



27 September, 2023

Mr David Reed
Independent Inspector (PINS)
c/o Mrs Annette Feeney
North Norfolk Local Plan Examination Programme
Officer Sent via email

Dear Mr Reed,

NORTH NORFOLK LOCAL PLAN EXAMINATION - INSPECTOR'S INITIAL QUESTIONS

Further to your letter dated 26 June 2023 regarding your initial questions to the Council [EX002], please find appended to this letter the following documents:

In response to **Questions 1, 2, 6 and 7:**

1. **Response to Inspectors Initial Questions concerning Housing Requirement and Delivery**

A statement illustrating the consequences of moving the period covered by the Plan from 2016-2036 to 2020-2040. As requested, this statement also takes into account the implications of adopting an alternative housing requirement figure of 531 dwellings per annum rather than the minimum 480 dwellings per annum used by the Planning Authority in the Submission Plan.

a. **Revised Policy HOU1 (2016-36 and 2020-2040)**

b. **Revised Housing Trajectory (2016-36 and 2020-2040)**

The above are extracts from the submitted Local Plan which have been revised to illustrate both plan period scenarios and, in both cases, to update the completions data to end of March 2023 and to consider the impacts of Nutrient Neutrality.

c. **Five Year Land Supply Statement** covering the period 2023-2028.

In response to **Question 3:**

2. **North Norfolk Local Plan HRA Addendum**

An update to the Habitat Regulations Assessment for the Plan to cover the requested modification to Policy CC13 dealing with Nutrient Neutrality.

3. A signed **Statement of Common Ground with Natural England in relation to Nutrient Neutrality Policy.**

Taken overall, the consequences in terms of housing delivery of moving the Plan period forward by four years would not be significant if the Plan requirement remains at 480 dwellings per annum. This is largely because the submitted Local Plan already envisages that some of the growth on the strategic scale site allocations at North Walsham and Fakenham would occur after 2036. This would not be the case if the minimum requirement was increased to 531 dwellings per annum. At this figure we calculate that the Plan would result in a deficit in provision of around a thousand dwellings over the revised period.

We would be pleased to provide any further clarification should this be required.

Yours sincerely

Mark Ashwell

Planning Policy Manager

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Response to Inspectors Initial Questions concerning Housing Requirement & Delivery



1. Purpose

- 1.1 On 26 June 2023 the appointed Inspector considering the North Norfolk Local Plan 2016-2036 wrote to North Norfolk District Council [EX002] seeking clarification of various issues. The Council sent an initial response on the 17th of July indicating the expected timeframe for a full reply [EX003].
- 1.2 This is North Norfolk District Councils full response covering those questions relating to housing provision including illustrating the impacts of alternative housing requirements, plan periods, and associated Five Year Land Supply and Trajectory implications. This response also addresses the potential impacts of nutrient neutrality in terms of expected rates of housing delivery. As requested by the Inspector the Authority has illustrated the potential impacts of revising the Plan period and using an alternative housing requirement in revisions to Policy HOU1 (**Appendix A**) and the Housing Trajectory included in the Submission Plan (**Appendix B**).
- 1.3 The Authority included some information in relation to the potential impacts of Nutrient Neutrality requirements in its initial response to the Inspector on the 17th of July.
- 1.4 Where this response refers to other documents included in the examination document library these are indicated using the standard document reference. The library is available on the North Norfolk District Council Examination web site ([Home | Local Plan Examination Library \(north-norfolk.gov.uk\)](#)). To support this response the Council has prepared the following documents:
 - i. A Five Year Land Supply Statement for the period 2023-2028 based on the Authorities proposed minimum housing target of 480dpa. [EX007]
 - ii. Two updates to Policy HOU1 (**Appendix A**), the first retaining the 2016-36 Plan period included in the Submission Plan but updating with the latest (to March 2023) completions data and removing proposed growth beyond 2036. The second illustrates the consequences of moving the Plan period to cover 2020-2040.
 - iii. Two updates to the Housing Trajectory section of the Submission Plan (**Appendix B**) updating the figures in the Plan to reflect the position at March 2023 and the impacts of moving the Plan period from 2016-36 to 2020-2040. Both trajectories take into account the potential impacts of nutrient neutrality requirements on delivery rates and illustrate the results.
- 1.5 The Inspector raised the following questions, as shown below in ***bold italics***.

1. The NPPF states that strategic policies should look ahead for a minimum 15-year period from adoption. In this case, the plan proposes an end date of 31 March 2036. No doubt partly due to the delay in submitting the Regulation 19 plan, even if adoption was achieved by April 2024 there would only be 12 years remaining. With a fair wind adoption is more likely sometime during the period 2024/5. Whilst not pre-empting the matter, as this issue will need to be discussed at the hearings, the

Council is requested to consider the implications of extending the plan period by at least three years, to March 2039 or March 2040. At the same time the base date of the plan could be rolled forward to 2021. Based on such a scenario and taking account of the requests in 4 and 6 below, please prepare revised figures for Policy HOU1, the housing trajectory on pages 263-265 and the detailed breakdown on pages 266-267 using the Council's preferred housing target figure of 480 dwellings per annum (dpa). What would be the implications for housing provision?

2. The updated trajectory figures should also be used to demonstrate the five-year housing land supply position on adoption of the plan as at April 2024 or April 2025.

6. The Council's latest published five-year housing land supply position is dated April 2020 (K6) whilst Policy HOU1 and pages 263-267 have a base date of April 2021 and the latest monitoring report (K1) has a base date of April 2022. For the examination to be based on the most up to date information priority should be given to providing updated housing monitoring figures with a base date of April 2023. When might such figures be available? At the very least the updated policy and trajectory requested in (1) should be based on April 2022 figures and preferably those from April 2023 to avoid new figures emerging mid-examination.

7. The position of the Council to plan for a minimum of 480 dpa on the basis of the 2016 based household projections is noted and will be an important matter for discussion at the hearings. Without prejudice, do you agree the Home Builders Federation figure of 531 dpa from use of the standard method (2014 based projections) and the latest affordability ratio as at January 2022? If so, for discussion/information purposes, please also undertake the exercise in 1 above using the 531 dpa figure. What would be the implications for housing provision?

The following section provides the Council's responses to questions 1, 2, 6 and 7 of the Inspectors letter of 26 June, 2023.

2. Context and Overview

2.1 The Submission Plan is based on:

- A plan period 2016-2036.
- A start date of April 2016 and end date of March 2036.
- The 2016 based National Household Projections and the 2020 based local affordability ratio are used to calculate the housing requirement (See Background Paper 1 [C1] for further details.

2.2 In terms of the quantity of homes to be provided the Submission Plan includes two figures.

2.3 The first sets a **minimum target of 9,600 (480dpa)** homes to be delivered between 2016 and 2036. This figure is based on an assessment of the likely number of homes which the evidence indicates will be required to address future needs. It includes three components:

- The demographic growth requirement sourced from ten-year growth projected in the 2016 National Household Projections. Projected growth in the period 2021-2031 is used.
 - An affordability uplift, the size of which is determined by the national standard methodology using the 2020 published affordability ratios.
 - A 5% delivery buffer – this buffer is added by the authority as a measure to improve the prospects of delivery.
- 2.4 The second figure is **planned growth**. This is quoted in Policy HOU1 as **12,096** dwellings and represents the total number of dwellings that the Plan would provide when all the proposed allocations are built in full, and the other sources of housing delivery (completions, permissions, windfalls) are provided. This figure is inclusive of all dwellings on allocations proposed in the Plan notwithstanding that elements of the large sites at North Walsham and Fakenham are assessed as being likely to be delivered beyond the period covered in the Submission Plan, namely, after 2036. This figure does not include any allowances for windfall growth beyond 2036. Once expected dwelling completions on allocated sites beyond 2036 are deducted, the Submission Plan therefore provides for **10,599** dwellings within the Plan period 2016-2036.
- 2.5 In practice this means that although the Submission Plan has a published end date of 2036, it contains sufficient growth overall to allow for the continued delivery of development at the required average rate of 480 dpa until around 2040 depending on precise build out rates. This aspect of the Plan is intended to address the requirement in national guidance that plans should provide for 15 years of growth from their likely date of adoption.
- 2.6 For discussion purposes the Inspector has requested that the Authority illustrate the implications for housing requirement and delivery if the Plan period were to be rolled forward and to illustrate this in relation to both the Councils preferred housing target of 480 dpa and an alternative of 531dpa put forward in representations. For clarity, the LPA agrees that 531 dwellings per annum is the requirement figure if the standard methodology using the 2014 based household projections are used to derive the requirement.
- 2.7 If the Plan period were to be rolled forward the LPA would favour adopting the period 2020-2040. This would provide for a twenty-year period, base the Plan in 2020 and consequently align it with the use of the 2020 affordability ratio and 2021-2031 growth projection used in the Submission Plan. These were the most up to date figures available on the date of publication, were the basis of the Regulation 19 consultation and provided the Plan were to be adopted before 2025 it would provide for 15 years of required growth from the likely date of adoption.
- 2.8 For discussion purposes, the implications of such a change are explained below in relation to both the minimum housing *requirement* and *planned provision* with the housing requirement set at either 480 or 531 dpa.

3. What would be the minimum housing requirement for alternate plan period of 2020-2040?

- 3.1 The standard National Housing Requirement Methodology requires the use of the next ten years growth forecasts and the latest available published affordability ratios to derive a minimum housing requirement. In the Submission Plan the Authority used projected growth in the period 2021 -2031 from the 2016 based Household Projections together with the 2020 published affordability ratios. If the Plan is rolled forward to cover the period 2020-2040 these inputs into the calculation would remain unchanged.
- 3.2 Consequently, the net effect in terms of the housing *requirement* of rolling the Plan forward by four years is neutral in that four years requirement would be deleted from the start of the Plan period with an equivalent (same) four-year requirement added to the end.
- 3.3 Hence, using the 2016 based Household Projections favoured by the LPA would leave the minimum requirement at **9,140** or **457dpa** (excludes the 5% delivery buffer added by the Authority¹) rising to **10,610** or **531dpa** if the 2014 based projections are used (Table 1).

Table 1. Plan period 2020-2040

Comparative minimum housing requirement using 2016 or 2014 Household Projections with 2020 affordability ratios.

Ref	Calculation	Dwellings	
		2016 based Household Projection (LPA preferred figure)	2014 Based Household Projection (HBF Preferred figure)
A	Annual average household growth using 2021-2031 period from National Household Projections	347	403
B	Household growth plus affordability uplift as required by standard national methodology (2020 affordability ratio)	457	531
C	Minimum annual requirement in accordance with National Standard Methodology (no cap applied in stage 3 of standard methodology)	457*	531
D	Total minimum Plan requirement (C x 20 years)	9,140	10,610

*Figure does not include the 5% delivery buffer added by the LPA to derive the minimum requirement of 480 dwellings per annum included in the Submission Plan (457 + 5% = 480)

- 3.4 Hence, rolling the Plan forward by four years would not change the requirement for new homes.

¹ In the Submission Plan the LPA sets the minimum target at 480 dwellings per annum. This represents the 457 dpa derived by applying the standard methodology to the 2016 based Household Projections with the addition of a 5% delivery buffer (457 +5% = 480dpa)

4. What would be the impact on housing provision for an alternate plan period of 2020-2040?

4.1 The two principal implications of such a change would be the removal of four years of completions between 2016 and 2020 and the addition of four years growth between 2036 and 2040. **Table 2** below shows the *planned* growth contained in the Submission Plan for the period 2020-2036 and separately accounts for the possibility of an additional four years between 2036-2040. This illustrates how the required growth in the additional four years is already included in the Submission Plan as the Plan anticipates that the two larger strategic scale allocations at Fakenham and North Walsham will continue to deliver dwellings during this extra period. In addition, windfall developments would continue over the additional four years. As a result, deliverable growth between 2020 and 2040 would total **10,184** dwellings, equivalent to **509dpa**.

