

Planning Committee

10 September 2021

Agenda item number 12

Consultation responses- September 2021

Report by Planning Policy Officer

Summary

This report informs the Committee of the officer's proposed response to planning policy consultations received recently, and invites members' comments and guidance.

Recommendation

To note the report and endorse the nature of the proposed response.

1. Introduction

- 1.1. Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2. The Committee's comments, guidance and endorsement are invited.

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Date of report: 25 August 2021

Appendix 1 – Planning Policy consultations received

Fleggburgh Parish council

Document: Fleggburgh Neighbourhood Plan <https://www.great-yarmouth.gov.uk/planning-consultations>

Due date: 15 October 2021

Status: Regulation 16 consultation

Proposed level: Planning Committee endorsed

Notes

The Neighbourhood Plan will be a document that sets out planning policies for the parish, which together with the Local Plans, carry significant weight in determining planning applications. It is a community document, written by local people who know and love the area.

This is the final consultation stage before the plan is submitted to an Examiner for assessment.

Proposed response

Summary of response

The Fleggburgh Neighbourhood Plan is welcomed. There is however an objection to the wording relating to habitat loss. There are also some other comments on the plan which, if addressed, would help the plan be clearer.

Proposed comments:

Basic Conditions Statement

Section 3 – based on the 2019 NPPF. Think it might be prudent to update this against the 2021 NPPF prior to submission. Not sure if it could be argued that the Basic Conditions have not been met if this is not done?

Neighbourhood Plan

Objection

- Policy 3
 - The first sentence of last para says ‘Where habitat loss is required as part of development this will need to be compensated with planting of native species that are of a greater ecological value, where possible’.
 - It is not clear what kind of habitat loss on what kind of habitat sites.
 - It is a very general and permissive statement that could have significantly negative consequences. It is saying that development can result in habitat loss. This is contrary to national and local policy (SP6 and DM13) and potentially Acts of Parliament.

- This also seems to be contrary to objective C of the Neighbourhood Plan.
- Further, the 'where possible' part of that part of the policy weakens any message – it effectively says that habitat can be lost as a result of development, and does not need to mitigate.
- As such, there is an objection.
- If the site/habitat is a European protected site (tending to be called National Site Network now, but also called SPAs and SACs) then what is written is contrary to National Policy and would have Habitat Regulation Assessment issues.
- If this relates to SSSI or National Nature Reserves, then it is contrary to DM13 as it is too permissive; DM13 talks about exceptional circumstances with specific criteria.
- And again, in relation to National Nature Reserves and section 41 priority habitats identified under the Natural Environment and Rural Communities (NERC) Act 2006, DM13 again refers to exceptional circumstances in the policy.
- Then finally, in relation to section 41 priority species, and legally protected sites, DM13 talks of mitigation measures and other criteria to be demonstrated.
- So, the NP policy as written is first of all not clear as to what habitats it applies to and secondly is too permissive when compared to National and local policy.
- As such, this does not meet
 - Basic Condition a) as the wording seems contrary to NPPF paragraphs 8c, 174a, 180a and d,
 - Basic Condition d) as it is contrary to policies SP6 and DM13 of the Local Plan for the Broads (and may be contrary to equivalent policies in the Great Yarmouth Local Plan) and
 - Basic Condition f) as the type of sites could be SACs and SPAs which are European Protected Sites (National Site Network and addressed in HRAs).
- With government assurances that the Environment Bill will pass into law by the end of this year, BNG will become mandatory for most developments in England. I recommend that this Plan need to be made compliant: rather than the wording 'where habitat loss is required...' Integrate the following terms: avoiding damage to habitat, then if that's not an option, mitigation by reducing the impact where possible and, finally, if there is loss of habitat it must be compensated for. Add: **in accordance to assessment processes for National Site Network**. Add: applications are expected to protect **and enhance** natural features.

