

Borough Council of King's Lynn and West Norfolk Local Plan Examination

Matter 8 Statement – Environment

21 DECEMBER 2022

Introduction

1. This statement is a response from the Borough Council of King's Lynn and West Norfolk Council (BCKLWN) to the following issues and questions raised by the Inspectors relating to Matter 8 of the examination into the King's Lynn and West Norfolk Local Plan relating to Environment.
2. References used in this statement (e.g.[F10],[D10]) relate to documents held in the examination library as either a submission document or as part of the wider evidence base.

[Borough Council of King's Lynn and West Norfolk Responses to Matter 8 Questions](#)

Issue 8: Is the Plan justified, effective and consistent with national policy in respect of its policies and proposals for the environment?

[Coastal Areas \(Policy LP15\)](#)

Q368.Should the reference to Tidal Hazard Mapping be removed from the supporting text to Policy LP15 for effectiveness?

Yes. It is accepted that reference to Tidal Hazard Mapping (THM) at paragraph 6.1.4 ought to be included within Policy LP15 itself, to ensure effectiveness of the Plan.

However, it is entirely appropriate to cross-reference relevant THM guidance and other supporting documentation within paragraph 6.1.4. The content would be enhanced by inclusion of Main Modifications, referring to the latest policies and guidance. Main Modifications are suggested, as follows:

Suggested main modification to supporting text:

6.1.4 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 (THM).~~ For development management purposes, it will normally be requirement for the applicant to undertake a bespoke assessment where the Tidal Hazard Mapping (THM) is lacking or not fit for purpose, e.g. sites in between modelled breach locations. Further information is available through the Borough Council's Flood Risk Information (2019)¹ and Environment Agency's Flood Map for Planning (long term flood risk)².

Suggested main modification to criterion 2 of Policy LP15 (additional criterion to follow criterion 2 c.)

d. resisting new development in areas high risk of flooding³ on the coast, where mitigation is not possible;

¹ [Flood risk information documents | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](#)

² [Check the long term flood risk for an area in England - GOV.UK \(www.gov.uk\)](#)

³ [High risk refers to areas in Flood Zone 3 and areas shown to flood to a certain depth in the Tidal Hazard Mapping](#)

Q369. Is Policy LP15 effective in balancing the needs of the local economy and the protection of the natural environment?

Yes. Policy LP15 and supporting text (with suggested Main Modifications [F21, MM p93]) set a comprehensive series of policy criteria, to ensure this is effective in balancing local economic needs, protection of the natural environment and managing the effects of climate change. Criterion 1 sets development management criteria for the protection of coastal areas. Criterion 2 focuses upon balancing economic needs and balancing this against climate change and protection of the natural environment. In particular, Criteria 2a, 2b and 2e give specific recognition to the needs of the visitor economy and how this should be managed to deliver sustainable development.

Norfolk Coast AONB (Policy LP16)

Q370. Do references to the current AONB Management Plan require updating in the supporting text to Policy LP16?

Yes. References to the current AONB Management Plan within the supporting text need updating to reflect the current position. Accordingly Main Modifications to paragraph 6.2.8 are proposed, as follows:

~~6.2.8 There is a new AONB Management Plan currently out for consultation. Consultation was undertaken during 2020 upon a draft replacement to the latest AONB Management Plan 2014-19. At the time of submission of the Local Plan Review this update was not published. A draft update to the AONB Management Plan (2019-2024) was consulted upon during 2020, but this was subsequently withdrawn. Accordingly, The current AONB Management Plan 2014-2019 remains in force, but is being adapted and updated. This is due to be finalised around spring/summer 2023.~~

Q371. Is it appropriate that Policy LP16 requires development to meet the aims of the Norfolk Coast AONB Management Plan, which is not part of this Local Plan, or should reference to this be included in the supporting text?

Yes. It is appropriate for Policy LP16 to reference meeting the aims (delivering priorities) of the Norfolk Coast AONB Management Plan, as the latter is a statutory strategy, albeit separate to the Local Plan. Reference is already included within the supporting text (paragraphs 6.2.6-6.2.8), so it is considered necessary to cross reference the AONB Management Plan within Policy LP16 itself.

Notwithstanding, a Main Modification is suggested to Criterion c, to emphasise how the aims of the Norfolk Coast AONB Management Plan can be delivered through the planning system, as follows:

~~c. meets the aims of the statutory~~ contributes to delivery of the Norfolk Coast AONB Management Plan ~~and design advice, making~~ through practical and ~~/or~~ financial contributions ~~towards management plan delivery~~ as appropriate.

Q372. Is Policy LP16 justified and effective in respect of the protection of the AONB and its extent?

Yes. Policy LP16 is justified and effective, in respect of protecting the AONB and its wider extent (i.e. setting).

NPPF paragraph 176 states that: “Great weight should be given to conserving and enhancing landscape and scenic beauty” of AONBs. It also explains that “development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

These NPPF requirements are reflected in the Policy LP16 introductory paragraph/ preamble, which explains that: “Planning permission for any proposal within the AONB, or affecting the setting of the AONB, will only be granted when it...”. Policy LP16 is therefore justified, effective and consistent with national policy; setting out circumstances where development will be permitted within, or where this could impact upon, the AONB.

Q373. Should reference be made to the relevant parts of the NPPF in the supporting text in order for Policy LP16 to be effective?

