

## Local Plan Draft Policy Approaches to the Environment

Summary: This report considers the representations made at Regulation 18 stage of plan preparation and seeks to endorse a number of policy approaches concerning the natural and built environment.

Recommendations: **It is recommended that Members endorse the revised Policies below, recommending to Cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager:**  
**ENV 1:** Norfolk Coast Area of Outstanding Natural Beauty & The Broads;  
**ENV 2:** Protection & Enhancement of Landscape & Settlement Character;  
**ENV4:** Biodiversity & Geology;  
**ENV 5:** Green Infrastructure & Public Rights of Way;  
**ENV 6:** Trees, Hedgerows & Development;  
**ENV 9:** High Quality Design;  
**ENV 10:** Protection of Amenity;  
**ENV 11:** Protecting and Enhancing the Historic Environment;

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.

- 1.2 **The purpose** of this report, is following a review of regulation 18 consultation feedback, to seek Members endorsement of a number of emerging policies that address matters concerning the natural and built environment in regard to future Plan-making ahead of Regulation 19 consultation and the submission of the Plan.

## 2. Background and Update

- 2.1 These policies, along with the other identified Environmental Policies, will form the policy framework which will protect and enhance the natural environment within the District and substantially form the environmental section of the emerging Local Plan. Policies ENV3 and & 7 which cover areas such as Heritage & Undeveloped Coast and Open space / Local Green Spaces have already been endorsed at previous working parties. provision
- 2.2 Since the Regulation 18 consultation further changes have taken place with regard national policy. Areas around biodiversity net gain have been further clarified in national policy and guidance and the government continue to make changes around the approaches that LPA's should be taking in regard Design. These and other changes are reflected in the discussion and revised approaches outlined below.
- 2.3 The purpose of ENV1 is to ensure that the statutory duty and appropriate high level of protection is given to these designated landscapes through conservation and enhancement of the defined special qualities of the Norfolk Coast Area of Outstanding Natural Beauty and the Broads
- 2.4 The purpose of ENV2 is to ensure that development proposals reflect the defining and distinctive qualities of the varied landscape character areas, their key characteristics and valued features and the character, appearance and integrity of the historic and cultural environment of North Norfolk.
- 2.5 The purpose of Policy ENV4 is specifically to protect and enhance biodiversity and geology. The district contains a wealth of biodiversity and natural environmental assets ranging from protected species and International and European designated sites, through to nationally and locally designated sites. The Council has statutory duties to protect these and the policy seeks to do this alongside the important aim of delivering improvements through habitat creation or enhancement after avoiding and mitigating harm by adopting an approach of biodiversity net gain.
- 2.6 Purpose of ENV5 is to safeguard, retain and enhance the network of green infrastructure within the district. This policy has been informed by the contents of the Green Infrastructure Background Paper and the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy. Both of these documents set out a strategic approach towards improving the existing green infrastructure network and will ensure the right types of green spaces are provided and enhanced, which in turn, will provide the greatest benefit.
- 2.7 Purpose of ENV6 is to protect trees, hedgerows, woodland and other natural features from harm, including loss and deterioration and to provide compensatory replacement provision where necessary. Many trees in the district have protected status, under the designation of Tree Preservation Orders (TPO) or by being situated within a Conservation Area. The Policy also now seeks to extend further to all natural landscape features in order that any harm or loss to any unprotected features is considered from the outset.

