

Local Plan Draft Policies SD11: Coastal Erosion, SD12: Coastal Adaptation and ENV3: Heritage & Undeveloped Coast

Summary: This report considers the representations made at Regulation 18 stage of plan preparation and seeks to agree the final versions of Policy SD 11: Coastal Erosion, Policy SD 12: Coastal Adaptation and Policy ENV 3: Heritage & Undeveloped Coast.

Recommendations: **1. It is recommended that members endorse the revised Policies SD11, SD12 and ENV3 recommending to cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager.**

Cabinet Member(s)	Ward(s) affected
All Members	All Wards
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1. Introduction

1.1 The emerging North Norfolk Local Plan has been subject to public consultation at regulation 18 stage during May and June 2019. This report is one of a number of reports that seeks to finalise the draft Local Plan policy approach in relation to consideration of the consultation responses and the finalisation of the supporting evidence. At the end of the process a revised Draft Local Plan incorporating justified modifications will be produced for the authority in order to consult at Regulation 19 Draft Plan publication stage ahead of subsequent submission for examination. At such a stage the Plan will be subject to consideration by an independent inspector against a number of legal tests and soundness tests to determine if it is legally compliant, justified, effective, and has been positively prepared. A binding report will be produced, which will determine if the Draft Plan is sound, with or without further modifications, following which the Plan can be formally adopted by the Council.

1.1 The North Norfolk coast has been shaped by coastal processes for thousands of years and will continue to change. Cliffs and beaches along the coastline are subject to coastal processes which can cause cliff failure and retreat. In more recent years people have tried to control this erosion with sea defences.

This has benefits but in some locations it is not currently considered sustainable. Sea level rise and increased storm events resulting from climate change will put greater pressure on sea defences and the coast.

- 1.2 As such, it is important that the emerging Local Plan takes a pro-active role in helping reduce the risk from coastal change through appropriate land use policies and by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.
- 1.3 **The purpose** of this report, is following a review of regulation 18 consultation feedback to seek Members endorsement of the final suit of policies that address coastal land use matters for future Plan making ahead of Regulation 19 consultation and then submission of the Plan.

2. Background and Update

- 2.1 The purpose of Policy SD11 is to reduce the risk from coastal change by managing the types of development that would be supported in potential risk areas.
- 2.2 Policy SD12 interlinks with Policy SD11 in order to make provision for development and infrastructure that needs to be relocated from the Coastal Change Management Area (CCMA), which are set out in the Shoreline Management Plans (SMP's) and covers the areas likely to be affected by physical changes to the coast over the next 100 years.
- 2.3 In addition, Policy ENV 3 links to Policy SD12, in protecting the appearance and character of the Heritage and Undeveloped Coast, whilst permitting rollback development, in accordance with Policy SD12. The Heritage and Undeveloped Coast designations are designed to minimise the wider impact of general development, additional transport and light pollution within the distinctive coastal area. Collectively the suit of policies seek to support sustainable growth and take a proactive approach in order to mitigate and adapt to climate change taking into account the land use implications from coastal change.
- 2.4 The extent of the CCMA is informed by the two adopted SMP's, which cover the North Norfolk Coast. These are SMP5, from Hunstanton to Kelling Hard and SMP6, Kelling Hard to Lowestoft Ness. The SMP's set out coastal policy up to the period 2105 and identify areas at risk from coastal erosion likely to occur to that date, including properties and community facilities at risk. The SMPs are likely to be updated during the lifetime of the Draft Local Plan, but until that time, they provide the best available information in terms of the short, medium and long term risk areas of the coast.
- 2.5 As Members may recall from the August Built Heritage and Planning Policy Working Party, an initial consultation document was reported, for information, regarding the production of a joint Coastal Adaptation Supplementary Planning Document (SPD) by a partnership of East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority, and the shared Coastal Partnership East team. The purpose of the SPD is to provide guidance on aligned policy approaches along the coast and to take a whole coast approach, which follows on from the Statement of Common Ground on Coastal Zone Planning agreed between the partnership authorities in September 2018. In doing so, the SPD will ensure planning

guidance is up to date, aid the interpretation and delivery of planning policy for developers, landowners, and development management teams and provide case study examples of coastal adaptation best practice. In turn, the SPD will ensure that coastal communities continue to prosper and adapt to coastal change through a whole coast approach.