Yes. A main modification to paragraph 6.2.1 is suggested, as follows:

6.2.1 An area of outstanding natural beauty (AONB) is land protected by the Countryside and Rights of Way Act (CROW) 2000 and under section 82, means an area designated for the purpose of conserving and enhancing the natural beauty of the area. They are considered to be exceptional landscapes with distinctive natural landscape character that should be safeguarded in the national interest for nature, people, business and cultural heritage. The Countryside and Rights of Way Act (2000), gave a legal duty of regard to many public bodies and officers to have regard to the purpose of designation of an AONB when undertaking any action that might affect its natural beauty (17). [National policy \(2021 NPPF, paragraphs 176-177\) explains that, for managing development in within AONBs, great weight should be given to conserving and enhancing landscape and scenic beauty. Furthermore, development within the setting of the Norfolk Coast AONB should be sensitively located and designed to avoid or minimise adverse impacts.](#)

Coastal Change Management Area (Policy LP17)

Q374. Are the occupancy restrictions included in Policy LP17 justified and effective?

Yes. The occupancy conditions are necessary (i.e., justified and effective) because of the risk of flooding and risk to life outside the summer months. Justification for the occupancy conditions (Criteria 2c and 6) is set out at paragraph 6.3.9, which the Environment Agency confirmed in its Regulation 19 representation is based upon the best available information and therefore the policy is considered sound.

Q375. Is Policy LP17 justified and effective in respect of new and replacement dwellings in the Coastal Change Management Area?

Yes. The Policy LP17 is considered justified and effective in respect of new and replacement dwellings (Criteria 1 and 2, respectively), within the defined Coastal Change Management Area (CCMA).

The CCMA zone is the area identified as being at risk of flooding during a 1 in 200 Annual Exceedance Probability (AEP); that is, the probability of a flood risk occurring in a single year. The supporting text (paragraphs 6.3.7-6.3.8) explains that the CCMA zone is at a very high risk, with a 2% (1 in 50 year) AEP standard of protection. This is equivalent to the latest Planning Practice Guidance (August 2022), which proposes, in managing development affected by tidal flooding, a 0.5% annual probability (1 in 200 chance each year).

Criteria 1 and 2 are intended to be restrictive, given the status of residential dwellings as a “More Vulnerable” use (NPPF Annex 3), to discourage inappropriate development within the CCMA. The NPPF explains that development plans should: “be clear as to what development will be appropriate in such areas and in what circumstances” (paragraph 171a). Policy LP17 (Criteria 1 and 2) explains the circumstances where new and replacement dwellings within the CCMA would be acceptable, so on this basis is justified and effective.

Q376. Should Policy LP17 require that any replacement dwellings and associated landscape works should not encroach any closer to the flood defences than the footprint of the original dwelling?

Yes. Policy LP17(2), as submitted, already specifies a restrictive range of criteria for developing replacement dwellings within the CCMA. For example, Criterion 2g sets standards for the scale of the replacement, compared to the original dwelling, specified in terms of bedroom numbers.

The addition of criterion h [F21, MM, p105-106], regarding encroachment towards established flood defences was proposed in response to the Environment Agency’s Regulation 19 representation [A8-1, rep 514], in the interests of effectiveness.

Q377. Should the Plan apply an Integrated Coastal Zone management approach?

Yes. The NPPF (paragraph 170) requires that Integrated Coastal Zone Management (ICZM) should be pursued across local authority and land/sea boundaries. Further direction as to how this should apply is set out in the Planning Practice Guidance (Paragraph: 070 Reference ID: 7-070-20220825).

The Borough Council, through the Plan and partnership, should (and does) apply an ICZM approach. This is led through The Wash and North Norfolk Marine Partnership (TWNNMP). The Borough Council signed up to the partnership in February 2018, which includes the following local authorities:

- Lincolnshire and Norfolk County Councils;
- Lincolnshire local planning authorities – Boston Borough, East Lindsey District and South Holland District Councils;

- Norfolk local planning authorities – North Norfolk District Council and the Borough Council; and
- Fenland District Council.

The 2018 Memorandum of Agreement between the partner bodies recognises the statutory obligations of these organisations for maintaining the Wash in a favourable conservation status and contribute to the sustainable use and development of the area.

Overall, the Borough Council's continued participation within the TWNNMP represents an effective approach to ICZM. To explicitly recognise this obligation, an additional paragraph, following 6.3.6 was proposed as a suggested Main Modification [F21] in response to Natural England's Regulation 19 representation [A8-1, rep 473], in the interests of clarity and effectiveness.

Q378. Should reference be made to the ADEPT guidance for the Emergency Flood Plan in the supporting text to Policy LP17 in order to be effective?

Yes. Reference to the ADEPT Emergency Flood Plan guidance was added to paragraph 6.3.4 at submission, as an Additional Modification [A2, AM10]. This should ensure the effectiveness of Policy LP17 and its supporting text.

Q379. Is the Local Plan effective in the management of recreational disturbance along the Norfolk coast?

Yes. The Local Plan is effective in the management of recreational disturbance along the Norfolk coast. The Wash and North Norfolk Marine Partnership (TWNNMP) Memorandum of Agreement (see Q377 response, above) emphasises the importance of the Wash and North Norfolk Coast as incorporating several Natura 2000 sites and the need to fulfil the Borough Council's statutory obligations to effectively manage recreational disturbance around The Wash and along the Norfolk Coast, in accordance with the Habitat Regulations.

The additional paragraph following 6.3.6, proposed as a suggested Main Modification [F21] in response to Natural England's Regulation 19 representation [A8-1, rep 473], will ensure the Local Plan is effective in the management of recreational disturbance along the Norfolk coast.

Q380. Is the Plan consistent with national policy in respect of the protection and enhancement of the AONB?

Yes. The Plan, as submitted, incorporating suggested Main Modifications in the schedule [F21] and further suggested Main Modifications in response to Q368, Q370, Q371 and Q373, is considered consistent with national policy, in respect of the requirements for the protection and enhancement of the AONB set out in NPPF paragraphs 176-177.

