

Planning Committee

23 April 2021

Agenda item number 11

Consultations

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: 08 April 2021

Appendix 1 – Planning Policy consultations received

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Organisation: Filby Neighbourhood Plan

Document: <https://www.great-yarmouth.gov.uk/Filby-Neighbourhood-Plan>

Due date: 11 June 2021

Status: Regulation 16 version – pre-submission

Proposed level: Planning Committee Endorsed

Notes

This Neighbourhood Plan aims to build on the strengths of the parish and its community, notably its rural character and strong, valued sense of community. It will enhance the natural environment for wildlife and people, protect key historic assets and the tranquillity, help to tackle climate change, and facilitate opportunities for people to meet and get together. Importantly, if there is any further housing development, the plans aims to ensure it is the right type with the right design.

This version is known as the Regulation 16 version and is the final version that will be examined.

Once the consultation ends, comments will be collated and the Parish Council may wish to submit the Plan for assessment. The Parish Council, with the assistance of Great Yarmouth Borough Council and the Broads Authority, will choose an Examiner. Examination tends to be by written representations. The Examiner may require changes to the Plan.

As and when the assessment stage is finished, a referendum is required to give local approval to the Plan. However, given that referendums are not able to go ahead until May 2021 at the earliest, the Government has made provisions that plans that have been examined and are ready for referendum have significant weight. Therefore, when we get to that stage the Authority will use the Plan to help determine relevant applications, thereby affording the Plan significant weight.

Proposed response

Summary

The Neighbourhood Plan is welcomed. There are some areas that need clarifying, in particular policy H1 which is confusing as written, given the housing standards of the GYBC and Broads Authority Local Plans.

Detailed comments

Para 26 – the Broads Authority does have a five year land supply

Policy H1

- Why is the threshold 5 dwellings? It seems that windfall schemes could be smaller in size, so this policy might not apply to many schemes. I note that you say in the consultation

statement that there have been some schemes above 5, but that does not respond to the fact that the policy does not apply to schemes of fewer than 5 dwellings. What happens to schemes that are smaller than 5 in size?

- The sentence preceding the strongly worded first bullet point is should; the first bullet point is must. Does that matter? Is the message confusing by the use of should followed by must?
- Does the whole policy apply to schemes of 5 or more? If not, it might need a sub title to break it up – so one subtitle could be for schemes of 5 or more and then another sub title for schemes of all sizes.
- If, as written in para 34, all dwellings are to be M4(2), and this policy applies to 5 or more, then what about schemes of less than five in the GYBC area? Is that where the GYBC policy comes in (all dwellings to M4(2)) or because the Neighbourhood Plan policy does not say anything about schemes less than 5, there is no need for a developer to make dwellings M4(2). This policy seems to need some clarification.

Para 34 – the policy for the Broads applies to schemes of 5 or more. Not all dwellings. This is a factual amendment.

Policy H2 - 'All new housing will need to be designed as a minimum to the highest allowable prevailing energy efficiency requirements unless clear evidence is provided that this makes the proposal unviable'. Perhaps you need to say that is in place until the Future Homes standard set by the Government takes over?

Para 37 – does that last bit mean that it is viable for sites under 0.5Ha and schemes of less than ten? Or viable for only schemes of 10 or more? Depending on clarifying that issue, is the policy only applicable to a certain threshold or does it still apply to all dwellings?

Policy E2 – what is a biodiversity rich hedgerow? Check spelling of Parish Council. And last sentence – would 'and also accompanied by an appropriate management plan' be better wording?

Para 48 I don't think we have a publicly available map of protected trees but can provide information on protected trees for specific enquiries.

Para 50 says 'Any areas of purchased will be managed for wildlife and habitat conservation in perpetuity'. I don't think makes sense as written.

Para 54 says 'Whilst these might not undermine the purpose a large-scale Green Belt designation'. Think an 'of' is needed.

Policy E4 – does an applicant need to justify how their proposal relates to safety, security or community reasons? Also, what could community reasons be?

Figure 11 – I find it hard to see the PROW. Maybe the background map needs to be a bit more transparent?

Policy BE1 Heritage Assets – I don't think that 'through agreement with the local planning authority' is required in the paragraph on heritage statements. It is a statutory requirement for a Heritage Statement to be submitted – they don't need to agree it with us. Also, the next part could perhaps be reworded slightly - the level of detail within the statement should be proportionate to the significance of the asset and need not be more than is necessary to understand the proposal and the potential impact on the significance of the heritage asset.

Para 78 – is it worth noting that the Broads does not have a CIL. Not sure if GYBC does?

Is the non-designated heritage asset list exhaustive? I wonder if you need to say 'or others subsequently identified'?

Organisation: Rollesby Neighbourhood Plan

Document: <https://www.great-yarmouth.gov.uk/Rollesby-Neighbourhood-Plan>

Due date: 11 June 2021

Status: Regulation 16 version – pre-submission

Proposed level: Planning Committee Endorsed

Notes

The Rollesby Neighbourhood Plan Group has prepared this plan that will shape and influence future growth across the parish.

