspection Strategy
- Norfolk Environmental Protection Group: Planning and Pollution in Norfolk
- Norfolk Environmental Protection Group: Technical Guidance – Development of Land affected by Contamination
- Norfolk Environmental Protection Group: Technical Guidance – Air Quality and Land Use Planning
- Norfolk Environmental Protection Group: Technical Guidance – Planning and Noise

- CPRE: Light Pollution Guidance Notes
- Borough Council: Air Quality Action Plan
- Railway Road Air Quality Management Area Order and Extension Order
- Gaywood Clock Air Quality Management Area Order
- Marine Policy Statement/East Marine Plans: Supporting Policies:

SOC2: Proposals that may affect heritage assets should demonstrate, in order of preference:

- that they will not compromise or harm elements which contribute to the significance of the heritage asset;
- how, if there is compromise or harm to a heritage asset, this will be minimised;
- how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against;

SOC3: Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:

- that they will not adversely impact the terrestrial and marine character of an area;
- how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them;
- how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against;
- the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.

Policy Approach

6.5.4 This policy complements Strategic Policy LP16, which outlines how design is considered in new development by ensuring that potential negative impacts to amenity, etc., are addressed in considering proposals for development.

6.5.5 Developments likely to have a significant impact on residential amenity should ideally be sited away from residential areas. The Council will seek a proportionate level of information to determine the environmental impact of developments, and may seek planning conditions to ensure the development will comply with any national, regional or locally set standards on environmental quality.

6.5.6 Noise, odour, air quality, light pollution and land contamination, etc. will be assessed in relation to relevant standards and national guidance. In cases where the development has uncertain potential for a negative impact on amenity temporary permissions and/or a requirement to record baseline

environmental conditions prior to development and undertake monitoring afterwards will be given/required. These indicators can be used to gauge the likely impact as a result of the proposed development. Mitigation measures may be sought such as limiting the operational hours of a development and there may be ongoing requirements to monitor the impact on environmental quality.

Sustainability Appraisal:

LP18 Environment, Design and Amenity

This policy is judged to have a positive effect. The alternative would be no specific policy, relying on the National Planning Policy Framework and general planning principles, which is considered a ‘neutral’ option.

LP18: Environment, Design & Amenity																							
Policy	SA Objective:																					Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+		-
LP18	0	0	0	0	0	++	++	++	+	0	0	+	+	+	0	0	+	0	0	0	+11	0	Likely Positive Effect +11
Draft LP18	0	0	0	0	0	++	++	++	+	0	0	+	+	+	0	0	+	0	0	0	+11	0	Likely Positive Effect +11
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Anglian Water Services Ltd	Object	Anglian Water is generally supportive of Policy LP18, however it is suggested that applicants should also demonstrate that proposed developments would not be adversely affected by the normal operation of Anglian Water’s existing assets e.g. water recycling centres (formerly sewage treatment works). Nuisance may be caused by noise, lighting and traffic movements but its most prevalent source will be odours, unavoidably generated by the treatment of sewerage.	It is therefore recommended that Policy LP18 should include the following wording: ‘Proposals for development adjacent to, or in the vicinity of, existing uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of the criteria above’.	Agree – include the wording suggested by Anglian Water.
Planning Advisor Environment Agency	Support	We support this policy which states that proposals will be assessed against a number of factors including contamination, water quality and sustainable drainage.		Support is noted.
Lord Howard, Castle Rising Estate	Object	The policy appears to fail to safeguard the amenity of the community from the effects of development.	It should seek to ensure that development 'does not have a significant or unacceptable adverse impact on the amenities of neighbouring uses or the natural	Disagree – point 5 of the policy does say that development that has a significant adverse impact on the amenity of others or

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			or historic environment, including in respect of.....'	which is of a poor design will be refused.
Historic Environment Planning Adviser, East of England Historic England	Object	Object - Broadly welcome criterion 1 but again suggest change 'protect' to 'conserve' and use the term 'historic environment' rather than 'heritage and cultural value'. Bullet point 2a - suggest change to 'impact on historic environment'.	Use the terms 'conserve' and 'historic environment'.	Agree - incorporate the terms as suggested.
Parish Clerk Castle Rising Parish Council	Object	Again, while the spirit of the policy is supported, the policy appears to fail to safeguard the amenity of the community from the effects of development. While it notes that the Council will have regard to such factors as are listed, including matters such as air quality, light pollution and noise. It should seek to ensure that development 'does not have a significant or unacceptable adverse impact on the amenities of neighbouring uses or the natural or historic environment, including in respect of.....'.		Disagree – point 5 of the policy does say that development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.
Norfolk Coast Partnership (AONB)	Object		There is nothing in the document on light pollution. Can this be integrated into LP18 - Environment, Design and Amenity? The Institute of Lighting Professionals has produced guidance that is referred to by	Disagree – the Policy does cover light pollution at f); in the supporting text in the list of Relevant Local and National Policies and Guidance; and at 6.5.6.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			experts and the Guidance Notes for Reduction of Obtrusive Lights gives design guidance for the reduction of obtrusive light with explicit mention of AONB's. If there is no specific policy for light pollution could this guidance be referred to in the text.	
McDonnell Caravans	Object	Local Plan DM18 does not take into account the existence of the C.I.C, and the fact that is has funded the annual RE-CYCLING since 2016, (because of the withdrawal of Central Government funding).		This comment relates to draft Policy LP15 (replacement for DM18) not LP18. This comment has been addressed in that section.

Draft Policy LP19 – Provision of Recreational Open Space for Residential Developments

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](#)

Consideration of issues:

The main issues raised by consultees were:

- Objection from Sport England in relation to a lack of a robust up-to-date evidence base on assessed need for open space, sport and recreation facilities.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

19) No change

Policy Recommendation:

Strategic Policy

Policy LP19 – Provision of Recreational Open Space for Residential Developments

1. All new residential development will be expected to make adequate provision for open space to the following standards:
 - a. Schemes of up to 19 units will ensure that their schemes contain sufficient space to ensure a high standard of layout and amenity to the residents of the proposed development. On windfall sites the requirement to provide open space will apply where the Council considers that the proposed development forms part of a larger site which, if developed, would result in a requirement for a proportion of (or contribution to) open space.
 - b. Schemes of 20 units or greater will provide 2.4 hectares of open space per 1,000 population comprising approximately:
 - i. 70% for either amenity, outdoor sport, and allotments (see below) and
 - ii. 30% for suitably equipped children’s play space
 - c. Developments of 20 – 99 dwellings will be expected to meet the requirement for suitably equipped children’s play space only.
 - d. Developments of 100 dwellings and above will be expected to meet the whole requirement.
2. On sites allocated for residential development through the Local Plan process, and where development of the whole site results in a requirement for a proportion of (or contribution to) open space, the requirement to provide open space will apply to the whole of a single allocated site, even if it is developed incrementally (through sub-division, etc.).
3. All proposals involving the provision of publicly accessible areas of open space must include robust arrangements for the management and future maintenance of that open space. The Council may take on and adopt areas of public open space within developments, subject to bringing the scheme up to an appropriate standard and the payment of an appropriate fee.
4. The Council will adopt a flexible approach to the types of open space required within a particular scheme only where it can be demonstrated:
 - a. that there is excess provision available in the locality, or
 - b. where opportunities exist to enhance existing local schemes, or

- c. the townscape or other context of the development is such that the provision of open space is not desirable.

Allotments

5. The Council will seek to resist the loss of allotments in areas where there is a current or predicted demand for such facilities, unless the loss were to be offset by alternative provision of an equal or higher quality in the vicinity. The provision of new allotments may be sought in locations for large-scale residential development (such as the strategic allocations) where there is an identified need. This will be balanced against the need for other types of recreational space and facilities and the financial viability of any development.

LP19 Provision of Recreational Open Space for Residential Developments (previously DM16)

Introduction

6.6.1 With over 11,000 new homes planned for the Borough over the plan period to 2036 it is important that new community facilities and recreational space are provided to meet the needs of an expanded population. Strategic Policy LP05 identifies that community facilities and recreational space will be sought within, or through contributions from, new development. This policy defines the amount of recreational space that should be provided in new developments.

6.6.2 Fields in Trust (The National Playing Fields Association) recommends a standard of 2.4 hectares of outdoor playing space per 1,000 population. This is a nationally recognised standard, which can be used to determine the level of play space in new developments.

Relevant Local and National Policies

- National Planning Policy Framework: Promoting Healthy and Safe Communities
- Strategic Policy LP32 Community and Culture
- Fields in Trust: Planning and Design for Outdoor Sport and Play (2008)

Policy Approach

6.6.3 New developments will be expected to meet nationally recognised standards for the provision of open space. The Fields in Trust's Planning and Design for Outdoor Sport and Play suggested standard of 2.4 hectares of outdoor playing space per 1,000 population will be used when assessing the level of play space required, comprising 1.6 to 1.8 hectares (2/3 to 3/4 of total) for outdoor sport, including 1.2 hectares (1/2 of total) for pitch sports, and 0.6 - 0.8 hectares (1/4/ to 1/3 of total) for children's playing space.

6.6.4 Negotiations will take place on a site-by-site basis to determine specific provision of space and financial contributions, taking into account the financial viability of any development. For some urban sites it may be inappropriate to provide open space on site.

6.6.5 The Council will also seek to ensure new allotments are provided, and existing ones retained, where an identified need is presented. Waiting lists, etc., held by town and parish councils can help demonstrate such a need.

Sustainability Appraisal:

LP19 Provision of Recreational Open Space for Residential Developments

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect.