Table 2. Submission Plan - Planned and allocated growth 2020 -2036 and 2036-2040

Ref	Source/site		Dwellings
Planned Growth 2020-2036			
E	All sources delivered between 2020-36 in Submission Plan	District	8,177*
Planned Growth 2036-2040			
F	F01/B	Fakenham	460
G	NW62	North Walsham West	1,037
H	Windfall	All District	510 (4 years x135dpa)
I	Sub Total 2036-2040 (F+G+H)		2,007
J	Total 2020-40 (E+I)		10,184 (509dpa)

*Planned growth 2016-2036 minus actual completions 2016-2020.

Note. All figures are derived from the Submission Version Plan and are not updated to take account of revised five year land supply and other data available in 2023.

4.2 In terms of housing *delivery*, the trajectory would change. Built dwellings would be removed from the first four-year period (2016-2020) with four years expected delivery added back in for years 2036-2040. Adopting the 480 dpa favoured by the LPA would result in a surplus over requirement of 1,044 dwellings. However even with the extended plan period to 2040 it is expected that proposed growth at North Walsham would be incomplete with around 577 dwellings assessed to be provided after 2040. This would reduce the plan surplus to 467 dwellings.

4.3 Repeating the exercise using the 2014 based Household Projections favoured by the HBF as the starting point and extending the Plan period to 2040 (**Table 3**) would result in a deficit of 1,003 dwellings over the 20-year plan period.

Table 3: Comparison of minimum requirement to planned growth 2020-2040

	2016 based Household Projection with 2020 affordability ratio (LPA)	2014 Based Household Projection with 2020 affordability ratio (HBF)

		preferred figure)	preferred figure)
K	Total Plan requirement (C x 20 years)	9,140*	10,610
L	Total Planned Growth (from Table 2) excluding completions between 2016-2020	10,184	10,184
M	Total Planned growth minus 577 dwellings at North Walsham West assessed as likely to be built beyond 2040	9,607	9,607
N	Deficit/surplus over plan period (M-K)	+467	-1,003

*Figure does not include the 5% delivery buffer added by the LPA to derive the minimum requirement of 480 dwellings per annum included in the Submission Plan (457 + 5% = 480)

- 4.4 As requested, the housing delivery trajectory included in the Submission Version Plan has been updated to move the Plan period forward by four years and take account of the latest information in relation to nutrient neutrality impacts. **The revised trajectory shows that the Plan delivers a five-year land supply for the first five years following adoption in either requirement scenario of 480 or 531dpa.**
- 4.5 All figures have been updated to cover the five-year period 2023-2028. The updated trajectories also demonstrate the five-year housing land supply position on adoption of the plan as at April 2024 or April 2025, and beyond.

Appendix A - Revised Policy HOU1 (2016-36)

Policy HOU 1

Delivering Sufficient Homes

1. The Council will aim to deliver a minimum of 9,600 new homes over the plan period 2016-2036. As part of this total a minimum of 2,000 affordable dwellings will be provided. To achieve this specific development sites suitable for not less than 4,900 new dwellings are allocated.
2. Development will be permitted in accordance with the adopted settlement hierarchy and the table below. If during the plan period the Council is unable to demonstrate a Five Year Land Supply it will apply a presumption in favour of sustainable development to proposals.

Settlement Hierarchy	Settlement / Location	Deliverable planning applications (at 31/03/23)	Dwelling Completions (01/04/2016 - 31/03/2023)	Remaining dwellings to be provided on Allocated Sites inclusive of specialist elderly accommodation	Specialist elderly accommodation on allocated sites as required in Policy HOU2 at ratio of 1.5:1	Total 2016-36
Large Growth Towns (41.96%)	North Walsham	34	484	1,486	373	2,004
	Fakenham	843	376	357	67	1,576
	Cromer	145	218	657	107	1,020
Small Growth Towns (21.7%)	Holt	304	470	247	40	1,021
	Hoveton	30	32	190	40	252
	Sheringham	191	248	133		572
	Stalham	18	149	150		317
	Wells-next-the-Sea	37	107	70		214
Large Growth Villages (3.7%)	Blakeney	15	41	30		86
	Briston & Melton Constable	29	83	65		177
	Ludham	19	9	15		43
	Mundesley	8	67	30		105
Small Growth Villages (9.8%)	Villages named in Policy SS1	210	414	452 ⁽¹⁾		1,076
Remainder of District (8.1%)	All remaining settlements and countryside	326	559	0		885
Windfall Development (2023-2036) 14.8%	Across entire District					1,620
Totals		2,209	3,257	3,882	644	10,968

Table 5 Completed & Planned New Growth by Settlement (2016-2036)

1. Delivered through **Policy SS1**

Appendix A - Revised Policy HOU1 (2020-40)

Policy HOU 1

Delivering Sufficient Homes

1. The Council will aim to deliver a minimum of 9,600 new homes over the plan period 2020-2040. As part of this total a minimum of 2,000 affordable dwellings will be provided. To achieve this specific development sites suitable for not less than 4,900 new dwellings are allocated.
2. Development will be permitted in accordance with the adopted settlement hierarchy and the table below. If during the plan period the Council is unable to demonstrate a Five Year Land Supply it will apply a presumption in favour of sustainable development to proposals.

Settlement Hierarchy	Settlement / Location	Deliverable planning applications (at 31/03/23)	Dwelling Completions (01/04/2020 - 31/03/2023)	Dwellings provided on Allocated Sites inclusive of specialist elderly accommodation	Elderly Persons Accommodation on allocated sites as required in Policy HOU2 at ratio of 1.5:1	Total 2020-40
Large Growth Towns (46.7%)	North Walsham	34	110	1,946	373	2,090
	Fakenham	993	183	817	67	1,993
	Cromer	145	79	657	107	881
Small Growth Towns (17.2%)	Holt	304	227	247	40	778
	Hoveton	30	28	190	40	248
	Sheringham	191	118	133		442
	Stalham	18	57	150		225
	Wells-next-the-Sea	37	28	70		135
Large Growth Villages (2.8%)	Blakeney	15	22	30		67
	Briston & Melton Constable	29	48	65		142
	Ludham	19	7	15		41
	Mundesley	8	9	30		47
Small Growth Villages (7.6%)	Villages named in Policy SS1	210	147	452 ⁽¹⁾		809
Remainder of District (5.4%)	All remaining settlements and countryside	326	249	0		575
Windfall Development (2023-2040) 20.3%	Across entire District					2,160
Totals		2,359	1,312	4,802	644	10,633

Table 5 Completed & Planned New Growth by Settlement (2020-2040)

1. Delivered through **Policy SS1**

Appendix B - Revised Housing Trajectory (2016-36)

23 Housing Trajectory

23.0.1 As well as delivering sufficient homes to meet all needs over the Plan period the National Planning Policy Framework requires that the strategy for housing provision provides a regular supply of suitable development sites throughout the years covered by the Plan. The specific requirement is to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a. Specific, **deliverable** sites for years one to five of the plan period.
- b. Specific, **developable** sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

23.0.2 This Plan sets a minimum housing requirement of 9,600 new homes between 2016 and 2036, equating to an annual average rate of around 480 dwellings per year, or 2,400 every five years. The Plan sets this as the minimum but includes policies and specific development site proposals that together allow for the delivery of around 11,000 new homes.

23.0.3 All of the identified development sites are suitable and are available for development but are likely to take varying amounts of time to secure the necessary planning permissions before developments can proceed. None of the sites in the Plan are subject to specific phasing obligations which limit the commencement of development but the larger sites in particular are subject to policy obligations to deliver key infrastructure or mixed uses at various stages as development proceeds.

23.0.4 Market conditions, sales rates and local demand, and other factors such as Nutrient Neutrality requirements, are likely to impact on delivery rates in some locations and although some of the allocated sites are already subject to planning applications it is likely that others will take some years to secure the necessary consents. These factors are taken into account in the Housing Trajectory (below).

Sources of Supply

23.0.5 In this Plan total housing delivery is derived from three sources:

1. Commitments - these are homes which are either already built or have deliverable planning consents or applications yet to be determined but where their delivery is considered to be realistic.
2. New site allocations identified in this Plan.
3. The continued delivery of new homes over the rest of the Plan period on unidentified sites (windfalls).

23.0.6 The expected yields from these sources are shown in **Policy HOU1 Delivering Sufficient Homes**, namely

Commitments	Allocations ⁽¹⁾	Windfalls	Total
5,473	3,430	2,072	10,975

Table 8 Housing Delivery by Source 2016 -2036

1. Includes specialist elderly persons accommodation.

23 Housing Trajectory

Dwelling Completions and Commitments

23.0.7 In the period 2016 to 2023 some 3,264 new homes were built in the District at an average rate of 466 per annum.

	Annual Requirement	Cumulative Requirement	Annual Delivered	Cumulative Delivered
2016/17	480	480	447	447
2017/18	480	960	561	1,008
2018/19	480	1,440	526	1,534
2019/20	480	1,920	419	1,953
2020/21	480	2,400	481	2,434
2021/22	480	2,880	516	2,950
2022/23	480	3,360	314	3,264

Table 9 Dwellings Required and Delivered 2016-2023 (net)

Expected Future Delivery Rates

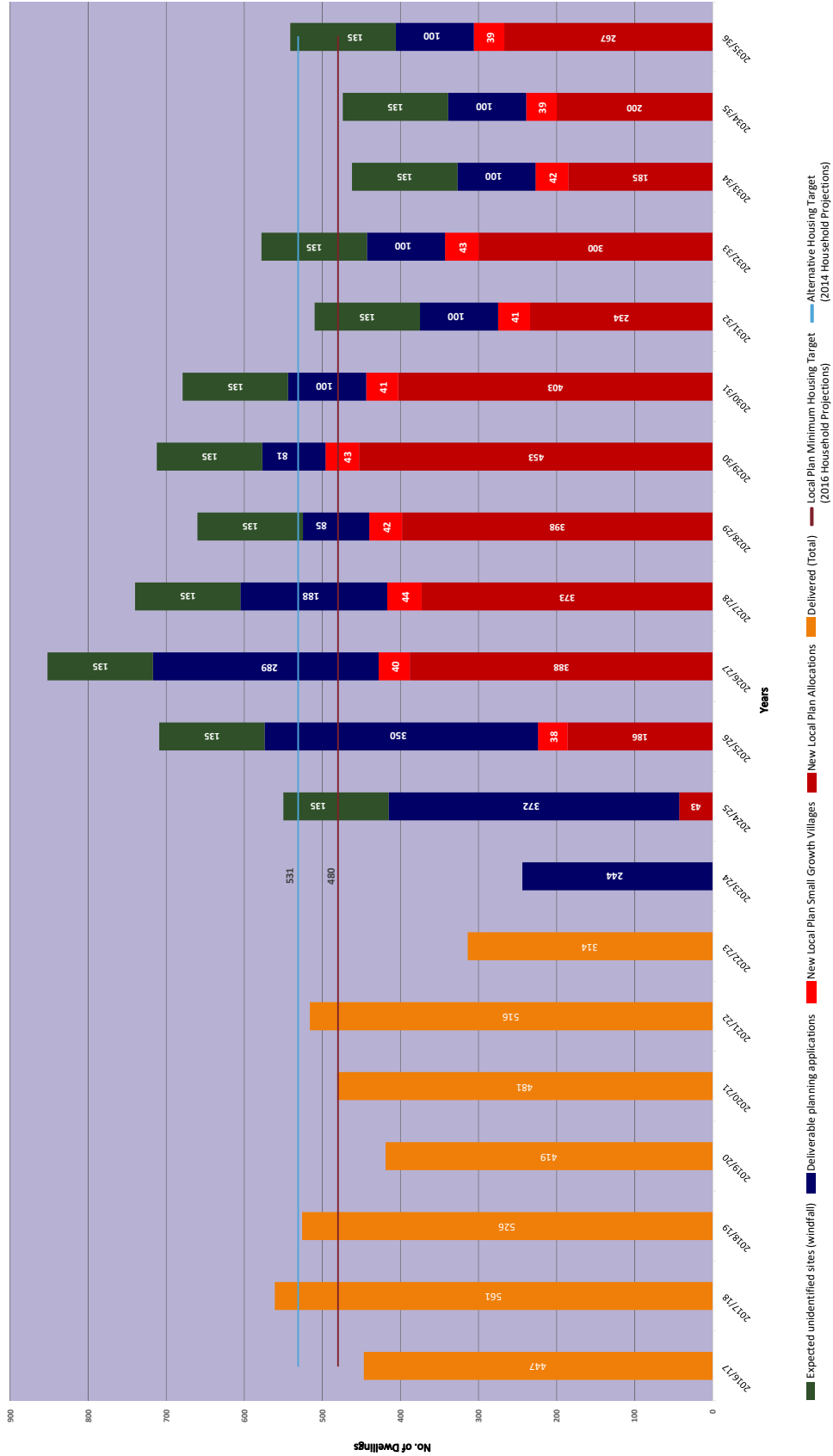
23.0.8 In establishing when homes are likely to be provided the following approach has been taken:

