

Planning Committee

04 March 2022

Agenda item number 14

Consultation responses – March

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: 02 February 2022

Appendix 1 – Water Resources East

Appendix 2 – North Norfolk Local Plan

Appendix 3 – Government consultation - New build developments: delivering gigabit-capable connections

Appendix 1 – Water Resource East

Document: Emerging Water Resources Plan For Eastern England [WRE launches consultation on emerging water resources plan for Eastern England - Water Resources East](#)

Due date: 28 February 2022 – draft response has been sent in.

Status: Emerging

Proposed level: Planning Committee approved

Notes

The Eastern region of the UK is facing a water crisis. It is short of water now and if nothing changes the water shortage will get worse. This is the message coming out of Water Resources East's emerging Water Resources Plan published in January for informal consultation.

[The emerging, adaptive regional plan](#) has been co-created in collaboration with WRE's cross-sector members and stakeholders sending a clear message that water is not an issue which can, or should be, solved by one group of water users alone. It is the first stage of a two-year process that will culminate in a final plan being produced in autumn 2023.

[The emerging plan](#) reveals that by 2050, the Eastern region could require around double (2,267 Ml/d) the amount of water currently used. This arises from an increasing demand for public water supply and for the agri-food and the energy sectors, alongside an increasing allocation to the natural environment, and mitigating and adapting to the effects of climate change.

By far the biggest driver influencing the plan is the need to leave water in the environment (known as sustainability reductions) to restore, protect and enhance the region's sensitive water bodies such as the region's precious chalk rivers and rewetting landscapes such as wetlands and peatlands that naturally act as a carbon sink, capturing millions of tonnes of CO₂.

The consultation launched today, highlights a number of emerging supply side options and alternative sources, together with demand management measures, that will be needed at different time periods to 2050 to help meet these ambitious sustainability reductions and increasing water demand forecasts from across sectors.

The strategic, multi-sector options identified in collaboration with our members and stakeholders, will continue to be explored through 2022, together with local and catchment level members' and stakeholders' demand and supply options, to inform [WRE's draft regional plan](#) published for consultation in autumn 2022.

Proposed response

Page 11 – the Broads Plan is a management plan, not a local plan.

There is reference to 110 l/h/d for residential, which all Norfolk Local Planning Authorities have agreed to include in their local plans, through the Norfolk Strategic Planning

Framework agreement. But there is no mention of BREEAM for non-resi buildings, as that has a water efficiency element.

Other than 110 l/h/d and BREEAM, what do Local Plans need to do?

Given the challenged in the Eastern region, what are WRE's views on the emerging policy for Greater Cambridge which proposes a water use standard of 80 l/h/d (unless demonstrated impracticable)?

The report mentions the WRE adaptive pathways to inform choices as times progresses. It would be helpful to develop and illustrate a clearer adaptive pathway to facilitate engagement and understanding with the different sectors.

The report mentions drawing on catchment plans as a valuable knowledge base, and the catchment partnerships such as the Broadland Catchment Partnership are well placed to help deliver catchment level activities.

The Broadland Catchment Partnership also has good relationships with farmers and land occupiers, and so could help WRE to reach this community, which was mentioned in the report as a community which required greater engagement.

Appendix 2 – North Norfolk District Council

Document: North Norfolk Local Plan www.north-norfolk.gov.uk/localplanconsultation

Due date: 28 February 2022 – draft response has been sent in.

Status: REG19

Proposed level: Planning Committee approved

Notes

This document takes account of the public feedback submitted on the First Draft Local Plan in 2019 and has been updated to reflect changing national planning policy and guidance. This plan emphasises climate change as a key theme and sets the framework to help deliver climate resilient, sustainable development. It introduces new environmental standards to require energy-efficient construction, a net gain in biodiversity, electric vehicle charging points and more.

It should be noted that some typographical errors and queries that are not soundness issues were sent informally to NNDC.

Proposed response

The following comments can be addressed through minor changes to the wording as suggested. Whilst the change is minor, it is important to the Broads and its setting. Following discussions with officers at NNDC, we understand that the approach at this stage is to acknowledge that some changes are required to the Plan and you intend to propose some changes when you submit the plan, and that they will produce a Statement of Common Ground with parties like ourselves which will include their proposed approach to our comments. We support this approach and for that reason, have not raised soundness issues at this stage. That being said, depending on their response to the issues raised below about wind turbines, we may need make soundness representations at a later date.

- **Section 3.2 Renewable & Low Carbon Energy**

Comments

The Fig. 5 blue areas show ‘small to medium scale’ wind development up to the BA boundaries. (It would be helpful if it showed the BA boundary on the key.)