LP19: Provision of Recreational Open Space for Residential Developments																							
Policy	SA Objective:																					Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+		-
LP19	0	0	0	0	0	0	0	+	0	0	0	+	0	++	++	0	0	+	0	0	+7	0	Likely Positive Effect +7
Draft LP19	0	0	0	0	0	0	0	+	0	0	0	+	0	++	++	0	0	+	0	0	+7	0	Likely Positive Effect +7
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
STP Estates Group (inc. West Norfolk NHS Clinical Commissioning Group, Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, Norfolk Community Health and Care NHS Trust, Norfolk and Suffolk NHS Foundation Trust)	Support	The STP Estates group aims to ensure that elements that contribute to health and wellbeing, such as leisure facilities and green space, are not overlooked. Access to green space has recently been highlighted in the publication of the UK Government's 'A green future: our 25 year plan to improve the environment'. This was published in January 2018 and includes detail in Chapter 3 on helping people to improve their health and wellbeing by using green spaces. This includes considering the impact this has on mental health and how associated services can improve mental health. It is therefore imperative that access to green space is maintained and managed in a consistent manner.		Support noted.
Mrs Sarah Bristow	Object	6. Environment 6.6. LP19 - Recreational open spaces in New Development. We have observed that there appears to be no mechanism for enforcing recreational open spaces in new developments. Recent developments in Gayton have no provision for such open spaces, for example, Hall Farm and Howards Way in Gayton.		View is noted.
Mrs Sarah Bristow	Object	6 Environment, 6.4 LP17 Habitat - It is not sufficient simply to replace established trees with the same number of trees elsewhere; a habitat includes the undergrowth and that, together with the trees have taken years to provide a safe habitat for wildlife and birds. There is no mention of, say, a swift or owl box policy nor provision of holes in fences and access tunnels or runs to enable ground-based animals and		View is noted.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>hedgehogs to live alongside new developments. This is extremely important in a rural environment. Notably '6.4.3 The Council will work to the NPPF to ensure that our historic sites, buildings, biodiversity and geodiversity are protected and that opportunities for enhancement sensitive to the area and feature are grasped' was felt to be a weak statement which needs to be substantiated. It is very much open to misinterpretation in many ways. Destroying rich, mature habitats should be taken seriously and the correct professionals consulted and appropriate surveys undertaken at all times.</p>		
Parish Clerk Castle Rising Parish Council	Object	The policy appears to fail to safeguard the amenity of the community from the effects of development.	It should seek to ensure that development 'does not have a significant or unacceptable adverse impact on the amenities of neighbouring uses or the natural or historic environment, including in respect of.....'	This policy is about the provision of new open space – amenities is dealt with by a different policy LP18.
Parish Clerk Gayton Parish Council	Object	6. Environment 6.6. LP19 - Recreational open spaces in New Development - We have observed that there appears to be no mechanism for enforcing recreational open spaces in new developments. Recent developments in Gayton have no provision for such open spaces, for example, Hall Farm and Howards Way in Gayton.		View is noted.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Parish Clerk West Winch Parish Council	Support	West Winch Parish Council agrees with the above statement by STP Estates Group (inc West Norfolk NHS Clinical Commissioning Group, Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, Norfolk Community Health and Care NHS Trust, Norfolk and Suffolk NHS Foundation Trust). It is very important for residents to have green space and allotments for their mental health and wellbeing and physical enjoyment. It can also reduce obesity levels and avoid other health issues. Children especially need room for informal physical activity. LP19 must be a strong policy.		Support noted.
Planning Admin Team Sport England	Object	<p>Sport England objects to this policy for the following reasons:</p> <p>1) It is not based on a robust and up to date evidence base which has assessed the need for open space, sport and recreation facilities (including quantitative and /or qualitative deficits or surpluses) as required by Para 96 of the National Planning Policy Framework (February 2019). The assessments for indoor and outdoor sports facilities should be carried out using Sport England methodology for such assessments, which can be found here: https://www.sportengland.org/facilities-planning/planning-for-sport/planningtools-and-guidance/</p> <p>2) The policy is based on a standard provision, which does not take account of spatial variations in quantitative and qualitative provision, and differing future needs.</p>		To be discussed with Sport England.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>3) The first criteria (70% for either amenity, outdoor sport, and allotments) is open to interpretation and is not precise in wording.</p> <p>Sport England would consider the option of entering a Statement of Common Ground with BCKLWN to agree a way forward for carrying out the needs assessments as required by Para 96 of the NPPF.</p>		
Consultations Team Natural England	Support	We support the provision of new open spaces, allotments, sport and recreation facilities delivered through Policy LP19.		Support is noted.

Draft LP20 Green Infrastructure Policy (previously DM19)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](#)

Consideration of issues:

The main issues raised by consultees were:

- the need to reference the Anglian River Basin Management Plan and The Gaywood Valley Living Landscape Project.
- the need for the policy to seek a contribution to green infrastructure from all development, not just major development, as smaller development will also give rise to pressures on the existing green infrastructure network. This contribution should be proportional, and where it is not deliverable on site, particularly on small development sites where space is a key constraint, a proportional contribution could be made to off-site green infrastructure delivery.
- Natural England would like new policies on Rights of Way.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 1. include reference to the Anglian River Basin Management Plan in the supporting text.**
- 2. add to the end of section 2 of the Policy - '2e The Gaywood Valley Living Landscape Project'.**
- 3. amend the first line of Section 4 of the Policy to read 'All development will contribute proportionally to the delivery of green infrastructure ...'.**

Policy Recommendation:

Strategic Policy

Policy LP20 Green Infrastructure

1. Opportunities will be taken to link to wider networks, working with partners both within and beyond the Borough.
2. The Council will protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks, including National Trails.
3. The Council supports delivery of the projects detailed in the Green Infrastructure Study including:
 - a. The Fens Waterway Link- Ouse to Nene;
 - b. The King's Lynn Wash/Norfolk Coast Path Link;
 - c. The former railway route between King's Lynn and Hunstanton;
 - d. The Wissey Living Landscape Project; and
 - e. The Gaywood Valley Living Landscape Project.
4. The Council will identify, and coordinate strategic delivery, with relevant stakeholders, of an appropriate range of proportionate green infrastructure enhancements to support new housing and other development and mitigate any potential adverse effects on designated sites of nature conservation interest as a result of increased recreational disturbance arising from new development. All new development must ensure there is no adverse effect on a European Protected Site through the provision of appropriate measures.
5. Major All development will contribute proportionally to the delivery of green infrastructure, except:
 - a. where it can be demonstrated the development will not materially add to the demand or need for green infrastructure.

- b. where such a contribution would make the development unviable, the development will not be permitted unless:
- i. it helps deliver the Strategic Policies; and
 - ii. the relevant contribution to the Strategic Policies could not be achieved by alternative development, including in alternative locations or in the same location at a later time; or
 - iii. unless the wider benefits of the proposed development would offset the need to deliver green infrastructure enhancements.

Supporting Text

LP20 Green Infrastructure Policy (previously DM19)

Introduction

6.7.1 Green Infrastructure is a term that encompasses a wide range of green and blue spaces and other environmental features. Ensuring that there is a network of green infrastructure is important to the health and wellbeing of local people and for biodiversity. The National Planning Policy Framework (2019) defines green infrastructure to be “a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.” Green infrastructure plays a crucial role in sustainability and its presence in society brings positive impacts on our mental and physical health.; as well as for biodiversity and nature.

In the Building Better, Building Beautiful Report (2020), green infrastructure and the phrase ‘green is good for us’ highlights the positive presence it brings within design and the beauty of our surroundings; which all in the local community can cherish. Whether this be from tree planting, parks, playing fields, allotments or green roofs/walls on buildings the perception of beauty and green infrastructure combined is a highlighted as important from national policy downwards.

The 25 Year Environment Plan (2018) discusses the importance the planning system can play in protecting key natural and historic assets and encouraging high quality green infrastructure within urban areas; it also emphasises the opportunities existing, and new green infrastructure can support through nature recovery and delivery options over a long period of time. National plans to help ‘green’ our towns and create further green infrastructure are supported within the local plan review.

Green Infrastructure Study

6.7.2 The Green Infrastructure Study was completed in 2010 and provides a Borough-wide analysis of:

- existing provision,
- deficiencies in provision,
- potential improvements to green infrastructure,
- policies to deliver green infrastructure,
- high, medium and low priority projects in addition to specific policies that will deliver green infrastructure.
- Projects included - The Fens Waterway Link- Ouse to Nene; the King's Lynn Wash/Norfolk Coast Path Link; the former railway route between King's Lynn and Hunstanton; The Wissey Living Landscape Project; and the Gaywood Valley Living Landscape Project.

6.7.3 This Study has been supplemented by 2013 research identifying existing green infrastructure projects around the Borough being undertaken by a range of agencies. This combined information will aid the Council in developing and targeting further green infrastructure funds and endeavours, particularly in relation to planned development which has been identified by the Habitats Regulations Assessment as having potential adverse impacts on designated nature conservation sites. By supporting existing projects, or filling gaps (geographical or type) in existing or emerging provision, the Council's efforts can be targeted to best effect. The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (2020) was produced as part of the NSPF.

Relevant Local and National Policies and Guidance

- National Planning Policy Framework: Conserving and enhancing the natural environment
- UK A Green Future: Our 25 Year Plan to Improve the Environment (2018)
- National Design Guide: Movement and Nature (2019)
- Building Better, Building Beautiful Commission (2020)
- The Anglian River Basin Management Plan (2015)

Strategic Policies:

- LP17 Environmental Assets
- LP32 Community and Culture

- LP05 Infrastructure Provision

Green Infrastructure Strategy Stage 1 (2009) and Stage 2 (2010)

Marine Policy Statement/East Marine Plan Policies:

- BIO1-2 Biodiversity
- ECO1 Cumulative Impacts
- MPA1 Marine Protected Areas
- SOC3 Terrestrial and Marine Character

Policy Approach

6.7.4 Retaining and developing the Borough's green infrastructure network is highly important to the long-term wellbeing of the area. Furthermore the Habitats Regulations Assessment identified potential effects on designated European sites of nature conservation importance from additional recreational pressure. The need for monitoring and, where necessary, a package of mitigation measures, both on and off site, were identified to ensure no adverse effects on European sites.

