

Local Plan Draft Policy Approaches to Sustainable Development

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

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:**

SD13: Pollution & Hazard Prevention and Minimisation;
SD14: Transport Impact of New Development;
SD15: Parking Provision;
SD16: Electric Vehicle Charging;
SD17: Safeguarding Land for Sustainable Transport.

Cabinet Member(s)	Ward(s) affected
All Members	All Wards
Contact Officer, telephone number and email: Caroline Dodden, Senior Planning Officer, 01263 516310 Caroline.dodden@north-norfolk.gov.uk Iain Withington, Planning Policy Team Leader, 01263 516034 Iain.Withington@north-norfolk.gov.uk	

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 wider principle of sustainable development with regard to future Plan-making ahead of Regulation 19 consultation and the submission of the Plan.

2. Background and Update

- 2.1 These policies will form part of the wider suite of policies within the sustainable development section of the emerging Local Plan. At Regulation 18 stage each of the policies, apart from Policy SD 16 regarding Electric Vehicle Charging, were similar versions of existing policies as those currently used within the current Core Strategy (Policies EN13, CT5, CT6 and CT7 respectively). As part of the review of these policies, it has not only been necessary to take account of consultation feedback, but also to ensure that the emerging policies align with national guidance contained within the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG).
- 2.2 The purpose of Policy SD13 is to minimise and reduce all emissions and other forms of pollution, including air, noise and light pollution and to ensure no deterioration in water quality.
- 2.3 The purpose of Policy SD14 is to ensure that the public highway remains safe and convenient to use for all road users.
- 2.4 The purpose of Policy SD15 is to ensure the provision of adequate car and cycle parking within development sites.
- 2.5 The purpose of Policy SD16 is to promote and ensure the delivery of appropriate electric vehicle charging infrastructure and to future-proof new developments in the District.
- 2.6 The purpose of Policy SD17 is to safeguard land for sustainable transport related uses.

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 relevant issues. The comments are summarised below for each draft policy:

Policy SD13: Pollution & Hazard Prevention and Minimisation

- 3.2 **Individuals:** Two responses in support were received, which commented that it was important to minimise noise and light pollution. Suggesting that noise and light control zones should be introduced in rural areas and that all development proposals should provide an Environmental Impact Assessment (EIA).
- 3.3 **Parish & Town Councils:** One general comment received from Cley PC, requesting a more robust and enforceable policy relating to the reduction in

light pollution and requesting more areas to be designated as dark sky discovery sites.

- 3.4 **Statutory Bodies and Organisations:** Four general comments and two responses in support were received. The feedback was generally supportive of the approach. However, comments sought that more emphasis should be given to air quality, dark skies and further details provided around the Water Framework Directive and that the Habitats Directive is referred to, particularly given the close proximity to the Broads. One response suggested that more prescription and guidance should be provided about how the policy would be implemented and quantified.

Policy SD14: Transport Impact of New Development

- 3.5 **Individuals:** Three general comments, one of support and four objections have been received, covering a wide range of matters. There are concerns over the adequacy of the road infrastructure to deal with cars resulting from new development and the impact of increased traffic across the District. Some suggest that Travel Plans should be required for large residential schemes and one comments that restricting direct access onto a Principal Route is in contradiction with Paragraph 109 of the NPPF and cannot be justified. One comments that the Policy does not mention County Council transport policies or park and ride schemes to minimise car use in town centres. Specific concerns have been raised over the suitability of the existing road network in and around Southrepps to accommodate more growth. One comment suggests the provision of new green cycling paths away from roads. Another comments of the need to assess levels of commuting to ensure that the wider road infrastructure is not overloaded and minimises greenhouse gases. Suggested changes to the policy include that all development has significant transport implications that should require a transport assessment.
- 3.6 **Parish & Town Councils:** Two general comments were received. Sheringham TC comments that A149 should be included as a Principal Route on the Policies Maps, because funding for buses only has to cover Principal Routes. Wells TC expressed concern about the dwindling level of public transport, which has an impact on the ability of people to access work and education. In addition, there has been an increase in visitor parking in the town, which highlights the need to implement parking restrictions and other traffic management.
- 3.7 **Statutory Bodies & Other Organisations:** One objection, one general comment and three responses of support. Feedback was supportive of the approach and general principles, however, comments suggested more emphasis be given around how the impacts of air quality could be addressed through this policy. Criteria 4 was objected to as onerous and above that required through national policy. Further consideration of Paragraph 104 of the NPPF which promotes high quality walking and cycle parking and the recognition of other forms of transport network was promoted.