1. Where planning applications have already been made, but a decision is pending, delivery is considered unlikely in the following two years.
2. Where the site is owned/under option to a house builder and detailed discussions / pre-application process has taken place, delivery may commence by 2025/26, allowing a period of 4 years to secure the required planning permissions.
3. Housing completions in year one are likely to be limited due to the need for enabling infrastructure (roads, drains, services). Thereafter delivery rates will not exceed typical local industry averages.
4. Sites of 150-200 units are likely to be built by a single volume house builder with a capacity to deliver between 30-50 per year depending on business model.
5. Larger sites, typically in excess of 300 units, will be delivered by two or more house builders.
6. Affordable housing and elderly persons accommodation delivery will increase annual completions at stages throughout the development process in accordance with site specific phasing requirements.
7. Windfall delivery rates will be variable but for accounting purposes are illustrated as coming forwards at a consistent rate throughout the Plan period with no allowance in year one of the trajectory, and a discounted rate applied to avoid the risk of double counting and over estimating delivery from this source.

23.0.9 The result of this process will be kept under regular review and further details published in Annual Five Year Land Supply Statements. The position as of 31st March 2023 is illustrated overleaf.

Housing Trajectory 23

Trajectory of Expected Housing Delivery 2016-36



Housing Trajectory 2023: Number of dwellings projected to be completed each year (1st April to 31st March) over the plan period 2016 to 2036

23.0.10 The trajectory will be updated annually and published through Five Year Land Housing Supply Statements and Annual Monitoring Reports.

23 Housing Trajectory

23.0.11 The table below provides further information on the expected delivery rates on individual development sites and from the other expected sources of housing growth.

Site Ref	Location	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Beyond March 2036
BLA04/A	Land East of Langham Road, Blakeney										10	20										0
BR101	Land East of Astley School, Briston											10	15									0
BR102	Land West of Astley School, Briston											10	30									0
C07/2	Land at Cromer High Station , Cromer																					0
C-16	Former Golf Practice Ground, Overstrand Road, Cromer												30	50	60	50						0
C22/2	Land West of Pine Tree Farm, Cromer												10	30	50	83	84	80	50	50	30	0
F01/B (Part)	Land North of Rudham Stile Lane, Fakenham																	10	30	50	77	460
F-10	Land South of Barons Close, Fakenham										10	30	15									0
F03	Land at Junction of A148 and B1146, Fakenham											40	25									0
F02	Land Adjacent Petrol Filling Station, Fakenham											10	30	30								0
H17	Land North of Valley Lane, Holt											13	14									0
H20	Land at Heath Farm, Holt												30	60	60	60	10					0
HV01/B	Land East of Tunstead Road, Hoveton											30	40	40	40	40						0
LUD01/A	Land South of School Road, Ludham																					0
LUD06/A	Land at Eastern End of Grange Road, Ludham																	10	5			0
NW01/B	Land at Norwich Road & Nursery Drive, North Walsham										40	40	40	73	73	70	40	40				0
NW62	Land West of North Walsham, North Walsham											30	60	100	160	100	100	160	100	100	160	1,037

Housing Trajectory 23

Site Ref	Location	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Beyond March 2036	
MUN03	Land off Cromer Road & Church Lane, Mundesley										10	20										0	
SH04	Land Adjoining Seaview Crescent, Sheringham											10	10	15	10								0
SH07	Former Allotments, Weybourne Road, Adjacent to 'The Reef', Sheringham									13	13	14											0
SH18/1B	Land South of Butts Lane, Sheringham										10	30	8										0
ST19/A	Land Adjacent Ingham Road, Stalham										10	30	30										0
ST23/2	Land North of Yarmouth Road, East of Broadbeach Gardens, Stalham									10	40	30											0
W01/1	Land South of Ashburton Close, Wells-next-the-sea									10	10												0
W07/1	Land Adjacent Holkham Road, Wells-next-the-sea									10	20	20											0
Delivered		447	561	526	419	481	516	314															0
Deliverable Planning Applications									244	372	350	289	188	85	81	100	100	100	100	100	100	100	524
Future Unidentified Sites (Windfall)										135	135	135	135	135	135	135	135	135	135	135	135	135	540
New Local Plan Growth (Allocations)										43	186	388	373	398	453	403	234	300	185	200	267	1,497	
New Local Plan Growth (Small Growth Villages)											38	40	44	42	43	41	41	43	42	39	39	0	
Total		447	561	526	419	481	516	314	244	550	709	852	740	660	712	679	510	578	462	474	541		

Appendix B - Revised Housing Trajectory (2020-40)

23 Housing Trajectory

23.0.1 As well as delivering sufficient homes to meet all needs over the Plan period the National Planning Policy Framework requires that the strategy for housing provision provides a regular supply of suitable development sites throughout the years covered by the Plan. The specific requirement is to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a. Specific, **deliverable** sites for years one to five of the plan period.
- b. Specific, **developable** sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

23.0.2 This Plan sets a minimum housing requirement of 9,600 new homes between 2020 and 2040, equating to an annual average rate of around 480 dwellings per year, or 2,400 every five years. The Plan sets this as the minimum but includes policies and specific development site proposals that together allow for the delivery of around 10,600 new homes.

23.0.3 All of the identified development sites are suitable and are available for development but are likely to take varying amounts of time to secure the necessary planning permissions before developments can proceed. None of the sites in the Plan are subject to specific phasing obligations which limit the commencement of development but the larger sites in particular are subject to policy obligations to deliver key infrastructure or mixed uses at various stages as development proceeds.

23.0.4 Market conditions, sales rates, local demand, and other factors such as Nutrient Neutrality, are likely to impact on delivery rates in some locations and although some of the allocated sites are already subject to planning applications it is likely that others will take some years to secure the necessary consents. These factors are taken into account in the Housing Trajectory (below).

Sources of Supply

23.0.5 In this Plan total housing delivery is derived from three sources:

1. Commitments - these are homes which are either already built or have deliverable planning consents or applications yet to be determined but where their delivery is considered to be likely.
2. New site allocations identified in the Plan.
3. The continued delivery of new homes over the rest of the Plan period on unidentified sites (windfalls).

23.0.6 The expected yields from these sources are shown in **Policy HOU1 'Delivering Sufficient Homes'**, namely

Commitments	Allocations ⁽¹⁾	Windfalls	Total
3,670	4,350	2,612	10,632

Table 8 Housing Delivery by Source 2020 -2040

1. Includes specialist elderly persons accommodation.

23 Housing Trajectory

Dwelling Completions and Commitments

23.0.7 In the period 2020 to 2023 some 1,311 new homes were built in the District at an average rate of 437 per annum.

	Annual Requirement	Cumulative Requirement	Annual Delivered	Cumulative Delivered
2020/21	480	480	481	481
2021/22	480	960	516	997
2022/23	480	1,440	314	1,311

Table 9 Dwellings Required and Delivered 2020-2023 (net)

Expected Future Delivery Rates

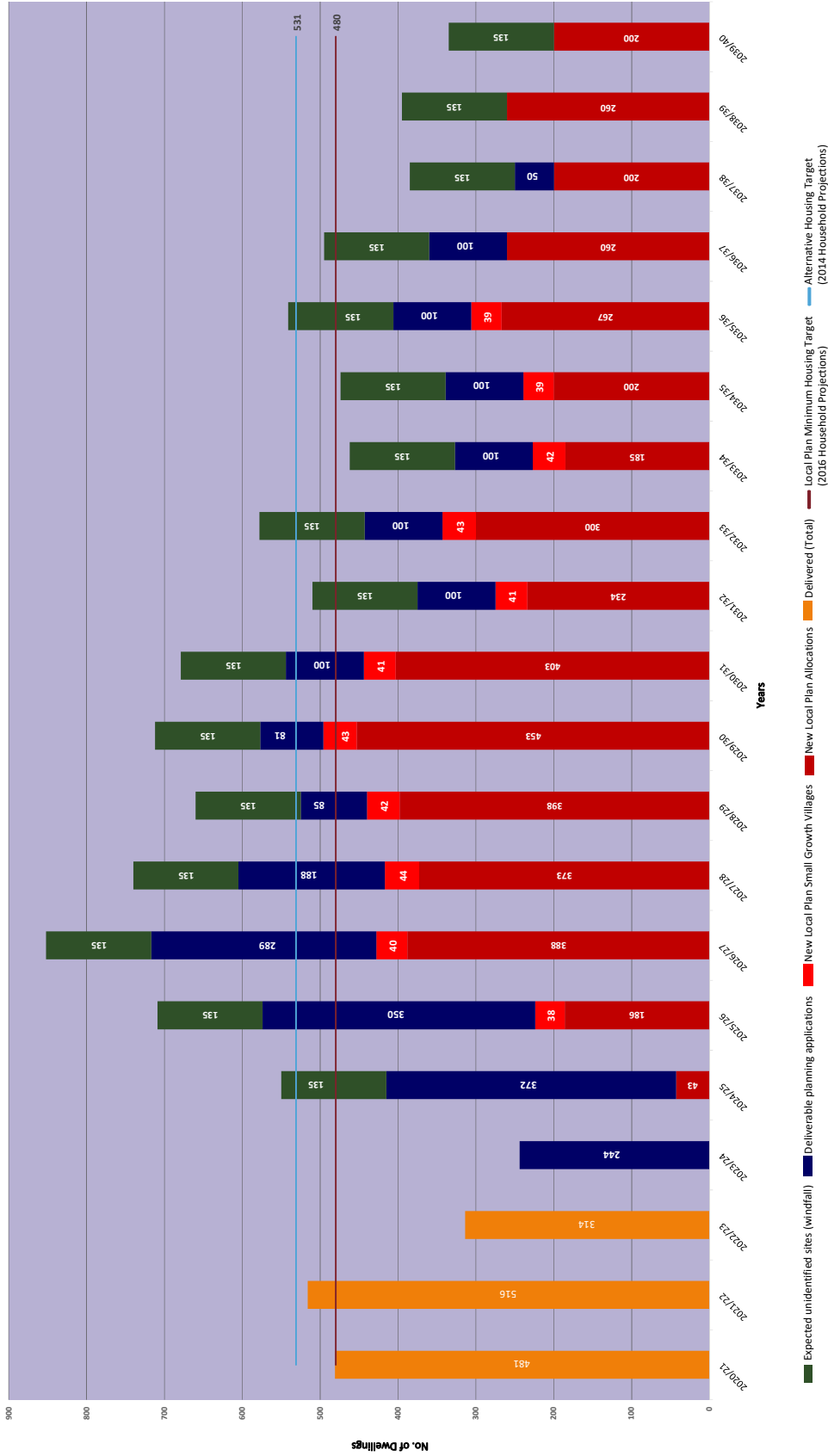
23.0.8 In establishing when homes are likely to be provided the following approach has been taken:

1. Where planning applications have already been made, but a decision is pending, delivery is unlikely in the following two years.
2. Where the site is owned/under option to a house builder and detailed discussions / pre-application process has taken place, delivery may commence by 2025/26, allowing a period of 4 years to secure the required planning permissions.
3. Housing completions in year one are likely to be limited due to the need for enabling infrastructure (roads, drains, services). Thereafter delivery rates will not exceed typical local industry averages.
4. Sites of 150-200 units are likely to be built by a single volume house builder with a capacity to deliver between 30-50 per year depending on business model.
5. Larger sites, typically in excess of 300 units, will be delivered by two or more house builders.
6. Affordable housing and elderly persons accommodation delivery will increase annual completions at stages throughout the development process in accordance with site specific phasing requirements.
7. Windfall delivery rates will be variable but for accounting purposes are illustrated as coming forwards at a consistent rate throughout the Plan period with no allowance in year one of the trajectory, and a discounted rate applied to avoid the risk of double counting and over estimating delivery from this source.

