

# Planning Policy & Built Heritage Working Party



**Please contact:** Linda Yarham

**Please email:** [linda.yarham@north-norfolk.gov.uk](mailto:linda.yarham@north-norfolk.gov.uk)

**Please Direct Dial on:** 01263 516019

12 July 2019

A meeting of the **Planning Policy & Built Heritage Working Party** of North Norfolk District Council will be held in the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN on **Monday, 22 July 2019 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to notify the Democratic Services & Governance Officer 24 hours in advance of the meeting and provide a copy of the question or statement. Statements should not exceed three minutes. Further information on the procedure for public speaking can be obtained [here](#) or from Democratic Services, Tel: 01263 516010, Email: [democraticservices@north-norfolk.gov.uk](mailto:democraticservices@north-norfolk.gov.uk)

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed

**Emma Denny**  
**Democratic Services Manager**

**To:** Ms K Ward, Mrs P Grove-Jones, Mr T Adams, Mr D Baker, Mr N Dixon, Mr P Fisher, Ms V Gay, Mr P Heinrich, Mrs M Millership, Mr N Pearce, Mr J Punchard and Dr C Stockton

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order  
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

**Heads of Paid Service:** Nick Baker and Steve Blatch  
**Tel** 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005  
**Email** [districtcouncil@north-norfolk.gov.uk](mailto:districtcouncil@north-norfolk.gov.uk) **Web site** [www.north-norfolk.gov.uk](http://www.north-norfolk.gov.uk)

## A G E N D A

**1. APOLOGIES FOR ABSENCE**

**2. PUBLIC QUESTIONS**

**3. MINUTES**

(Pages 1 - 4)

To approve as a correct record the minutes of a meeting of the Working Party held on 15 April 2019.

**4. ITEMS OF URGENT BUSINESS**

**5. DECLARATIONS OF INTEREST**

**6. UPDATE ON MATTERS FROM THE PREVIOUS MEETING (IF ANY)**

**7. PURPOSE OF WORKING PARTY AND TERMS OF REFERENCE**

(Pages 5 - 10)

Summary: This report explains the key purposes of the Planning Policy and Built Heritage Working Party and invites comments on revised Terms of Reference.

Recommendation: That the revised Terms of Reference are recommended to Cabinet for approval.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, <a href="mailto:mark.ashwell@north-norfolk.gov.uk">mark.ashwell@north-norfolk.gov.uk</a> . 01263 516325	

**8. LOCAL PLAN CONSULTATION UPDATE**

(Pages 11 - 12)

Summary: This report provides a short update on the recent public consultation on the Draft North Norfolk Local Plan and associated documents.

Recommendation: The item is for information only.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, <a href="mailto:mark.ashwell@north-norfolk.gov.uk">mark.ashwell@north-norfolk.gov.uk</a> . 01263 516325	

**9. HOUSING DELIVERY AND FIVE YEAR LAND SUPPLY STATEMENT** (Pages 13 - 20)

Summary: This report provides an overview of two key housing delivery performance measures. It explains the national Housing Delivery Test (HDT) and the process for preparing a Five Year Land Supply Statement. (5YLS). The results of both tests for 2019 are presented.

Recommendation: 1. That the Council seeks independent advice on the potential impacts of UPC on projected housing growth in the District prior to publishing this year's land supply statement.

2. That pending receipt and consideration of this advice the Council continues to give full weight to adopted planning policies dealing with housing supply when determining planning applications.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, <a href="mailto:mark.ashwell@north-norfolk.gov.uk">mark.ashwell@north-norfolk.gov.uk</a> , 01263 516325	

**10. EXCLUSION OF PRESS AND PUBLIC**

**11. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

This page is intentionally left blank

**15 APRIL 2019**

Minutes of a meeting of the **PLANNING POLICY & BUILT HERITAGE WORKING PARTY** held in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am when there were present:

Councillors

Ms V Gay (Chairman)

Mrs A Green  
Mrs P Grove-Jones  
R Reynolds

S Shaw  
R Shepherd  
D Young

Observers:

Mrs A Fitch-Tillett  
J Rest

Officers

Mr M Ashwell – Planning Policy Manager  
Mr P Rhymes – Conservation and Design Officer  
Miss L Yarham – Democratic Services & Governance Officer

**101. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Punchard and Mrs V Uprichard.

**102. PUBLIC QUESTIONS**

None.