Design and Sustainable Development (Policy LP18)

Q381. Does the Local Plan promote sustainable development in line with the Government's objective of having a carbon neutral economy by 2050?

Yes. The Plan as a whole, and particularly through policies such as LP18, emphasises design as an important aspect of achieving sustainable development, in accordance with the NPPF social objective; fostering well-designed, beautiful and safe places (NPPF paragraph 8b).

Policy LP18 (with supporting section 6.4) provides practical measures by which sustainable development (ultimately carbon neutrality) can be delivered through the planning system. This covers the following themes:

- Development location, form and accessibility;
- Protecting species of conservation concern;
- Reducing dependence upon the private car;
- Promoting healthy living; e.g. through improvements to air quality;
- Efficient use of resources; e.g. reducing demand for water and improved efficiency;
- Delivering adaptable housing and efficient use of land; e.g. through application of enhanced technical standards, development densities;
- Adapting to and addressing impacts of climate change; e.g. flood resilience, Green Infrastructure, low carbon technologies.

The Plan recognises the many facets and ways that carbon neutrality can be achieved through the Planning system and Policy LP18 is an important tool in achieving this outcome.

Q382. Is Policy LP18 justified and effective in respect of its promotion of high standards of sustainability and energy efficiency?

Yes. Policy LP18 emphasises practical ways that high standards of sustainability and energy efficiency may be achieved. Criterion 3 sets out practical ways that these outcomes may be delivered, specifically:

- Energy efficient construction techniques/ standards
- Re-use/ recycling of construction materials
- Localised clean energy generation
- Water efficiency/ SuDS/ wastewater reduction.

These measures should be achievable through effective management of development (decision making). These focus upon practical measures that the planning system can deliver, ensuring Policy LP18 is justified and effective.

Q383. Is the requirement for all new homes across all tenures to meet the Government’s Nationally Described Space Standard in Criterion 3(m) of Policy LP18 justified, based on proportionate evidence?

Yes. Criterion 3(m) requires Government’s Nationally Described Space Standard (NDSS) for new homes to be delivered as a default position. It allows applicants or promoters of individual schemes to present evidence for why these standards may not be achievable, on a case-by-case basis. This would normally be presented with reference to the Borough Council’s local validation checklist, through a supporting Planning Statement and/ or Design and Access Statement.

National policy (NPPF paragraph 130f/ footnote 49) explains that one approach to high standard of amenity for existing and future users may be to use the nationally described space standard. It is considered that this is a useful measure for delivering high quality housing. It is also required that these should be justified (NPPF footnote 49), but Criterion 3(m) allows for flexibility in implementation through the development management system.

The NDSS requirement in Policy LP18 was assessed for the Viability Update report (April 2021). This assumed that new housing is expected to be delivered in line with the NDSS, or higher [D1, paragraph 8.30/ Table 8.1). The viability assessment concluded: “the Council is cautious about introducing new standards and requirements, over and above the existing policy requirements as this may impact on viability and the ability for developers to deliver development” [D1, paragraph 12.86]. Therefore, it is asserted that the inclusion of the NDSS standards in Criterion 3(m) are justified, insofar as this has been tested through the Viability assessment, which explicitly recognises that the Council’s approach to development viability has been cautious.

Furthermore, delivery of housing in accordance with the NDSS is an aspiration (i.e., positive planning), but these standards are an important measure for high quality housing. The Plan Vision highlights quality of life, the provision of housing to meet current needs and that of future and the creation of a high-quality built environment, including good quality housing and which supports the health, social and cultural well-being of local communities. The Vision emphasises the importance of high-quality housing. One means by which this may be achieved is through the implementation of NDSS, to ensure liveability of new dwellings.

Q384. Should reference be made to light pollution in the supporting text to Policy LP18?

No. There is no need to reference light pollution in the Policy LP18 supporting text (section 6.4), as this is a matter of environment/ amenity and is addressed through Policy LP21 (Criterion 2)/ section 6.7.

Q385. Should Policy LP18 require that a drainage strategy is supplied which has been considered in line with the PPG SuDS discharge location hierarchy and reference be made to the IDB's byelaws?

No. It is not considered necessary for Policy LP18 to require that a drainage strategy is supplied. Criteria 5 and 6 set out the overall approach to managing development, with reference to flood risk and climate change. These explain how SuDS and strategies such as Shoreline Management Plans and Marine Plans may be applied in decision making.

The NPPF explains the role of bodies such as the Environment Agency, Lead Local Flood Authority and Internal Drainage Boards (IDBs) in informing the SFRA which, in turn, will inform strategic Local Plan policies (paragraph 160). This matter is addressed fully through Policy LP25 and supporting text (section 6.11), so it is not considered necessary to duplicate this through Policy LP18 and/ or supporting text (section 6.4).

Further information regarding the role of IDBs was put forward in the supporting text to Policy LP25, in response to representations by the Water Management Alliance [A8-1, representation 19]. This matter was addressed through an Additional Modification; a new paragraph following 6.11.6 [A2, AM16]. This amendment was proposed to provide further explanation for the role of IDBs (and associated bylaws), ensuring consistency with the NPPF (paragraphs 159-169).

Q386. Should the Additional Modification to the supporting text at paragraph 6.4.1 of the Plan, proposed by the Council, be treated as a suggested Main Modification, as it identifies key design principles to be followed?

Yes. The suggested Additional Modification at paragraph 6.4.1 [A2, AM11] was put forward to reflect key design principles. Given that these design principles are specified as bullet points, it is accepted that this materially affects the policy content of the Plan, such that this suggested Modification should be regarded as a Main Modification.