23.0.9 The result of this process will be kept under regular review and further details published in Annual Five Year Land Supply Statements. The position as of 31st March 2023 is illustrated overleaf.

Housing Trajectory 23

Trajectory of Expected Housing Delivery 2020-40



Housing Trajectory 2023: Number of dwellings projected to be completed each year (1st April to 31st March) over the plan period 2020 to 2040

23.0.10 The trajectory will be updated annually and published through Five Year Land Housing Supply Statements and Annual Monitoring Reports.

23 Housing Trajectory

23.0.11 The table below provides further information on the expected delivery rates on individual development sites and from the other expected sources of housing growth.

Site Ref	Location	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	Beyond March 2040
BLA04/A	Land East of Langham Road, Blakeney						10	20														0
BR101	Land East of Astley School, Briston							10	15													0
BR102	Land West of Astley School, Briston							10	30													0
C07/2	Land at Cromer High Station , Cromer																					0
C16	Former Golf Practice Ground, Overstrand Road, Cromer							30	50	60	50	50										0
C22/2	Land West of Pine Tree Farm, Cromer							10	30	50	83	84	80	50	50	50	30					0
F01/B (Part)	Land North of Rudham Stile Lane, Fakenham												10	30	30	50	77	160	100	100*	100	0
F10	Land South of Barons Close, Fakenham						10	30	15													0
F03	Land at Junction of A148 and B1146, Fakenham							40	25													0
F02	Land Adjacent Petrol Filling Station, Fakenham							10	30	30												0
H17	Land North of Valley Lane, Holt							13	14													0
H20	Land at Heath Farm, Holt								30	60	60	60	10									0
HV01/B	Land East of Tunstead Road, Hoveton							30	40	40	40	40										0
LUD01/A	Land South of School Road, Ludham																					0
LUD06/A	Land at Eastern End of Grange Road, Ludham												10	5								0
NW01/B	Land at Norwich Road & Nursery Drive, North Walsham						40	40	40	73	73	70	40	40								0
NW62	Land West of North Walsham, North Walsham							30	60	100	160	100	100	160	100	100	160	100	100	160	100	577

Housing Trajectory 23

Site Ref	Location	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	Beyond March 2040
MUN03	Land off Cromer Road & Church Lane, Mundesley					10	20															0
SH04	Land Adjoining Seaview Crescent, Sheringham						10	10	10	15	10											0
SH07	Former Allotments, Weybourne Road, Adjacent to 'The Reef', Sheringham					13	13	14														0
SH18/1B	Land South of Butts Lane, Sheringham						10	30	8													0
ST19/A	Land Adjacent Ingham Road, Stalham						10	30	30													0
ST23/2	Land North of Yarmouth Road, East of Broadbeach Gardens, Stalham					10	40	30														0
W01/1	Land South of Ashburton Close, Wells-next-the-sea					10	10															0
W07/1	Land Adjacent Holkham Road, Wells-next-the-sea					10	20	20														0
Delivered		481	516	314																		0
Deliverable Planning Applications					244	372	350	289	188	85	81	100	100	100	100	100	100	100	50			374
Future Unidentified Sites (Windfall)						135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	0
New Local Plan Growth (Allocations)						43	186	388	373	398	453	403	234	300	185	200	267	260	200	260	200	577
New Local Plan Growth (Small Growth Villages)							38	40	44	42	43	41	41	43	42	39	39					0
Total		481	516	314	244	550	709	852	740	660	712	679	510	578	462	474	541	495	335	395	335	

*Figure adjusted on 30/10/2023 to discount 60 dwellings wrongly incorporated due to an administrative error.

Five-Year Supply of Housing Land 2023 - 2028

September 2023



NORTH
NORFOLK
DISTRICT
COUNCIL

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**All documents can be made available in Braille, audio, large print or in other languages.
Please contact 01263 516318 to discuss your requirements.**

Five Year Supply of Housing Land 2023-2028

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1. Introduction

- 1.1 This Statement sets out North Norfolk District Council's residential land supply position as of 31 March 2023. It compares the **requirement** for new homes in the district, with the deliverable **supply** to establish the number of years of supply that are available.
- 1.2 The National Planning Policy Framework (NPPF) seeks to ensure that the planning system delivers a flexible, responsive supply of housing development land to meet all identified objectively assessed needs for new homes. It requires that Local Planning Authorities identify, in their Local Plans and via the grant of planning permissions, sufficient specific deliverable sites to provide for the next five years of their housing requirement. As part of this, the national Planning Practice Guidance (PPG) advises that such assessments should be carried out annually, be based on up to date and sound evidence, taking into account the anticipated need and demand for new housing and consideration of the factors that are likely to influence future delivery rates. Assessments should be realistic and be made publicly available.
- 1.3 To establish how many new homes are likely to be required in the future the National Planning Policy Framework requires the use of a national standard methodology. National advice is clear that departures from this standard approach should only occur if there are exceptional circumstances which are justified by robust evidence.
- 1.4 In preparing this statement the Council has resolved **not** to follow the national standard methodology to establish how many homes are likely to be required in the future. The reasons for this are outlined in a Housing Background Paper which is separately published on the Local Authority's web site ([Home | 4: Evidence base and supporting documents \(north-norfolk.gov.uk\)](#)). In short, the Authority considers that the 2014 based Household Projections, which form the foundation of the standard methodology, project forward a rate of growth which has been shown not to have occurred. These flawed projections are therefore an unreliable basis upon which to establish future requirements. Instead, the Authority uses the 2016 based Household Projections as the starting point for applying the remainder of the standard methodology as these are considered to be a more reliable basis for establishing future needs.
- 1.5 This statement provides details of all the sites where it is considered there is a realistic prospect of development over the next five-year period (**Appendix B**). It answers the following questions:
 - What is the five-year housing land requirement and how has this been calculated?
 - How much deliverable housing land is there in North Norfolk including details of individual sites?
 - How many years of deliverable housing land supply exist?
 - What will be the impact on land supply when the new North Norfolk Local Plan is adopted?
- 1.6 The rate at which new homes are delivered in the future is influenced by many factors some of which lie outside of the influence of planning authorities. In preparing this Statement the Council has carefully considered future delivery rates but acknowledges that such matters are subject to periodic change. For example, in this year's Statement the authority has taken account of the likely impacts of new nutrient neutrality requirements on the pace of home delivery as this was a factor not previously considered and has separately illustrated the five-year land supply position in the event that the new North Norfolk Local Plan is adopted and new sites are made available for development within the five year period covered by this Statement.

2. Context

- 2.1 For many years the district has attracted high levels of in-migration particularly for retirement. This is the principal driver of the need for new homes although dwelling affordability, age longevity, second and holiday home rates and household sizes are also factors.
- 2.2 A new Local Plan covering the period 2016-2036 is being prepared by the Council. The currently adopted Plan aims to deliver a minimum of 400 dwellings per year whilst the new Local Plan, when adopted, will aim to increase this to around 480 dwellings per year. This Statement uses this figure of 480 dwellings per year as the basis for assessing the adequacy of future supply.
- 2.3 On March 16th, 2022, a Written Ministerial Statement (WMS) on Nutrient Levels in River Basin Catchments was issued. It signalled changes in the approach to the assessment of development proposals in catchments where water bodies that are protected sites under the Habitats Regulations are in unfavourable condition due to nutrient pollution. The WMS stated that *“Local Planning Authorities can only approve a project if they are certain, it will have no negative effect on the protected site”*.
- 2.4 At the same time, the Chief Planner sent a letter to the affected local planning authorities (LPAs) on nutrient pollution issues.
- 2.5 Natural England also published advice and a nutrient neutral methodology on how to evidence that nutrient neutrality can be achieved for relevant new development in order to mitigate impacts on the protected habitats. Supporting documentation (catchment maps) identified that relevant development in large parts of Norfolk would result in impacts on protected water bodies of the River Wensum and The Broads Special Areas of Conservation (SACs) and in the Broadland Ramsar.
- 2.6 As a result of new Nutrient Neutrality requirements, the Norfolk Authorities including North Norfolk have been unable to grant new planning permissions pending the identification of measures (mitigations) to ensure new housing development does not add additional nutrients to designated water courses. In North Norfolk alone this has resulted in permissions for around 1,400 new dwellings not being permitted, notwithstanding that the issue only impacts part of the district. As a result, last year saw a slowing down in both planning applications and the granting of permission for housing, to levels well below what would be required to keep pace with the requirement. The Authority has therefore adjusted its expectations in relation to housing delivery to take account of the inevitable delays.

3. Methodology

- 3.1 The Council undertakes four stages in the process of preparing this Statement:
 - STAGE 1 - Identifying the five-year period;
 - STAGE 2 - Identify the requirement - the scale of housing provision to be delivered and applying buffers to extend choice;
 - STAGE 3 - Identify the housing land supply - sites with a realistic prospect of being built over the applicable five-year period;
 - STAGE 4 - Calculating the years of supply that are deliverable.

Stage 1: Identifying the Five Year Period

- 3.2 These statements are prepared annually and look forwards over a five-year period commencing on the 1st of April of the current year. The five-year period covered by this Statement is the 1st April 2023 to the 31st March 2028.

Stage 2: The Requirement - Identifying the scale of housing provision to be delivered.

- 3.3 Local Plans include targets for the minimum number of dwellings to be delivered over the period covered by the Plan and for land supply purposes are typically expressed as annual average requirements. North Norfolk's adopted Core Strategy requires the delivery of a minimum of **400** dwellings per year. Where a Local Plan is less than five years old the starting point for establishing the future requirement is the adopted Local Plan.
- 3.4 Where a Plan is more than five years old, as is the case with the North Norfolk Core Strategy, five-year requirements should be calculated in accordance with the governments standard national housing requirement methodology. The standard methodology requires the use the next ten years growth projections contained in the 2014 based national household projections together with the latest available published affordability ratios to derive a minimum housing requirement. In its proposed new Local Plan, the Authority uses projected growth in the period 2021 -2031 derived from the 2016 Household Projections together with the 2020 published affordability ratios to calculate the requirement.
- 3.5 Using the 2016 based Household Projections and then applying the remaining aspects of the standard methodology produces a minimum requirement of **9,140** over a 20 year period between 2020-2040 or **457dpa**. For land supply purposes the NPPF requires the addition of a 5% delivery buffer which increases this requirement to **480** dwellings per year or **2,400** dwellings over each 5 year period.

Table 1. Calculating Five Year Requirement 2023-2028

Ref	Calculation	Dwellings
A	Annual household growth using annual average growth projected between 2021-2031 from 2016 based National Household Projections published by ONS	347
B	Projected household growth plus affordability uplift as required by standard national methodology using the 2020 published affordability ratio	457
C	Projected growth plus affordability uplift plus 5% delivery buffer required by NPPF*	480
D	Total minimum Plan requirement over 20 years (C x 20 years)	9,600
E	Five Year Requirement (C x 5years)	2,400

*North Norfolk passes the Housing Delivery Test (HDT) so is required by the Test/NPPF to apply a 5% delivery buffer when calculating its future requirement.

Stage 3: Deliverable Supply

- 3.6 The NPPF sets out which sites may be included within the five-year supply. It states that for a site to be included in the five-year supply it must be deliverable. This is defined as:
- **Available** - the site should be *available* for development now.
 - **Suitable** – the site should offer a *suitable* location for development now.
 - **Achievable** – there should be a *realistic prospect* that housing will be delivered on the site within the applicable five year period.
- 3.7 Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires unless evidence suggests that such sites are unlikely to deliver within the applicable period. Sites with outline planning permission, permission in principle, and those allocated for

development or identified in brownfield registers should only be considered deliverable where there is clear evidence to justify their inclusion.

