

<b>REPORT TITLE</b>	Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy
<b>Executive Summary</b>	The purpose of this report is to consider progress made on the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy and to endorse the new Action Plan and governance arrangements following endorsement by the Norfolk Strategic Framework.
<b>Options considered.</b>	Not to endorse the Action Plan.
<b>Consultation(s)</b>	The Action Plan has been informed by stakeholder engagement and community events
<b>Recommendations</b>	<p><b>Members of the Planning Policy &amp; Built Heritage Working Party recommend to Cabinet that:</b></p> <p><b>I. The Action Plan and Governance arrangements are endorsed</b></p> <p><b>II. Nominate appropriate Member to sit on the GIRAMS board.</b></p>
<b>Reasons for recommendations</b>	To Implement the GIRAMS and fulfil the Councils' responsibilities in relation to Habitat Regulation
<b>Background papers</b>	<a href="#"><u>Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy March 2021.</u></a>

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Andrew Brown, Portfolio Holder for Planning & Enforcement
<b>Contact Officer</b>	Iain Withington, Acting Planning Policy Manager <a href="mailto:iain.withington@north-norfolk.gov.uk"><u>iain.withington@north-norfolk.gov.uk</u></a>

<b>Links to key documents:</b>	
Corporate Plan:	The report addresses all five themes: Our Greener Future, Developing Our Communities, Meeting Our Housing Need, Investing in Our Local Economy and Infrastructure and A strong, Responsible & Accountable Council.

Medium Term Financial Strategy (MTFS)	N/A
Council Policies & Strategies	Adopted and emerging local plan

<b>Corporate Governance:</b>	
Is this a key decision	No
Has the public interest test been applied	No
Details of any previous decision(s) on this matter	Norfolk Strategic Framework 23rd October 2024 <ul style="list-style-type: none"> <li>• PPBHWP 14 December 2020</li> <li>• Cabinet 1 February 2021</li> </ul>

## **1. Purpose of the report**

- 1.1 The purpose of this report is to consider progress made on the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy and to endorse the new Action Plan and governance arrangements following endorsement by the Norfolk Strategic Framework.

## **2. Introduction & Background**

- 2.1 Habitat Regulation Assessments (HRAs) are a legal requirement for Local Plans, are a soundness and legal consideration at examination, and a legal consideration at planning application stage. These Assessments are undertaken to ensure that the Plans policies and proposals will not result in any likely significant effects on internationally recognised wildlife sites and, where the potential for such impacts arises, implement an agreed process of mitigation.
- 2.2 All Norfolk authorities Local Plans have been subject to HRA and conclude that the in-combination growth that is planned has the potential to have significant adverse impacts on designated wildlife sites (with the exception of the Broads Authority).
- 2.3 Local Planning Authorities (LPA) are the designated competent bodies and as such are responsible for ensuring that policies and proposals contained in their Local Plans do not have an adverse effect on the integrity of European sites.
- 2.4 Recreational pressures from growth and its impact on designated Habitats Sites is a cross-boundary issue which affects all Local Plans in Norfolk. Individual authorities can only address the effects of growth within their own boundaries. The best available evidence categorically and irrevocably identifies likely significant effects from in combination growth as a result of cross boundary growth. With the best available evidence now clearly

showing that the levels of growth proposed trigger in combination effects across the LPAs from growth that originates outside each LPA, the issue is better addressed at a more strategic level similar to the approach taken in many other parts of the country

### **What has been completed?**

- 2.5 Working through Norfolk Strategic Planning Member Forum, the member authorities have developed a single shared approach to first understand the pressures and impacts of residential growth on European protected sites and then how to address potential impacts.
- 2.6 The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy was endorsed in 2021 and all Local Authorities have now introduced the tariff for qualifying developments.
- 2.7 Alongside the implementation of the tariff members requested the review of the mitigation package. The key principle of the review was to provide a more detailed action plan of mitigation through:
  - A detailed review of all individual Natura 2000 sites looking at site improvement plans, existing access and visitor management measures and identify other proposed measures within the protected sites
  - The identification of the degree of intervention needed to avoid likely significant effects based on visitor increases expected
  - Working with site managers/landowners to identify and prioritise the key projects and priorities
  - Maximising use of existing resources at sites
  - Ensuring the action plan covers the period to 2046 to align with any forthcoming local plans.
- 2.8 Footprint Ecology were commissioned in early 2023 to complete this work and an update on progress was given to members of the Norfolk Strategic Framework in January 2024. This work is now complete, and their action plan accompanies this report. The report has identified a large range of projects to be delivered across the county in the next 22 years costing £22 million. The action plan will lead to a small increase in the tariff cost per dwelling to £293.53
- 2.9 The Action Plan and Governing arrangements were agreed and authorised for local authority circulation and endorsement by Members of the Norfolk Strategic Framework on October 23<sup>rd</sup>, 2024. Attached in Appendix 1