6.7.5 The Borough Council seeks to protect existing green infrastructure, deliver new green infrastructure to support new development and mitigate its impacts, and support cross boundary green infrastructure projects in partnerships with neighbouring authorities and other organisations. Green space can perform a number of functions and the historic environment in particular has an important contribution to make. Parks and gardens, open spaces within Conservation Areas and the grounds of listed buildings can contribute to the wider objectives and benefits of green infrastructure, for example by enhancing health and well-being and biodiversity, and improving the efficiency of drainage systems.

6.7.6 The Borough's Green Infrastructure Strategy is a significant resource on the Borough's natural environment and therefore it is important that it is utilised when considering development applications.

Sustainability Appraisal:

LP20 Green Infrastructure

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect. DM19 Green Infrastructure/Habitats Monitoring and Mitigation has been split across two policies as the topics whilst related are distinct.

LP20: Green Infrastructure																							
Policy	SA Objective:																					Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+		-
LP20	++	0	++	+	+	0	0	++	++	0	++	++	0	++	++	++	0	+	0	+	+22	0	Likely Positive Effect +22
Draft LP20	++	0	++	+	+	0	0	++	++	0	++	++	0	++	++	0	+	0	+	+22	0	Likely Positive Effect +22	
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Planning Advisor Environment Agency	Support	We welcome this Policy which takes into account the NPPF and Defra 25 Year Plan. It also promotes cross boundary working, this helps to ensure that strategic priorities across local boundaries are properly co-ordinated.	We recommend that the Plan should encourage developers to have regard to the Anglian River Basin Management Plan where relevant.	Agree – include reference to the Anglian River Basin Management Plan in supporting text.
Mrs Daphne Sampson	Object	The importance of high quality green infrastructure in helping to mitigate climate change in drawing down carbon dioxide from the atmosphere needs to be clearly stated and expert advice sought. In view of the seriousness of the climate change threat needs to be given much greater weight in all planning decisions. Removal of woodland and other 'carbon sinks' should be a clear counter indication in planning decisions.		Comments are noted.
Conservation Officer Norfolk Wildlife Trust	Object	We recommend that section 4 of the policy should seek a contribution to green infrastructure from all development, not just major development, as smaller development will also give rise to pressures on the existing green infrastructure network. This contribution should be proportional, and where it is not deliverable on site, particularly on small development sites where	Add to end of section 2 - '2e Gaywood Living Landscape Project' . Section 4 to start 'All development will	Agree - add to the end of section 2 - '2e Gaywood Living Landscape Project'. Agree – start Section 4 with 'All development will

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>space is a key constraint, a proportional contribution could be made to off-site green infrastructure delivery.</p> <p>Section 2 should also make reference to the Gaywood Living Landscape in addition to those already listed.</p>	contribute proportionally to the delivery of green infrastructure ...'.	contribute proportionally to the delivery of green infrastructure ...'.
Historic Environment Planning Adviser, East of England Historic England	Support	Support - We welcome reference to the historic environment in relation to green infrastructure		Support is noted.
Norfolk Coast Partnership (AONB)	Object	Policy LP20 Green Infrastructure 2e - include 'Gaywood Valley' which was included in the GI Study.		Agree as above in NWT comment response.
Consultations Team Natural England	Object		<p>Access and Rights of Way</p> <p>Natural England advises that the Plan should include policies to ensure protection and enhancement of public rights of way and National Trails, as</p>	Include a paragraph 98 style wording in Policy.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>outlined in paragraph 98 of the NPPF.</p> <p>Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network.</p> <p>The plan should seek to link existing rights of way where possible, and provide for new access opportunities.</p> <p>The plan should avoid building on open space of public value as outlined in paragraph 97 of the NPPF.</p>	<p>The policy's first criterion seeks opportunities to link to wider networks, working with partners both within and beyond the Borough.</p> <p>Policy LP23 deals with the protection of existing open space.</p>
Consultations Team Natural England	Mixed	Natural England is strongly supportive of this policy including the Council's proposal to co-ordinate delivery of strategic green infrastructure to address recreational disturbance impacts and to ensure no adverse effect to European sites. We welcome the	We advise that large developments (50 dwellings or more) include green space that is proportionate to its scale to minimise any	Support is noted and welcomed.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>requirement for major development to contribute to the delivery of green infrastructure.</p> <p>We advise that Policy LP20 is referenced in development policies that have a requirement to deliver GI and/or have been identified as part of the GI study. It is Natural England’s view that all new development should provide adequate and proportionate open space provision. Green Infrastructure (GI) should be well-designed and multifunctional facilitating a variety of recreational activities whilst supporting biodiversity.</p>	<p>predicted increase in recreational pressure to designated sites, by containing the majority of recreation within and around the developed site.</p> <p>The Suitable Accessible Natural Green Space (SANGS) guidance can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles, including 8ha / 1000 population provision, are more widely applicable.</p> <p>Green infrastructure design should seek to achieve the Natural England Accessible</p>	<p>This is done currently through this policy, LP 19 and LP 24.</p> <p>Noted.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>Natural Greenspace Standards, detailed in Nature Nearby, including the minimum standard of 2ha informal open space within 300m of everyone's home. As a minimum, we advise that such provisions should include:</p> <ul style="list-style-type: none"> · High-quality, informal, semi-natural areas · Circular dog walking routes of 2.7 km² within the site and/or with links to surrounding public rights of way (PRoW) · Dedicated 'dogs-off-lead' areas · Signage/information leaflets to householders to promote these areas for recreation · Dog waste bins · to the long term maintenance and management of these provisions <p>There are opportunities in</p>	Noted.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>development to conserve and enhance biodiversity through net gain.</p> <p>We advise that biodiversity net gain is incorporated into Policy LP20 to enable delivery through development. This requirement should be proportionate to the size of the development and not limited to large applications.</p> <p>It is recommended that policy is founded on an evidence base that includes mapping assets and identifying areas for creation (incorporated in GI strategy and SPDs).</p>	<p>Environment Bill is still passing through Parliament. Planning guidance on net gain will follow.</p> <p>Norfolk GI and RAMS strategy is meeting this requirement.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>We highlight the importance of measurable net gain in the creation of habitat and improvements to biodiversity and refer you to the Defra 25 YEP and paragraph 174 of the National Planning Policy Framework, specifically: “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.</p>	<p>Noted.</p>

Draft Policy LP21 Renewable Energy Policy (previously DM20)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](#)

Consideration of issues:

The main issues raised by consultees were:

- Would like to see a more supportive approach to renewable energy.

The resulting changes recommended to the policy and supporting text are set out below.

Policy Recommendation:

Strategic Policy

Policy LP21 - Renewable Energy

1. Proposals will be supported and considered in the context of contributing to the achievement of sustainable development and adapting to climate change. Proposals made by a local community and through neighbourhood plans for the development of renewable and low-carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects will be supported.
2. Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:
 - a. sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB),
 - b. sites of Special Scientific Interest (SSSIs) and Ramsar Sites;
 - c. the surrounding landscape and townscape;
 - d. designated and un-designated heritage assets, including the setting of assets;
 - e. ecological interests (species and habitats);
 - f. amenity (in terms of noise, overbearing relationship, air quality and light pollution);
 - g. contaminated land;
 - h. water courses (in terms of pollution);
 - i. public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks); and
 - j. tourism and other economic activity.
3. In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

- a. there is a significant loss of agricultural land; or
- b. where land in the best and most versatile grades of agricultural land⁽⁶⁾ are proposed to be used.

In addition to the above factors, the Borough Council will seek to protect productive agricultural land and best and most versatile land⁽⁶⁾. Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss.

4. Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

LP21 Renewable Energy Policy (previously DM20)

Introduction

6.8.1 The Climate Change Act (2008) introduced a target of reducing greenhouse gas emissions by 80% by the year 2050. In line with government targets there have been increasing applications for development that harness renewable energy in the Borough, particularly in the form of wind turbines and photovoltaic panels. The NPPF at Para 152 advises that "Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."

6.8.2 Strategic Policy LP16 Sustainable Development outlines that the generation of energy from renewable sources will be supported and encouraged. Permission will be given unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits. The National Planning Policy Framework also states that local planning authorities should approve applications for renewable energy development if its impacts are (or can be made) acceptable. This policy aims to balance the need for renewable energy developments and the impact on the local area and local people.

Relevant Local and National Policies

- Climate Change Act 2008
- National Planning Policy Framework: Meeting the Challenge of Climate Change, Flooding and Coastal Change

- Strategic Policy LP16: Design and Sustainable Development
- Borough Council of King's Lynn & West Norfolk: Small-scale wind turbine noise and shadow flicker guidance
- Planning Practice Guidance
- Marine Policy Statement/East Marine Plan Policies:
 - GOV1 Landward Infrastructure
 - WIND2 Offshore Windfarms
 - EC3 Offshore Wind
 - SOC3 Character
 - FISH1 Fishing Activity
 - FISH2 Spawning and Nursery Areas
 - CAB1 Subsea Cabling

Policy Approach

6.8.3 This policy defines the criteria against which applications for renewable energy will be considered to provide clarity for developers and the wider public. However it does not apply to wind energy proposals. Decisions regarding wind energy will rely on national policy and guidance in the renewable and low carbon energy section of the Planning Practice Guidance. The approach is to minimise any adverse impact from renewable energy development including that from the decommissioning of any renewable energy technology. The Council will provide a consistent cross boundary approach with neighbouring North Norfolk District Council by affording greater protection from development within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). It details factors that need to be considered so that a judgement can be made on the potential acceptability of impacts.

Sustainability Appraisal:

LP21 Renewable Energy

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect.