- 2.8 Purpose of ENV8 is to protect, enhance and promote Public Rights of Way and access and to ensure that the creation and maintenance of a continuous signed and managed route around the English coast is not hindered.
- 2.9 The purpose of Policy ENV 9 seeks to set out the overarching design principles to which all development within the District will need to comply with. The policy provides the hooks for the guidance within the national design guide and existing national guidance as well as a future updated North Norfolk Design Guide to be given weight in the decision making process. The policy also seeks to stand on its own and will help to deliver and facilitate high quality design within the District.
- 2.10 The purpose of Policy ENV10 is to maintain, protect and promote the amenity of the District's communities in order to ensure that all new development and existing residents benefit from a good standard of amenity. The policy is considered to provide further hooks for the guidance within the design guide to be given weight in the decision making process. There are a number of criteria within the policy focusing on the following:
- Provision and protection of useable and secluded private amenity space;
  - Privacy, outlook and overlooking;
  - Overshadowing and the loss of daylight and/or sunlight;
  - Forms of nuisance and pollution (noise, air, light etc.).
- 2.11 The purpose of ENV11 is to ensure that North Norfolk's built heritage is conserved and where possible, enhanced. The policy sets out the requirements in order to achieve this for the range of designated and non-designated heritage assets.

### **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 this group of draft policies is contained within **Appendix 1** to this report and summarised below. Overall, the number of responses to the policies was quite limited, but the respondents did raise some key issues. The comments are summarised below for each draft policy:

#### Policy ENV1 Norfolk Coast Area of Outstanding Natural Beauty & The Broads

- 3.2 **Individuals:** Three objections and two responses in support were received. Objections focused around the broad approach the Council should be taking in relation to development in the AONB. One objected to the policy in that suitable development necessary to meet identified local housing need that does make a contribution to the natural beauty and character of the area should be allowed in the AONB. Remaining objections focused on the principle of development in the AONB, due to the impact on affordability of house prices and disagreed with the premise of allocation in the AONB throughout the plan. The definition of major development within the AONB, was questioned in relation to the promotion of specific proposals. Support was received around the positive attitude that the policy promotes suggesting that it should go further and allow local needs housing in principle.
- 3.3 **Parish & Town Councils:** No comments received.
- 3.4 **Statutory Bodies and Organisations:** There was broad support for this policy, references to 'opportunities to enhance' biodiversity were sought. Bodies such as the

Broads Authority and Norfolk Coast Partnership thought greater emphasis could be placed on developers to consider the special qualities of the landscape in any proposals and sought the policy approach to be strengthened. The Environment Agency provided general comments covering the whole environment section and welcomed the approach set out in ENV1.

#### Policy ENV2 Protection & Enhancement of Landscape & Settlement Character

- 3.5 Individuals. No substantive issues were raised. One respondent requires clarification on the scope of LCA & LSS.
- 3.6 Parish & Town Councils: No comments received.
- 3.7 Statutory Bodies and Organisations: Seven responses were received including detailed support and general advice from Natural England, Broads Authority, the Norfolk Coast Partnership, Duchy of Cornwall and RSPB. Many acknowledged the importance of protecting landscape and settlement character. Concerns raised included those around the being too vague in the wording, specifically in relation to the use of 'where possible', 'must strive' and bullet point 2, which referred to gaps between settlements. It was suggested that these need to be clearly defined and justified. It was noted that in order to align with national policy the approach should also be formulated in such a way that development would not be limited where landscape constraints can be addressed by appropriate mitigation.
- 3.8 Historic England broadly supported the policy and the production of the updated Landscape Character Assessment, LCA. Their objection sought clarification on the terminology used suggesting updating the reference to Historic Parks and Gardens to Registered Parks and Gardens. They also cautioned against the continuation of using bullet 8, commenting that the setting of a heritage asset, is more than just visual links, can change over time and encompasses other factors such as noise, odour, light and how an asset is experienced and as such is covered in updated reference to Registered Parks and Gardens.