- 2.6 As a brief update, Members are informed that the initial consultation for the Coastal Adaptation SPD commenced on 4th September 2020 and will close on 16th October 2020. The next stage of the process will be to jointly review the consultation comments received and collaboratively commence with the first draft of the SPD. This draft will be reported to Members of this Working Party.
- 2.7 Since the Regulation 18 consultation the Environment Agency (EA) has published the National Flood and Coastal Erosion Risk Management (FCERM) Strategy for England in July 2020. It has 3 long-term ambitions, underpinned by evidence about future risk and investment needs. These aims relate to bolstering resilience to flooding and coastal change, making the right investment and planning decisions to secure sustainable growth and environmental improvements and lastly, ensuring local people understand their risk to flooding and coastal change in order that they can adapt and respond to it.
- 2.8 The strategic objectives contained within the EA document include that between now and 2030, all new development will contribute to making places resilient to flooding and coastal change and that risk management authorities will encourage environmental net gain in all new development to support resilience to flooding and coastal change.

3. Feedback from Regulation 18 consultation

- 3.1 All of the Regulation 18 consultation feedback has been published in the Schedule of Responses, previously reported to Members. For information, the feedback for the three draft policies is contained within Appendix 1 to this report and summarised below. Overall, the number of responses to the policies was limited, however, the respondents did raise some key issues. The comments are summarised below for each draft policy:

Policy SD 11: Coastal Erosion

- 3.2 Individuals: Two objections and one general comment were received. Mainly commenting that villages and towns on the coast should be protected from the risk of coastal erosion and flooding in order to maintain existing communities, encourage tourism and protect agricultural land and wildlife and that new homes should not be built in areas at risk of coastal erosion.
- 3.3 Parish and Town Councils: no comments were received.
- 3.4 Statutory Bodies and Organisations: One objection on behalf of a Company that operates a caravan park within the CCMA, whose main concerns are that the policy would be overly restrictive and limit opportunities for the staged 'roll back' or possible relocation of existing tourist related businesses within the CCMA. Stating that the relocation from the most vulnerable areas of the CCMA to the less vulnerable areas in the CCMA would be more feasible,

viable and deliverable than a complete move outside of the CCMA. They comment about the difficulties of a finding alternative sites and that most attractive sites are likely to be within the AONB/Undeveloped Coast where other restrictive policies would apply.

In addition, two general comments and one response in support were received. Natural England commented that the Plan should consider the marine environment and apply an Integrated Coastal Zone Management approach. Where Marine Plans are in place, Local Plans should also take these into account. The RSPB commented that any assessments regarding coastal change must consider wider issues, such as, changes to sediment inputs offshore, especially with a changing climate and weather patterns. The Norfolk Coast Partnership requested that geology be mentioned in the policy and that there is a need to involve the Norfolk Geodiversity Partnership in applications and projects.

Policy SD 12: Coastal Adaptation

- 3.5 Individuals: One response supports the policy but suggests that coastal adaptation should be for local occupiers and shouldn't allow second home owners to relocate.
- 3.6 Parish and Town Councils: One general comment from Sheringham Town Council concerned that if holiday homes and second homes are not included in the rollback, it could lead to increased pressure on an already stretched housing supply. One objection was received from Bacton and Edingthorpe Parish Council, concerned that the relocation of cliff-top caravan parks to sites within the undeveloped coast could be harmful to the landscape and that the provision for the safeguarding of the landscape is essential within the policies. Such development could encroach into the local countryside and conflict with Policy SD4 (Development in the Countryside). The Parish Council comments that the designation of Bacton as a Small Growth Village could potentially limit the future availability of suitable sites for relocation of facilities threatened by coastal erosion.
- 3.7 Statutory Bodies and Organisations: One objection on behalf of a Company that operates a caravan park within the CCMA, whose main concerns are that the Policy is too restrictive in that it would only allow for the relocation of proposals from the CCMA that would be affected by coastal erosion in the next 20 years, from date of proposal, which may not be the most economically viable or feasible approach for certain uses. It is suggested that this time limit requirement should be deleted, or extended. They comment that the Policy includes additional onerous requirements that will need to be met in order for a 'roll back' proposal to be supported and that the wording should refer to 'no net detrimental impact' and that the Policy's requirements should be balanced with the viability of relocation.
- 3.8 Two general comments and one of support were received. Natural England welcomes the policy, commenting that shoreline adaptation should be considered on a strategic scale where possible. The Norfolk Coast Partnership supports the policy, in not being detrimental to the landscape. The Environment Agency have some concerns that the policy is impracticable and unfeasible for a number of commercial and business uses. Commenting that some Local Authorities (LA) are considering offering 2 for 1 property rollback opportunities to try to offset the high cost of relocation and encourage

uptake of rollback opportunities. They also recommend inclusion of 'or, that the relocated dwelling should be in a location which exhibits a similar or improved level of sustainability', or similar, as relocation close to an existing community is often difficult for various reasons. Therefore, extending this principle elsewhere within the district, if local land is unavailable or purchase not feasible, should encourage rollback and early adaptation for the benefit of the wider areas.