**103. MINUTES**

30 January 2019

Minute 85 – Approach to the Natural and Built Environment

Councillor D Young stated that the definitions of “preserve” and “conserve” in the penultimate paragraph should be reversed.

Minute 86 – Approach to Green Infrastructure

Councillor D Young referred to the sentence “In reference to the policy, Cllr D Young stated that it was suggested that only the relevant growth towns would be considered ...”. In fact the policy had referred to each town when it should have referred to relevant town. However, he understood that this item had now been removed from the draft plan.

11 February 2019

Minute 99 – North Norfolk Design Guide

Councillor D Young stated that “not” had been omitted from the sentence “Councillor D Young considered that the Design Guide looked very impressive but he was

concerned that it would (*not*) be accessible to many individuals ...”

Subject to the above, the Minutes of meetings held on 30 January and 11 February 2019 were approved as a correct record and signed by the Chairman.

Councillor D Young referred to a question he had asked at a previous meeting regarding electric vehicle charging points in communal parking areas, which had not been answered. He considered that the concept of communal parking and how electric vehicle charging points were worked out was flawed. Parking was not communal if parking spaces were allocated, and if a parking area was truly communal it would be a matter of chance if a charging point was available when needed.

Councillor Mrs P Grove-Jones was concerned with regard to vehicles being left in situ once they were fully charged and blocking access to charging points for others.

The Planning Policy Manager stated that the question of how to ensure convenient access to electric charging points within communal car parking areas where spaces were not designated was unresolved in the draft policy and requested delegated authority to consider the wording. This was agreed.

Councillor R Reynolds stated that electric charging facilities were not currently standardised and it was difficult to address these issues until they were.

The Planning Policy Manager explained that this was a matter of national concern and not within the Council’s remit.

**104. ITEMS OF URGENT BUSINESS**

None.

**105. DECLARATIONS OF INTEREST**

None.

**106. UPDATE ON MATTERS FROM THE PREVIOUS MEETING**

None.

**107. THE GLAVEN PORTS CONSERVATION AREA APPRAISALS AND MANAGEMENT PLANS 2019**

The Conservation and Design Officer presented the Glaven Ports Conservation Area Appraisals and Management Plans (CAAs), covering Blakeney, Cley, Morston and Wiveton. He outlined the changes that had been made to the draft CAAs as a result of public consultation, including proposed boundary changes and buildings that were proposed for local listing. He requested that the Working Party recommend to Cabinet that the CAAs be adopted and the changes to the boundaries and proposed local listings be agreed.

With regard to the Blakeney CAA, Councillor Mrs A Fitch-Tillett stated that the caravan site was not an attractive feature but contributed to the tourism offer. She asked what the implications were of including it within the Conservation Area.

The Conservation and Design Officer explained that its inclusion would have an impact on the consideration of any planning application. The caravan site was part of the built form of the village and the assets within it.

Councillor R Reynolds commented that the Red House Barns in Blakeney were included for local listing but not Red House itself.

The Conservation and Design Officer explained that Red House was already nationally listed.

Councillor D Young referred to the feedback regarding dark skies. He asked if the addition to the CAA documents would be added to the Local Plan.

The Conservation and Design Officer explained that a specific section on dark skies would be included in the Design Guide.

The Planning Policy Manager added that the general pollution policy required all developments to minimise pollution, including light and noise pollution. He considered that a cross reference to the Design Guide and Conservation Area Appraisals in the preamble to the policy would be a worthwhile addition.

Councillor Young referred to the Design Guide section on windows. He asked if there would be a presumption against large expanses of glazing and bi-fold doors.

The Conservation and Design Officer stated that the impact of glazing would need to be assessed on a case-by-case basis when considering planning applications.

Councillor Mrs P Grove-Jones asked if all work to locally listed buildings would require planning permission.

The Conservation and Design Officer stated that local listing flagged up prominent buildings but did not remove permitted development rights.

Councillor Mrs A Green asked if a booklet could be produced for visitors to the area.

The Conservation and Design Officer stated that the CAAs would be published on the website and a few copies would be available at reception, but they were not widely published and the documents worked better online. However, consideration could be given to additional promotion and the possibility of offering a paid-for service.

The Chairman stated that she was very glad that the process of Conservation Area Appraisals had resumed and understood that there was budgetary provision to continue the work.