3.8 In this Assessment the Council has included homes from three main sources of supply in the next five years. Each source, and in the case of larger sites - each site, has been tested to ensure that there is a realistic prospect of delivery. The Council considers that sites with planning permission, those which are allocated in the Local Plan and those identified on the brownfield register are *suitable* and *available* for development. The three potential sources of deliverable housing supply in the district over the next five years are:

- Large sites – These include all sites which can deliver ten or more dwellings including those with planning permission, pending applications, those allocated in the adopted Local Plan, and other potential sources where there is a realistic prospect of delivery. Full details of each site and the conclusions that the Council has reached in relation to delivery are provided in Appendix B.
- Small sites with planning permission - On small sites it is not practicable to appraise the delivery of each site individually, due in part to the number of small-scale sites which have the benefit of planning permission. The evidence shows that in excess of 90% of small site planning permissions are completed within five years of planning permission being granted. The Council therefore applies a 10% lapse rate to this source of future housing.
- Windfall development – This is an allowance for sites which do not yet have planning permission and are not specifically identified for development in the Local Plan but nevertheless have a realistic prospect of providing new homes over the period. The approach taken in relation to windfall is explained further in Appendix A.

3.9 In preparing the Statement care is taken to ensure that the same site does not appear in two separate categories as this would amount to double counting.

Stage 4: Calculating the years of supply.

3.10 The table below shows how the overall land supply position in the district is calculated.

The land supply position as at 1 April 2023 is 4.3 years calculated as follows:

North Norfolk District Council Five Year Housing Supply		
a	5-year baseline requirement 2023 - 2028 (<i>457dpa x 5years</i>)	2,285
b	Additions required under duty to co-operate	0
c	Additions required to address NPPF buffer (a)+(b) x 5%	114
d	Additional buffer required by Housing Delivery Test	0
e	Total Five-Year Requirement 2023-2028	2,400
f	Annual Requirement over next five years (e/5)	480
g	Total deliverable supply over five years (See Appendix B)	1,983
h	Supply in years (f/e)	4.13

4. Conclusion

- 4.1 The deliverable supply of housing sites has reduced in the last two years. This can be attributed to a number of factors but most significantly relates to the previous completion of larger development sites in the district and secondly the impacts of new requirements to demonstrate nutrient neutrality before new planning permissions can be granted in large parts of the district. Consequently, the Authority is only currently able to demonstrate **4.13** years of deliverable housing supply.
- 4.2 The Authority expects to adopt a new Local Plan within the five-year period covered by this Statement and the housing delivery trajectory prepared to support the Plan demonstrates that many of the newly allocated sites will deliver dwellings with the five-year period covered by this Statement. As the Local Plan is currently being examined these emerging sites (proposed allocations) have not currently been included in the deliverable supply. If the deliverable supply on these sites were to be included the land supply position improves to **6.45** years.

5. Monitoring the Five-Year Supply

- 5.1 The Council monitors the five year supply of deliverable sites on a regular basis and publishes an updated position statement at least once a year. This statement will be updated regularly to take account of any significant changes. New planning permissions and completions are recorded on a continuous basis. Dwelling completions are recorded annually. The Annual Monitoring Report also includes a housing trajectory, illustrating expected future delivery rates.

6. Information Sources

- 6.1 Housing related data is monitored annually by the Planning Authority for the period commencing the 1st of April and ending on the 31st of March each year. Data is published as follows:
- **Housing and Employment Land Availability Assessment (HELAA)** (previously known as the Strategic Housing Land Availability Assessment). This study identifies all reasonable potential sources of dwelling completions in the District and makes an assessment of the suitability of sites, their availability, and when development could be delivered in the event of such sites being released for housing. Whilst these studies identify a large amount of theoretical capacity they are not policy documents and do not reach any conclusions in relation to whether this capacity should be made available for development through allocation in a Development Plan document or by the grant of planning permission.
 - **Five Year Housing Land Supply Statements** (this document) – these have been published by the Council in most years since 2007 and relate the amount of housing that has been provided and is expected to be provided over the next 5 years, with the levels of required growth. In addition to dwelling completions and planning permissions these statements also include an assessment of when identified development sites will be built.
 - **Housing Land Availability (HLA)** – published by the Council in most years since 1995 these provide a summary of the number of dwellings completed in each Parish of the District. These statements are available on the Councils web site.
- 6.2 Whilst these are prepared by the District Council they are the result of discussions with landowners, developers, Housing Associations and others with an interest in housing development in North Norfolk. The HELAA in particular is primarily derived from information supplied by public and private sector housing providers.

Appendix A - Specific Approach to Windfall

- A1.1 Windfall sites are those which are not allocated for development in the Local Plan and do not yet have planning permission. Local Authorities may make an allowance for development coming forward as windfall within the five year period. The NPPF states that a windfall allowance may be justified in the five year supply if a local planning authority has compelling evidence to justify its inclusion. Any windfall allowance should be realistic having regard to the Housing Land Availability Assessments, historic windfall delivery rates and expected future trends.
- A1.2 Windfall development has been a consistent and substantial contributor towards housing supply in North Norfolk for many years. In fact, before 2013 all development in the District took place on windfall sites as the adopted Local Plan at that time included no allocated development sites. Since the adoption of the Site Allocation Development Plan Document in 2011 windfall has continued to form a consistent part of development coming forward. Average annual windfall delivery rates typically exceed 250 dwellings per year and between 2016 and 2023 averaged 295 dpa.
- A1.3 In general it is widely assumed that it is likely to be the case that windfall represents a diminishing source of future housing supply. This is because once a site has been developed it is unlikely to come forwards again and there is argued to be a limited supply of suitable, policy compliant, windfall sites. In practice there is little evidence that this is the case in North Norfolk. In considering if it is appropriate to include a windfall allowance and the size of such allowance the Council has adopted the following approach.
- **Stage 1:** Considering previous delivery rates for windfall developments
 - **Stage 2:** Identifying the potential future sources of windfall supply and quantifying their realistic contribution.
 - **Stage 3:** Applying a discount to ensure potential contributions are not over –estimated.
 - **Stage 4:** Deducting the allowance for year one of the five year period to allow for potential delays in delivery.
- A1.4 The result is a windfall allowance over the next five years of 540 dwellings. This equates to an average of 108 dwellings per year compared to 295 per year which was average annual delivery from this source between 2016 and 2023.
- A1.5 This statement considers five key sources of windfall developments in the District:
- **Infill developments, redevelopment of previously developed sites, changes of use** - In 2008 the Council adopted the North Norfolk Core Strategy. This identified those settlements in the District where infill development would be permitted. Whilst it reduced the number of such settlements from 77 settlements (as identified in the Local Plan 1998) to 26, these 26 retained settlements included all of the larger villages and all 7 of the market towns in the District which had collectively been delivering around 80% of new housing supply. In essence the ‘removed’ settlements had been making very little contribution to windfall totals. Since this date infill and redevelopment has continued to provide a significant source of new homes in the District. In the proposed new Local Plan the policies will continue to be supportive of these types of development and will increase the opportunities for this type of growth.
 - **Rural exceptions proposals** - NNDC is committed to delivering affordable housing on rural exception sites. Policy HO3 of the Core Strategy supports such development and adopts a flexible

and permissive approach across the District. Adopted and proposed policies place no upper limit on the delivery of rural exceptions developments but accepting that these sites do not have planning permission and there is no cast iron guarantee that they will be developed, **a very conservative allowance is made of just 10 dwellings per annum from this source.**

- **Rural Building Conversions** – This source includes planning permission for conversion of rural buildings, removal of holiday occupancy only conditions on holiday lets and permitted development rights allowing agricultural buildings to be converted to dwelling houses without the need for planning permission (Part 3, Class Q). The conversion of rural buildings to alternative uses has been a consistent feature of adopted planning policies for many years. The adopted Core Strategy includes a permissive approach to residential conversion. Following publication of the NPPF the Council amended this adopted approach to allow for residential conversion throughout the District irrespective of location and to allow for the removal of holiday only restrictions in some circumstances. Alongside this, changes to national policy for agricultural conversions have been in place since April 2014, the numbers of applications for prior approval of these types of development have increased in recent years.

- A1.9 The historical trend is cited as evidence that windfall has contributed substantial growth over a sustained period, however the Councils approach is to identify the main sources of windfall in North Norfolk and answer the question – is there compelling evidence that these sources are likely to continue in the future and if so how much development are they likely to yield? In short, the Council has looked both backwards (considered the trend) and forwards (assessed the future sources of supply) in arriving at a windfall allowance.
- A1.10 The Council recognises that relying on historical trends alone is not sufficient to comply with the ‘compelling evidence’ test of the National Planning Policy Framework. Previous delivery rates of windfall development do not, in themselves, provide compelling evidence that this source will continue to provide homes in future years. A wide range of factors will influence actual rates of future delivery including prevailing local and national planning policies, market conditions, developer confidence, availability of suitable sites, and so on. Nevertheless, the Council considers that windfall will continue to be a reliable source of a substantial number of dwellings in the next five years and for the remaining plan period and adopts a realistic but cautious approach in the Housing Trajectory to this source of supply.
- A1.12 In order to provide a cautious approach to estimating future supply the following allowances for each source of windfall are made:
1. Infill and redevelopment = 100 dwellings per annum;
 2. Conversion of buildings and removal of restrictive conditions = 10 dwellings per annum;
 3. Rural exceptions developments (where sites are not yet identified) = 10 dwellings per annum;
 4. Permitted development = 15 dwellings per annum.
- A1.13 **This equates to a total of 135 dwellings per annum.** In comparison, the average historical position between 2016-2023 was 295 dwellings per annum. The allowance is only applied to the last four years of the five year period to allow for potential lags in implementation.

Appendix B - Schedule of Sites & Projected Delivery of Sites (2023-2028)

Appendix B - Schedule of Sites & Projected Delivery of Sites (2023-2028)

The table below provides details of all those sites where the Council considers there is a realistic prospect of development being delivered in the next five years. It includes the three main sources of supply identified in the land supply statement, namely, large sites which are either allocated or have planning permission for development, sites of less than 10 dwellings which already have planning permission and an allowance for windfall developments in accordance with Appendix A. The site reference numbers are either those given to the site in the North Norfolk Site Allocations Plan or are the planning application reference. Both the Allocations Plan and details of each planning application, including location plans, are available on the Council's web site. Many of the sites included within this schedule are already under construction and some of the approved dwellings have been completed. Precise delivery rates of development will vary year on year and will be kept under review via production of annual statements of land supply. Data correct as at 31/03/2023.