The vision says that Rollesby will be a cohesive and thriving community. Improved community facilities and services to support daily life in the parish will be easily and safely accessible by foot and bike. It will have a more balanced population with housing for younger people and families as well as older residents. The village has grown but this has not been at the expense of having a rural and open feel with views into the open countryside. The natural environment will be protected and enhanced, especially biodiversity in the Trinity Broads.

This Neighbourhood Plan has allocated a number of sites for development, mainly for residential development.

This version is known as the Regulation 16 version and is the final version that will be examined.

Once the consultation ends, comments will be collated and the Parish Council may wish to submit the Plan for assessment. The Parish Council, with the assistance of Great Yarmouth Borough Council and the Broads Authority, will choose an Examiner. Examination tends to be by written representations. The Examiner may require changes to the Plan.

As and when the assessment stage is finished, a referendum is required to give local approval to the Plan. However, given that referendums are not able to go ahead until May 2021 at the earliest, the Government has made provisions that plans that have been examined and are ready for referendum have significant weight. Therefore, when we get to that stage the Authority will use the Plan to help determine relevant applications, thereby affording the Plan significant weight.

Proposed response

General summary

The Neighbourhood Plan is welcomed. There are however some concerns and these are detailed below. However to summarise, it is not clear why the enhanced energy standard will only apply to 10% of dwellings and not all dwellings, policy HO2 needs to refer to the M4(2) standards in place or soon to be in place as part of the Local Plans and explain how the Neighbourhood Plan's approach fits with the local plans and also policy E1 is confusing and as written does not seem to deliver what is intended. There is also some suggested amendments that would improve the plan in relation to landscape.

Comments on the Neighbourhood Plan

Para 8 – Broads Authority

Para 22 and 23 do not assess the Local Plan for the Broads and what it says about the area. Whilst we are not promoting development, the Local Plan still has some policies that are relevant and should be mentioned.

Policy HO1: you refer to a windfall threshold of five dwellings max. That means that affordable housing will not be delivered as part of those schemes (as things stand now, the threshold is 10 dwellings) so is there a mismatch with the aim of providing housing so young people stay? Para 57 is of relevance as well.

Policy HO2 – why 10% designed to high energy standard? Still not clear why only 10%? I find it odd that the standard applies to a proportion of dwellings rather than a standard applying to all dwellings. Especially in the time of climate emergencies being declared. Also, what about the running cost of the houses for the residents? So, on a scheme of 10 dwellings only one dwelling would be designed to be energy efficient so only one family would benefit from savings on bills. This approach is confusing and does not seem to be justified. You might also need to check with GYBC to see what standard they are going to apply to see if you need to have a standard anyway.

Policy HO2 and para 55 – how does this standard work with the local plan for the Broads standard and the GYBC standard re M4(2)? There is no mention of that and no explanation about how this standard fits with the LPA's standards.

Para 56 – should there be reference to the future homes standard?

Policy E1.

- It is unclear how 'low walls, fences' could help in 'Protecting and Enhancing the Environment'. I recommend that these two examples are deleted and the following examples are added: 'pollinator strips and ponds'. Suggest the following wording as not all features will be natural and further examples may be supportive for developer decisions: 'Incorporate ~~natural~~ features within site proposals that benefit biodiversity conservation, such as **built-in wildlife homes, pollinator strips, native hedging green walls green** roofs and **wetlands** which enhance on site wildlife and associated benefits for run-off attenuation and energy efficiency'.
- On 10% net gain there is no mention of local projects or plans for developers or the community to follow. Is there expectation that all the Net Gain will be delivered within the development. Who will manage this over the long term? I know that this is evolving, the community have an opportunity to identify local projects and list these in the plan or at least to have this a future aspiration. I suggest that biodiversity projects or plans for developers or the community to follow are added or a group set up to identify opportunities.
- As this part of the policy specifically relates to the Broads area, I have suggested some wording amends to better align with LCA terminology. Broads Authority Landscape Character Assessment should be referenced here or in the supporting text – unless this is referring to qualities/characteristics identified in the NHP character appraisal? It is

currently not clear what these characteristics/qualities are or where they can be found. The wording currently implies that there will be an impact on the Broads area as a result of development in Rollesby. Could just be interpretation of the words as 'minimising' is probably being used as a 'catch all' phrase. Ideally, we would want to look at avoidance, mitigation, compensation and enhancement rather than 'minimise impacts'. – but there is identification of this approach at para. 76 so minimise might be acceptable. *“Any development proposals within or near to the Broads Area will need to be accompanied by landscaping proposals that demonstrate how ~~it is the development will minimise~~ing its impact on the Broads landscape, and benefiting the wider area. Development must suit the location and setting, with landscape~~e~~ing design proposals that reflect the areas ~~special key positive landscape qualities~~-characteristics.”*

Para 66. And HO3(a) Appreciate point regarding critical housing need being the exception to the maximum density however within a development site this will counter point HO3(e) and will distinguish affordable units by appearance through their relative lack of external space and tighter development form in comparison to saleable units. This is particularly the case where affordable units are located together.