#### Policy ENV4: Biodiversity and Geology

- 3.9 Individuals: Four responses of support, three general comments and two objections were received. There is general support for the policy approach, where a number of the comments focus on how the policy could go further to protect biodiversity; that EIAs should be required on all development and that suitable information should be submitted during the pre-application stage to ensure mitigation is achieved. One comments that no development should be permitted on sites that currently provide biodiversity and where development would have an adverse impact on a designated site, while another recommends that a wildlife conservation or preservation authority should advise on the layout of major sites and become a delivery and maintenance partner.
- 3.10 Parish & Town Councils: No comments received.
- 3.11 Statutory Bodies and Organisations: Five responses of support, four general comments and one objection. The Policy approach was largely supported, with some statutory bodies requesting clarifications around some background documents and seeking stronger wording around the requirement to provide enhanced biodiversity and habitat creation on and off site, to better link the policy to the Plans Vision. The term 'measurable net gain' should be referred to in order that a monitoring strategy can be developed to measure biodiversity net gain over the Plan period. The

adoption of a strategic approach to mitigate recreational visitor impacts to European sites was welcomed by Natural England and should be set out further in the policy following finalisation of the joint Norfolk study.

- 3.12 Greater recognition around the contribution and opportunities rivers provide in ecological network was also sought. Developers largely supported the approach as being consistent with the NPPF in providing flexibility so as not to limit development where constraints can be managed and addressed through appropriate design and mitigation, but suggested that in places it could be more prescriptive around the planning obligations, seeking also to limit contributions to be site specific.
- 3.13 A late representation was also received from the Norfolk Geodiversity Partnership requesting the inclusion of further geological details within the policy justification, including mention of two County Geodiversity Sites (CGS) and forty-two candidate CGS.

#### Policy ENV 5: Green Infrastructure

- 3.14 Individuals: Two responses of support, two general comments, and three objections were received. There is general support for the aims of this policy. The objection responses are predominantly concerned with increasing the provision of sustainable active and GI travel opportunities as part of new developments; as do those in support. One objection raises concerns over inconsistencies with this policy and the GI Background Paper. Respondents also note the need for a holistic approach to GI in terms of connectivity of wildlife corridors, green/POS, and [sub] urban/non-built areas. The need for testing capacity for onsite provision and clearly defining GI is also noted.
- 3.15 Parish & Town Councils: One response of support and one general comment were received. There is general support for the policy, however respondents noted that they would like to see certain areas of the policy strengthened. These focussed on improving connectivity between areas of green and Public Open Space provision and how the movement of people and vehicles might be improved in relation to public transport and easing existing levels of congestion.
- 3.16 Statutory Bodies and Organisations: Three responses of support and two general comments were received. There is general overall support for this policy from consultees. All respondents welcome and recognise the need for GI as a central tenet for new developments.
- 3.17 Consultees noted that PROW might be included as a location for offsite enhancement in the policy's last paragraph. It was also noted that the aims of this policy should be measurable and consistent to allow the development of a monitoring framework. Developers were keen to point out that too heavy a reliance on GI might raise issues of viability in line with NPPF Paragraph 34, with one noting the potential difference in implications for Outline/Reserved Matters and Full applications.

#### Policy ENV 6: Trees & Hedgerows

- 3.18 Individuals: One response in support and one general comment were received. Respondents generally support this policy and highlight the importance of trees and hedgerows to enhance biodiversity and provide continuous habitat areas across the County. No substantive issues were identified.
- 3.19 Parish & Town Councils: No comments received.

- 3.20 Statutory Bodies and Organisations: Two responses in support and two general comments were received. There is good support for this policy as all respondents recognise the importance of trees and hedgerows. However, respondents note areas for strengthening this policy, particularly in relation to offering protection to trees & hedgerows which are not currently protected but are considered important landscape and biodiversity features. The EA also promotes the protection and planting of trees alongside rivers to keep water temperatures cool and provide habitat for a range of species. One respondent noted the need for clarification of the term 'public benefit' to allow for flexibility for developers within the policy.

#### Policy ENV 8: Public Rights of Way

- 3.21 Individuals: One response in support and one objecting. The supporting comment agrees with the principle, but raises concerns over the potential impact on certain areas of wildlife from disturbance by inappropriate behaviour, noise and dogs and suggests that consultation with the Norfolk Wildlife Trust and other experienced organisations is essential in developing policy. The objection relates to the promotion of a site in Roughton that could provide links from the site to footpath (Roughton FP15).
- 3.22 Parish & Town Councils: One comment of support from Cley Parish Council who would like to see better connectivity for Public Rights of Way, using permissive paths, footways and new PROW wherever possible to connect and link to adjoining parishes, National Trails and local services. All new development should enhance the current PROW network whilst creating new off road opportunities for walkers, cyclists and horse riders.
- 3.23 Statutory Bodies and Organisations: Three supporting comments and one general comment. In finalising the policy it was suggested that further commentary could be added regarding the inclusion of PROWs in new development or contributions made for improvements to existing PROWs.