Appendix B - Schedule of Sites & Projected Delivery Rates (2023-2040)																														
Site reference	Parish	Location	New Local Plan Allocations	Planning Status					Build Information			Trajectory 2023-2028					Trajectory from 2028/2040										Comments 2023			
				Adopted Plan Allocation target	Pre-application discussion	Current pending application	Outline planning permission	Full planning permission	Completed before April 2023	Left to be built (inc under construction)	Under Construction	Total dwellings in 5yr supply	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37		2037/38	2038/39	2039/40
ALD01 PF/19/1154	Aldborough	Garage site / Pipits Meadow Aldborough		8				2	1	7		1	1																	Comment: Allocated site with full Permission for two dwellings. Remaining 6 dwellings considered highly unlikely to be delivered as this would require demolition of established business premises. No contact with owners, existing businesses on site appear likely to be retained.
BACT03	Bacton	Land adjacent to Beach Road, Bacton		20						20																		20	Allocated site in adopted Local Plan. Some early discussions with Housing Association concerning allocation and adjacent land being brought forward for affordable homes. Application anticipated during 2023 but too early to include in five year supply. Likely to propose significantly more than 20 units due to inclusion of adjacent land as 'rural exception' proposal.	
PF/88/1996 PF/17/1265	Briston	Land at Hall Street, Briston						64	60	4		4	4																	Longstanding full planning permission which has been under construction for a number of years and is now nearing completion. Completion expected in 23/24.
BRI24 PF/15/1746 PF/19/1648	Briston	Land at rear of Holly House, Briston		10				9		9		9	2	2	4	1														Has full planning permission for nine units, pre commencement conditions discharged, site clearance works commenced.
CAT01	Catfield	Land off Lea Road, Catfield		15	15					15																		15	Planning application stalled due to drainage concerns . Currently considered unlikely to deliver.	
COR01 PF/21/1990	Corpusty	Land between Norwich Road & Adams Lane, Corpusty		18	18			38		38		38			18	20													Full application by Housing Association pending determination. Nutrient Neutrality mitigation measures being developed. Applicant indicates commencement soon after grant of pp.	
09/0826	Cromer	Burnt Hills, Cromer						13		13		12	3	3	3	3	1													Small site owned by local house builder. Building out slowly depending on market conditions.
19941720 19961424 19960965 19960292 19951110 22.002 19741952 PF/17/0626	Cromer	Central Road, Cromer						99	46	31																		31	31 remaining units as part of base consent for 106 dwellings. Delivery of remaining 31 would require relocation of existing commercial use. No sign of recent activity so not included with five year supply.	
19741952 PF/17/0626	Cromer	Cromwell Road, Cromer						20	13	7		7	2	1	1	2	1													Small site owned by local house builder. Building out at slow rate of 1-2 per year
19901666	Cromer	Highview, Cromer						20		20		20	10	10																Site dormant for a number of years but now under construction. Developer expects approx two/three year build out to completion.
C01	Cromer	Land adjacent to East Coast Motors, Beach Road, Cromer		40						40																		40	Owner indicates existing use to be retained in the short term but site likely to become available in future years. Not included in the 5 year supply.	
C04 PO/15/0572 PM/17/0751 PO/ 18/1779	Cromer	Land at rear of Sutherland House, Overstrand Road, Cromer		60	68		68	14		54		54	22	10	22															Site has full planning permission and is under construction. Developer seeking to vary permission with view to early completion
C07 PO/19/0281 Withdrawn	Cromer	Land at Jubilee Lane / Cromer High Station, Cromer		40																										Previous application for residential development withdrawn and site marketed by owner. Alternative development proposals for commercial development pending determination. Not included in five year supply
ROS3	Cromer	Land between Loudon Rd & Church Street, Cromer		15																									15	No evidence of development so not included in five year supply
ROS4	Cromer	Land South of Loudon Rd, Cromer		20						20																			20	No evidence of development so not included in five year supply
ED2	Cromer	Cromer Football Club Mill Rd. Cromer		10																										Site developed as doctors surgery so not included in five year supply
F01 PO/17/0680	Fakenham	Land North of Rudham Stile Lane, Fakenham. Remaining Allocation. Fakenham		768			950			950		40			10	30	80	80	100	100	100	100	100	100	100	100	100	50		Site Allocated (800-900 dwellings) in the current plan. Issues around Nutrient Neutrality mitigation and infrastructure . Applicants expect delivery at 50 p.a. at two areas on site, starting in 2/3 years subject to nutrient issues being addressed.
HAP07	Happisburgh	Land West of Whimpwell Street, Happisburgh		14						14																			14	Small site in private (mixed) ownership which may delay delivery, no current developer interest. No exceptional development costs or infrastructure constraints but no evidence of likely delivery within five year period.
PF/20/1345	Hindringham	Land South Of Wells Road, Hindringham						11				11	11																	Commenced
H01 PM/15/0804	Holt	Land West of Woodfield Road, Holt		100				83		83		83		15	30	38														Development currently stalled but developer indicates recommencement in Spring 2025 with sales in late 2025 early 2026
PF/20/2047	Holt	Land To The North Of Hempstead Road, Holt						36				36	36																	Care Home. Under construction due for completion in early 2024.
PO/18/1857 PM/22/2985	Holt	Land Off Beresford Road, Holt					110			110		110	30	40	40															Reserved Matters Approved 21.06.2023. Lovell homes indicate commencement 2023/24 and approx three year build out.
H12 PF/17/1803	Holt	Land off Hempstead Road, Holt		70				52	20	32		32	32																	Development is on-going with completion expected 2023/24
HOR06 PO/11/1505 - Pending	Horning	Land East of Abbot Road, Horning		26		26				26		26																		Drainage concerns delaying development. Currently unlikely to be developed in next five years



**FOOTPRINT
ECOLOGY**



North Norfolk Local Plan HRA Addendum, August 2023

Durwyn Liley & Caroline Chapman



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Summary

The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their Local Plan on the internationally important sites for biodiversity in and around their administrative areas. Together, these Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites are known as European sites. The task is achieved by means of a Habitats Regulations Assessment (HRA).

This is an addendum to the HRA of the North Norfolk Local Plan that was originally undertaken to accompany the proposed submission version of the Local Plan (in 2021). This addendum should be read alongside the full submission version HRA and the addendum relates to a Main Modification proposed by the Council with respect to Policy CC13. It considers the conclusions made in the submission HRA and updates the findings to incorporate the modification.

The North Norfolk Local Plan proposed submission version was subjected to an appropriate assessment and integrity test according to the statutory provisions laid out in the Habitats Regulations 2017 as amended. That HRA concluded that the North Norfolk Local Plan was in conformity with the Habitats Regulations, and at a plan level a conclusion of no adverse effects, alone or in-combination, on European site integrity could be drawn.

The Main Modification to CC13 proposed by the Council does not change the finding of the submission version HRA and instead further strengthens the conclusions, in light of new evidence regarding nutrient neutrality. The policy makes a requirement for development within the catchments of the River Wensum SAC, the Broads SAC and the Broadland Ramsar to demonstrate nutrient neutrality. This ensures impacts are avoided. It means adverse effects alone from all the Plan Policies (and incorporating the Main Modification), with respect to water quality and European site integrity are eliminated. Given that there is no impact from development, in-combination effects are also ruled out.

The HRA has been updated at each stage of the Plan and will be finalised to accompany the Local Plan at adoption. Further modifications may be proposed as the examination progresses and it may be necessary to produce a complete update of the HRA.

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Acknowledgements

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1. Introduction

- 1.1 This is an addendum to the 2021 Habitats Regulations Assessment (HRA) of the North Norfolk Local Plan (produced to accompany the submission version of the Plan). North Norfolk District Council has subsequently tabled a main modification to the Plan [A5.12] and requested that the Inspector consider making this modification. The modification relates to Policy CC13 and its supporting text, and specifically relate to water quality. This HRA addendum assesses the modification and has been produced by Footprint Ecology, with critical review and input from DTA Ecology. It considers the conclusions made in the submission HRA and updates the findings to reflect the new evidence and text in CC13.
- 1.2 The HRA has been updated at each stage of the Plan and will be finalised to accompany the Local Plan at adoption. Further modifications may be proposed as the examination progresses and it may be necessary to produce a complete update of the HRA. In the meantime, this document should be read in conjunction with the submission HRA [A4]. That document provides background and information on the HRA process, the North Norfolk Local Plan, relevant European sites, a complete screening of the submission version of the Local Plan and appropriate assessment. These are not repeated here.

Background to the Main Modification

- 1.3 The North Norfolk Local Plan was submitted for examination in January 2022 [A1]. Later that year, in March 2022, a Written Ministerial Statement (WMS) on Nutrient Levels in River Basin Catchments was issued. This signalled changes in the approach to the assessment of development proposals in catchments where water bodies that are protected through the Habitats Regulations are in unfavourable condition due to nutrient pollution.
- 1.4 At the same time, the Chief Planner sent a letter to the affected local planning authorities (LPAs) on nutrient pollution issues. Natural England also published advice and a nutrient neutral methodology on how to evidence that nutrient neutrality will be achieved in relevant new development in order to mitigate impacts on the protected habitats. Supporting documentation (catchment maps) identified that relevant development in large parts of Norfolk would result in impacts on protected water bodies in the River Wensum and The Broads Special Areas of Conservation (SACs) and in the Broadland Ramsar. This includes, but is not limited to, those types of development resulting in additional overnight stays including new homes.

1.5 The advice post-dated the publication of the proposed submission version of the North Norfolk Local Plan which made no reference to nutrient neutrality.

1.6 North Norfolk District Council has tabled a main modification to the Plan [A5.12] and requested that the Inspector consider making this modification. The modification proposes changes to Policy CC13 of the Plan and its supporting text which deals with Protecting Environmental Quality, including water quality.

1.7 The requested modification would add the following wording to the requirements of Policy CC13:

All qualifying development proposals located within the catchments of the River Wensum Special Area of Conservation (SAC), the Broads SAC and the Broadland Ramsar must provide evidence to enable the Local Planning Authority to conclude through a Habitats Regulations Assessment that the proposal will not have an adverse effect on the integrity of the habitats sites. Proposals that fail to demonstrate at least nutrient neutrality will not be permitted.

1.8 Supporting text includes background and context to the issue of nutrient neutrality and also references the mitigation work being undertaken. The supporting text includes:

To support nutrient neutral development, the Norfolk authorities are producing a "Nitrates and Phosphates Mitigation Strategy" for the River Wensum and The Broads SAC and Broadland Ramsar catchments. This will identify short-, medium- and long-term mitigation solutions. The strategy is likely to include a tariff system to fund mitigation measures that will offset additional nutrient discharges from new development. Applicants may propose other types of mitigation. The Norfolk Authorities impacted by this issue have published detailed guidance on the information requirements and process that applicants will need to follow.

Context to Nutrient Neutrality

1.9 A total of 74 Local Planning Authorities have received advice from Natural England relating to the need to carefully consider nutrient impacts and water quality associated with the new development. These authorities span 27 different catchments where European sites are already suffering from excess nutrient levels. This means that the problem of diffuse water pollution now affects a 14% of England's land area (Chapman and Broadbent, 2023). The issues are required as a result of years of underfunding of infrastructure and inadequate conservation management of SAC rivers and other wetlands.

1.10 Natural England's advice included the recommendation to rely on 'nutrient neutrality' methodology as a form of mitigation for the impacts associated with

new development. Nutrient neutrality involves calculating the additional nutrient loading from new development and then ensuring mitigation is in place to remove the equivalent nutrient load from the catchment, for example through landowners reducing the nutrient loading on their land.

- 1.11 The approach does not reverse the levels of pollution nor contribute to favourable conservation status of the relevant sites, it simply ensures new development does not further contribute to the problem. Nutrient neutrality has become a widely adopted part of decision-making yet it is not straight-forward to achieve. Current estimates are that there are around 120,000 new homes stalled in the planning system due to difficulties in delivering adequate mitigation, with Norfolk being one of the key areas affected (Connor-Streich, 2023).
- 1.12 At a national level and in response to the problems, the government has proposed a new legal duty on water companies via the Levelling Up and Regeneration Bill (LURB), to upgrade wastewater treatment works by 2030 in nutrient neutrality areas to the highest achievable technological levels. The Bill has yet to receive Royal Assent and, if it passes, the infrastructure requirements and resource implications for the water companies are considerable.
- 1.13 The government has also speeded up the process for developers to acquire mitigation through a national £30 million nutrient mitigation scheme¹. Natural England has established the scheme whereby nutrient credits can be sold to housebuilders, allowing developers to meet nutrient neutrality obligations and enable local authorities to grant planning permission. To date the scheme is only underway in the Tees catchment area.
- 1.14 On a more local level, The Norfolk Authorities working together as part of the Duty to Cooperate have commissioned Royal HaskoningDHV to provide the Authorities with expert technical advice. Royal HaskoningDHV have:
- Refined and defined the extent of the impacted catchments;
 - Produced a Norfolk specific nutrient calculator;
 - Identified those types of mitigation which would help to address the issue.
- 1.15 Five Norfolk Planning Authorities and Anglian Water have formed a not-for-profit Joint Venture, Norfolk Environmental Credits Ltd, with the remit to purchase and make available suitable accredited mitigation to the development industry. This

¹ See <https://www.gov.uk/government/publications/nutrient-pollution-reducing-the-impact-on-protected-sites/nutrient-pollution-reducing-the-impact-on-protected-sites>

will sit alongside and compliment the Natural England scheme and is expected to include a wide range of potential mitigations.