Accordingly, the Additional Modification at paragraph 6.4.1 [A2, AM11] should be added into the next update to the Schedule of Suggested Main Modifications [F21].

[Environmental Assets \(Policy LP19\)](#)

Q387. Is Policy LP19 effective in respect of the roles performed by the area's soils?

No. Policy LP19 Criterion 4 refers to the roles of soil as a multi-functional resource. This seeks to ensure appropriate consideration is given to the impacts of new development on soils.

The supporting text provides further explanation regarding the function of soils and the need to safeguard the best and most versatile agricultural land (paragraph 6.5.3). National policy requires that Local Plan policies should contribute to and enhance the natural environment by protecting sites of geological value and soils (NPPF paragraph 174a). Paragraph 6.5.3 also provides additional explanation for the role of soil as a multi-functional resource, serving agriculture and delivering ecosystem services.

LP19 and the supporting text (paragraph 6.5.3) look to emphasise potential impacts of development upon soils and safeguarding highest grade agricultural land, although it is accepted that it may be unclear how the Criterion 4 (as submitted) could be effectively implemented through the development management system. Therefore, to ensure effectiveness of Policy LP19, paragraph 6.5.3, and Criteria 3 and 4 should be updated as Main Modifications, to ensure overall effectiveness and reflect the updated (2021) NPPF.

Suggested modification to 6.5.3:

6.5.3 The Council will work to the NPPF to ensure that our 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~~ Geodiversity (including soils and sub-soils) 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~~ seek to protect (ideally enhance) sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality), quality, taking account of economic benefits and 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~~ 174.

Suggested main modification to criterions 3 and 4 of Policy LP19:

3. Development should seek to avoid, and where this is not possible, justify, mitigate or compensate for any adverse impacts on biodiversity, geodiversity, soils and heritage, as well as seeking to enhance sites through the creation of features of new biodiversity 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 must be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development must take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.~~

Q388. Is Policy LP19 effective and justified in respect of the approach to the creation, protection, enhancement of networks of biodiversity? Should reference be made to the Norfolk GIRAMS and biodiversity net gain?

Yes. Policy LP19 is effective and justified, providing an overarching strategic policy for the creation, protection, enhancement of biodiversity networks. Biodiversity sites with statutory designations (paragraph 6.5.1) are protected through specific legislation, as follows:

- Natura 2000 sites (Ramsar/ Special Areas of Conservation/ Special Protection Areas) – 2017 Habitat Regulations; and
- National Nature Reserves and Sites of Special Scientific Interest (2000 Countryside and Rights of Way Act and 1981 Wildlife and Countryside Act).

Policy LP19 goes further, also providing specific policy direction for conserving non-statutory (local) biodiversity designations – County Wildlife Sites, Ancient Woodlands and County Geodiversity Sites (Criterion 2). LP19 applies to all sites identified as having landscape character, biodiversity and geodiversity interest, as explained at Criterion 1.

Policy LP19 does not refer to Norfolk GIRAMS, as this is covered separately through section 6.13/ Policy LP27). Regarding biodiversity net gain, Main Modifications to Policy LP19 (Criteria 1, 3 and 6) are already suggested [F21, MM p115]. For clarity and to improve effectiveness, a further Main Modification to Policy LP19 (Criterion 6) is suggested below, together with the supporting text (paragraph 6.5.2), to explicitly cross reference LP27. This is in addition to those changes already suggested as Main Modifications.

Suggested main modification to criterion 6 of Policy LP19 (includes those already proposed):

~~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.~~ The Council and its partners will support a range of initiatives and proposals, for example, Local Nature Recovery Strategies and biodiversity net gain, that will improve areas of poor quality, lacking in biodiversity and geodiversity as well as maintaining, enhancing and linking areas of good quality. For Natura 2000 (Ramsar/ Special Areas of Conservation/ Special Protection Areas) this will be delivered through mechanisms such as as GI RAMS, in accordance with Policy LP27.

Suggested main modification to supporting text:

6.5.2 Part of the appeal of the area to visitors and local people is the environment, therefore it is important that these assets are protected and enhanced. Natura 2000 sites, which consist of Ramsar sites, Special Areas of Conservation (SAC) and Special Protection Areas (SPAs), will be protected and, where possible enhanced, in accordance with the Norfolk Green Infrastructure and Recreational Avoidance & Mitigation Strategy (GI RAMS)⁴, prepared in accordance with the 2017 Habitat Regulations, as amended. Policy LP27 provides the mechanism by which GI RAMS is implemented through the planning system.

Q389. Is Policy LP19 effective in respect of the mitigation hierarchy of avoid, mitigate and compensate?

Yes. A suggested Modification to Policy LP19 (Criterion 3) is already proposed, to ensure effectiveness of the policy, with reference to the mitigation hierarchy of avoid, mitigate and compensate [F21, MM p115].

National policy specifies a 4-stage mitigation hierarchy. This requires that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused” (NPPF paragraph 180a). Implementation of the mitigation hierarchy, through the development management system, entails (in practice), applicants providing justification for proposed mitigation and/ or compensation measures.

⁴ https://www.west-norfolk.gov.uk/download/downloads/id/6629/norfolk_gi_rams_strategy_march_2021.pdf

Q390. Would Policy LP19 be effective in ensuring sustainable development?

Yes. Policy LP19 is effective in ensuring sustainable development, through delivering the NPPF environmental objective “to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity” (paragraph 8c).

Historic Environment (Policy LP20)

Q391. Is Policy LP20 consistent with national policy in respect of heritage assets and archaeology?