#### Policy ENV 9: High Quality Design

- 3.24 Individuals: Six representations were made during the consultation period. The general consensus was in support of the drafted policy and that it should not be weakened. Some raised concern that the design standards would increase development costs, whilst others did not think it had gone far enough.
- 3.25 Parish & Town Councils: No comments were received through the Regulation 18 Consultation period.
- 3.26 Statutory Bodies and Organisations: Ten comments were received from Statutory Consultees in regard to Policy ENV 9 and were, again, generally supportive of the policy. Gladman commented that the policy should be more flexible to ensure that small scale developments do not need to comply with all of the requirements set out in the policy. Historic England requested more detail in the supporting text in regard to local materials and vernacular. Norfolk Police requested specific reference be made to Secure by Design. Pigeon objected to giving the Design SPD Development Plan status, as this has not been subject to examination.

### Policy ENV 10: Protection of Amenity

- 3.27 Individuals: Two responses of support and one objection were received. The issue of buffers between new residential developments and highway impacts is noted as a means of increasing residential amenity and reducing noise pollution. The redevelopment of farm buildings for second homes/holiday lets adjacent to people's homes was also raised as an issue of residential amenity by the objector.
- 3.28 Parish & Town Councils: One general comment was received from Sheringham Town Council stating that lighting in new developments should be limited to that necessary for security and that consideration should also be given to ways of minimising light pollution from exterior lighting, large glazed areas and sky-lights in recognition of Dark Skies.
- 3.29 Statutory Bodies and Organisations: Two responses of support and two general comments were received. This policy is generally supported by respondents. Additional areas of policy development were highlighted as being; cross-referencing with Broads Authority policies, considering the impact of light pollution and Dark Skies on amenity and biodiversity and the inclusion of water pollution and maintenance of water quality being included in bullet point 8 of the policy. Respondents also noted the need for clarification and consistency between the policy and the North Norfolk Design Guide and PPG. The EA suggest more emphasis on addressing and protecting against odour pollution from new developments at the design stage rather than resolving at the decision stage.

### Policy ENV 11: Protecting and Enhancing the Historic Environment

- 3.30 Individuals: One response in support, two general comments, and one objection received. There is general support for this policy. No substantive issues were raised. General comments support the use of Conservation Area appraisals and suggest an increased emphasis/protection of existing historic buildings. The objector references specific advice given about a particular application.
- 3.31 Parish & Town Councils: One general comment received. The respondent asserted that more should be done to preserve heritage assets such as flint walls.
- 3.32 Statutory Bodies and Organisations: Two general comments, one response in support and one objection were received. The policy approach is generally supported, but respondents note potential changes to the policy could include reference to a 'shared Conservation Area' with the Broads Authority, and more clarity/accuracy in implementing the policy by restructuring the layout of the wording through the use of sub-headings. The use of a local list is welcomed and it is suggested that the criteria should form an Appendix to the policy. One respondent notes the cumulative design impact of more modern buildings/materials on heritage assets and whether this should be considered in this policy.
- 3.33 Historic England confirm that the policy is broadly consistent with the tests for harm in the NPPF. However, they strongly advise that differentiation ought to be made between the different Listed Building grades as to the acceptable levels of harm associated with them as laid out in the NPPF (Grade II – exceptional, Grade II\*/Grade I – wholly exceptional). They suggest the creation and implementation of a policy framework for addressing heritage at risk. They would also like to see more detail in relation to archaeology.