LP21: Renewable Energy																								
Policy	SA Objective:																				Overall Effect			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-	
LP21	0	0	0	+	+	+	++	+	+	+	0	0	0	0	0	0	0	0	0	0	0	+8	0	Likely Positive Effect +8
Draft LP21	0	0	0	+	+	+	++	+	+	+	0	0	0	0	0	0	0	0	0	0	0	+8	0	Likely Positive Effect +8
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Town Clerk Hunstanton Town Council	Object	LP 21 does not deal with wind energy developments, so another policy should apply.		The supporting text 6.8.3 states that “Decisions regarding wind energy will rely on national policy and guidance in the renewable and low carbon energy section of the Planning Practice Guidance.”
Conservation Officer Norfolk Wildlife Trust	Object	The Planning Act 2008, Section 182 states 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’. Whilst policy LP16 gives broad support to renewable energy development, it is not clear how this broad support will translate into securing a contribution to mitigation of, and adaptation to climate change. Policy LP21 appears to mostly focus on the circumstances where the Council would not permit renewable energy development. Whilst we agree that renewable energy proposals should be assessed against impacts on sensitive receptors such as those set out in section 1 of policy LP21, we recommend that the policy wording is revised to reflect the high level support for renewable energy provision through the local plan. The policy should also include targets for emissions reductions and requirements for renewable energy provision. Examples from other local authorities of potential policy wording include - Policy EN1: Carbon Dioxide Emissions of Leeds City Council Core Strategy sets targets for emissions and low carbon energy provision on new development, policy GM15: Carbon Emissions of the draft Greater Manchester Spatial Framework sets out a carbon emissions reduction		The new first criterion sets out a more supportive approach to renewable energy developments.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>target, whilst policy SI2 of the draft London Plan states that major development should be net zero-carbon. (Source: Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change, TCPA/ RTPI, December 2018).</p>		
<p>Planning Engineer Middle Level Commissioners</p>	<p>Object</p>	<p>B Flood Risk Design</p> <p>Your Council’s approach appears to be consistent with current national policy as detailed in the NPPF but, as discussed previously, this guidance is generic and “broad brush”. As a result it is considered that the proper and detailed consideration of local flood risk and water level management issues considering all sources of risk must be considered at all stages of the decision making process including the allocation of development sites and generally within the planning making process is most important. This is considered to be extremely relevant given the special circumstances within the Fens and its reliance on man-made systems and intervention.</p> <p>As you are aware considerable concern has previously been raised by the content of both the data within the SFRA and the EA’s extents which predated the Commissioners’ new pumping station at St Germans. It is understood that the SFRA has recently been revised but given that neither the Commissioners or its associated Boards were involved in the documents detailed production it is not known whether it is appropriate in respect of our interests. It is considered that without the Commissioners’ and associated relevant Boards’ input a misleading representation of flood risk may be maintained.</p> <p>Flooding from any source is not sustainable and does not provide wider community benefits. Surface water flooding, the most probable source of flooding, appears to have been ignored. It must be considered as part of the site suitability test for the allocation. The events of the 8th August</p>		<p>This comment appears to relate to Appendix B Flood Risk Design linked to Policy DM21 – Sites in Areas of Flood Risk (now LP22) not LP21 Renewable Energy.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>2014 where areas of West Norfolk experienced an extreme rainfall event confirm this. Nine instances of flooding in Outwell/Upwell were reported to the LLFA as a result of this event.</p> <p>In respect of surface water disposal our position is as follows: “National guidance promotes the management of water in a sustainable way to mimic the surface water flows from development, thus discouraging the discharge of unregulated flows of surface water to sewers and watercourses. This, however, primarily refers to gravity systems which serve most of the country.</p> <p>Whilst the Commissioners and associated Boards generally support adherence to national guidance where appropriate this can, to a certain extent, depend on the individual circumstances of the site or receiving watercourse system. Unlike most of the country, the majority of Fenland is served by pumped drainage systems with low hydraulic gradients with any run-off generally being stored within them, often at great length of time, before being discharged into the River system and thus reducing any impact on the peak flow within the river system. A major concern regarding the use of grey water recycling, infiltration devices, attenuation storage systems and other SuDS, although not necessarily our problem at this time, is the future maintenance of such devices which, if unmaintained, can become a liability resulting in drainage/flooding problems which have to be resolved at a cost to the owner and possibly the public purse. The resolution of this issue, which was considered as part of the Pitt Review, is still awaited. It is considered that, in some circumstances, an unregulated flow into the Board's managed system is the most appropriate long term solution. The associated contribution which will be received for making an unregulated direct discharge to the Board's system will ensure that it is maintained and continues to perform</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		its function and provides the appropriate Standard of Protection (SoP) at relatively small cost and with minimal environmental impact reducing the need to utilise natural resources and the impacts of climate change by reducing greenhouse gas emissions.”		
Norfolk Coast Partnership (AONB)		<ul style="list-style-type: none"> • We support LP21 		Support is noted.
Climate Emergency Planning and Policy (CEEP)		<p>6.5 LPR – LP21 - Legal and Policy Framework: Renewable Energy</p> <p>The government’s Clean Growth Strategy encourages the Low Carbon Economy and promoting renewable energy.</p> <p>NPPF2 148 states: “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”</p> <p>NPPF2 151 states: “To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; ...”</p> <p>6.6 LPR - LP21 - Renewable Energy Policy</p>		A separate Climate Change policy is included in the Plan incorporating a Merton style policy. The new first criterion of LP21 sets out a more supportive approach to renewable energy developments in line with the NPPF.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>This is covered on pages 111 and 112. This policy appears to be designed to restrict renewable energy development, particularly on-shore wind, and is counter to the NPPF2 above.</p> <p>6.7 LPR – No on-site/development Renewable Energy policy</p> <p>There is no ‘Merton Rule’ type requirement for a minimum percentage of energy in new developments to be from on-site renewable or decentralised sources. The renewable energy industry is one of the great success stories of the last decade and a high percentage of on-site renewable energy can now be provided: for example, the London Plan, requires new developments’ carbon emissions to be 35 per cent lower than the baseline of Building Regulations, which in practice means roughly 35 per cent of energy must come from on-site renewables.</p> <p>It is a glaring omission that no stand-alone policy exists for this in the LPR, with a required threshold for percentage of on-site generation, although on-site renewable energy is mentioned LP16, paragraph 7.</p> <p>6.8 LPR – No energy efficiency policy</p> <p>LP16, “Design and Sustainable Development” paragraph 3, does refer to high standards of sustainability and energy efficiency. However, the Borough should be setting its own high standard and encouraging innovation beyond it.</p> <p>The EU Energy Performance of Buildings Directive requires all new buildings to be nearly zero-energy by the end of 2020. As this is already law, the default position is that it will continue to apply to the UK if Brexit happens. The plan should do its utmost to make high energy efficiency standards in new homes the normal in the Borough, if it cannot make them</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>mandatory. At the absolute minimum, a design code should be drawn up encouraging zero-carbon buildings and setting out possible approaches to this. Innovative, but tried and tested, building methods like passivhaus should be actively encouraged. Above, CEPP note that BCKL&WN per-capita domestic emissions are second highest in Norfolk. The modification recommended above to LP21 and LP16 would help improve BCKL&WN performance.</p>		
<p>Consultations Team Natural England</p>	<p>Object</p>	<p>We generally support policy wording and the requisite for detailed assessment alone and in combination. However, we advise that there is a requirement to demonstrate that projects will not have any adverse impact on internationally and nationally designated sites and landscapes to ensure their protection in line with the NPPF. As currently worded, the policy does not offer sufficient protection to these sites in accordance with the NPPF and is therefore not considered to be sound.</p> <p>We welcome that the policy seeks to protect best and most versatile land in accordance with paragraph 170 of the NPPF.</p>	<p>We recommend that renewable energy projects are considered strategically in terms of timing of works, in particular cable lines and grid connections to minimise disturbance.</p> <p>Air quality impacts should be considered both during construction and decommission, specifically the effects on local roads within vicinity of the proposal on nearby designated nature conservation sites.</p>	<p>Noted.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>We consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification.</p> <p>APIS provides a searchable database and information on pollutants and their impacts on habitats and species.</p> <p>Net gain is embedded in the Governments 25 Year Environment Plan (25YEP) as a key action for ensuring that land is used and managed sustainably.</p> <p>National Infrastructure Projects can make a significant contribution to delivering the environmental ambition</p>	

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			in the Government's 25 YEP through net gain.	
Mr Craig Barnes	Object	<p>Gladman is concerned that the application of part 2 of the policy would lead to significant restrictions on new development and establishes an approach to new development which goes beyond National Policy. The policy outlines that the Council will resist proposals which result in a significant loss of agricultural land or where best and most versatile land is to be used. This means that any development of best and most versatile development is likely to be refused.</p> <p>Gladman consider that this departs somewhat from the consideration of value which is set out in Paragraph 170 of the NPPF.</p> <p>Gladman believe that the approach of National Planning Policy seeks to ensure that the retention and protection of best and most versatile land is to attract weight in the decision-making process, and to be considered in the overall planning balance rather than attracting an outright refusal as advocated in Policy LP21.</p>	<p>To better reflect the NPPF, Gladman consider that the wording of Policy LP21 should be amended to: "In addition to the above factors, the Borough Council will seek to protect productive agricultural land, and best and most versatile land. Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss."</p>	<p>Agree include the suggested wording to replace LP21 2 in line with national guidance.</p>

Draft Policy LP21 Renewable Energy Policy (previously DM20)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](#)

Consideration of issues:

The main issues raised by consultees were:

- Would like to see a more supportive approach to renewable energy.

The resulting changes recommended to the policy and supporting text are set out below.

Policy Recommendation:

Strategic Policy

Policy LP21 - Renewable Energy

5. Proposals will be supported and considered in the context of contributing to the achievement of sustainable development and adapting to climate change. Proposals made by a local community and through neighbourhood plans for the development of renewable and low-carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects will be supported.

6. Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:

- a. sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB),
- b. sites of Special Scientific Interest (SSSIs) and Ramsar Sites;
- c. the surrounding landscape and townscape;
- d. designated and un-designated heritage assets, including the setting of assets;
- e. ecological interests (species and habitats);
- f. amenity (in terms of noise, overbearing relationship, air quality and light pollution);
- g. contaminated land;
- h. water courses (in terms of pollution);
- i. public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks); and
- j. tourism and other economic activity.

7. In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

- a. there is a significant loss of agricultural land; or
- b. where land in the best and most versatile grades of agricultural land⁽⁶⁾ are proposed to be used.