Para 76. Would it be better worded as follows? 'In delivering **Policy E1** developers should first look to avoid harm. If harm cannot be avoided and the scheme must go ahead, then developers will need to mitigate impacts. In all instances, developers are expected to enhance biodiversity on site. ~~Where it is not possible to avoid, mitigate and compensate~~ all impacts on site, the developer should secure enhancement or creation of habitat locally, within the parish'. As originally written, it seemed to say that avoiding harm, mitigating and enhancing were all on the same level and did not specify an order. I do note that the later part refers to compensate and that is not mentioned in the first part – is that the same as mitigate? Regarding the last bit (red text), if these things cannot be done, should the scheme actually go ahead? Also, what kind of impacts and to what type of habitat or species is the policy referring to? If it is European protected sites, then the issue of IROPI (imperative reasons of overriding public interest) is a process set out in regulations. And finally on this, that sentence actually looks like policy wording, but it is not in the policy. Should that go in the policy?

Policy E2. We recommend there is a policy requirement for a landscape and visual appraisal to accompany development proposals, particularly those that could affect key views and landscape qualities, to enable effects of development proposals to be properly assessed and inform appropriate landscape strategy.

Policy E3: does an applicant need to justify how their proposal relates to safety?

Figure 9 – the LGS are not that obvious. Would it be better if they were green? They might stand out more on the map.

Policy CA2 – The second sentence states 'should be protected'. 'Should' is a weak term when compared to 'must', 'will', 'required to'.

Policy SSA01

- Reference Broads Authority and GYBC Landscape Character Assessments in supporting text.
- Criterion (h) - Have suggested some additional detail, this may be overkill or repeating something in GYBC policy, but feels like a stronger connection needs to be made between the baseline (the special features and characteristics the plan seeks to protect) and the landscape strategy requirement, so that when development comes forward it is easier to objectively establish whether requirements of the NHP have been met, and to the appropriate standard. *“An overall landscape strategy informed by appropriate assessments including but not limited to, ecological assessment, arboricultural assessment, and landscape and visual appraisal. The landscape strategy will demonstrate ~~showing~~ how natural features ~~such as trees and hedgerows~~ will be retained, where reasonable, and incorporated alongside ~~other new natural soft~~ landscape features into the layout of the development to achieve the 10% net gain in biodiversity. ~~This~~ The strategy will also need to consider the impact on the setting of the Broads informed by relevant assessment;”*

SSAO2, SSAO3, SSAO4 – why only 10% dwellings high energy level? See comment on HO2.

SSAO5

- does not refer to 10% energy requirement (although see comment on HO2 regarding the 10%).
- Criterion (d) could be condensed by using term ‘a landscape led approach’

Generally, the policy document refers to key characteristics which should be retained and enhanced; the evidence base lists positive attributes from the GYBC LCA, but there are other sections of the LCA which could offer greater insight. For example, the guidance in the LCA on how to conserve and enhance the character of the area, particularly in relation to development and landscape management also doesn’t appear to have come through into the evidence base or policy – this may not be desirable at this point, but reference to the GYBC LCA and / or appropriate landscape appraisal could be made in the Policy document, particularly in relation to master planning etc.

Comments on the HRA

We made these comments as part of the health check, but it is not clear how they have been addressed in the HRA. Many other comments we made have been addressed however.

- Chapter 3 – why has 10km been used? What about people travelling further to walk dogs or do other recreation activity?
- Section 4: All distances used say to the Parish Boundary. Why is that being used? Shouldn’t the location of the sites for proposed development be used?
- 6.54 – what aspects of water management do the Broads Authority manage?
- In relation to the Trinity Broads the following information should be considered. Although not part of the SPA, it should be noted that the Trinity have nationally important numbers of breeding wildfowl and the broads are also an important habitat for overwintering wildfowl. Due to the close proximity to the SPA the bird populations on the Trinity Broads

should be considered as part of the SPA. Further information needs to be added throughout to set this context and justification and particularly to 5.2, 5.28, 5.32, 6.4 and other sections throughout:

- *The open water areas support nationally important numbers of breeding wildfowl (e.g. pochard Aythya ferina, tufted duck Aythya fuligula and shoveller Anas clypeata) and the broads are also an important habitat for overwintering wildfowl between October and March (Fowler & Gray, 2008). Gadwall Anas strepera, goldeneye Bucephala clangula, teal Anas crecca, goosander Mergus merganser and Slavonian grebe Podiceps auritus are often seen, though in relatively small numbers. Wintering bittern Botaurus stellaris are also frequently seen and marsh harriers Circus aeruginosus are known to breed on adjacent fenland whilst feeding on and around the broads. Other notable bird species recorded in the system are Cetti's warbler Cettia cetti and kingfisher.*

Comments on the Evidence

While the Broads LCA has now been referenced in the policy document, it has not been included in the evidence base. The Broads landscape character area 26 Muck Fleet Valley and the Trinity Broads abuts the village to the eastern side.

Regarding the views that are protected, there does not seem to be much in the supporting documents on this. Most notably, it would be useful to define what is special about these views, why are they valuable and who values them? A little more could be gleaned from the GYBC LCA in this respect as it refers to these types of characteristic views.