Policy ENV 3: Heritage & Undeveloped Coast

- 3.9 Individuals: Three responses in support and one objecting were received for the draft policy. Overall, the policy was considered to be a much-needed policy for North Norfolk, as protection should be given to important areas of wildlife habitat and biodiversity. The comments requested that the Undeveloped Coast on Proposals Map needing to be updated to exclude existing settlements and further consideration of the policy wording.
- 3.10 Parish and Town Councils: One response from Bacton & Edington Parish Council strongly supporting the draft policy and referring to the area's links to the nearby Norfolk Coast AONB and to the Bacton Gas Terminal.
- 3.11 Statutory Bodies and Organisations: Two general comments and two supportive responses, broadly supporting the policy, but one respondent commented that the approach was unduly restrictive given the overlap with the AONB, which is a national statutory designation reinforced by Local Plan policy that provides an adequate safeguard.

4. National Policy

4.1 The revised National Planning Policy Framework (NPPF) was published in February 2019, which is supplemented by the Planning Practice Guidance (PPG), an online resource providing guidance on the NPPF's implementation. The NPPF requires that full account be taken of flood risk and coastal change. This policy framework and guidance provide the overarching policy approach, which is summarised below:

4.2 Relevant NPPF paragraphs:

- 149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
- 166. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.
- **167. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the**

impacts of physical changes to the coast. They should identify as a CCMA any area likely to be affected by physical changes to the coast, and:

a) be clear as to what development will be appropriate in such areas and in what circumstances; and

b) make provision for development and infrastructure that needs to be relocated away from CCMA's.

- 168. Development in a CCMA will be appropriate only where it is demonstrated that:
 - a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.
- 169. Local planning authorities should limit the planned lifetime of development in a CCMA through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

4.3 Relevant national Planning Practice Guidance, PPG paragraph 073:

- Essential infrastructure may be permitted in a CCMA, provided there are clear plans to manage the impacts of coastal change on it, and it will not have an adverse impact on rates of coastal change elsewhere.
- Ministry of Defence installations that require a coastal location can be permitted within a coastal change management area, provided there are clear plans to manage the impacts of coastal change. Where the installation will have a material impact on coastal processes, this must be managed to minimise adverse impacts on other parts of the coast.
- For other development the following criteria can be used as a basis for decisions on what may be appropriate:
 - Within the short-term risk areas (ie 20-year time horizon) only a limited range of types of development directly linked to the coastal strip, such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping – all with time-limited planning permissions;
 - Within the medium (20 to 50-year) and long-term (up to 100-year) risk areas, a wider range of time-limited development, such as hotels, shops, office or leisure activities requiring a coastal location and providing substantial economic and social benefits to the community, may be appropriate. Other significant development, such as key community infrastructure, is unlikely to be appropriate unless it has to be sited within the coastal change management area to provide the intended benefit to the wider community and there are clear, costed plans to manage the impact of coastal change on it and the service it provides;
- Permanent new residential development will not be appropriate within a CCMA.

4.4 The East Inshore and East Offshore Marine Plans 2014 cover the marine area from Flamborough Head in Yorkshire to Felixstowe in Suffolk. The plans

set out a strategy and suite of policies to manage activities in the marine area over the period to 2034. The plans come up to the high water mark so there is a small overlap with the terrestrial planning system. Paragraph 254 looks at integration with the terrestrial planning system. Integrated Coastal Zone Management is recommended as a format for integrating with terrestrial planning. It is recognised in this paragraph that decisions in the marine area and on land can have an effect over a considerable distance.

5. **Conclusions for Policy SD 11: Coastal Erosion**

- 5.1 In response to the consultation comments set out in Section 3, firstly, it should be highlighted that it is the SMP's that set out, at a strategic level, how the coastline is managed. The policy for coastal defence is contained in the SMP's and the funding for the development and maintenance of defence structures comes from Central Government. North Norfolk DC is the 'Coast Protection Authority' for this area, with the power to undertake coast protection works and to determine third party applications for such works. North Norfolk DC also has a broader responsibility for ensuring that the interests of the public and of our coastal communities is safeguarded in the face of coastal change. Secondly, it should be noted that Policy SD11 is similar to the existing Core Strategy Policy EN11.
- 5.2 It is considered that the comprehensive approach consulted on at the Regulation 18 stage provides a flexible approach to development within the CCMA when responding to coastal change, particularly given the critical need to respond to climate change. Policy SD 11, as set out in Appendix 2, allows for the provision of essential and time limited coastal development within the CCMA, where it is demonstrated through a Coastal Erosion Vulnerability Assessment (CEVA), as required by the NPPF, that a proposal would not result in an increased risk to life or property and which is consistent with the relevant SMP. The details required in a CEVA will be proportionate to the degree of risk and the scale, nature and location of the development. Going forward, it is intended to include detailed guidance and potentially templates for different levels of CEVA as part of the joint Coastal Adaptation SPD.
- 5.3 The policy has also been produced having regard to the Statement of Common Ground on Coastal Zone Planning between the Borough Council of King's Lynn & West Norfolk, North Norfolk District Council, Great Yarmouth Borough Council, East Suffolk Council and the Broads Authority, the area covered by Coastal Partnership East (with the exception of Kings Lynn and West Norfolk). The Statement of Common Ground includes a set of agreements which include alignment of planning policies for the coast. Policy SD11 is consistent with the approaches set out in adopted and emerging Local Plans across the Norfolk and Suffolk Coast and of ensuring policies for managing the coast are 'strategic'.
- 5.3 In line with national policy and guidance, no new permanent dwellings would be permitted within the CCMA. This would include the potential conversion of buildings to permanent dwellings. A footnote has been added to the Policy to confirm that this would not exclude changes of use afforded as permitted development rights within the Town and Country (General Permitted Development) (England) Order 2015 (as amended). However, such prior approval proposals would still be required to meet the criteria set out within the Order, which include flood risk.