### **3. Governance and Management of Fund**

- 3.1 Members have already endorsed the approach at previous working party and cabinet meetings (December 2020 and February 2021). At the Member Forum held in December 2021 members agreed to the principle of exploring the option of the county council being the accountable body and hosting organisation for the Mitigation. It proved not possible to reach agreement with the county in managing the Mitigation Fund, so officers have been developing a governance process with the delivery manager role being hosted by a district council instead.

- 3.2 Norwich City Council already host the Norfolk Strategic Framework Manager and have kindly offered to host the GIRAMS delivery manager and will hold a central pool of funds for projects. However, they will not be accountable for the operation of the scheme which will remain with the districts and the board.
- 3.3 It is proposed that a board:
- Is responsible for overseeing the delivery of the mitigation identified as being required to support the planned growth for the county.
  - Agrees an annual programme of projects to be delivered by the Norfolk RAMS Mitigation Programme which will be funded wholly from the Norfolk RAMS Fund.
- 3.4 The Board would be made up of Members from all authorities support by Ecologist and/or Planning Officers from all authorities. There may be other groups that support the board in an advisory role or provide advice; this may include Natural England, The Environment Agency and Ecologists from other interested groups.
- 3.5 An Officer steering group reporting to the Norfolk Strategic Planning group created terms of reference for the overarching board and a job description for the Delivery Officer Role.
- 3.6 A Memorandum of Understand has been drafted which sets out the operation of the scheme alongside the terms of reference with Norwich City Council acting as host authority. This is now ready for endorsement by each authority and contained in Appendix 2 and Appendix 3.

#### **4. Options**

- 4.1 Whilst there is the option not to sign up to the governance arrangements there are no alternatives in place to meet the Council's legal responsibility to accord with the Habitat Regulations. In the absence of any other option the Council would leave itself open to legal challenge in relation to meeting its obligations under the Habitats Regulations with regard to individual planning applications and the policy requirements of the emerging Local Plan.

#### **9 Legal Implications**

- 9.1 Habitat Regulation Assessments (HRAs) are a legal requirement for Local Plans, are a soundness and legal consideration at examination, and a legal consideration at planning application stage. These Assessments are undertaken to ensure that the Plans policies and proposals will not result in any likely significant effects on internationally recognised wildlife sites and, where the potential for such impacts arises, implement an agreed process of mitigation.
- 9.2 Local Planning Authorities (LPA) are the designated competent bodies in relation to the Habitat Regulations and as such are responsible for ensuring that policies and proposals contained in their Local Plans do not have an adverse effect on the integrity of European sites

#### **10 Risks**

- 10.1 In the failure to implement a mitigation the Council would leave itself open to legal challenge in relation to meeting its obligations under the Habitats Regulations with regard to individual planning applications and the policy requirements of the emerging Local Plan.

## **11 Net Zero Target**

- 11.1 No assessment has been made against the council's [Net Zero 2030 Strategy & Climate Action Plan](#)..

## **12 Equality, Diversity & Inclusion**

- 12.1 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12.2 There are no direct implications on equality within this report.

## **13 Community Safety issues**

N/A

## **14 Conclusion and Recommendations**

**Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet that:**

- I. The Action Plan and Governance arrangements are endorsed**
- II. Nominate appropriate Member to sit on the GIRAMS board**

## Appendices

Appendix 1: Action Plan

Appendix 2: Memorandum of Understanding October 2024

Appendix 3: Board Terms of Reference

End