It was proposed by Councillor Mrs P Grove-Jones, seconded by Councillor D Young and

## **RESOLVED**

### **That Cabinet be recommended:**

- 1. To adopt the four Glaven Port Appraisals for statutory planning purposes and for the Appraisal documents to become material considerations in the planning process.**
- 2. To agree the proposed boundary changes as recommended in the draft Appraisal documents and that they be published in accordance with the Planning (Listed Buildings & Conservation Areas) Act 1990.**

3. To agree the proposed Local Listings as identified within the draft Appraisal documents.

The meeting closed at 10.42 am.

---

CHAIRMAN

Item for Decision

## Purpose of Working Party and Terms of Reference

Summary: This report explains the key purposes of the Planning Policy and Built Heritage Working Party and invites comments on revised Terms of Reference.

Recommendation: That the revised Terms of Reference are recommended to Cabinet for approval.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, <a href="mailto:mark.ashwell@north-norfolk.gov.uk">mark.ashwell@north-norfolk.gov.uk</a> . 01263 516325	

## 1. Introduction and Scope

1.1 The Working Party's overall purposes are to ensure that the requirements of the Plan Making Regulations for Local and Neighbourhood Plans are met, that the legal Duty to Cooperate when preparing Development Plans is effectively discharged, that Conservation Areas, Listed Buildings and designated landscapes and wildlife are subject to appropriate policy protection and that the Council retains an effective policy basis to meet development needs whilst managing the impacts of all types of land use and built development in the District. It is responsible for preparing evidence, considering options, consulting, preparing Plans and policies, and ensuring that effective monitoring and review mechanisms are in place.

1.2 **Local Plans** are the key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. Local Plans address needs and opportunities in relation to housing, the local economy, community facilities and infrastructure. They should safeguard the environment, enable adaptation to climate change and help secure high quality accessible design. The Local Plan provides a high degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications. Decisions on planning applications should be made in a way that accords with the policies of an up-to-date Local Plan, unless there are good reasons for departures.

1.3 Producing the Local Plan should be a shared endeavour – led by the local planning authority but in collaboration with local communities, developers, landowners and all other interested parties.

1.4 The Local Plan will be examined by an independent inspector whose role is to assess whether the Plan has been prepared in line with the relevant legal requirements (including the Duty to Cooperate) and whether it is “sound”. The regulations include formal tests of soundness including that Plans should be

positively prepared, justified by evidence, effective, and consistent with National Policy.

1.5 The Local Plan must be supported by a robust evidence base and informed by a Sustainability Appraisal. For housing this means that it must plan to meet objectively assessed needs for market and affordable housing, as far as is consistent with national planning policy. This includes identifying a five year supply of specific deliverable sites that should be updated annually (see later report).

1.6 The main legislation that sets out the process for the preparation of Local Plans can be found in Part 2 of the Planning and Compulsory Purchase Act 2004 as amended and The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended. Further guidance is available in Planning Guidance and the National Planning Policy Framework.

1.7 A **Neighbourhood Plan** is a community-led framework for guiding the future development and growth of an area. It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. It should accord with the provisions of any up to date Local Plans.

1.8 Collectively Local Plans, including Minerals and Waste Local Plans prepared by the County Council, and Neighbourhood Plans comprise the Development Plan for the District.

1.9 **Supplementary Planning Documents** build upon and provide more detailed advice and guidance on the application of Local Plan policies. They are subject to public consultation but do not get independently examined. They are material to the determination of planning applications but are not formal policy documents so attract less weight in the decision making process.

1.10 The Localism Act 2011 introduced a requirement for authorities and certain public bodies to engage on key issues under a '**Duty to Cooperate**' when preparing Development Plan Documents (principally Local Plans), and other Local Development Documents. The Act states that Local Planning Authorities must 'engage constructively, actively and on an on-going basis in relation to strategic cross boundary matters'. The Duty to Cooperate is a legal test when Local Plans are independently examined and Local Planning Authorities will need to provide evidence to demonstrate that they have undertaken the Duty.

1.11 **Conservation Areas** are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (Section 69 of The 1990 Planning (Listed Buildings and Conservation Areas) Act). A '**Listed Building**' is a building, object or structure that has been judged to be of national importance in terms of architectural or historic interest and included on a special register, called the List of Buildings of Special Architectural or Historic Interest. Local Planning Authorities have a responsibility to keep Conservation Areas and the List of Buildings of special architectural or historic interest under review.