Policy SD15: Parking Provision

- 3.8 **Individuals:** Two objections, three general comments and one response of support were received. The representations call for increased levels of car and cycle parking within residential developments and that the policy should ensure that public parking is adequate, well designed and includes blue

badge parking. Concern highlights safety issues relating to cars parking on narrow roads and access roads and reflect the different reliance on cars between urban and rural areas.

- 3.9 **Parish & Town Councils:** one general comment from Sheringham TC supports the retention of designated public car parks and refers to a particular site in Sheringham, where this would be particularly poignant.
- 3.10 **Statutory Bodies & Other Organisations:** Two responses of support, where one mentions the need to mitigate against any potential impacts from external lighting and signage in car parks. The other supports the flexibility of the policy, stating that each development site has individual characteristics regarding connectivity and local sustainable transport opportunities.

Policy SD16: Electric Vehicle Charging

- 3.11 **Individuals:** Five general comments and two of support were received. There is overall support for the provision of electric charging points, but concerns with how this will be delivered. It is suggested that the wording is changed to remove the phrase 'where practical' from the first line of the policy.
- 3.12 **Parish & Town Councils:** One objection from North Walsham TC, which supports the provision of charging points in domestic driveways, but comments that this should be extended to communal parking areas as well, with active, rather than passive, charging points.
- 3.13 **Statutory Bodies & Other Organisations:** Four general comments and four in support were received. Overall, the responses were generally supportive of the inclusion of electric vehicle (EV) charging points as part of new residential development proposals, where the policy lends itself to levels of EV parking provision that is proportionate and practical in respect of both delivery, technically and practical and management. Some responses raised concerns about the potential costs associated with the required infrastructure around existing locations and expansion of parking and sought clarity on the levels of any in lieu payment allowed. Housing developers confirmed willingness to support the approach, (much of which is in the general direction of national policy) especially where private garages are concerned but raised delivery and maintenance issues around communal parking areas and suggested that further thought needs to be given in the finalisation of the policy to the issue of active/passive provision, and to the subsequent management/payment processes (avoiding superfluous/onerous expectations on the developer post provision).

Policy SD17: Safeguarding Land for Sustainable Transport

- 3.14 **Individuals:** Two objections and one of support were received. The objection would like to see the rail link to Fakenham and Holt included and Hoveton added to the policy list where land will be safeguarded for Sustainable Transport use.
- 3.15 **Parish & Town Councils:** No comments received.
- 3.16 **Statutory Bodies & Other Organisations:** Two comments of support received. The safeguarding of sustainable transport routes was supported highlighting the potential for footpaths and Green infrastructure. The addition

of Wells next the Sea and in particular land at Wells & Walsingham railway was put forward for consideration as a further location to protect.

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:

4.2 NPPF paragraphs:

102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

104. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and

f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy.

105. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

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.

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 life⁶⁰;

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.

181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

4.3 PPG

There is relevant guidance within the PPG regarding:

- Air Quality (including para: 006 Reference ID: 32-006-20191101);
- Water Quality (including para: 006 Reference ID: 34-006-20161116);
- Light Pollution (including para: 002 Reference ID: 31-002-20191101);
- Noise (including para: 003 Reference ID: 30-003-20190722);
- Land affected by contamination (including para: 006 Reference ID: 33-006-20190722);
- Travel Plans, Transport Assessments and Transport Statements (including para: 007 Reference ID: 42-007-20140306);
- Climate Change (including para: 003 Reference ID: 6-003-20140612).