3.34 Subsequently, through the formation of the Council's Historic Environment Topic Paper further feedback has been provided by Historic England. The final iteration of the policy wording, along with the findings of the Historic Environment Topic Paper, will be subject to a Statement of Common Ground between Historic England and North Norfolk District Council.

#### **4. National Policy**

4.1 The revised National Planning Policy Framework (NPPF) was published in February 2019, which is supplemented by the National Planning Practice Guidance (PPG), an online resource providing guidance on the NPPF's implementation. Section 15 of the NPPF covers conserving and enhancing the natural Environment. Some of the main relevant paragraphs of the NPPF are reproduced for the benefit of contextual information and discussion:

##### NPPF paragraphs:

- **170.** Planning policies and decisions should contribute to and enhance the natural and local environment by:
  - (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- **171.** Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework 53 ; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- **172.** Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important

considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- **173.** Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

#### Habitats and Biodiversity.

- **174.** To protect and enhance biodiversity and geodiversity, plans should:
  - (a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
  - (b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- **175.** When determining planning applications, local planning authorities should apply the following principles:
  - (a) 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;
  - (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
  - (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- **176.** The following should be given the same protection as habitats sites:
  - (a) potential Special Protection Areas and possible Special Areas of Conservation;
  - (b) listed or proposed Ramsar sites; and
  - (c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
- **177.** The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- **180.** Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
  - a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### 4.2 Updated Design Guidance including the National Design Guide:

- Following the Regulation 18 Consultation, in October 2019, the Ministry for Housing Communities and Local Government produced a National Design Guide<sup>1</sup>, which provides detail on the ten characteristics of good design. The components of ‘good design’ within the National Design Guide are made up of the following 10 characteristics: Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.
- Homes England ‘Building for life’ has been superseded by ‘Building for a Healthy Life’ which sets out a toolkit for neighbourhoods, streets, homes and public spaces. It is considered that this update is also broadly consistent with the principles as set out in Policy ENV 9. The emerging draft Norfolk Strategic Framework sets out that all Local Authorities should make reference to this guidance.

#### 4.3 Reference should, therefore, be made to these pieces of updated guidance in order to ensure that these provide an additional guidance base for Policy ENV 9.

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843468/National\\_Design\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf)

## **5. Conclusions for Policy ENV 1: Norfolk Coast Area of Outstanding Natural Beauty & The Broads**

- 5.1 In response to the feedback it is considered that there is scope to provide further clarity strength to the policy and provide guidance in order to ensure proposals consider the special qualities of the landscape and add clarity to the interpretation of national policy and align with ENV2. The introductory and justification text to the policy section has been amended to reflect this and the policy is amended as in **Appendix 2**.
- 5.2 The policy is updated to correctly reference the Broads and to ensure clarity around the considerations necessary around the determination of the appropriateness of development in line with the requirements of the NPPF and local considerations, including the landscape character SPD and objectives of the AONB Management Plan. Clarity has been brought by removing the words where possible and the greater use of specific criteria. The considerations around Major development and exceptional circumstances are now also explained in the supporting text but also within the policy. Clarity is brought to the policy by ensuring all development proposals whether considered major or are of a smaller nature must demonstrate how they meet a range of criteria which are informed by national policy and additional local considerations which provide the robust evidence. The policy is one that considered landscape primarily so the specific reference to need is removed however a proposal still must demonstrate its relevance to the economic, social and environmental wellbeing of the area, and how it relate to sustainability including being appropriately located. Such demonstration would include need. The wording is also aligned to policy SD 2 – Community Development where the policy approach supports community led development proposals as long as they meet a number of criteria including evidence of need.