1.12 Designated Landscapes and Habitats include the Norfolk Coast Area of Outstanding Natural Beauty, Sites of Special Scientific Interests, and various types of protected habitats. Natura 2000 is a network of nature protection areas in the territory of the European Union. It is made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive. The network includes both terrestrial and Marine Protected Areas and

includes substantial areas of the North Norfolk Coast. These areas are recognized as being nationally and internationally important for wildlife and enjoy the highest order of protection.

## **2. The Planning Policy and Built Heritage Working Party (the Working Party)**

2.1 The Working Party was established by Cabinet around 15 years ago. Its initial remit was to lead and oversee the preparation of a new Local Plan for the District. Its scope was subsequently amended to provide for the preparation of Local Development Documents (new types of Local Plans) and to broaden its role to include some aspects of the specialist work undertaken by the Conservation, Design and Landscape Team, most notably the preparation of Conservation Area Appraisals and reviewing the list of Locally Important Buildings.

2.2 The formal Terms of Reference for the Working Party were written some years ago and do not reflect more recent changes in legislation and furthermore they are felt not to adequately explain the relationship between the Working Party and Cabinet in terms of exercising the various functions of Plan preparation and other work. Revised terms have been produced which seek to address these concerns which, following consideration by the Working Party, will require the formal endorsement of Cabinet. Draft Terms of Reference are attached as **Appendix A**.

## **3. Risks**

3.1 The preparation of Local Plans, Conservation Area Appraisals and other associated policy work is subject to national regulations and sometimes legal controls. Failure to comply with these controls is a significant risk and can add considerable costs, reduce confidence in the planning process, and ultimately lead to a failure to address growth needs and control the impacts of development.

3.2 Delivering on wider priorities in the public interest, such as ensuring sufficient homes are built, will often raise competing interests and may have some adverse consequences. Balancing these interests is often controversial. It is therefore important that the process of land use policy development is transparent, open to effective scrutiny, and properly recorded. The suggested Terms of Reference seek to address these areas.

## **4. Recommendations**

That the appended Terms of Reference are recommended to Cabinet for approval.

### **Abbreviations**

SPD – Supplementary Planning Document  
CA – Conservation Area  
LB – Listed Building  
AONB – Area of Outstanding Natural Beauty  
SSSI – Site of Special Scientific Interest  
SPA – Special Protection Area  
SAC- Special Areas of Conservation

This page is intentionally left blank

<b>Membership</b>	<p>Fourteen Members of North Norfolk District Council (politically balanced)</p> <p>All members to be invited to contribute as and when required.</p>
<b>Purpose</b>	<p>To ensure that the requirements of the Plan Making Regulations for Local and Neighbourhood Plans are met, that the legal Duty to Cooperate when preparing Development Plans is effectively discharged, that Conservation Areas, Listed Buildings and designated landscapes and wildlife are subject to appropriate policy protection and that the Council retains an effective policy basis for managing the impacts of all types of land use and built development in the District.</p>
<b>Actions</b>	<ul style="list-style-type: none"> <li>• Commission and prepare a proportionate evidence base to support the development of land use policies and ensure this is kept up to date.</li> <li>• Appraise the reasonable options which are available to address growth needs of the District in a sustainable way.</li> <li>• Prepare suitable materials and undertake effective public engagement in the preparation of land use policies.</li> <li>• Prepare a draft Local Plan, Sustainability Appraisal, Habitat Regulations Assessment, Equalities and Duty to Co-operate Statements for independent examination.</li> <li>• Oversee the completion of an agreed program of Conservation Area Appraisals.</li> <li>• Oversee the maintenance of the list of Locally Listed Buildings.</li> <li>• Ensure that the impacts of policies are effectively monitored and are subject to periodic review.</li> <li>• Help shape positive change management through the media and other communication channels.</li> </ul>
<b>Reporting Framework</b>	<p>The Working Party will produce an annual report to be submitted to the Overview &amp; Scrutiny Committee outlining progress.</p>
<b>Administration</b>	<ul style="list-style-type: none"> <li>• Published timetable of meetings. Meetings to be held in public.</li> <li>• Preparation and publication of meeting Agenda's at least five working days before each meeting.</li> <li>• Publication of Minutes</li> <li>• Progress chasing</li> </ul>
<b>Risk &amp; Mitigation</b>	<p>Sign off risk analysis for the corporate and service risk registers.</p>

<b>Governance</b>	<ul style="list-style-type: none"><li>• Periodic reports and updates to the Overview &amp; Scrutiny Committee</li><li>• Confidentiality of information will be ensured where necessary</li></ul>
<b>Housekeeping</b>	All work to be undertaken within the framework of the corporate policies of the Council.