- 1.16 Norfolk Environmental Credits Ltd launched a call for sites/expressions of interest in June 2023. Once the schemes are ready to be implemented, it is expected that planning permissions for housing and other impacted developments will be able to be granted from that point onwards.

Submission HRA conclusions

- 1.17 The submission version of the HRA identified likely significant effects alone for hydrological issues with respect 3 strategic policies and 6 allocations and related to the Norfolk Valley Fens SAC, the Broads SAC/Broadland SPA/Ramsar and the River Wensum SAC.
- 1.18 Adverse effects on integrity, alone or in-combination for specific allocations were eliminated with respect to water quality and the Broads SAC/Broadland SPA/Ramsar through the inclusion of specific policy wording that ensured development could only take place once any necessary sewer infrastructure improvements and capacity at the Water Recycling Centres (WRCs) were in place.
- 1.19 Anglian Water confirmed that based on the trajectory of the local plan they considered there was sufficient headroom at Fakenham WRC based upon the existing permit to accept foul flows until circa 2032. For all the Fakenham allocations, specific allocation policy wording ensured that any growth beyond 2032 was dependent on headroom being available, ensuring adverse effects on integrity for the River Wensum SAC could be ruled out alone or in-combination. At Fakenham, allocation F10 was identified as posing particular risks to the River Wensum SAC due to the proximity of the allocation boundary to the SAC. Allocation policy wording ensured that the allocation is dependent on the necessary survey work and site design and project-level HRA, allowing a conclusion of no adverse effects on-integrity alone or in-combination at plan level.
- 1.20 Similarly, for two allocations at Holt, the plan-level HRA identified that project-level HRA would be necessary to show that sustainable drainage would be sufficient to mitigate impacts to the SAC and evidence would need to demonstrate that the long-term maintenance of the appropriate drainage is secured as a planning condition at the site design stage. The necessary details would only be possible to check once detailed design had been undertaken. Allocation policy wording within the Plan ensures this is in place.
- 1.21 For any growth outside the allocations, adverse effects on integrity from hydrological issues was ruled out alone for all European sites due to the

protective policy ENV4 which ensures the need to rule out adverse effects on integrity before permission is granted. This ensured that any specific risks associated with particular locations and relating to WRC capacity, surface drainage or other hydrological issues are addressed at the point where such details can be set out and identified in the necessary detail.

Further context

- 1.22 Since the HRA was produced, Anglian Water has published its Drainage and Wastewater Management Plan (DWMP)². This sets out how wastewater systems, and the drainage networks that impact them, are to be maintained, improved and extended over the next 25 years, covering the period 2025-2050. It includes predictions for housing growth across the entire Anglian Water area and climate change predictions. The DWMP identifies the need for a 25-year spend of up to £5 billion to manage the risk from growth, climate change and to meet storm overflow targets. The DWMP has not been subject to HRA.

² See <https://www.anglianwater.co.uk/about-us/our-strategies-and-plans/drainage-wastewater-management-plan/final-plan/>

2. Screening for likely significant effects

- 2.1 This section documents the screening stage (stage 1 of the 4 stage HRA process), where the modification is screened for likely significant effects.

What constitutes a likely significant effect?

- 2.2 When undertaking screening of a Plan, a likely significant effect is identified on the basis of clear evidence of risk to European site interest, or where there could be a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence.
- 2.3 The screening looks at policies prior to any avoidance/reduction/mitigation measures in line with People Over Wind³; measures intended to avoid or reduce effects on a European site can only be considered at Appropriate Assessment stage. People Over Wind clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening for likely significant effects stage. The Judgment highlights the need for clear distinction between the stages of HRA, and good practice in recognising the function of each. The screening for likely significant effects stage should function as a screening or checking stage (regardless of avoidance, reduction/mitigation measures), to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest features, and the robustness of mitigation options, should be done at the appropriate assessment stage.

Screening

- 2.4 In the submission version of the HRA, Policy CC13 was screened out for likely significant effects, as it related to general plan-wide environmental protection. Following the main modification, the supporting text to the policy now contains area specific wording and reference to bespoke mitigation relating to European sites. Following the ruling in People over Wind this policy cannot be taken into account in the formal screening and must therefore be screened in for further consideration as part of an appropriate assessment.
- 2.5 The modification to CC13 leads to a conclusion that, without mitigation, all qualifying development proposals located within the catchments of the River Wensum Special Area of Conservation (SAC), the Broads SAC and the Broadland

³ People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

Ramsar will have a likely significant effect alone on the respective European sites.

2.6 Allocations that fall into these catchments are summarised in Table 1 and Map 1. All these allocations in Table 1, with the exception of BR01/02, were identified in the submission version of the HRA as triggering likely significant effects alone, due to the limited headroom at the WRCs.

2.7 In addition to these allocations, likely significant effects alone are identified for the overall quantum of growth, as set out in:

- DS1 Development site allocations;
- HOU1 Delivering sufficient homes (which in addition to the allocations includes windfall and small growth villages, together these comprise 1000-1200 new dwellings that are anticipated within the catchments of either the Wensum SAC or the Broads SAC/Broadland Ramsar);
- SS1 Spatial strategy.

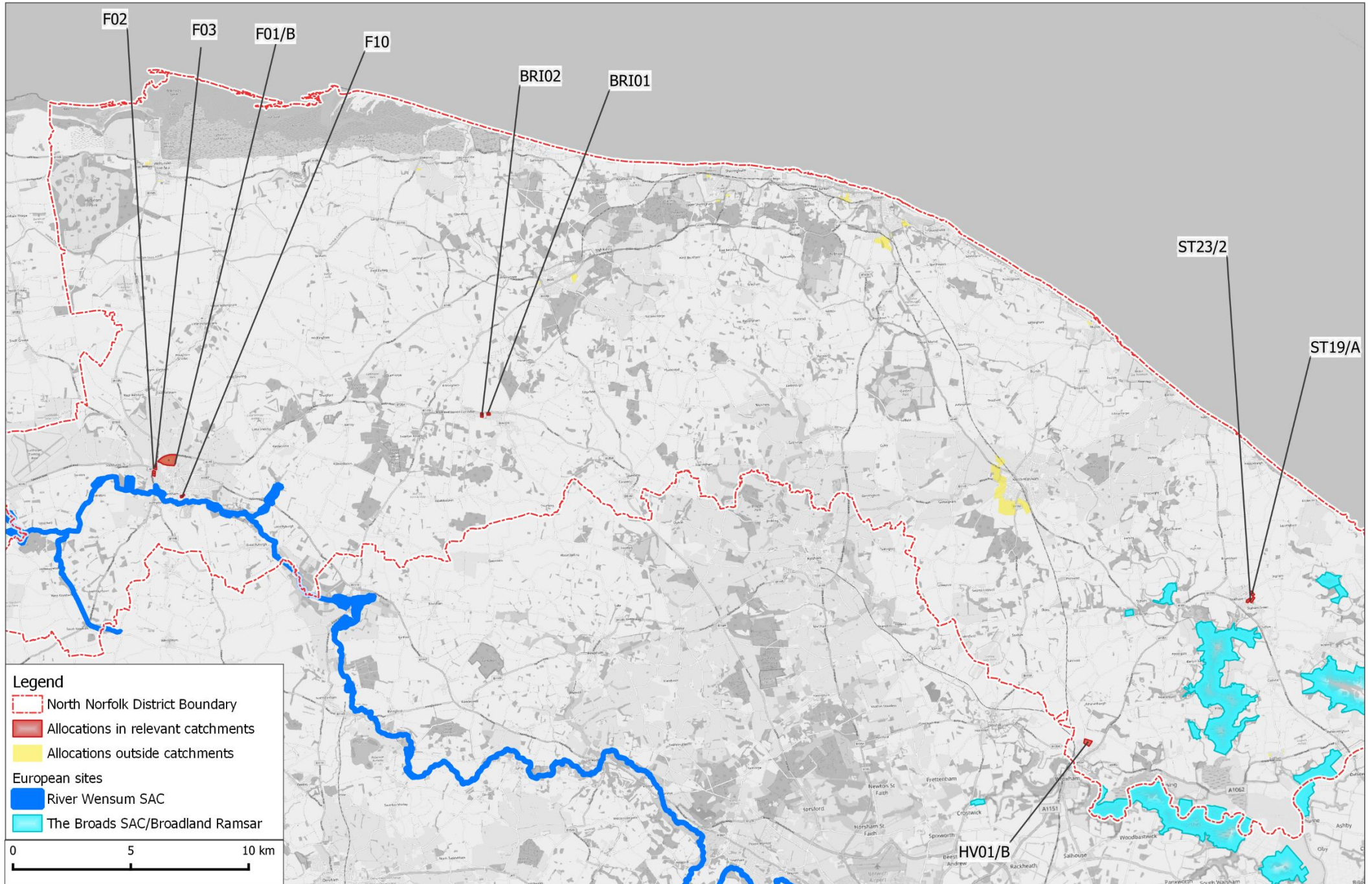
2.8 The above policies also triggered likely significant effects with respect to hydrology in the submission version of the HRA.

2.9 When added to the applications currently held (approx. 1,400 dwellings), North Norfolk District Council have assessed that around 3,500 -3,700 dwellings in total will require mitigation. This equates to slightly less than 30% of the growth proposed in the Local Plan.

Table 1: Developments likely to require mitigation (Data from N. Norfolk District Council and dated June 2023).

Site Ref/Source	Address	Dwellings impacted	Comments/position	European site
BRI01/02	East and west of Astley School, Briston	65 across two allocations	Site is part of a larger farm located on the upper reaches of the river Bure. Prospective developer is exploring on farm mitigation options.	River Wensum SAC
F01/B	Land North of Rudham Stile Lane, Fakenham	560	Local Plan trajectory concludes that development is unlikely before 2030 when need for mitigation will be substantially reduced.	River Wensum SAC
F02	Land adjacent PFS, Fakenham	70	Currently assessed as requiring off site mitigation	River Wensum SAC
F03	Land at junction of A148/B1146	65	Currently assessed as requiring off site mitigation	River Wensum SAC
F10	Land south of Baron's Hall Close, Fakenham	55	Considered likely to deliver on site mitigations within POS	River Wensum SAC
HV01/B	Land East of Tunstead Road, Hoveton	150	Totals assume LPAs proposed modifications are accepted. Currently assessed as likely to require off site mitigation (check position at Belugh WRC)	Broads SAC/Broadland Ramsar
ST19/A	Ingham Road, Stalham	70	Currently assessed as requiring off site mitigation	Broads SAC/Broadland Ramsar
ST23/2	Yarmouth Road, Stalham	80	Currently assessed as requiring off site mitigation	Broads SAC/Broadland Ramsar
Total impacted allocations		1,115		
Windfall Developments and small growth villages	All areas within defined nutrient catchments	1,000-1,200	Mainly comprises small scale development which are currently assessed as requiring off site mitigation largely via third party tariff schemes.	
Planning applications on hold.		1,400	Includes 900 dwellings at Fakenham (Trinity College Site F01 in adopted Site Allocations Plan). Trinity actively investigating mitigation options to expedite delivery.	
TOTALS		3,515-3,715		

Map 1: Allocations within the relevant catchments



3. Appropriate Assessment

- 3.1 The Main Modification to CC13 results in strengthened wording regarding the need for selected developments to address water quality impacts. The Modification to CC13 now ensures clear criteria in the policy that development will not be permitted unless nutrient neutrality at least is demonstrated. This will be determined by the Council through project level HRA. The criteria applies to all development requiring overnight stays and located within the catchments of the River Wensum SAC, the Broads SAC and the Broadland Ramsar.
- 3.2 The Policy does not rely on particular mitigation measures, and this is important. For plan-level HRA, case law demonstrates that the Local Planning Authority needs to be satisfied that the mitigation being relied upon is achievable in practice. For example, in the case of the New Adastral New Town Ltd (NANT)⁴, the important question for the court of appeal was whether there was sufficient information at the Plan stage to enable the Council to be duly satisfied that the proposed mitigation could be achieved in practice.
- 3.3 In this instance there is some uncertainty around whether the mitigation can be delivered and when. It would seem likely the LURB, once it receives Royal Assent, will give some confidence that the necessary upgrades to treatment works can be relied on. Natural England are developing mitigation options and the work by Royal HaskoningDHV and commissioned by the Norfolk Local Planning Authorities provides evidence for a range of mitigation options. At this stage therefore, it would seem likely that mitigation is achievable, however at this point in time it is not secured and cannot be relied on.
- 3.4 The Modification to Policy CC13 therefore addresses the uncertainty, as the presumption is that development will not take place, rather than stating development will be permitted with particular mitigation in place.
- 3.5 Natural England have agreed a Statement of Common Ground with the Council. This demonstrates the support of the Statutory Nature Conservation Body. The statement shows their agreement that the inclusion of the revised Policy (CC13) would prevent development resulting in an impact on designated watercourses and hence allows the LPA to demonstrate that the North Norfolk Local Plan addresses the requirements of the Habitat Regulations.