No. We propose a revised Policy LP20 which has been prepared in consultation with Historic England as part of the Statement of Common Ground [F28b].

Q392. Should Policy LP20 include a specific reference to ‘non-designated heritage assets’ in order to be consistent with national policy?

Yes. This has been addressed in the revised Policy LP20 [F28b].

Q393. Is the supporting text effective and consistent with national policy in its reference to non-designated heritage assets?

No. This has been addressed in the revised Policy LP20[F28b].

Environment, Design and Amenity (Policy LP21)

Q394. Is Policy LP21 and its supporting text justified and effective in respect of infill development?

Yes. Policy LP21 sets criteria for managing development, with reference to the amenity of existing neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. It is considered justified and effective, focusing upon managing development smaller scale/ minor developments, including infilling.

Paragraph 6.7.3 provides an explanation and justification for effective management of infill development which sets out the concerns regarding inappropriate infill developments, such as impacts of the loss or reduction of residential gardens. This is consistent with national policy, which advises that: “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area” (NPPF paragraph 71).

Q395. Should references to national policy in Policy LP21 and its supporting text be updated in order for it to be effective?

Yes. References to national policy in the supporting text to Policy LP21 were proposed as Additional Modifications to the submission Plan, at paragraphs 6.7.4 and 6.7.8 [A2, AM14].

The Plan was signed off by the Borough Council for Regulation 19 consultation and submission on 8 July 2021; shortly before publication of the current NPPF (20 July 2021). Therefore, this and other cross references to the 2019 version NPPF will need updating throughout the Plan, in order to ensure its effectiveness.

Provision of Recreational Open Space for Residential Developments (Policy LP22)

Q396. In order to be effective, should Policy LP22 be referenced in development policies which require the delivery of Green Infrastructure and/or have been identified as part of the Green Infrastructure Study?

Yes. Policy LP22 sets the specific requirements for delivering public (recreational) open spaces, to service new residential developments. Open space to service new developments that is delivered in accordance with the policy requirements provides opportunities; not just health and wellbeing benefits for residents, but other ecosystem services derived from Green Infrastructure.

The Local Plan includes a suite of Green Infrastructure policies; specifically, LP19 and LP23. It is entirely appropriate to include cross referencing between these strategic policies and LP22, recognising the function of new recreational open space as Green Infrastructure. The following Main Modifications are suggested:

LP19(7)(d) ...contribute to an improved quality of life for current and future residents and visitors, including through the delivery of new open spaces, in accordance with Policy LP22...

LP23(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, including through delivery of new open spaces in accordance with Policy LP22, and mitigate any potential adverse impacts...

Green Infrastructure (Policy LP23)

Q397. Is Policy LP23 positively prepared in respect of the projects supported and detailed in the Green Infrastructure Study set out in Criterion 3?

Yes. The Green Infrastructure (GI) Study was prepared by Entec in 2010 to support the 2011 Core Strategy (particularly with reference to Policy CS12 Environmental Assets) for the final 15-years of that Plan period (2011-2026). It identified a range of projects across the Borough, categorised as high, medium and low priority.

The Local Plan review continues to reference the GI Study, recognising that delivery of the various projects specified is a long-term strategy. Policy LP23 Criterion 3 highlights 5 projects, out of 38 listed in the GI study. These are also listed in the supporting text (paragraph 6.9.4).

Policy LP23 is considered positively prepared, insofar as it supports delivery of projects detailed in the GI study. However, the identification of 5 specific projects within Criterion 3 may be misleading, as this implies these are priority projects. The 5 specified, are a mix of high and medium priority projects, so it is accepted that it is unnecessary to list individual projects within the LP23 policy text, especially given that the 5 are also stated in the supporting text (paragraph 6.9.4) as examples of the types of projects proposed by the GI Study.

Given that the GI identifies 38 separate GI projects, it is considered that these are probably too numerous to list within the supporting/ body text of the Plan. However, it is appropriate to identify a small number of examples, as at paragraph 6.9.4. The following Main Modifications are suggested, to ensure that Policy LP23 and supporting text are positively prepared and recognising that (given its age) some GI Study projects may already be delivered.

6.9.4 The Green Infrastructure Study was completed in 2010⁵ [addition of footnote/ hyperlink] and provides a Borough-wide analysis of...

⁵ https://www.west-norfolk.gov.uk/downloads/download/76/green_infrastructure

3. The Council supports delivery of the outstanding high and medium priority 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; and~~
 - ~~d) The Wissey Living Landscape Project; and~~
 - ~~e) The Gaywood Valley Living Landscape Project~~

Q398. Is Policy LP23 and its supporting text effective in respect of the provision of SANGS?

Yes. Policy LP23 in the submission Plan did not explicitly refer to SANGS (Suitable Alternative Natural Green Space), as this is addressed through Policy LP27 and supporting text (section 6.13). This is already recognised in the Schedule of Suggested Main Modifications [F21, MM p128], but further modifications may be necessary.

In the interests of clarity and effectiveness, it is accepted that it would be expedient to include specific reference to SANGS within LP23 and/ or supporting text (section 6.9) and cross references to LP27 (Habitat Regulations Assessment Policy). Accordingly, further Main Modifications are suggested to ensure effectiveness of Policy LP23, by addition of cross references to SANGS and Policy LP27 within Section 6.9/ Policy LP23 as follows:

Additional sentence to be added to Paragraph 6.9.6

This process, often involving the provision of new green/ open space known as Suitable Alternative Natural Green Spaces (SANGS), is necessary to mitigate potential impacts of new developments upon Natura 2000 sites. Further direction regarding delivery of SANGS is set out in Policy LP27.