## **6. Conclusions for Policy ENV 2: Protection & Enhancement of Landscape & Settlement Character**

- 6.1 In response to the feedback it is considered that there is scope to undertake some minor changes and clarifications in order to ensure ambiguity is removed, strengthen the policy wording so that there is a clear purpose for consideration and enhancement and acknowledge that development is not limited where landscape constraints can be addressed through appropriate mitigation. National policy places an emphasis on protecting but also enhancement to the valued features of the landscape. The introduction and policy justification text has been amended to reflect this and provide clarity and align with the Council's Landscape Character and Landscape Sensitivity SPD's which provide the evidence base and basis for proposals and decision making.
- 6.2 Members will also be aware that the Draft Landscape Character and Sensitivity Assessments SPD have also been updated following consultation and finalised ahead of adoption. As such references are updated throughout the Local Plan.
- 6.3 Criterion 2 is removed as it is not substantiated across the District. That is not to say settlement gaps and coalescence should not be and will not be respected. Various Landscape Characters identify the importance of gaps as a defining feature and the amended policy provides appropriate guidelines and considerations of such gaps in line with the appropriate Landscape character eg coastal shelf and historic estates.
- 6.4 Criterion 8 is removed as suggested and agreed with Historic England. The setting of Sheringham Park remains a wider consideration, and it is not necessarily limited or defined on the basis of a particular line or the visual area set out in the Zone of Visual Influence identified by the National Trust in 2005/6. The setting is encapsulated in the broader scope of registered parks and gardens in the policy and

the approach set out in ENV11-Protecting and enhancing the Historic Environment. The panoramic views, wider parklands and semi natural habitats of both Sheringham Park and Felbrigg Hall are also included in the key characteristics and valued features of the Woodland Glacial Ridge landscape character type.

- 6.5 Various minor amendments are also made to the criteria of the policy in order to link with and align to other policies in the Plan. A positive element is introduced through the requirement for proposals to demonstrate how they enable a scheme to integrate into the landscape and where they are considered to have potential for adverse impacts defined Landscape Character to be informed by a Visual impact assessment undertaken to current best practice.

## **7. Conclusions for Policy ENV4: Biodiversity & Geology**

- 7.1 In response to the consultation comments set out in Section 3, there was general support for the aims of the Policy. As a result of the feedback and that national policy and guidance has continued to evolve since the Policy was first written, the wording has been strengthened around the requirement to provide enhanced biodiversity and habitat creation and the term 'measurable' has been added in order that a monitoring strategy can be developed to measure biodiversity net gain over the Plan period. For legibility, the Policy has been re-organised to separate out the varying levels of nature conservation designations.

- 7.2 The reference to Recreational Avoidance Mitigation Strategy has been updated to reflect the emerging evidence and the addition of a separate policy in this area.

- 7.3 The updated policy wording is set out in **Appendix 2**.

## **8. Conclusions for Policy ENV 5 / ENV8: Green Infrastructure, and Public Rights of Way**

- 8.1 Consultation feedback showed broad support for the aims of Policy ENV 5 to establish a strategic approach for the conservation and provision of Green Infrastructure across the district. As a result of feedback and the fact that Public Rights of Way form part of Green Infrastructure, the wording of draft Policy ENV 8: Public Rights of Way, has been incorporated in to Policy ENV5.

- 8.2 In addition the policy has been updated to also reflect the requirements for the provision of enhanced Green infrastructure as part of the Norfolk Green Infrastructure and Recreational Avoidance Strategy.

## **9. Conclusions for Policy ENV 6: Trees & Hedgerows**

- 9.1 It is clear from the consultation feedback set out in Section 3, that there is generally good support for this Policy. One respondent did comment that the policy should be strengthened, particularly in relation to offering protection to trees & hedgerows that are not protected, but are considered important landscape and biodiversity features. Given the NPPF's advice on protecting valued landscapes, it is considered that the presumption of this policy can be strengthened to include the need to take account of the harm or loss of unprotected, but nevertheless, important natural landscape features. This approach will also complement the overall suite of Environmental Policies.

- 9.2 A key theme of the NPPF relates to conserving and enhancing the natural environment and given that in 2019, the Council declared a Climate Emergency and

launched a Tree Planting Scheme with the aim of planting 110,000 trees in 4 years, it is considered that the Policy should reflect this proactive approach by incorporating a positive statement at the start of the Policy to encourage and support new tree planting across the district to mitigate against the impacts of climate change and to enhance the character and appearance of the locality.