General comments

- This document would benefit from a check against the new NPPF. Some references to the NPPF are listed here and these may need checking:
 - footnote 1 refers to 2019 NPPF.
 - Also check para 45 reference to the NPPF.
- Section 25 – you might want to refer to our adopted policy that requires offsite contributions for schemes of 6-9 dwellings.
- Para 28 – Local Planning Authorities – plural rather than singular
- Para 29 – maybe refer to the National Design Code that has been released.

- Non-designated Heritage Assets:
 - Should they specify a minimum number of the criteria that they list that a property would need to meet to be considered a NDHA?
 - Rollesby Broad – change the wording to the Broads, rather than Broad. Otherwise it makes it sounds like just Rollesby Broad has special archaeological interest.

Areas that are not clear and would benefit from greater clarity

- Policy 5
 - Could benefit from an and rather than a ,. ‘Proposals will be supported where it can be demonstrated they are sited, **and** designed to be of a form and scale that avoids or mitigates any harm to the key views identified in **Figure 7**.
 - Policy 5 says this: ‘Proposals that are outside of the Broads Authority Area and outside of the development limits, but which are sited on Grade 1 agricultural land that is currently in farming use will not be supported, unless the community benefits of such significantly and demonstrably outweigh the harm of losing the land in the long term, such as affordable housing’. This is very confusing and I am not sure what the message is here. So, development in the Broads Authority area will be supported? Does this part only relate to land on grade 1 agricultural land? What other things could be developed? You give an example of affordable housing outside of development boundaries; of course, there is local policy (GYBC Local Plan Core Strategy CS4) relating to rural exception sites and their need to be adjacent to the existing settlement. Also, the Local Plans that relate to the area have policies on community facilities and where residential dwellings can go. I am very confused by this policy and what it means in practice.
- Para 83 – my previous comment still applies: Norfolk CC Historic Environment Strategy and Advice Team issue *archaeological* advice. All other aspects of advice / consultation responses on planning applications affecting the historic environment are provided by the Historic Environment Officers at the Local Planning Authorities (BA or GYBC).

Typos/grammatical errors

- Para 70 – typo - folloding
- Policy 10d - **Taking** all reasonable opportunities to promote and enhance the use of public transport, such as improved waiting facilities, **will need to be taken**.

Norfolk County Council and Great Yarmouth Borough Council

Document: Great Yarmouth Local Cycling and Walking Infrastructure Plan

https://norfolk.citizenspace.com/community-services/greatyarmouthlcwip/supporting_documents/Great%20Yarmouth%20LCWIP%20Summary%20July%202021.pdf

Due date: 08 September 2021. Note that the response has been submitted, but if there are any comments as a result of Committee, we can get in touch.

Status: Summary document

Proposed level: Planning Committee endorsed

Notes

Norfolk County Council is working in partnership with Great Yarmouth Borough Council to create a Local Cycling and Walking Infrastructure Plan for Great Yarmouth and Gorleston. The objective of the planning process is to identify and prioritise improvements which can be made to the Active Travel (cycling & walking) network within the region over the short, medium and long term. The purpose of this summary document is to share information about the active travel network improvement schemes which have been identified during the planning processes and to enable elected members, residents and stakeholders to review and share their feedback. The summary also sets out the reasons for improving the active travel network for Great Yarmouth and Gorleston and includes details on how the infrastructure plan has been developed, as well as how the new schemes will be designed and delivered.

Proposed response

Summary of response

Generally, the document should consider some Broads Authority documents, but other than that, comments are minor.

Proposed comments:

Section 5 – you do not mention any of the Broads Authority’s documents. The Local Plan for the Broads and Integrated Access Strategy are key documents and need to be considered.

Figure 8, 9, 11, 12, 13, 14, 15, 17, 18, 19 – what are the colours? There is no legend.

Figure 10, 20 legend is difficult to read.

Page 26, no figure number and no legend

Figure 23 – cyclists welcome shelter. It is a shame that no such examples are shown in the document. There is no mention of passive or CCTV surveillance for cycle parking.

Section 9 – it is not clear what this part of the document will actually result in?

Section 10 – is there anything that you need the Local Plan for the Broads to include/address? Is there anything you need the Broads Authority to do to help deliver this?