In addition to the above factors, the Borough Council will seek to protect productive agricultural land and best and most versatile land⁽⁶⁾. Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss.

8. Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

LP21 Renewable Energy Policy (previously DM20)

Introduction

6.8.1 The Climate Change Act (2008) introduced a target of reducing greenhouse gas emissions by 80% by the year 2050. In line with government targets there have been increasing applications for development that harness renewable energy in the Borough, particularly in the form of wind turbines and photovoltaic panels. The NPPF at Para 152 advises that "Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."

6.8.2 Strategic Policy LP16 Sustainable Development outlines that the generation of energy from renewable sources will be supported and encouraged. Permission will be given unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits. The National Planning Policy Framework also states that local planning authorities should approve applications for renewable energy development if its impacts are (or can be made) acceptable. This policy aims to balance the need for renewable energy developments and the impact on the local area and local people.

Relevant Local and National Policies

- Climate Change Act 2008
- National Planning Policy Framework: Meeting the Challenge of Climate Change, Flooding and Coastal Change

- Strategic Policy LP16: Design and Sustainable Development
- Borough Council of King's Lynn & West Norfolk: Small-scale wind turbine noise and shadow flicker guidance
- Planning Practice Guidance
- Marine Policy Statement/East Marine Plan Policies:
 - GOV1 Landward Infrastructure
 - WIND2 Offshore Windfarms
 - EC3 Offshore Wind
 - SOC3 Character
 - FISH1 Fishing Activity
 - FISH2 Spawning and Nursery Areas
 - CAB1 Subsea Cabling

Policy Approach

6.8.3 This policy defines the criteria against which applications for renewable energy will be considered to provide clarity for developers and the wider public. However it does not apply to wind energy proposals. Decisions regarding wind energy will rely on national policy and guidance in the renewable and low carbon energy section of the Planning Practice Guidance. The approach is to minimise any adverse impact from renewable energy development including that from the decommissioning of any renewable energy technology. The Council will provide a consistent cross boundary approach with neighbouring North Norfolk District Council by affording greater protection from development within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). It details factors that need to be considered so that a judgement can be made on the potential acceptability of impacts.

Sustainability Appraisal:

LP21 Renewable Energy

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect.

LP21: Renewable Energy																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP21	0	0	0	+	+	+	++	+	+	+	0	0	0	0	0	0	0	0	0	0	+8	0	Likely Positive Effect +8
Draft LP21	0	0	0	+	+	+	++	+	+	+	0	0	0	0	0	0	0	0	0	0	+8	0	Likely Positive Effect +8
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Town Clerk Hunstanton Town Council	Object	LP 21 does not deal with wind energy developments, so another policy should apply.		The supporting text 6.8.3 states that “Decisions regarding wind energy will rely on national policy and guidance in the renewable and low carbon energy section of the Planning Practice Guidance.”
Conservation Officer Norfolk Wildlife Trust	Object	The Planning Act 2008, Section 182 states 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’. Whilst policy LP16 gives broad support to renewable energy development, it is not clear how this broad support will translate into securing a contribution to mitigation of, and adaptation to climate change. Policy LP21 appears to mostly focus on the circumstances where the Council would not permit renewable energy development. Whilst we agree that renewable energy proposals should be assessed against impacts on sensitive receptors such as those set out in section 1 of policy LP21, we recommend that the policy wording is revised to reflect the high level support for renewable energy provision through the local plan. The policy should also include targets for emissions reductions and requirements for renewable energy provision. Examples from other local authorities of potential policy wording include - Policy EN1: Carbon Dioxide Emissions of Leeds City Council Core Strategy sets targets for emissions and low carbon energy provision on new development, policy GM15: Carbon Emissions of the draft Greater Manchester Spatial Framework sets out a carbon emissions reduction		The new first criterion sets out a more supportive approach to renewable energy developments.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>target, whilst policy SI2 of the draft London Plan states that major development should be net zero-carbon. (Source: Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change, TCPA/ RTPI, December 2018).</p>		
<p>Planning Engineer Middle Level Commissioners</p>	<p>Object</p>	<p>B Flood Risk Design</p> <p>Your Council’s approach appears to be consistent with current national policy as detailed in the NPPF but, as discussed previously, this guidance is generic and “broad brush”. As a result it is considered that the proper and detailed consideration of local flood risk and water level management issues considering all sources of risk must be considered at all stages of the decision making process including the allocation of development sites and generally within the planning making process is most important. This is considered to be extremely relevant given the special circumstances within the Fens and its reliance on man-made systems and intervention.</p> <p>As you are aware considerable concern has previously been raised by the content of both the data within the SFRA and the EA’s extents which predated the Commissioners’ new pumping station at St Germans. It is understood that the SFRA has recently been revised but given that neither the Commissioners or its associated Boards were involved in the documents detailed production it is not known whether it is appropriate in respect of our interests. It is considered that without the Commissioners’ and associated relevant Boards’ input a misleading representation of flood risk may be maintained.</p> <p>Flooding from any source is not sustainable and does not provide wider community benefits. Surface water flooding, the most probable source of flooding, appears to have been ignored. It must be considered as part of</p>		<p>This comment appears to relate to Appendix B Flood Risk Design linked to Policy DM21 – Sites in Areas of Flood Risk (now LP22) not LP21 Renewable Energy.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>the site suitability test for the allocation. The events of the 8th August 2014 where areas of West Norfolk experienced an extreme rainfall event confirm this. Nine instances of flooding in Outwell/Upwell were reported to the LLFA as a result of this event.</p> <p>In respect of surface water disposal our position is as follows: “National guidance promotes the management of water in a sustainable way to mimic the surface water flows from development, thus discouraging the discharge of unregulated flows of surface water to sewers and watercourses. This, however, primarily refers to gravity systems which serve most of the country.</p> <p>Whilst the Commissioners and associated Boards generally support adherence to national guidance where appropriate this can, to a certain extent, depend on the individual circumstances of the site or receiving watercourse system. Unlike most of the country, the majority of Fenland is served by pumped drainage systems with low hydraulic gradients with any run-off generally being stored within them, often at great length of time, before being discharged into the River system and thus reducing any impact on the peak flow within the river system. A major concern regarding the use of grey water recycling, infiltration devices, attenuation storage systems and other SuDS, although not necessarily our problem at this time, is the future maintenance of such devices which, if unmaintained, can become a liability resulting in drainage/flooding problems which have to be resolved at a cost to the owner and possibly the public purse. The resolution of this issue, which was considered as part of the Pitt Review, is still awaited. It is considered that, in some circumstances, an unregulated flow into the Board's managed system is the most appropriate long term solution. The associated contribution which will be received for making an unregulated direct discharge to the</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>Board's system will ensure that it is maintained and continues to perform its function and provides the appropriate Standard of Protection (SoP) at relatively small cost and with minimal environmental impact reducing the need to utilise natural resources and the impacts of climate change by reducing greenhouse gas emissions.”</p>		
<p>Norfolk Coast Partnership (AONB)</p>		<ul style="list-style-type: none"> • We support LP21 		<p>Support is noted.</p>
<p>Climate Emergency Planning and Policy (CEEP)</p>		<p>6.5 LPR – LP21 - Legal and Policy Framework: Renewable Energy</p> <p>The government’s Clean Growth Strategy encourages the Low Carbon Economy and promoting renewable energy.</p> <p>NPPF2 148 states: “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”</p> <p>NPPF2 151 states: “To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; ...”</p>		<p>A separate Climate Change policy is included in the Plan incorporating a Merton style policy. The new first criterion of LP21 sets out a more supportive approach to renewable energy developments in line with the NPPF.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>6.6 LPR - LP21 - Renewable Energy Policy</p> <p>This is covered on pages 111 and 112. This policy appears to be designed to restrict renewable energy development, particularly on-shore wind, and is counter to the NPPF2 above.</p> <p>6.7 LPR – No on-site/development Renewable Energy policy</p> <p>There is no ‘Merton Rule’ type requirement for a minimum percentage of energy in new developments to be from on-site renewable or decentralised sources. The renewable energy industry is one of the great success stories of the last decade and a high percentage of on-site renewable energy can now be provided: for example, the London Plan, requires new developments’ carbon emissions to be 35 per cent lower than the baseline of Building Regulations, which in practice means roughly 35 per cent of energy must come from on-site renewables.</p> <p>It is a glaring omission that no stand-alone policy exists for this in the LPR, with a required threshold for percentage of on-site generation, although on-site renewable energy is mentioned LP16, paragraph 7.</p> <p>6.8 LPR – No energy efficiency policy</p> <p>LP16, “Design and Sustainable Development” paragraph 3, does refer to high standards of sustainability and energy efficiency. However, the Borough should be setting its own high standard and encouraging innovation beyond it.</p> <p>The EU Energy Performance of Buildings Directive requires all new buildings to be nearly zero-energy by the end of 2020. As this is already law, the default position is that it will continue to apply to the UK if Brexit happens. The plan should do its utmost to make high energy efficiency</p>		

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>standards in new homes the normal in the Borough, if it cannot make them mandatory. At the absolute minimum, a design code should be drawn up encouraging zero-carbon buildings and setting out possible approaches to this. Innovative, but tried and tested, building methods like passivhaus should be actively encouraged. Above, CEPP note that BCKL&WN per-capita domestic emissions are second highest in Norfolk. The modification recommended above to LP21 and LP16 would help improve BCKL&WN performance.</p>		
<p>Consultations Team Natural England</p>	<p>Object</p>	<p>We generally support policy wording and the requisite for detailed assessment alone and in combination. However, we advise that there is a requirement to demonstrate that projects will not have any adverse impact on internationally and nationally designated sites and landscapes to ensure their protection in line with the NPPF. As currently worded, the policy does not offer sufficient protection to these sites in accordance with the NPPF and is therefore not considered to be sound.</p> <p>We welcome that the policy seeks to protect best and most versatile land in accordance with paragraph 170 of the NPPF.</p>	<p>We recommend that renewable energy projects are considered strategically in terms of timing of works, in particular cable lines and grid connections to minimise disturbance.</p> <p>Air quality impacts should be considered both during construction and decommission, specifically the effects on local roads within vicinity of the proposal on nearby designated nature conservation sites.</p>	<p>Noted.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>We consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification.</p> <p>APIS provides a searchable database and information on pollutants and their impacts on habitats and species.</p> <p>Net gain is embedded in the Governments 25 Year Environment Plan (25YEP) as a key action for ensuring that land is used and managed sustainably.</p> <p>National Infrastructure Projects can make a significant contribution to delivering the environmental ambition</p>	