- 5.3 Reference to groundwater is proposed to be included in the part of the policy relating to any proposals that are likely to cause increases in coastal erosion that would not be permitted. This is included as development may adversely affect cliff stability by virtue of the effects on groundwater.
- 5.4 It is concluded that no major alterations to the draft policy are proposed, but that some minor amendments, to either omit or include wording to reflect the current terminology, be incorporated in the next iteration of Policy SD11, which is set out in Appendix 2. This also includes additional clarification, in line with NPPF paragraph 168, to ensure that development does not hinder the creation and maintenance of any coastal infrastructure, including coastal paths and roads.

6. **Conclusions for Policy SD 12: Coastal Adaptation**

- 6.1 The comprehensive policy approach for Policy SD12 resulted in the consultation feedback set out in Section 3 above. The key issues largely relate to the specific details of the rollback being too restrictive. Some of the respondents comment that the requirements of the draft policy would make relocation unviable and undeliverable, for a number of reasons.
- 6.2 It is noted that there has been a lack of significant take up of in terms of the current Core Strategy Policy EN12, which could be as a result of the lack of funding and resources by current owners of properties at risk of erosion. Alternatively, it could be that once the tranche of immediately at risk properties have been removed, there were few properties at imminent risk and so no urgency for owners to utilise the policy. The overarching aim of the draft policy is to achieve the well planned roll-back of affected communities and businesses, in order that relocation can preferably be permitted on sites well-related to the settlement from which they are moving (to retain the cohesiveness of the community), but the policy would also allow for the eventuality of a wider search for sites adjacent to Selected Settlements (as defined in Policy SD3). Going forward, the efficacy of the draft policy would be to add value to the at-risk properties, for example, by not requiring the replacement to be on a like for like basis, as is the case within the current Policy EN12.
- 6.3 It is considered that a longer term view should be adopted. As such, the proposed timeframes in which properties and business premises can be considered for relocation and rollback would both be lengthened from at risk of erosion of 20 years to 50 years from the date of the proposal. The main implication of this change is that it will allow forward planning by more properties and businesses, which also reflects the unpredictable and accelerating climate changes.
- 6.4 For clarity, it is considered appropriate to refer to there being 'no **net** detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations' for all development types' within the policy wording.
- 6.5 It is concluded that the policy is amended as set out in Appendix 2. As such, Policy SD12 aligns with the aims of national policy and guidance, as set out in Section 4, the Statement of Common Ground and the approaches set out in adopted and emerging Local Plans across the Norfolk and Suffolk Coast.

7. **Conclusions for Policy ENV 3: Heritage & Undeveloped Coast**

- 7.1 The consultation comments are broadly supportive, with one comment referring to the overlap of the two designated areas with that of the AONB, which provides a nationally designated approach to protection. It is useful to note that this draft policy is largely a continuation of the existing Core Strategy Policy EN3.
- 7.2 No amendments are proposed to Policy ENV3, as set out in Appendix 2

8. **Recommendations**

- 8.1 **It is recommended that Members endorse revised Policies SD11: Coastal Erosion, SD12: Coastal Adaptation and ENV3: Heritage & Undeveloped Coast, recommending to Cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager.**

9. **Legal Implications and Risks**

- 9.1 The Council must produce a Local Plan which complies with various regulatory and legal requirements and in determining its policy approaches must be justified and underpinned by up to date and proportionate evidence, the application of a consistent methodology and take account of public feedback and national policy and guidance.
- 9.2 The statutory process requires records of consultation feedback and a demonstration of how this has informed plan making with further commentary demonstrating how the representation at regulation 18 have been taken into account in line with Regulation 22.

10. **Financial Implications and Risks**

- 10.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.

Appendices

Appendix 1 – Schedule of Representations with comments
Appendix 2 – Revised Policy SD 11 and Draft Policy SD 12