Small to medium is defined as 30-60m in NNDC Landscape Sensitivity Assessment 2021 SPD (LSA SPD): [North Norfolk Landscape Sensitivity Assessment \(north-norfolk.gov.uk\)](http://www.north-norfolk.gov.uk). In [BA Landscape Sensitivity Study](#) (BALSS) Small to medium is defined as 0-50m high, so the NNDC policy could theoretically allow 60m high turbines close to the BA boundary, which would be a concern. BALSS Figure 4.3: Wind Turbine Sensitivity; Medium Turbines (20 - 50m) shows all but 2 Landscape Character Areas (LCAs) (on Norwich fringe) as having High sensitivity. Fig 4.4 Wind Turbine Sensitivity; Large Turbines (50 - 70m) shows all LCAs as having High sensitivity.

Paragraph 3.2.5 refers to the North Norfolk Landscape Sensitivity Assessment SPD. Figure 5.3 of that SPD: Sensitivity to small scale wind turbines – shows many areas in NN along Broads

boundary as only 'moderate' sensitivity. This doesn't seem to acknowledge the setting of the Broads as a consideration.

Paragraph 3.2.6 – this para needs to include reference to the Broads. Please can you amend this part so it refers to the Broads, like other important highly sensitive landscapes in the area?

Para. 3.2.9 *Wind energy development proposals will be supported in principle where it can be demonstrated that the landscape sensitivity for the proposed scale of turbine does not exceed 'Moderate - High'*. Looking at some of the relevant BA landscape sensitivity studies, e.g. for Landscape Character Area (LCA) 27: Ant Valley upstream of Wayford Bridge, LCA 28: Ant Valley downstream of Wayford Bridge, and LCA 30: Upper Thurne Open Marsh, Broads and Fens, there is generally a high overall landscape sensitivity to wind turbine development in these areas. The intervisibility with adjacent areas in North Norfolk means that larger turbines could appear more dominant in relation to the Broads, resulting in high landscape sensitivity. So, NNDC's *Moderate - High'* would seem to allow wind turbine developments which could affect the high landscape sensitivities of adjacent Broads LCAs.

Para 3.2.9 allows for 80m hub/130m tip wind turbines at Coltishall. This is a significant height and raises concern re visibility from Broads areas. The centre of the airfield is on upland about 3km from the nearest Broads boundary at Coltishall. Figure 3.2 of Broads Landscape Sensitivity Study shows a Zone of Theoretical Visibility for Coltishall airfield, with a turbine height of 50m. The map shows how such development would be theoretically visible from large areas of the northern Broads.

Policy CC2, para 1 seems to be a very sweeping statement of support for everything, without any other considerations. For example, impacts on landscape character and the setting of the Broads are not included in this part of the policy. There will probably be other policies in the Local Plan that schemes would also need to address. As written, this seems very permissive with no criteria to consider. Para 2 is more like what one would expect – setting out various criteria to consider and it mentions 'nationally important landscapes'. It is therefore not clear what para 1 actually means? Is it needed considering para 2?

Overall the boundary of the blue area for the policy is somewhat concerning. I'm not sure that NNDC have fully appreciated the potential adverse impacts of turbines on the Broads and their setting in particular. If NNDC looked at their LCAs together along with the BA LCAs, it would seem to suggest either pulling the blue area away from the Broads boundary or introducing a 'buffer zone' along the Broads/NNDC boundary where perhaps a different more stringent policy approach could be applied.

Proposed changes

Figure 5 needs to show the BA boundary.

Figure 5 given all the above, it is suggested to either pull the blue area away from the Broads boundary or introducing a 'buffer zone' along the Broads/NNDC boundary where perhaps a different more stringent policy approach could be applied.

Para 3.2.6 'Careful consideration will also be needed in areas close to high sensitivity landscapes, such as the AONB, **the Broads**, Heritage Coast and Undeveloped Coast and the cumulative impacts of an increasing number of renewable developments within an area.'

Policy CC2, 1: remove para 1 or combine with para 2.

Policy CC2, 2, b: *the special qualities **and character** of all designated nationally important landscapes and heritage assets including their settings*

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

- **Paragraph 3.13.8**

Comment

Please also refer to the dark skies of the Broads here.

Relevant part of the NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176 and the dark skies are protected at 185 c.