Item for Information

## Local Plan Consultation Update

Summary: This report provides a short update on the recent public consultation on the Draft North Norfolk Local Plan and associated documents.

Recommendation: The item is for information only.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, <a href="mailto:mark.ashwell@north-norfolk.gov.uk">mark.ashwell@north-norfolk.gov.uk</a> , 01263 516325	

### 1. Background

1.1 The Draft North Norfolk Local Plan, the Options considered during its preparation, Sustainability Appraisal, Habitat Regulations Assessment, Landscape Character and Sensitivity Assessments, and the North Norfolk Design Guide were all published for a six-week period of public consultation commencing on the 7<sup>th</sup> of May and ending on the 19<sup>th</sup> of June. The advertised period was extended for a short period to allow for 'late' submissions.

1.2 During the consultation period the Council held twelve local drop in exhibitions supported by Officers from the Planning Policy Team and the wider planning department. These were held in each of the proposed 'Selected Settlements' where growth is being suggested in the Draft Plan. Overall, they were attended by approximately 1,000 people who had the opportunity to see displays of the proposals and ask questions of Officers about the proposals and how to get involve in the consultation. On request Officers from the team also attended a number of Town and Parish Council meetings and will continue to do so over the coming months as Plan preparation proceeds.

### 2. Representations

2.1 At the time of drafting this report the following representations had been received:

#### Table of Representations

Document	no of representations	no of consultees	additional letters / emails	late responses after 28 <sup>th</sup> June
Draft Plan	701 (+ 96) = 797	251 (+96) = 347	(96)	7
Alternatives Considered	82	36		

SA	4	4		
SA scope	1	1		
HRA	3	3		
Consultation statement	8	8		
LCA	3	3		
LSS	2	2		
Design Guide	TBC	TBC		
			included in total	
<b>TOTAL</b>	<b>900</b>	<b>404</b>	<b>(96)</b>	<b>(7)</b>

\* Figures in brackets relate to those representations made outside of using the Consultation Portal.

2.2 Many representations cover **multiple policy areas and also reference other documents**. These will be split out into a consolidated schedule of representations over the coming weeks / month so that they are organised by policy area. The final total number of individual representations will therefore be significantly higher.

### 3. What happens Next?

3.1 Over the next few weeks Officers will sort all of the representations so that they are recorded against the specific Policies and Proposals included in the Draft Plan. This will then allow the Working Party to work through the Plan and consider where changes are desirable. This process is likely to take several months and in more complex areas may involve the preparation of further evidence. In each case Officers will prepare a report containing the representation (grouping similar representations together) and a recommended way forward.

3.2 A revised Plan will be prepared which, depending on the extent of modifications made, will be subject to either a single stage or two further stages of public consultation, before the Plan is submitted for independent examination by a government appointed Inspector. Alongside this, the Council will need to reach early decisions about its intended approach to growth in villages and start the complex process of identifying, appraising and consulting on potential development site options in these locations.

3.3 In relation to the Design Guide and Landscape Appraisals these are intended to be Supplementary Planning Documents and hence need not be subject to further consultation or independent examination before being approved for use. Separate reports will be brought to the Working Party in relation to these.

3.4 At the meeting Officers will up-date Members on the main areas which are subject to representations but it is not intended that any detailed consideration will be given to these at this meeting.

**Recommendation:** This report is for Information only.

Item for Decision

## Housing Delivery and Five Year Land Supply Statement

**Summary:** This report provides an overview of two key housing delivery performance measures. It explains the national Housing Delivery Test (HDT) and the process for preparing a Five Year Land Supply Statement. (5YLS). The results of both tests for 2019 are presented.