5. Conclusions for Policy SD13: Pollution & Hazard Prevention and Minimisation

- 5.1 The feedback was generally supportive where comments are generally focused around the need for more emphasis on the matters of water quality, noise pollution and light pollution. For increased clarity, the policy justification text has been altered to provide separate sections on the topics that the policy covers and the amount of information expanded to take account of the consultation comments. In addition, the policy has been updated in line with the requirements of the NPPF (in particular, paragraphs 170, 180, 181) and guidance within the PPG.
- 5.2 Clarity has been brought by removing the words 'where possible' and by setting out at the head of the policy the fundamental aim to protect the environment, by avoiding, minimising and taking every opportunity to reduce through mitigation measures, of all forms of pollution. The matters that the policy covers have been extended to specifically refer to noise and light pollution. It should be noted that these matters are also included in other emerging policies, such as, ENV10: Protection of Amenity. In order to reinforce the issue of light pollution, this policy also incorporates specific wording regarding the importance of dark skies and tranquillity as intrinsic characteristics of the North Norfolk Coast AONB, wider rural areas of the district including neighbouring Authorities. In addition, it is useful to reiterate the intention to cover design matters relating to light pollution in the next version of the North Norfolk Design Guide SPD.
- 5.3 In response to the comment requesting EIAs for every development, it should be noted that the EIA is a process that evaluates the likely environmental impacts of a proposed project or development. The screening provisions including thresholds are set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 5.4 It is concluded that the policy wording be amended as set out in Appendix 2.

6. Conclusions for Policy SD14: Transport Impact of New Development

- 6.1 In response to the feedback and in order to align the policy with national guidance, it is considered that there is scope to undertake some minor changes and clarifications, in particular to criteria points 4 and 5. This should also ensure any ambiguity is removed and strengthen the policy wording. The introduction and policy justification text has been expanded to highlight the need to maximise sustainable transport opportunities, particularly with regard to the wider need to reduce emissions and improve air quality and public health. Specific reference is also made to the County Council's 3rd Local Transport Plan, Connecting Norfolk, which sets out the strategic policy for transport in the County. In addition, further clarity has been added with regards to the need for Travel Plans, Travel Assessments and Travel Statements.
- 6.2 Some feedback conveys concerns over the adequacy of the road infrastructure to deal with cars resulting from new development, particularly in relation to villages and also the cumulative impact of increased traffic across the District. This concern reaffirms the Local Plan's strategic aim to direct the majority of new development in the district close to towns and larger villages, as set out in Policy SD3: Settlement Hierarchy. It is useful to be reminded that the wording to Policy SD3 was amended through the Working Party, to include requiring proposals for small villages to incorporate service/

infrastructure improvements to address existing constraints and also bring about additional improvements.

- 6.3 One response comments that the A149 'Coast Road' should be included as a Principal Route, as these routes obtain public transport funding. In response, it is useful to qualify that the road hierarchy comes under the jurisdiction of the County Council and that it is those routes identified as primary and principal roads that make up the roads referred to as Principal Routes in the policy. These roads have a strategic role to play in carrying traffic, usually at speed. Development in the vicinity of these roads or their junctions can compromise the ability for people to travel more sustainably whilst also prejudicing the ability of strategic routes to carry traffic freely and safely. For these reasons the Principal Routes are also designated as 'Corridors of Movement' (CoM), where development is normally resisted. Although the Coast Road (between Cromer and Hunstanton) is classified as an 'A' road, it is identified as a Special Access Route in the hierarchy, as the road travels through residential and other built up areas, which have 20 or 30 mph speed limits and often high levels of pedestrian activity with some crossing facilities including zebra crossings. As such, the Principal Routes terminology is considered to correctly reflect the County's road hierarchy and the need to safeguard highway safety on these particular roads.
- 6.4 Two comments are concerned that criteria 4 of the draft policy would be in conflict with paragraph 109 of the NPPF, in that the criteria includes consideration of any detriment to the amenity or character of the surrounding area. This element of the criteria relates to the need for a proposal to be able to successfully accommodate the expected nature and volume of traffic without being detrimental to the amenity or character of an area. Firstly, the policy is worded in a flexible way as each criteria is set out as a consideration. In addition, any assessment against this part of criteria 4, would not be a highway based assessment, but an amenity based one and therefore, it is not considered to be in conflict with paragraph 109 of the NPPF.
- 6.5 Natural England has suggested that the policy should include wording concerning the traffic impacts associated with new development in relation to the natural environment, particularly with regard to impacts on European sites and SSSIs. This matter will be picked up through the final iteration of the HRA and if necessary, the Policy will be updated accordingly.
- 6.6 It is concluded that the policy wording be amended as set out in Appendix 2.