Proposed change

The Norfolk Coast Area of Outstanding Natural Beauty Partnership states as part of its 20 year vision that "the area will still be essentially unspoilt with a strong feeling of remoteness, peace and tranquillity, with wide skylscapes, seascapes and dark night skies that show the richness and detail of constellations." (53) **The Broads Authority also has intrinsically dark skies that are protected through its Local Plan.** External lighting in new development should be limited to that necessary for security and consideration should also be given to ways of minimising light pollution using sensitive design details, for example, to avoid large glazed areas.

- **Policy CC13 1 e**

Comments

The preceding sentence and this bullet read together don't read quite right. 'Proposals will need to comply with statutory environmental quality standards and demonstrate, individually or cumulatively, that the development would not give rise to adverse impacts on [inter alia] light and noise pollution'. It reads now, it says development should not adversely affect light and noise pollution. What I think you mean is that proposals should not give rise to noise and light pollution. But that is not what is written. You need to re-word this as it does not really work as written. Furthermore, given the Broads and AONB have dark skies in North Norfolk, I would have expected more on light pollution than a criteria combined with noise. Also, there is nothing really in the supporting text about what an applicant is meant to do with regards to light pollution – not to the detail of what to do if there is noise pollution.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176 and it also has dark skies, as per para 185 c.

Proposed change to the policy

e. the dark skies of the area, through addressing light pollution

f. noise pollution

Proposed change to supporting text

Information about what the Council expects an applicant to do to show how they have addressed impact on dark skies.

- **Policy CC13 3**

Comment

This says a bit more on dark skies and light pollution, but is only written as a 'should' whereas part 4 uses the word 'must; and number 1 uses the word 'will'. What does using the word 'should' really mean? Why is light pollution and dark skies given a different wording, given all the supporting text says about the quality of dark skies?

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176 and it also has dark skies, as per para 185 c.

Proposed change

'Proposals for development ~~should~~ **must** minimise the impact on tranquillity and dark skies in North Norfolk and the adjoining Authorities' areas'.

- **Policy SS1 3 c**

Comment

Impact on the Broads (and AONB?) needs to be specifically mentioned here.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

'The proposal is small scale, incremental growth compatible with the form and character of the village and its landscape setting in terms of siting, scale, design, impact on heritage assets and historic character **and the Broads;** and'

- **Policy SS2 d and e**

Comment

I am surprised that these uses are to be permitted outside of/far from development boundaries which is likely to rely on use of private car to get to and from them. It is not clear why this is the case. This is of relevance to the Broads as some of the area of NNDC next to the Broads is classed as countryside. I would have expected, if a more permissive approach were required or desired, that text along the lines of i would be appropriate for d and e.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

d. temporary and permanent accommodation for gypsies and travellers **where there is a demonstrable need for the development and where alternative sites within defined Settlement Boundaries are shown not to be available or suitable.**

e. community facilities and services including, but not limited to, community halls, health, education, places of worship and community led developments **where there is a demonstrable need for the development and where alternative sites within defined Settlement Boundaries are shown not to be available or suitable.**

- **Policy HC6**

Comment

Does not refer to the impact of telecommunications infrastructure on the setting of the Broads (and AONB?). This could be weaved into part b.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

‘it has been demonstrated that the least visually intrusive option has been selected, including the use of innovative design and construction and/or sympathetic camouflaging and landscaping, **which does not impact on the Broads or its setting;** and’

- **Policy ENV1**

Comment

Needs to refer to the dark skies of the AONB and the Broads. ENV1 para 4 part c refers to tranquillity, but given the darkness of the skies of the AONB and Broads that is referred to in the Local Plan, dark skies needs to be mentioned specifically. I see reference to ‘nocturnal character’, but I am not really sure what that term means; I don’t see it explained anywhere – as mentioned, dark skies is talked about. If that is meant to refer to dark skies or addressing light pollution, then either say that or explain what nocturnal character means.

Relevant part of NPPF

Intrinsically dark skies is at para 185 C of the NPPF.

Proposed change

Either explain what nocturnal character is or be specific and talk about dark skies and light pollution.

- **Policy ENV2**

Comment

Paragraph 6.2.6 refers to dark skies which is supported, but there does not seem to be a mention in the policy itself – policy ENV2. I see reference to ‘nocturnal character’, but I am not really sure what that term means; I don’t see it explained anywhere – as mentioned, dark skies is talked about. If that is meant to refer to dark skies or addressing light pollution, then either say that or explain what nocturnal character means.

Relevant part of NPPF

Intrinsically dark skies is at para 185 C of the NPPF.

Proposed change

Either explain what nocturnal character is or be specific and talk about dark skies and light pollution.

- **Figure 8**

Comment

Needs to reference the BA Landscape Character Assessment – perhaps as a footnote?