Main modification to Paragraph 6.9.11

6.9.11...Strategic Policies:

- LP19 Environmental Assets
- LP27 Habitat Regulations Assessment (HRA)
- LP36 Community and Culture
- LP05 Infrastructure Provision

LP23(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, in accordance with Policy LP27.

Renewable Energy (Policy LP24)

Q399. Is the absence of support for wind energy development in Policy LP24 justified based on proportionate evidence and is it consistent with national policy, which expects plans to provide a positive strategy for energy from renewable and low carbon sources?

Yes. Policy LP24 does not apply to or support wind energy proposals. This is explained at paragraph 6.10.4, which states that: “Decisions regarding wind energy will rely on national policy”.

National policy states that the planning system should support renewable and low carbon energy and associated infrastructure (NPPF section 14/ paragraph 152), requiring that Local Plans should “consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development” (NPPF paragraph 155b).

National policy sets out an overall presumption in favour of renewable and low carbon energy schemes. However, this specifically exempts/ does not apply to wind energy. NPPF **footnote 54** states that: “a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan”.

National policy does not oblige the Local Plan to allocate sites for renewable and low carbon energy projects, only requiring that the Plan should consider this. Policy LP24 is derived from this part of the NPPF (paragraph 155). It was assessed through the Sustainability Appraisal, which concluded that this “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” [B3, p61]. Therefore, Policy LP24 is justified, in providing a positive strategy for delivering renewable and low carbon energy projects.

Q400. Is Policy LP24 justified and consistent with national policy in respect of renewable energy, given the omission of wind energy development from the policy?

Yes. See answer to Q399, above.

Q401. Should Policy LP24 set out specific targets for new renewable energy developments and indicate how these would contribute to national climate change targets?

No. National policy does not require the Local Plan to set out specific targets for renewable energy developments. Instead, it seeks to encourage such projects, focusing upon supporting community-led initiatives for renewable and low carbon energy (NPPF paragraph 156). This is reflected in Policy LP24, Criterion 1.

Overall, there is no national policy requirement to set targets for renewable energy development and generation.

Q402. Is Policy LP24 consistent with national policy in respect of the weight given to renewable energy developments in appropriate locations?

Yes. Policy LP24 (Criterion 1) focuses upon delivery of renewable and low-carbon energy developments through local community projects and/ or Neighbourhood Plans. This accords with NPPF paragraph 156, requiring that “Local planning authorities should support community-led initiatives for renewable and low carbon energy”.

Criterion 2 sets out the considerations that will be given to proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, balancing benefits in terms of the energy generated and impacts, either individually or cumulatively. This

accords with the national policy requirement to “provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily” (NPPF paragraph 155a).

National policy (NPPF paragraphs 155-158) does not require the Local Plan to identify specific (appropriate/ suitable) location for renewable energy developments, although this should be considered (paragraph 155b). This should also be addressed through the development management process, whereby applications are required to demonstrate that the proposed location meets the criteria used in identifying suitable areas (NPPF paragraph 158b). These criteria are set out at Policy LP24 Criterion 2, demonstrating that this is consistent with national policy.

Q403. Should Policy LP24 refer to sites of international nature or landscape conservation importance as well as national and local?

Yes. A Main Modification to Policy LP24(2)(a) is suggested, to include reference to sites of international nature or landscape conservation importance [F21, MM p131]. Criterion 5 also specifies that “proposals that would lead to adverse impacts on international nature conservation sites will not be permitted”.

Sites in Areas of Flood Risk (Policy LP25)

Q404. In order to be justified and effective should reference to the latest SFRA be included in the supporting text to Policy LP25 and reference to the Environment Agency removed from Criterion 4 of the policy?

Yes. Reference to the latest SFRA should be included within the supporting text, to ensure that the Plan is justified and effective. An update to paragraph 6.11.2, to explain current status of the SFRA (Levels 1 and 2), including footnote hyperlinks, was put forward as an Additional Modification, at submission [A2, AM15].

Reference to the Environment Agency should be removed from Criterion 4, as the Flood Risk Design Guidance at Appendix B is derived from the Lead Local Flood Authority’s (County Council) own Developer Guidance. Reference to this guidance with footnote hyperlinks, was put forward within Appendix B as an Additional Modification, at submission [A2, AM41]. Nevertheless, to ensure Policy LP25 is justified and effective, a Main Modification to Criterion 4 is proposed.

1. ~~The design of new dwellings will be in accordance with the Environment Agency/Borough Council~~ All new dwellings should incorporate flood resilient/ resistant construction/ design measures, in accordance with the Flood Risk Design guidance (Appendix B).

Q405. Should the Plan include proposals for new coastal defence infrastructure to protect farmland and coastal settlements from future rises in the sea level?

Policy LP25 already requires that: “Mitigation measures must minimise the risk of flooding on the development site and within the surrounding area” (Criterion 6). This implicitly could be applied to ensure provision of necessary flood management infrastructure (including, where appropriate, coastal defence infrastructure to protect farmland and coastal settlements), where this can be secured through the development management process; i.e. where such development contributions are compliant with the CIL Regulations.

Furthermore, Policy LP05 specifies the type of infrastructure that may be funded (at least, in part) by development through Section 106 and/ or CIL. This specifically includes flood management infrastructure (Policy LP05(3)(f)).

Policies LP05 and LP25 provide the mechanisms by which coastal defence infrastructure to protect farmland and coastal settlements from future rises in the sea level may be secured through the planning system.

Q406. Should Policy LP25 and/or its supporting text refer to the need for a drainage strategy to accompany development proposals?

No. These are requested through the planning application process and conditioned through planning conditions where necessary.