7. Conclusions for Policy SD15: Parking Provision

- 7.1 The consultation feedback generally supports the policy, with one comment being in favour of the flexibility of the policy, stating that each development site has individual characteristics regarding connectivity and local sustainable transport opportunities. Some representations call for increased levels of car and cycle parking within residential developments and that the policy should ensure that public parking is adequate, well designed and includes blue badge parking.
- 7.2 Minor amendments have been made to the policy wording to clarify the need for 'on-site vehicle and cycle parking. Reference is made to the County Council's latest parking standards, as the current version dates from 2007 and are likely to be updated during the lifetime of the Plan. The policy is worded to allow for the parking standards to be used as a starting point and

for the individual accessibility circumstances of any development site to steer the final level of parking provision.

- 7.3 It is concluded that the policy wording is amended as set out in Appendix 2.

8. Conclusions for Policy SD16: Electric Vehicle Charging

8.1 Consultation feedback to the policy was generally supportive of the inclusion of electric vehicle (EV) charging points as part of new development proposals, highlighting that the policy must be flexible in determining levels of EV parking provision that are both proportionate and practical in respect of their delivery, technical feasibility, as well as their management. The provision for new communal parking in residential development has been changed to provide a minimum of 50% of the car parking spaces with active chargepoints, as suggested by North Walsham Town Council, with the remainder of the spaces needing passive provision.

8.2 There is the potential that the next version of the County Council Parking Standards will incorporate required levels of EV charging points for different types of development. Any such future standards are likely to be a material consideration and consequently, any relevant development schemes will need to accord with either these standards or the details set out in this draft policy, whichever provides the greater level of EV chargepoint provision.

8.3 Given the above, it is considered important to provide this policy in order to take a proactive approach to the development with regards to positively meeting local, national and international climate change challenges. The policy wording has, therefore, been strengthened to ensure that EV chargepoint provision is delivered. Given the rapid change in technology and variations in provision, it is likely that Supplementary Planning Guidance will be needed to offer further information on this matter.

- 8.4 It is concluded that the policy wording is amended as set out in Appendix 2.

9. Conclusions for Policy SD17: Safeguarding Land for Sustainable Transport

9.1 This strategic policy directly relates to the requirement within the NPPF (part (e) of para. 104) to identify and protect sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

9.2 Limited feedback comments were received regarding this policy. The safeguarding of sustainable transport routes was supported highlighting the potential for footpaths and Green infrastructure. The addition of Wells next the Sea and in particular land at Wells & Walsingham railway was put forward for consideration as a further location to protect. In addition, a request was put forward for the inclusion of land associated with a rail link project between Fakenham and Holt and also land at Hoveton.

9.3 The identification of safeguarded land for sustainable transport falls under the jurisdiction of the County Council Highway Authority and the current locations listed have been carried forward from the existing Core Strategy Policy CT 7.

To date, the County Council has confirmed that the Norfolk Rail Freight Strategy is no longer a relevant document. The County Council is drafting a replacement Norfolk Rail Prospectus, along with developing a 'recycling the railways' project, which looks to create longer distance cycle paths along some of the closed rail lines. Further detail is expected from the County in due course in order to update the emerging policy going forward.

- 9.4 It is concluded to further update the policy wording as set out in Appendix 2, based on further County Council input.

10. Recommendations

- 10.1 **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:**

**SD13: Pollution & Hazard Prevention and Minimisation;
SD14: Transport Impact of New Development;
SD15: Parking Provision;
SD16: Electric Vehicle Charging;
SD17: Safeguarding Land for Sustainable Transport.**

11. Legal Implications and Risks

- 11.1 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.
- 11.2 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.

12. Financial Implications and Risks

- 12.1 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