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			in the Government's 25 YEP through net gain.	
Mr Craig Barnes	Object	<p>Gladman is concerned that the application of part 2 of the policy would lead to significant restrictions on new development and establishes an approach to new development which goes beyond National Policy. The policy outlines that the Council will resist proposals which result in a significant loss of agricultural land or where best and most versatile land is to be used. This means that any development of best and most versatile development is likely to be refused.</p> <p>Gladman consider that this departs somewhat from the consideration of value which is set out in Paragraph 170 of the NPPF.</p> <p>Gladman believe that the approach of National Planning Policy seeks to ensure that the retention and protection of best and most versatile land is to attract weight in the decision-making process, and to be considered in the overall planning balance rather than attracting an outright refusal as advocated in Policy LP21.</p>	<p>To better reflect the NPPF, Gladman consider that the wording of Policy LP21 should be amended to: "In addition to the above factors, the Borough Council will seek to protect productive agricultural land, and best and most versatile land. Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss."</p>	<p>Agree include the suggested wording to replace LP21 2 in line with national guidance.</p>

Draft Policy LP22 Sites in Areas of Flood Risk (previously DM21)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](https://objective.co.uk)

Consideration of issues:

The main issues raised by consultees were:

- Anglian Water commented that the Policy is focused on the potential for fluvial flooding and surface water flooding. They recommend that it includes reference to both surface water and foul sewerage systems and the potential risk of flooding from these sources. They also recommend that it includes a requirement to demonstrate that a surface water connection to the public sewerage network is a last resort only once the applicant has demonstrated they have followed the surface water hierarchy as outlined in Part H of the Building Regulations and the NPPG.
- The EA suggest the Policy should state that the development must not increase the risk of flooding within the development site or in the surrounding area. Some wording is also required to ensure that development will be resistant and resilient to flooding for its lifetime. An assessment of access and egress is also needed. Comment regarding consideration of the impact of climate change is needed.
- The need to define how the exception test will be applied and whether the flood risk assessment should be limited to the site or should include access to the site.
- Natural England wish to see the inclusion of text to ensure the protection of internationally and nationally designated sites in addition to other natural environment assets such as the AONB. They also advise that reference should be made to multifunctional SUDS.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

Include the changes to the policy as recommended by Anglian Water, the Environment Agency and Natural England.

Policy Recommendation:

Strategic Policy

Where sites are at risk of flooding as in flood risk Zones 2 and 3 identified by the Council's Strategic Flood Risk Assessment or more recent Environment Agency mapping and there are no other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding:

1. These will be subject to (and no relevant planning permission will be granted before):
 - a. a site specific flood risk assessment that considers flood risk from all sources and demonstrates that satisfactorily demonstrating the proposed development will be safe for its lifetime, taking climate change into account, and with regard to the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. And The flood risk assessment will need to consider:
 - Climate change in line with allowances detailed in the latest national guidance.
 - The vulnerability of the users of the proposed development.
 - Safe access and egress to an area of safe refuge in line with the Flood Risk Assessment Guidance for New Development (FD2320) document
 - b. satisfactory demonstration that any design or development features necessary to address flood risk issues are compatible with heritage assets in the vicinity (including conservation areas and listed buildings), local visual amenity and (where relevant) to ensure the protection of internationally and nationally designated sites in addition to other natural environment assets such as the landscape and scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty.
2. For allocated sites the sequential test set out in the National Planning Policy Framework (NPPF) policy 158 is deemed to be met by the allocation process, as set out in the Planning Practice Guidance - Flood Risk and Climate Change, so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest.
3. In relation to the exceptions test set out in the NPPF policy 159:
 - a. the first part (demonstration of wider sustainability benefits) is deemed to be met by the allocation process; and

- b. the second part (site specific flood risk assessment, etc.) is not deemed to be met by the allocation process, and shall remain the responsibility of the prospective developer. No relevant planning permission shall be granted unless and until this second part of the test is met, as set out in section 1 of this policy, above;
4. The design of new dwellings will be in accordance with the Environment Agency/Borough Council Flood Risk Design Guidance (Appendix B).
5. The Borough Council will take into account advice from the Lead Local Flood Authority and the King's Lynn and West Norfolk Settlements Surface Water Management Plan to ensure that where a serious and exceptional risk of surface water flooding exists adequate and appropriate consideration has been given to mitigating the risk.
6. Mitigation measures should minimise the risk of flooding on the development site and within the surrounding area.
7. **Development proposals should demonstrate:**
 - **The use of multifunctional Sustainable Drainage Systems (SuDs) unless it can be demonstrate that it is not feasible;**
 - **That adequate foul water treatment and disposal already exists or can be provided in time to serve the development;**
 - **That no surface water connections are made to the foul system and connections to the combined or surface water system is only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments);**
 - **That foul and surface water flows are separated where possible.**

LP22 Sites in Areas of Flood Risk (previously DM21)

Introduction

6.9.1 Because of the number and small size of many of the potential allocations, particularly in rural parts of the Borough, it is often not practicable to obtain a site specific flood risk assessment and a detailed examination of its implications in advance of allocation. A Surface Water Management Plan (SWMP) was prepared by the Lead Local Flood Authority (LLFA), Norfolk County Council, for King's Lynn and West Norfolk Settlements (Stage 1 2010, Stage 2 2012). This identified areas which are particularly vulnerable to surface water flooding. The SWMP defines Local Flood Risk Zones which led to Critical Drainage Catchments (catchment areas feeding into these flood-vulnerable areas) being identified. Any development within them is likely to increase the risk of flooding in the most vulnerable areas if no mitigation takes place.

6.9.2 In 2017 a consortium of Norfolk local planning authorities commissioned new Level 1 SFRA to inform strategic planning decisions, the preparation of local plans and to inform development management decisions. The new SFRA for the Borough was finalised in November 2018. A Level 2 SFRA will also be completed early in 2019. These documents form the basis of the Borough's approach to the Sequential and Exception tests and inform the Sustainability Appraisal of the plan.

Relevant Local and National Policies

- National Planning Policy Framework: Meeting the challenge of climate change, flooding and coastal change
- National Planning Practice Guidance
- Strategic Policies:
 - LP14 Development in Coastal Areas
 - LP16 Sustainable Development
- Joint Protocol (2012) on Strategic Flood Risk Assessment and Tidal River Hazard Mapping, Environment Agency and Borough Council
- The Wash Shoreline Management Plan (SMP) (Nov 2010)
- Marine Policy Statement/East Marine Plan Policy CC1 Climate Change

Policy Approach

6.9.3 In order to comply with the full requirements for the Exception test in advance of any development in such areas, such allocations are explicitly made subject to the requirements still outstanding. This is done by linking those allocations to a specific development management policy on the topic, as follows. In relation to surface water flooding the policy provides for the advice of the LLFA and findings of the SWMP to lead to a requirement for appropriate mitigation measures. The Government introduced a requirement in April 2015 for sustainable drainage systems to be provided as part of all major development (i.e. residential developments of 10+ houses; equivalent non-residential and/or mixed developments) with drainage implications.

6.9.4 When development is proposed in, or nearby to areas of flood risk, opportunities should be taken to reduce the existing risk of flooding. Development proposals should promote flood risk reduction, enabling opportunities identified in the SFRA. This may include reducing surface water discharge rates and volumes, providing increased flood storage or conveyance capacity, setting aside green space that could be used for water storage in future, or integrating or retrofitting surface water measures to replace and/or augment existing drainage infrastructure.

The development must not increase the risk of flooding within the development site or in the surrounding area. It will need to be demonstrated that development will be resistant and resilient to flooding for its lifetime. An assessment of access and egress is also needed.

In relation to the consideration of the impact of climate change the allowances considered must be in accordance with the latest national guidance.

6.9.5 Internal Drainage Boards (IDBs) are local public authorities that manage water levels. They are an integral part of managing flood risk and land drainage within areas of special drainage need. IDBs input into the planning system by facilitating the drainage of new and existing developments within their districts and advising on planning applications as non-statutory consultees.

Sustainability Appraisal:

LP22 Sites in Areas of Flood Risk

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect.