**Recommendation:**

1. That the Council seeks independent advice on the potential impacts of UPC on projected housing growth in the District prior to publishing this year's land supply statement.
2. That pending receipt and consideration of this advice the Council continues to give full weight to adopted planning policies dealing with housing supply when determining planning applications.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, <a href="mailto:mark.ashwell@north-norfolk.gov.uk">mark.ashwell@north-norfolk.gov.uk</a> . 01263 516325	

### 1. Introduction

1.1 The National Planning Policy Framework (NPPF) requires that each authority, via the preparation of Local Plans and the determination of planning applications, delivers sufficient homes to meet all housing needs. Two separate nationally applied performance measures are in place:

- The **Housing Delivery Test (HDT)** is published by DCLG on an annual basis. It looks backwards over a three-year period and records the number of dwelling completions for each District and compares this to dwelling requirements over the same period. The result, expressed as a percentage of requirement delivered, determines which measures, if any, an authority may need to take to improve delivery.
- **Five Year Land Supply Statements (5YLS)** look forwards over the next five-year period and compares dwelling requirements over this period with the likely supply of suitable development sites. Failure to maintain a sufficient supply of future development sites reduces the weight that can be given to adopted policies and introduces a policy presumption that planning permission should be granted for sustainable developments, including in those circumstances where proposals may not comply with locally adopted Plans. This presumption should be applied until such time as the land supply position has improved.

- 1.2 This report outlines North Norfolk's position in relation to both of these tests.

## 2. The Housing Delivery Test.

- 2.1 The Housing Delivery Test was introduced in 2018 following the publication of a revised National Planning Policy Framework. It is a standard national measure of how each Authority in the Country has performed in terms of delivering homes over the preceding three years. The results are compiled and published annually by Department of Communities and Local Government (DCLG) and compare the **requirement** for new homes over this period with the actual numbers of new dwellings built. Housing completions data is provided by Local Authorities which submit an annual return. The *required* number of homes used in this test is either the current Local Plan housing target (where a Plan is up to date) or, where a Plan is more than five years old as is the case with North Norfolk, the annual average number of new households which are likely to form in an area derived from national household projections published by the Office for National Statistics (ONS). The national household projections are published every two years and the HDT is currently based on projections published in specific years (2012 and 2014 based projections).
- 2.2 In each of the last three years the number of new homes delivered in North Norfolk has exceeded the targets in both our adopted Local Plan (the Core Strategy has a target of 400 per year) and those derived from the household projections. The District provided **126%** of the housing requirement over this period and hence passes the HDT. In such circumstances the Authority is not required to take any specific actions to improve housing delivery under the HDT.

### 2.3 Table A – 2018 Housing Delivery Test results for North Norfolk

	2015/16	2016/17	2017/18	HDT Result 2018
Local Plan target	400	400	400	
Number of homes required derived from Household Projections*	386	387	401	126%  The District delivered 26% more homes than were required under the test over the three year test period.
Number of net new homes provided	486	442	555	

\*Annual requirements are derived from the National Household Projections 2012-2014 base years as per HDT rule book.

- 2.4 Although not currently applicable in North Norfolk, the sanctions for not passing the HDT are:
- Where the HDT indicates that delivery has fallen below **95%** of an authority's requirement over the last three years, the authority should prepare an Action

Plan to assess the causes of under-delivery and identify actions to increase delivery in future years.

- Where the HDT indicates that the delivery of housing is below **75%** over the last three years, the authority should consider the policies that are most important for determining a planning application as out of date. This means that there is a greater likelihood that planning permission should be granted for proposals which are contrary to locally adopted policies (the so called presumption in favour of sustainable development).
- Where the HDT indicates that the delivery of housing is below **85%** over the last three years a buffer of 20% should be added to the Five-Year Housing Land Supply requirement of the authority.

**Note** – Upon adoption of the new Local Plan the housing target it contains will replace the National Household Projections as the measure for determining if sufficient homes are being delivered for the purposes of applying the HDT. As the housing target in the new Plan is likely to be substantially higher than the current Household Projections it will become progressively more difficult to pass the test over coming years.

### **3. Five Year Land Supply**

- 3.1 Each year the Council is required to produce a statement which compares the future target for the delivery of new homes to the supply of housing land that is available to meet that target. This statement is important both in monitoring progress on the delivery of homes and ensuring that sufficient development land is available to accommodate future needs.
- 3.2 The formal requirement is that each Authority should always have available sufficient deliverable sites for the next five years of required housing growth. Note that under this test it is not sufficient to allocate sites in Local Plans or grant planning permission for development - the test requires that there must also be a *realistic prospect* that planned development is actually going to be built within the next five-year period. The test is intended to ensure that the absence of suitable development sites will not hold back required development. If an Authority is unable to demonstrate a five-year land supply (sufficient development land for the next five years) it should take measures to make more land available, for example, by granting more deliverable planning permissions, or allocating more land in a Local Plan, or introducing other measures to incentivise the quicker delivery of sites.
- 3.3 For Five Year Land Supply purposes, and for setting housing targets in Local Plans, the number of homes required over the period is calculated in accordance with a standard national methodology which, although derived from the same National Household Projections as the HDT, produces significantly higher requirements. This is because the standard methodology includes the addition of a substantial 'uplift' in future home requirements with the size of the uplift determined by the relationship between local incomes and local house prices (the affordability ratio). Where this ratio is high this uplift can be substantial and in the case of North Norfolk it adds around 38% to the future dwelling requirement, increasing it to 553 dwellings per annum rather than the 380-400 currently used for HDT purposes.