Q407. Is Policy LP25 justified in requiring a site-specific flood risk assessment for proposed developments on all sites at risk of flooding or should the policy include a specific threshold?

Yes. Policy LP25 is justified, having been prepared with reference to the SFRA and relevant Local and National Policies (paragraph 6.11.2)

Overall, it is not considered necessary for Policy LP25 to include a site-specific flood risk assessment threshold, given local flood risk circumstances affecting large parts of the Borough.

Q408. Does the policy reflect the revised NPPF in dealing with ‘all sources of flooding’?

Yes. Policy LP25 refers to sites at risk of flooding as identified by the Council’s Strategic Flood Risk Assessment or more recent Environment Agency mapping, as the parameters for addressing flood risk through the planning system. The SFRA [D11] specifically:

- “provides a robust appraisal of the extent and nature of flood risk from all sources of flooding, now, and in the future”; and
- “takes into account the effects of climate change and its implications for land use planning”.

Furthermore, Policy LP25 references flood risk/ flooding from all sources, within relevant criteria (1a and 2).

Therefore Policy LP25 properly reflects the requirements of the revised NPPF in dealing with ‘all sources of flooding’ (paragraphs 160-161).

Protection of Local Open Space (Policy LP26)

Q409. In order for Policy LP26 to be effective, should local open space be identified on the Policies Map?

The intention of the policy is to ensure that the amenity value of any local open space is fully considered/assessed at the planning application stage and to maintain a balance between protecting locally important open space and enabling sustainable development.

The glossary in Appendix A of the submitted Plan [A1] defines Open Space as ‘Spaces of public value (including bodies of water as well as land). The public value of an open space may be for

recreation, for visual Open Space amenity, or both. Note that the visual amenity public value of a site does not necessarily depend on public access to it, but views of and across the land, or the space it creates between buildings and places, may suffice.’

Therefore, the definition includes a range of typologies such as (but not limited to), parks and gardens (accessible informal recreational uses), natural and semi-natural greenspaces, amenity green space (typically small areas close to home/work for informal recreation or enhancement of amenity), areas for children’s’ play and social interaction (such as equipped play areas, teenage shelters, skateparks etc). The Council does not have a list of all the open spaces that the policy is intended to cover and has chosen not to allocate any protected open spaces.

It would be very difficult, if not impossible, to map every area of open space in the Borough unless it were decided that only open space of a certain qualifying size and/ or function whereas in practice that would be far too blunt an approach which might leave some smaller but valuable or functionally unique areas devoid of protection. The approach that has been adopted allows a balanced judgement to be taken on the value of any open space at the point it is identified for development. This does not render the policy ineffective for uncertainty; what is open space is a matter of fact. It’s the weight that is placed upon its continued use as open space that varies.

Policy LP26 represents a review of the current Local Plan Policy DM 22. The Site Allocations and Development Management Policies (SADMP) Plan Inspector concluded that DM 22 “establishes the Council’s approach to assessing the value of open space and affords adequate protection to such areas” (SADMP Inspector’s Report, 22 August 2016⁶). The SADMP Inspector therefore concluded that the current policy DM 22, taken forward into Policy LP26 is effective.

Q410. Does Policy LP26 recognise the importance of the views of local people when considering the impact of development proposals on local open space?

Policy LP26 does not specifically recognise the importance of the views of local people on development proposals on open spaces but these are a consideration in the determination of the planning application. The Policy itself has also been subject to several consultations as part of the plan making process.

Habitats Regulations Assessment (Policy LP27)

Q411. Is Policy LP27 clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals? In particular:

- a) **Do the Monitoring and Mitigation Strategy measures set out in Criterion 1 of the policy apply to development proposals which have an adverse impact on European Sites? If so where is this stated?**

No. Policy LP27(1), as submitted, specifies a need for Project level HRA to establish affected areas (SPA, SAC, RAMSAR). It is accepted that this Criterion, as submitted, could (in practice) relate to virtually all types of development.

To ensure Criterion 1 complies with the 2017 Habitat Regulations (as amended), this should specify that this solely relates to development that is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) (Regulation 105(1)(a)). Therefore, a Main Modification to Policy LP27 Criterion 1 is proposed, as follows.

A need for Development proposals likely to have a significant effect on a European site (either alone or in combination with other plans or projects) will need to be supported by a Project

⁶ https://www.west-norfolk.gov.uk/download/downloads/id/2273/sadmp_examination_final_report.docx

level HRA, to establish [potential impacts upon](#) affected areas (SPA, SAC, RAMSAR) and a suite of measures including all/some of:

b) In Criterion 2, is it clear who will be expected to make the interim Habitat Mitigation Payment (HMP) of £50 per house and how it will be secured and collected? Does the policy need to state when the Norfolk RAMS will take effect and replace the interim HMP?

As set out in our Written Statement to Matter 1 Question 11 [H1], the Norfolk Wide Green Infrastructure and Recreational Avoidance and Mitigation Strategy (RAMS) was implemented by the Council and the other Norfolk Councils in April 2022. We proposed additional modifications to the supporting text and a Main Modification to criterion 2 of Policy LP27 to reflect the GI-RAMS tariff of £185.93 per net dwelling as follows:

2. Notwithstanding the above suite of measures the Borough Council will levy ~~an interim Habitat Mitigation Payment of £50 per house~~ **a GI-RAMS tariff of £185.93 per net dwelling** to cover monitoring/small scale mitigation at the European sites. ~~This Strategy and associated payments will be in place until superseded by the Norfolk wide Green Infrastructure (GI) and Recreational Impact Avoidance and Mitigation Strategy (RAMS)~~

The proposed modification makes it clear that the payment is applied per net dwelling.