LP22: Sites in Areas of Flood Risk																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP22	0	0	0	0	0	0	0	++	0	0	++	+	0	0	0	0	0	0	0	+	+6	0	Likely Positive Effect +6
Draft LP22	0	0	0	0	0	0	0	++	0	0	++	+	0	0	0	0	0	0	0	+	+6	0	Likely Positive Effect +6
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Anglian Water Services Ltd	Object	Policy LP22 as drafted is focused on the potential for fluvial flooding and surface water flooding. We would recommend that Policy LP22 includes reference to both surface water and foul sewerage systems and the potential risk of flooding from these sources. In addition we would recommend that the policy include a requirement to demonstrate that a surface water connection to the public sewerage network is a last resort only, with applicant having demonstrated they have followed the surface water hierarchy as outlined in Part H of Building Regulations and the NPPG.	<p>Therefore it is suggested that Policy LP22 includes the following additional text: ‘Development proposals should demonstrate:</p> <ul style="list-style-type: none"> • ‘Use of Sustainable Drainage Systems (SuDs) unless it can be demonstrate that it is not feasible; • That adequate foul water treatment and disposal already exists or can be provided in time to serve the development; • That no surface water connections are made to the foul system and connections to the combined or surface water system is only made in exceptional 	Agree – include the suggested wording.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments);</p> <ul style="list-style-type: none"> • That foul and surface water flows are separated where possible; 	
<p>Planning Advisor Environment Agency</p>	<p>Object</p>	<p>The wording regarding opportunities to reduce existing risk of flooding is positive, but some comment to state that the development must not increase the risk of flooding within the development site or in the surrounding area is needed to strengthen the point.</p> <p>Some wording to state that it will need to be demonstrated that development will be resistant and resilient to flooding for its lifetime is required.</p> <p>An assessment of access and egress is also needed.</p>		<p>Agree – amend wording accordingly.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>Comment regarding consideration of the impact of climate change is needed. This should state explicitly that climate change allowances considered must be in accordance with the latest national guidance.</p> <p>There is potentially a large amount of information to be covered here and it may be more appropriate to split into bullet point sections for clarity.</p>		
Planning Advisor Environment Agency	Object	<p>Strategic Policy</p> <p>There is no reference to the sequential test. The first consideration appears to be applying the exception test without assessing whether development could be located in areas at lower risk of flooding. This also only makes reference to Flood Zones 2 and 3. There may be areas within the THM outlines that are outside FZs 2 and 3. The design guidance relates solely to the exception test. The flood risk policy should consider the sequential test first. Given the complexity of flood risk within the borough, a policy position which clarifies the NPPF position would be beneficial.</p>	Consider rewording to: 'Where sites are at risk of flooding as identified by the Council's SFRA or more recent Environment Agency mapping, and there are no other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.	Agree – amend policy accordingly.
Planning Advisor Environment Agency	Object	6.9.2 - ...The new SFRA for the Borough was finalised in November 2018. A Level 2 SFRA will also be completed early in 2019. These	If sites are already allocated in the plan in	Disagree - The draft Level 2 SFRA was available to the

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>documents form the basis of the Borough’s approach to the Sequential and Exception tests and inform the Sustainability Appraisal of the plan.</p> <p>Some commentary on the outputs from the SFRA would be beneficial – e.g. SFRA indicates risk of flooding in areas by establishing flood zones.</p> <p>When will the Level 2 SFRA be available?</p>	<p>advance of the outputs of the Level 2 SFRA how has it been demonstrated that the sites represent sustainable development from a flood risk perspective?</p>	<p>Council when sites were being considered. It was published in its final form in July 2019.</p>
<p>Planning Advisor Environment Agency</p>	<p>Object</p>	<p>Strategic Policy</p> <p>More detail is required under point 1a. to make reference to detailed requirements of flood risk assessments (FRA).</p>	<p>Consider rewording to: ‘A site specific FRA that considers flood risk from all sources and demonstrates that the proposed development will be safe for its lifetime without increasing flood risk elsewhere and, where possible, reducing flood risk overall. The FRA will need to consider:</p> <ul style="list-style-type: none"> • Climate change in line with allowances detailed 	<p>Agree – amend wording accordingly.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>in the latest national guidance.</p> <ul style="list-style-type: none"> • The vulnerability of the users of the proposed development. • Safe access and egress to an area of safe refuge in line with the Flood Risk Assessment Guidance for New Development (FD2320) document’. 	
Norfolk Coast Partnership (AONB)	Support	We support LP22.		Support is noted and welcomed.
Elmside Ltd	Object	With regard to Policy LP22 3. a. it is considered that the application of the sequential test should not be confined to the “allocation process”.		Disagree - the policy is not confined to the allocation process.
Parish Clerk Holme-Next-The-Sea Parish Council	Object	Please define clearly how the exception test will be applied by the BC and whether the flood risk assessment should be limited to the site or should include access to the site.		Agree – this will be clarified in line with the EA comment/response above.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
FK Coe & Son	Object	<p>The policy requires that, where sites are in Flood Zones 2 and 3, and are identified by the Council’s SFRA and more recent mapping, they will be subject to:</p> <p>a) a site specific Flood Risk Assessment, satisfactorily demonstrating that the development will be safe for its lifetime, taking climate change into account, and with regard to the vulnerability of its users, without increasing flood risk elsewhere, and where possible, reducing flood risk overall; and</p> <p>b) satisfactory demonstration that any design or development features necessary to address flood risk issues are compatible with heritage assets in the vicinity (including conservation areas and listed buildings), local visual amenity and (where relevant), the landscape and scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty.</p> <p>Our client’s sites are all in Flood Zone 1, the area at least risk of flooding, with the exception of part of Land east of Church Close, Vong Lane, Grimston, the eastern part of which has been identified as lying within fluvial flood risk zone 3 on the Environment Agency’s maps.</p>		This is a comment promoting a particular site(s) in Grimston and does not suggest changes to the policy wording. Noted but no change required.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>However, a site specific Flood Risk Assessment (FRA) and Flood Risk Model has been commissioned by our clients, to verify the Environment Agency findings. The FRA concludes that there is a very small area of the eastern part of the site which lies in Fluvial Flood Zone 2. The FRA also finds that the eastern part of the site is vulnerable to surface water flooding. However, the FRA confirms that the majority of the site lies in Flood Zone 1, the area at the lowest risk of flooding.</p>		
<p>Consultations Team Natural England</p>	<p>Mixed</p>		<p>We support Policy LP22 to manage flood risk but request that point 1b includes additional text to ensure the protection of internationally and nationally designated sites in addition to other natural environment assets such as the AONB.</p> <p>We advise that reference is made to multifunctional SUD's.</p>	<p>Support noted and welcomed.</p> <p>Agree – include wording as suggested as amendment to point 1b.</p> <p>Agree – include reference to multifunctional SUDS.</p>

Draft LP23 Protection of Local Open Space (previously DM22)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](#)

Consideration of issues:

No adverse comments were received in relation to this policy. No changes are therefore needed to the policy.

Officer Recommendations to Task Group:

The Task Group is recommended to:

20) Retain the existing policy.

Policy Recommendation:

Policy LP23 - Protection of Local Open Space

1. The Council will have careful regard to the value of any area of open space when assessing planning applications for development. In assessing the contribution that an area of open space plays, the Council will consider the following factors:
 - a. public access;
 - b. visual amenity;
 - c. local distinctiveness;
 - d. landscape character;
 - e. recreational value;
 - f. biodiversity, geodiversity

- g. cultural value and historic character
 - h. whether the site has been allocated for development in the Local Plan.
2. Proposals that will result in the loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.
 3. The Borough Council will support local communities in designating local green space for protection in neighbourhood plans where this:
 - a. meets the criteria for local green space as detailed in the National Planning Policy Framework; and
 - b. does not conflict with other policies in the Borough's Local Plan.

Supporting text:

LP23 Protection of Local Open Space (previously DM22)

Introduction

6.10.1 It is important to retain valued recreational and amenity open space in towns and villages. Parks, playing fields, ponds, woodlands, informal open spaces and allotments all provide opportunities for sport, recreation, leisure and biodiversity. It is important that people, particularly children and elderly people, should have access to open spaces close to where they live.

6.10.2 The value of a healthy natural environment as the foundations of sustained economic growth, prospering communities and personal wellbeing is recognised by the National Planning Policy Framework (NPPF).

6.10.3 It is important that existing green infrastructure and open space is protected and enhanced to support new development in the Borough, particularly in respect of King's Lynn's urban expansion. This is supported by Strategic policies LP17, LP32 and LP05. Policy LP17 indicates that it may be necessary to secure biodiversity needs through planning conditions/obligations. LP17 also highlights the crucial role of the historic and built environment in delivering environmental quality and well-being. Policy LP32 indicates that the Borough Council will support proposals that protect, retain and/or enhance sports, leisure and recreation facilities and Policy LP05 sets out that obligations from developers will be sought through Section 106 legal agreements for allotments, indoor/outdoor sports facilities and green infrastructure.

Relevant Local and National Policies

- National Planning Policy Framework: Promoting Healthy and Safe Communities
- National Planning Policy Framework: Conserving and Enhancing the Natural Environment
- National Planning Policy Framework: Conserving and Enhancing the Historic Environment
- 25 Year Environment Plan (2018)
- Strategic Policies:
 - LP17 Environmental Assets
 - LP32 Community and Culture
 - LP05 Infrastructure Provision
- Green Infrastructure Strategy (2009/2010)

Policy Approach

6.10.4 The National Planning Policy Framework sets policy designed to avoid the loss of open space, sports and recreational buildings and land, and provides the opportunity for local communities to identify certain types of important local green spaces through a neighbourhood plan.

6.10.5 Response to the consultation indicated a desire to provide a greater level of protection for locally important open spaces. The policy approach aims to ensure the amenity value of any local open space is fully considered and to maintain a balance between protecting locally important open space and enabling sustainable development within and adjacent to settlements.

Sustainability Appraisal:

LP23 Protection of Open Space

This policy is unchanged. The proposed policy was previously assessed as having a positive effect.

LP23: Protection of Open Space																							
Policy	SA Objective:																					Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+		-
LP23	+	0	+	+	+	0	+	+	+	0	+	++	0	++	0	+	0	0	++	+	+16	0	Likely Positive Effect +16
Draft LP23	+	0	+	+	+	0	+	+	+	0	+	++	0	++	0	+	0	0	++	+	+16	0	Likely Positive Effect +16
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
STP Estates Group (inc. West Norfolk NHS Clinical Commissioning Group, Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, Norfolk Community Health and Care NHS Trust, Norfolk and Suffolk NHS Foundation Trust)	Support	The STP Estates group aims to ensure that elements that contribute to health and wellbeing, such as leisure facilities and green space, are not overlooked. Access to green space has recently been highlighted in the publication of the UK Government's 'A green future: our 25 year plan to improve the environment'. This was published in January 2018 and includes detail in Chapter 3 on helping people to improve their health and wellbeing by using green spaces. This includes considering the impact this has on mental health and how associated services can improve mental health. It is therefore imperative that access to green space is maintained and managed in a consistent manner.		Support noted and welcomed.
Consultations Team Natural England	Support	Natural England welcome the protection Policy LP23 affords to local open space.		Support noted and welcomed.