- 3.4 In order to ensure that there is sufficient choice and flexibility in future land supply the National Planning Policy Framework (NPPF) also requires that a further 5% buffer is added to the five-year requirement. Hence, for five-year land supply purposes the Authority should currently be able to demonstrate that there is sufficient land for at least 2,905 dwellings to be built over the next five years based on applying the standard methodology.

**Table A – Five-year land supply requirement in North Norfolk 2019-2024**

Stage of methodology	No of net new dwellings
Number of dwellings required by standard methodology.	553 per annum inclusive of affordability uplift
Plus buffer of 5% required by NPPF.	581 per annum
Multiplied by five years.	2,905 deliverable homes over five years.

- 3.5 Taken at face value the process for preparing the Statement is straightforward. All that is required is a demonstration that sufficient land is available to accommodate the next five years of required growth. The basic process is:

**Stage 1** - Establish the target number of dwellings which are currently needed using the published standard methodology outlined above. This requirement will change on a rolling basis to remain aligned with the latest Household Projections, affordability ratios, or, targets set in recently adopted Local Plans.

**Stage 2** - Assess the future supply of deliverable dwellings over the next five years.

**Stage 3** - Compare the required number of dwellings with the deliverable supply to establish how many year's supply is available. Express the results as year's supply available.

#### **4. What potential sources of future housing supply can be counted?**

4.1 The five-year land supply statement is based on net additional dwellings. All new dwellings are counted both in terms of new completions and the assessments of likely future supply. Dwellings include new build homes, changes of use, building conversions and the removal of holiday conditions to allow permanent occupancy. Allowance may also be made for the delivery of homes via routes which do not require planning permission, otherwise known as permitted development. Although other types of permanent accommodation are provided such as care homes and nursing homes these are not typically accounted for in the statement notwithstanding that they are addressing the housing needs of some residents in the District. In future years the Council might wish to include such provision within its future supply and may make an allowance of one additional dwelling for each three bed spaces provided as residential care.

4.2 When estimating the future delivery of homes, the NPPF requires that only those dwellings which have a *realistic prospect* (not defined) of being built over the next five years are included. For example, whilst at any given time there might be planning permission for in excess of 2,000 dwellings in the District the annual assessment will

conclude that only a proportion of these will actually be built over the next five-year period.

## **5. What should be taken into account when assessing likely future development rates?**

5.1 Future delivery rates of development are one of the most contentious areas of land supply statements. Clearly the rate of future development is influenced by many factors and the 'realistic prospect' test inevitably involves judgements being made. Each annual statement includes a formal delivery assessment of all sites which can deliver more than ten dwellings. This takes account of ownership, planning status, market conditions and viability, legal restrictions, and any other known local factors which might influence when development actually happens. A separate allowance is made for smaller sites.

**Example:** *The large urban extension at Fakenham is included in the adopted Local Plan. The total site identified is large enough to accommodate around 1,500 dwellings. The release of land for around 500 of these is dependent upon a clear demonstration of adequate supporting infrastructure which is being tested via the preparation of the new Local Plan. Of the remaining 1,000 dwellings approximately 100 are built and the other 900 do not yet have planning permission (outline application pending).*

*In this case the five-year supply can include dwellings on those parts of the site which are already under construction and some allowance can also be made for dwellings which are subject to the current planning application - but only insofar as the allowance made meets the realistic prospect test. So, although this site is planned to deliver 1,500 dwellings in the longer term, recent Assessments have concluded that less than 300 are likely to be delivered over a five-year period. Once detailed planning permissions have been granted and development commences on other parts of the site this figure can be increased progressively and at its peak the site could deliver 100-150 dwellings per year.*