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

Add a footnote to the part of the key that says ‘Broads Authority Executive Area’ that says something like ‘**There is a Landscape Character Assessment for the Broads which can be found here: [Landscape Character Assessment \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)**’

- **Paragraphs 6.6.7 and 6.6.8**

Comment

The Broads have intrinsically dark skies too, so please mention the Broads.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176 and it also has dark skies, as per para 185 c.

Proposed change

The Norfolk Coast Area of Outstanding Natural Beauty Partnership states as part of its 20 year vision that "the area will still be essentially unspoilt with a strong feeling of remoteness, peace and tranquillity, with wide skylscapes, seascapes and dark night skies that show the richness and detail of constellations." (53) **The Broads Authority also has intrinsically dark skies that are protected through its Local Plan**

- **Policy HOU5 1 b**

Comment

Given that there is potential for Gypsy and Traveller and Travelling Showpeople accommodation to be away from settlements, we do not think that ‘minimises impacts’ is adequate. Our equivalent wording says ‘The site will not harm the setting of any heritage asset or any adverse impact on the character and appearance of the surrounding landscape’. By saying ‘minimises’, this implies some impact is acceptable.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

b. ~~development minimises impact on the surrounding landscape;~~ **the site will not harm the**

setting of any heritage asset or any adverse impact on the character and appearance of the surrounding landscape.

- **Policy E6.**

Comment

This section does not mention the Broads. The type of development could impact the setting of the Broads. This issue can be addressed by referring to the setting of the Broads. at policy.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

E6 1 d i: the defined special qualities of the Area of Outstanding Natural Beauty **and the Broads.**

E6 3 b i: the defined special qualities of the Area of Outstanding Natural Beauty **and the Broads.**

- **Policy E7.**

Comment

This section does not mention the Broads. The type of development could impact the setting of the Broads. This issue can be addressed by referring to the setting of the Broads at policy E7 3.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

In all cases proposals must demonstrate measurable biodiversity net-gains; and that the proposal would not have a significantly detrimental impact upon: The key characteristics and valued features of the defined Landscape Type; **the Broads**, residential amenity; and the safety and operation of the local highway network.

- **Policy E8.**

Comment

This section does not mention the Broads. The type of development could impact the setting of the Broads. This issue can be addressed by referring to the setting of the Broads at policy E8 2.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change

In all cases proposals must demonstrate measurable biodiversity net-gains; and that the proposal would not have a significantly detrimental impact upon: The key characteristics and valued features of the defined Landscape Type; **the Broads** residential amenity; and the safety and operation of the local highway network.

- **Some other minor comments:**

Policy ENV 1b – should perhaps say ‘built and geological features’, as I take the term ‘cultural heritage’ to include historic structures

Section 20 – Ludham, para 20.0.2 and 20.0.03 references to the ‘Norfolk Broads’ change to Broads Authority Executive Area?

Appendix 3 – Department for Culture, Media and Sport

Document: New Build Developments: Delivering Gigabit-Capable Connections [New build developments: delivering gigabit-capable connections - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/new-build-developments-delivering-gigabit-capable-connections)

Due date: 28 February 2022 response has been sent in and any amendments will be sent in.

Status: Draft

Proposed level: Planning Committee approved

Notes

As the UK accelerates the deployment of new networks, there is a real opportunity for new build homes to be deployed with gigabit connectivity from the outset instead of at a later point with high civil works costs. Ensuring that all new build homes in England are built with gigabit-ready infrastructure and gigabit-capable connections will be a significant step towards delivering world-class digital infrastructure to the UK.

Proposed response

It is proposed that conversions of existing buildings should be required to meet this requirement through Part R which is supported in principle but I would suggest that the regulations should require it to be carried out in a manner that would reduce the amount of infrastructure as much as possible, e.g. so that each individual flat doesn't require a box (or whatever it may be) on the outside of the building. We are just thinking back to the issues with satellite dishes, where rather than having a communal system there would sometimes be numerous satellite dishes on a block of flats.

The consultation mentions all sort of external infrastructure that may be required. To me, it sounds as if each house would probably have a small box (like a gas / electricity meter box?) on the outside. Would the gigabit requirements need planning permission?

The consultation also mentions site-wide infrastructure that could potentially be much more intrusive. The document suggests cabinets, telephone poles, masts, ducts, antenna installations and towers could all be required. We would normally ask for planning permission or prior approval notification for some of these installations, but I can't find any reference in the document to planning permission being required. Without due consideration, these infrastructures could have the potential to harm the character and appearance of settlements and undermine the government's objectives to create 'beautiful places'.