Draft Policy LP24 Habitats Regulations Assessment (HRA) (Formerly part of DM19)

Link to draft policy and comments in full received from the draft consultation stage:

[Local Plan Review 2019 - Keystone \(objective.co.uk\)](https://objective.co.uk)

Consideration of issues:

The main issues raised by consultees were:

- The supporting text should reference the work/surveys of Footprint Ecology which indicate the importance of distance from the Protected Sites in determining the level of visitor pressure to be expected. In the case of settlements in the immediate vicinity of the Protected Site it seems unlikely that Suitable Alternative Natural Greenspaces (SANGs) will work as a mitigation measure. The importance of joint and cumulative impacts of development should be stressed (currently no mention of these). Need to make explicit that specific mitigation is needed to address the damage done by a specific project – it is not sufficient just to make general mitigation provisions.
- Natural England were concerned that the current amount of £50 per dwelling is not adequate at the Borough level and advised that the strategy be reviewed with the Local Plan. They would also like to see the European sites listed in the policy or supporting text.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 21) in the supporting text reference the work/surveys of Footprint Ecology and the Green Infrastructure (GI) and Recreational Impact Avoidance and Mitigation Strategy (RAMS);**
- 22) include a list of the European sites.**

Policy Recommendation:

Policy LP24 - Habitats Regulations Assessment (HRA)

In relation to Habitats Regulations Assessment (HRA) monitoring and mitigation the Council has endorsed a Monitoring and Mitigation Strategy including:

1. Project level HRA to establish affected areas (SPA, SAC, RAMSAR) and a suite of measures including all/some of:
 - a. provision of an agreed package of habitat protection measures, to monitor recreational pressure resulting from the new allocations and, if necessary, mitigate adverse impacts before they reach a significant threshold, in order to avoid an adverse effect on the European sites identified in the HRA. This package of measures will require specialist design and assessment, but is anticipated to include provision of:
 - i. a monitoring programme, which will incorporate new and recommended further actions from the Norfolk visitor pressure study (2016) as well as undertaking any other monitoring not covered by the County-wide study.
 - ii. enhanced informal recreational provision on (or in close proximity to) the allocated site [Sustainable Accessible Natural Greenspace], to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on nearby relevant nature conservation sites. This provision will be likely to consist of an integrated combination of:
 - A. informal open space (over and above the Council's normal standards for play space);
 - B. landscaping, including landscape planting and maintenance;
 - C. a network of attractive pedestrian routes, and car access to these, which provide a variety of terrain, routes and links to the wider public footpath network.
 - iii. contribution to enhanced management of nearby designated nature conservation sites and/or alternative green space;
 - iv. a programme of publicity to raise awareness of relevant environmental sensitivities and of alternative recreational opportunities.
 2. Notwithstanding the above suite of measures the Borough Council will levy an interim Habitat Mitigation Payment of £50 per house to cover monitoring/small scale mitigation at the European sites.
 3. The Borough Council anticipates using CIL receipts for contributing to green infrastructure provision across the plan area.

4. An HRA Monitoring and Mitigation and GI Coordination Panel oversees monitoring, provision of new green infrastructure and the distribution of levy funding.

Supporting Text

LP24 Habitats Regulations Assessment (HRA) (Formerly part of DM19)

Introduction

6.11.1 The 2016 Habitats Regulations Assessment (HRA) identified potential effects on designated European sites of nature conservation importance from additional recreational pressure. The need for monitoring and, where necessary, a package of mitigation measures, both on and off site, were identified to ensure no adverse effects on European sites.

6.11.2 Footprint Ecology consultants completed a comprehensive study of visitor surveys at European protected sites across Norfolk during 2015 and 2016. This was published in 2017. The report was commissioned by the Norfolk Biodiversity Partnership/Norfolk County Council on behalf of all the planning authorities in Norfolk. This new data that also takes into account adjacent authorities' visitor impact means that there is a much more reliable source of evidence to inform plan preparation and assess cumulative impact. The overall conclusion of the report was that growth would cause greater visitor disturbance and therefore proportional mitigation would need to be addressed through local authorities' plan documents.

6.11.3 The report by Footprint Ecology on visitor pressure also outlined mitigation proposals which included:

- Restrictions on the activities of dog walkers;
- Implement site and access management. The extent of these will need to be agreed amongst Natural England and the relevant local authorities;
- Closing or re-routing of unofficial paths;
- Permanent or seasonal restrictions and or closures of sites, or adoption of new fencing;
- Operation of new car parking areas to draw visitors away from heavily-used or vulnerable sites;
- Allocating further Sustainable Accessible Natural Greenspace (SANG); and
- Adoption of interpretation materials.

6.11.4 Broadland, Breckland, Great Yarmouth, King’s Lynn & West Norfolk, North Norfolk, Norwich City and South Norfolk Councils and the Broads Authority (together forming the Norfolk Strategic Planning Framework (NSPF)), commissioned Place Services in April 2019 to prepare a Green Infrastructure (GI) and Recreational Impact Avoidance and Mitigation Strategy (RAMS). This study will form part of the evidence base for each of the authorities’ Local Plans and provides the basis for future agreements through the NSPF.

6.11.5 King’s Lynn and West Norfolk includes all or part of 15 internationally designated sites; an additional 4 sites outside the district are also considered within the scope of the HRA process. The sites within the Borough are listed below in Table 1. There are also a number of marine sites in the area – The Greater Wash Special Protection Area (SPA); Inner Dowsing, Race Bank and North Ridge Marine Protected Area (MPA) Special Area of Conservation (SAC); Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ); North Norfolk Sandbanks and Saturn Reef SAC; Southern North Sea MPA (candidate cSAC); Haisborough, Hammond and Winterton MPA SAC; Outer Thames Estuary SPA. Whilst it is extremely unlikely that any of the Borough Council’s plans or projects will impact the qualifying features of these sites, they are still included in the HRA due to their status and sensitivity to change.

Table 1

SPA	SAC	Ramsar
Breckland	Breckland (adjacent to Breckland Council)	Dersingham Bog
The North Norfolk Coast	Norfolk Valley Fens	North Norfolk Coast
The Ouse Washes	Ouse Washes	Ouse Washes
The Wash	Roydon Common and Dersingham Bog	Roydon Common
	The Wash and North Norfolk Coast	The Wash
	River Wensum	

Relevant Local and National Policies

- National Planning Policy Framework: Conserving and enhancing the natural environment
- 25 year Environment Plan (2018)

- Strategic Policies:
 - LP17 Environmental Assets
 - LP32 Community and Culture
 - LP05 Infrastructure Provision
- Green Infrastructure Strategy Stage 1 (2009) and Stage 2 (2010)
- Marine Policy Statement/East Marine Plan Policies:
 - BIO1-2 Biodiversity
 - ECO1 Cumulative Impacts
 - MPA1 Marine Protected Area
 - SOC3 Terrestrial and Marine Character

Sustainability Appraisal:

LP24 Habitats Regulation Assessment Policy

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect. DM19 Green Infrastructure / Habitats Monitoring and Mitigation has been split across two policies as the topics whilst related are distinct.

LP24: Habitats Regulation Assessment																							
Policy	SA Objective:																					Overall Effect	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	+		-
LP24	++	0	++	+	+	0	0	++	++	0	++	++	0	++	++	++	0	+	0	+	+22	0	Likely Positive Effect +22
Draft LP24	++	0	++	+	+	0	0	++	++	0	++	++	0	++	++	++	0	+	0	+	+22	0	Likely Positive Effect +22
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Conservation Officer Norfolk Wildlife Trust	Support	We support the inclusion of this policy, which is necessary in order to demonstrate that the housing allocations in the plan will not result in an adverse effect on the internationally important wildlife sites in the District, both on the coast and inland at sites such as Roydon Common.		Support noted and welcomed.
Norfolk Coast Partnership (AONB)	Support	We support LP24		Support noted and welcomed.
Parish Clerk Holme-Next-The-Sea Parish Council	Object	It would be useful in the supporting text to reference the work / surveys of Footprint Ecology which indicate the importance of distance from the Protected Sites in determining the level of visitor pressure to be expected. In the case of settlements in the immediate vicinity of the PS it seems unlikely that SANGS will work as a mitigation measure. The importance of joint and cumulative impacts of development should be stressed (currently no mention of these). Need to make explicit that specific mitigation is needed to address the damage done by specific project – it is not sufficient just to make general mitigation provisions.		Agree – include a reference to the work/surveys of Footprint Ecology in the supporting text.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Consultations Team Natural England	Object	<p>We recognise the forward thinking approach of the Borough Council’s Monitoring and Mitigation Strategy and its contributions to conservation projects in West Norfolk. We understand that the purpose of the strategy is to protect the integrity of European Sites from recreational pressure as a result of new and allocated development within the borough (section 1.2.1 of the Monitoring and Mitigation Strategy, 2015). However, Natural England are concerned that the current amount of £50 per dwelling is not adequate at the Borough level and advise that the strategy is reviewed with the Local Plan. The assessment should determine if the amount per dwelling and method of delivery is sufficient to mitigate recreational impacts to designated sites to ensure that the approach is robust and compliant with the Habitats Regulations (as amended). This review should include the assessment of SSSI’s and measures to address detrimental impacts identified, applying the mitigation hierarchy in accordance with paragraph 175 of the NPPF.</p>	<p>We advise that any GI delivered through the Strategy should be strategic, well researched with a robust evidence base to ensure that design and scale is sufficient to draw visitors away from designated sites. It should include the requirement for monitoring and evaluation especially in the case of habitat creation. Ongoing management and maintenance should also be considered and included.</p> <p>We advise that the policy or support text</p>	<p>The Norfolk Enhanced GI and Recreational Impact Avoidance and Mitigation Strategy will recommend a tariff to be applied.</p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			<p>lists the relevant Natura 2000 sites.</p> <p>Additional Comments on Local Plan Policy</p> <p>Where policy does not specify quantum, size or type of development and may pose impact pathways to designated sites, a project level HRA should be undertaken.</p>	<p>Agree – include a list of the relevant Natura 2000 sites.</p> <p>This appears to be a comment about local plan policies in general rather than LP24.</p>