## **6. The Current Position- Headline Results**

- 6.1 Housing delivery in the District is dependent on two main categories of sites. These are those which are formally allocated (specifically identified in the Local Plan for development) and those which are delivered via various sources of 'windfall' developments. Windfall developments are those which are not on specific allocated sites but are delivered in accordance with policies which allow for various types of development such as infills, rural exceptions, conversion of buildings and sources of homes which do not require planning permission. Both categories are necessary in order to deliver sufficient homes and the proportions derived from each source vary over time. For example, in the period between 2001 and 2011 nearly all of the development in the District was delivered via windfall sites as a consequence of there being no allocated sites in the Local Plan during this period.
- 6.2 This year's land supply statement, shows a continuing trend of relatively high completion rates (534 net additions in 2018/19) largely driven by the construction of homes on larger development sites across the District. Whilst this is good news, once a dwelling has been built it is no longer part of the future supply and must therefore be replaced with another deliverable home.

Thus higher completion rates make the task of maintaining sufficient future supply more difficult.

- 6.3 The numbers of new permissions granted has fallen. This is largely as a consequence of most of the larger sites included in the existing Local Plan, other than the Trinity site at Fakenham, now having planning permission. This is likely to remain the case for the next couple of years until such time as sites made available via the preparation of the new Local Plan become available.
- 6.4 The task of providing an adequate supply has become increasing difficult as housing targets in the District have been steadily increased. This is entirely as a consequence of the Governments changes to the way in which housing needs are to be assessed using the standard methodology, rather than as a consequence of any underlying changes in market conditions or failure on behalf of the Authority.

## **7. Alternative Approaches**

7.1 The National Planning Policy Framework requires that for land supply purposes the requirement is calculated in accordance with the standard method in national guidance – *unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals* (Para 60 of the NPPF). Other than making clear that using the later (and lower) 2016 based Household Projections is not acceptable, Government has not indicated what might constitute ‘exceptional circumstances’.

7.2 Since publication of the NPPF a small number of authorities have been successful in making a case that the 2014 based Household Projections which underpin the standard approach are flawed when applied locally.

This flaw, referred to as Un-attributable Population Change (UPC), is an error which appears in those Authorities where growth is largely driven by inward migration. In summary historic mid- year population projections have been shown by later Census data to have been too high and in the affected areas population has not increased at the rate previously projected. Because subsequent ONS Projections are trend based and rely on projecting forwards previous projections, these historic flaws may still remain in the later figures. In North Norfolk much of the demand for new homes arises from inward migration so it is critically important that migration projections are robust.

7.3 It was accepted by the Planning Inspector who dismissed the appeal at Sculthorpe that the Household Projections for the District were likely to include an element of UPC and consequently over-estimated (perhaps by as much as 2,000 people) the need for homes. However, the impact of this in North Norfolk is not as substantial as elsewhere and it is not clear if this would represent an ‘exceptional’ circumstance which would justify a departure from the standard methodology.

7.4 Given the importance of the Five Year Land Supply position to the determination of planning applications in the District it is important that the reported position is accurate and evidence based. In this regard it is considered that further clarity should be sought in relation to the impacts of UPC before the Council determines and publishes its final position.

## **8. Legal Implications and Risks**

- 8.1 The absence of a five-year land supply is a significant risk to the Council. Failure to plan for the required quantity of homes could result in identified housing needs going unmet and increases the risks that planning decisions will depart from the approved Local Plan. It also increases the risks associated with planning applications being made on unallocated sites in locations where local communities expect that the Local Plan would limit development.
- 8.2 When an Authority is unable to demonstrate a five year supply the National Planning Policy Framework requires that planning applications are determined in accordance with what is known as the 'presumption in favour of sustainable development'. This means that unless the site is in a protected area, such as the Area of Outstanding Natural Beauty, planning permission should be granted for sustainable development *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11 of the NPPF)*. This does not mean that planning permissions should routinely be granted for housing proposals which are not in policy compliant locations – the presumption is applicable to sustainable developments rather than unsustainable developments and the decision maker must still balance the harms and benefits associated with the proposal. If the harms are shown (demonstrated) to significantly outweigh the benefits, then planning permission should still be refused. The presumption should be applied until such time as the land supply position has been corrected.

### **Recommendation:**

**1. That the Council seeks independent advice on the potential impacts of UPC on projected housing growth in the District prior to publishing this year's land supply statement.**

**2. That pending receipt and consideration of this advice the Council continues to give full weight to adopted planning policies dealing with housing supply when determining planning applications.**

This page is intentionally left blank