- 9.3 It is concluded that no major alterations to the draft policy are proposed, but that some minor amendments to add or omit wording, for example, including references to woodland, be incorporated in the next iteration of Policy ENV 6, which is set out in **Appendix 2**.

## **10. Conclusions for policy ENV 9: High Quality Design**

- 10.1 In response to the consultation comments set out in Section 3, there was general support for the aims of the Policy. As a result of the feedback, a number of additional references have been made within the policy to relate, primarily, to guidance that has been updated since the Regulation 18 Consultation, primarily in relation to the National Design Guide and additional supporting guidance, primarily the 'Building for a Healthy Life' guidance.

- 10.2 Amendments were made to the policy to reflect this updated guidance and make reference to the 'national Design Guide', 'Secured by Design', 'Building for a Healthy Life' and to differentiate between major and minor development.

- 10.3 It is concluded that no major alterations are proposed, but that the minor amendments, as discussed above, are incorporated in the next iteration of Policy ENV 10, as set out in **Appendix 2**.

## **11. Conclusions for Policy ENV 10: Protection of Amenity**

- 11.1 There is general support for this Policy. Particular concern was raised regarding the use of large areas of glazing, sky-lights and artificial light. The former two are technically design matters, but along with the latter issue, they are referred to in the policy justification at paragraphs 8.80 – 8.82. This, firstly, highlights these design issues and goes on to say that special attention should be paid to the lack of artificial light within Norfolk Coast AONB and the two locations in the district that have Dark Sky Discovery Site status and secondly, signposts to further guidance regarding this matter within the National PPG. Artificial lighting is referred to specifically in this policy wording and also, in Policy SD 13: Pollution & Hazard Prevention & Minimisation. In addition, this other policy also refers to water quality, which is raised by the Environment Agency.

- 11.2 In line with PPG guidance, the Policy wording has been extended to encompass working conditions, as well as living conditions and additional wording has been added to clarify that a high standard of amenity 'should be achieved and maintained without preventing or unreasonably restricting the continued operation of established authorised uses and activities on adjacent sites.'

- 11.3 It is concluded that no major alterations are proposed, but that the minor amendments, as discussed above, are incorporated in the next iteration of Policy ENV 10, as set out in **Appendix 2**.

## **12 Conclusions for ENV 11: Protecting and Enhancing the Historic Environment**

- 12.1 In response to the consultation comments set out in Section 3, there was general support for the aims of the Policy. As a result of the feedback, a number of additional references have been made with a new subheadings specifically covering Archaeology and Heritage at Risk, and the creation of separate subheadings for designated and non-designated heritage assets.
- 12.2 Changes have been made to the policy that address Historic England comments at Regulation 18 and also to address additional concerns through the formation of the Council's Historic Environment Topic Paper. The topic paper, including the amendments to the policy wording, will form a Statement of Common Ground with Historic England.
- 12.3 It is concluded that no major alterations are proposed, but that the minor amendments, as discussed above, are incorporated in the next iteration of Policy ENV 11, as set out in **Appendix 2**.

## **13 Recommendations**

- 13.1 **It is recommended that Members endorse the revised Policies below, recommending to Cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager:**

ENV 1: Norfolk Coast Area of Outstanding Natural Beauty & The Broads;  
ENV 2: Protection & Enhancement of Landscape & Settlement Character;  
ENV4: Biodiversity & Geology;  
ENV 5: Green Infrastructure & Public Rights of Way;  
ENV 6: Trees, Hedgerows & Development;  
ENV 9: High Quality Design;  
ENV 10: Protection of Amenity;  
ENV 11: Protecting and Enhancing the Historic Environment;

## **14. Legal Implications and Risks**

- 14.1 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.
- 14.2 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.

## **15. Financial Implications and Risks**

- 15.1 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

Appendix 2 – Revised Draft Policy Approaches