The supporting text at 6.13.6 advises that the Local Validation Checklist provides further guidance on when and how payment can be made.

c) In Criterion 3:

(i). Who will provide local Green Infrastructure and open space to mitigate potential impacts from recreational pressure and to what standards?

Local Green Infrastructure will be provided in the form of Suitable Alternative Natural Green Spaces (SANGS), to mitigate potential impacts of recreational pressure arising from new developments. Delivery of SANGS will be monitored through a collective partnership of Norfolk Planning Authorities are working with Norfolk County Council, Natural England and other relevant partner bodies through the Norfolk Strategic Planning Framework [D13].

SANGS will be delivered in accordance with the advice and direction set out in the GI-RAMS Mitigation Strategy [D14].

(ii). How will developer contributions to mitigate residual effects be calculated?

Developer contributions for most developments (<200 dwellings) would be covered by the GI-RAMS tariff of £185.93 per net dwelling. For larger, strategic sites, the delivery of bespoke SANGS may also be required, to ensure potential adverse impacts are appropriately addressed in accordance with the Habitat Regulations.

Developer contributions would typically take the form of site specific SANGS, delivered as part of the larger site allocation. This could be funded through Section 106 developer contributions and/ or (where in accordance with the Regulations), Community Infrastructure Levy receipts. Contributions would be calculated with reference to the Mitigation Strategy [D14].

d) Are Criteria 4 and 5 necessary as part of the policy, given that they are not specifying requirements for planning applications and development?

No. it is not necessary to include Criteria 4 and 5 within the policy text, as these are advisory, informative, rather than specifying requirements for development management. These are therefore better included within the supporting text, following paragraph 6.13.7.

Main Modifications are suggested to paragraph 6.13.7, to bring this up to date with reference to the implementation of GI-RAMS, with effect from 1 April 2022. This could then be followed by a new paragraph, incorporating Criteria 4 and 5. These suggested Main Modifications are set out below.

6.13.7 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). With effect from 1 April 2022, the Borough Council's Monitoring and Mitigation Strategy was replaced by the new county-wide GIRAMS. 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 and ~~potential~~ Norfolk wide mitigation charges. From hereon, GIRAMS payments will be made into the Norfolk wide fund although the Borough Council retains responsibility for monies collected prior to 1 April 2022 under the previous regime. The latter will continue to be used to fund projects that are already committed.

6.13.8 The GI RAMS will be administered by a collective partnership of Norfolk Planning Authorities are working with Norfolk County Council, Natural England, and other relevant partner bodies through the NSPF. Green Infrastructure will be delivered through a combination of GI-RAMS tariff payments (£185.93 per dwelling), developer contributions and CIL receipts. An HRA Monitoring and Mitigation and GI Coordination Panel, set up through the NSPF, will oversee monitoring, provision of new green infrastructure and the distribution of levy funding.

e) Is Criterion 6 fully consistent with the advice in the HRA about 'masked development? Should the second sentence make clear that a 1,500m buffer zone applies in 'other parts of the Borough' where the qualifying features exist, rather than 'beyond the Breckland SPA', which could include land within the buffer adjacent to the SPA? Should the SPA buffer zone be identified on the Policies Map?

No. Criterion 6 is not fully consistent with the HRA advice regarding 'masked' development. The HRA [A4, paragraphs 6.6-6.7] analyses the wording of Criterion 6, but suggests potential alternative wording to remove potential ambiguity around 'masked' development. It is therefore suggested that Criterion 6 be amended through a Main Modification, to ensure consistency with the HRA:

~~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.~~ Within 1500m of the Breckland SPA (excluding the areas of conifer plantation that do not support nesting Stone Curlew), where qualifying features are known to exist, or where nesting attempts have been made, adverse effects can only be ruled out if:

- Development is fully within an existing built-up area (i.e. high levels of existing housing) and is completely masked from the SPA on all sides (i.e. infill development); or

- Development that is a re-development of existing building(s) and would not increase the existing footprint or intensity of use and potential detractors (such as noise, light, people).

We do not think it necessary for the SPA buffer zone be identified on the Policies Map.

Q412. Is a Main Modification necessary to Policy LP27 and its supporting text to clarify that the Council, as a competent authority under the Habitats Regulations, will consider the nutrient impacts of any new development proposals on European sites and whether those impacts may have an adverse effect on the integrity of a European site that requires mitigation, including through nutrient neutrality?

Yes. A Main Modification to Policy LP27 and its supporting text is necessary to address the issue of Nutrient Neutrality, considering the impacts of any new development proposals on European sites and whether those impacts may have an adverse effect on the integrity of a European site that requires mitigation.

The issue of Nutrient Neutrality was raised by Natural England on 16 March 2022, shortly before submission of the Plan [F16a and F16b]. The Borough Council responded to the Inspector's Initial Questions Part 1 [F15, Q7], setting out how Policy LP27 and the supporting text may be modified to address Nutrient Neutrality.

Main Modifications to Policy LP27, its supporting text and the Policies Map are proposed, to clarify that the Council, as a competent authority under the Habitats Regulations, will carefully consider the nutrient impacts of any new development proposals on European sites and whether those impacts may have an adverse effect on the integrity of a European site that requires mitigation, including through nutrient neutrality.

Q413. The Council has suggested Main Modifications to the supporting text to clarify the requirements for project level HRAs and the role of the HRA undertaken for the Plan. Are these necessary to ensure that the Plan is sound or can they be treated as Additional Modifications?

Yes. The suggested Main Modifications to paragraph 6.13.2 [F21, MM p140] are necessary in the interests of clarity, but will also help ensure the Plan is sound; i.e. effective.