⁴ No Adastral New Town Ltd (NANT Ltd) v Suffolk Coastal District Council, Court of Appeal, 17 Feb 2015

4. Formal integrity test

- 4.1 This addendum should be read alongside the submission version HRA. The North Norfolk Local Plan proposed submission version (Publication Stage, Regulation 19 version, October 2021) was subjected to an appropriate assessment and integrity test according to the statutory provisions laid out in the Habitats Regulations 2017 as amended. That HRA concluded that the North Norfolk Local Plan was in conformity with the Habitats Regulations, and at a plan level a conclusion of no adverse effects, alone or in-combination, on European site integrity could be drawn.
- 4.2 The Main Modification to CC13 proposed by the Council does not change the finding of the submission version HRA and instead further strengthens the conclusions, in light of new evidence regarding nutrient neutrality. The policy requirement for development to demonstrate nutrient neutrality within the catchments of the River Wensum SAC, the Broads SAC and the Broadland Ramsar ensures impacts are avoided. This means adverse effects alone from all the Plan Policies (and incorporating the Main Modification), with respect to water quality and European site integrity are eliminated. Given that there is no impact from development, in-combination effects are also ruled out.

References

- Chapman, C., Broadbent, R., 2023. Restoring our rivers - looking beyond nutrient neutrality. Habitats Regulations Assessment Journal 6–15.
- Connor-Streich, G., 2023. The potential impacts of the Levelling Up Bill on efforts to tackle Nutrient Neutrality. Habitats Regulations Assessment Journal 16–21.
- Hoskin, R., Saunders, P., 2019. Habitats Regulations Assessment of the North Norfolk District Council Local Plan Part 1 (Unpublished report for North Norfolk District Council No. 413). Footprint Ecology / North Norfolk District Council.

North Norfolk Local Plan

Statement of Common Ground with Natural England in relation to Nutrient Neutrality Policy

(August 2023)

1. Purpose of the Statement

- 1.1 This Statement of Common Ground (“SoCG”) documents the agreed position of North Norfolk District Council and Natural England (NE) relating to the requirement that relevant development promoted by the North Norfolk Local Plan (“the Plan”) must be nutrient neutral in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (‘the Habitat Regulations’). Document references used in this SoCG are those used in the North Norfolk Local Plan Examination Library and are indicated in square brackets [REF]. These documents can be accessed on the North Norfolk District Council Examination website www.north-norfolk.gov.uk/localplanexamination

2. Position Statement

- 2.1 On 16 March 2022, a Written Ministerial Statement (WMS) on Nutrient Levels in River Basin Catchments was issued. It signalled changes in the approach to the assessment of development proposals in catchments where water bodies that are protected sites under the Habitats Regulations are in unfavourable condition due to nutrient pollution. The WMS stated that *“Local Planning Authorities can only approve a project if they are certain, it will have no negative effect on the protected site”*.
- 2.2 At the same time, the Chief Planner sent a letter to the affected local planning authorities (LPAs) on nutrient pollution issues.
- 2.3 NE also published advice and a nutrient neutral methodology on how to evidence that nutrient neutrality can be achieved for relevant new development in order to mitigate impacts on the protected habitats. Supporting documentation (catchment maps) identified that relevant development in large parts of Norfolk would result in impacts on protected water bodies of the River Wensum and The Broads Special Areas of Conservation (SACs) and in the Broadland Ramsar.
- 2.4 This NE advice post-dated the publication of the proposed submission version of the Plan [A1] and consequently the consultation version of this Plan made no reference to nutrient neutrality.
- 2.5 North Norfolk District Council has tabled a main modification to the Plan [A5.12] and requested that the Inspector consider making this modification. The modification proposes changes to Policy CC13 of the Plan and its supporting text which deals with Protecting Environmental Quality, including water quality. An extract of the Plan incorporating the requested modification is appended to this statement as **Appendix A**.
- 2.6 The government and Chief Planner provided updates on measures being developed nationally to address nutrient pollution on 20th July 2022. The government’s press release announced:

- a. A new legal duty on water companies in England, to be introduced via the Levelling Up and Regeneration Bill, to upgrade some wastewater treatment works by 2030 in nutrient neutrality areas to the highest achievable technological levels.
 - b. A new Nutrient Mitigation Scheme established and accredited by NE, allowing LPAs to grant planning permission for new developments in areas with nutrient pollution issues. Defra and the Department for Levelling Up, Housing and Communities will provide funding towards the scheme.
- 2.7 The legal duty on water and sewerage companies to upgrade wastewater plants is being introduced via an amendment to the Levelling Up and Regeneration Bill. Government stated that the improvements should be factored in for the purposes of Habitats Regulations Assessments.
- 2.8 The Natural England Nutrient Mitigation scheme will enable developers to purchase ‘nutrient credits’ which will discharge the requirements to provide mitigation. NE will accredit mitigation delivered through the Nutrient Mitigation Scheme, enabling LPAs to grant planning permission for developments which have secured the necessary nutrient credits. The aim is to ensure developers have a streamlined way to mitigate nutrient pollution, allowing planned building to continue and creating new habitats across the country. The scheme is particularly intended to benefit smaller building companies and sites which would be unlikely to be able to provide on-site mitigation measures and will comprise nature-based mitigations.
- 2.9 Developers of impacted proposals can independently provide mitigation either directly on development sites as part of their proposals or via off site mitigations provided they meet the requirements of the Habitat Regulations.
- 2.10 The Norfolk Authorities working together as part of the Duty to Cooperate have commissioned Royal Haskoning to provide the Authorities with expert technical advice. Royal Haskoning have.
- Refined and defined the extent of the impacted catchments ([Home | Nutrient Neutrality \(north-norfolk.gov.uk\)](#))
 - Produced a Norfolk specific nutrient calculator. ([Home | Nutrient Neutrality \(north-norfolk.gov.uk\)](#))
 - Identified those types of mitigation which would help to address the issue. (Strategy [G.15])
- 2.11 Five Norfolk Planning Authorities and Anglian Water have formed a not-for-profit Joint Venture, Norfolk Environmental Credits Ltd, with the remit to purchase and make available suitable accredited mitigation to the development industry [Nutrient Neutral Development - Norfolk Environmental Credits](#). This will sit alongside the NE scheme and is expected to include a wide range of potential mitigations. The Joint Venture has made a bid under the government’s Local Nutrient Mitigation Fund [Local Nutrient Mitigation Fund: call for evidence and expression of interest - GOV.UK \(www.gov.uk\)](#) for approximately £11 million to purchase mitigations and sell to the market.
- 2.12 It is anticipated that NE mitigation schemes could be in place in 2023. Norfolk Environmental Credits Ltd launched a call for sites/expressions of interest in June

2023. Once the schemes are ready to be implemented, it is expected that planning permissions for housing and other impacted developments will be able to be granted from that point onwards.

3. Statement of Common Ground Agreements

3.1 The following statements provide an agreed position between North Norfolk and NE on addressing nutrient neutrality through the Plan:

Agreement 1 - Co-operative work on Nutrient Neutrality Mitigation

The signatories agree that North Norfolk and Natural England will continue to work together to provide short-, medium- and long-term solutions for nutrient neutrality as identified through the county wide mitigation study through the Nutrient Mitigation Scheme which will be accredited by Natural England. The mitigation schemes will support the delivery of the North Norfolk Local Plan housing trajectory.

Agreement 2 - Updates to the North Norfolk Local Plan Habitats Regulations Assessment (HRA)

The signatories agree that North Norfolk District Council will commission updates to the North Norfolk Local Plan HRA to update coverage of nutrient neutrality, taking account of the revised situation since publication of the Local Plan (new proposed Policy CC13). Natural England will be consulted on the updated HRA in accordance with the requirements of the Habitats Regulations.

Agreement 3 - The North Norfolk Policy

Subject to confirmation via the updated HRA, the signatories agree that inclusion of the revised Policy (CC13) would prevent development resulting in an adverse effect on designated habitat sites and allows the LPA to demonstrate that the North Norfolk Local Plan addresses the requirements of the Habitat Regulations.

Signatories:

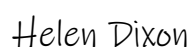
On behalf of North Norfolk District Council



Mark Ashwell

Planning Policy Manager, North Norfolk District Council
30/08/2023

On behalf of Natural England:



Helen Dixon

Manager, Norfolk & Suffolk Area Team, Natural England
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Appendix A - Main Modification Request

The requested main modification **PMAIN/3.13/01** seeks the addition of the following supporting text as preamble and justification for Policy CC13:

- 3.13.6 The River Wensum Special Area of Conservation (SAC) and The Broads SAC and Broadland Ramsar are designated under the Conservation of Habitats and Species Regulations 2017 as amended and the Ramsar Convention. These are collectively known as Habitats Sites.
- 3.13.7 The River Wensum SAC is an internationally significant naturally enriched lowland chalk river. Its catchment covers a predominantly rural area, but also includes the Large Growth Town of Fakenham. In 2022, evidence demonstrates that the SAC is in unfavourable condition due to high levels of phosphorus in the river.
- 3.13.8 The Broads SAC and Broadland Ramsar consist of component Sites of Special Scientific Interest (SSSIs), of which five individual SSSIs are failing water quality targets. These include broads and fens, with some drained marshes, containing rich and rare aquatic habitats and species. The catchment area covers much of mid and east Norfolk, including the whole of the River Wensum catchment. Significant parts of North Norfolk and Breckland, along with smaller parts of Great Yarmouth and Kings Lynn & West Norfolk, are within the catchment. Consequently, development in large parts of North Norfolk including proposed growth at Fakenham, Stalham, and Hoveton along with many service villages and the wider countryside, is impacted. In 2022, evidence demonstrates that these habitats sites were in unfavourable condition due to high levels of both nitrogen and phosphorus.
- 3.13.9 If not properly managed some types of development including those proposing new overnight accommodation, some commercial proposals and agricultural uses have the potential to increase water pollution via foul and surface water discharges into the designated Habitat sites To ensure no further reduction in water quality applicants should demonstrate, beyond reasonable scientific doubt, that their development proposals will not result in adverse effects on habitat sites This will require the submission of sufficient information which compares the existing and proposed uses and allows the Local Planning Authority to conclude that no more nutrients will enter the designated watercourses than is currently the case.
- 3.13.10 To allow “nutrient neutral” development to take place within the catchments while the sites are in unfavourable condition without giving rise to additional pollution, Policy CC13 requires relevant developments to be supported by evidence to demonstrate that the development Will have no adverse effect on Habitat Sites.
- 3.13.11 To support nutrient neutral development, the Norfolk authorities have produced ‘Norfolk Nutrient Guidance -Nutrient Mitigation Solutions’ for the River Wensum and The Broads SAC and Broadland Ramsar catchments. This identifies short-, medium- and long-term mitigation solutions. The Norfolk Authorities impacted by this issue have published detailed guidance on the information requirements and process that applicants will need to follow.
- 3.13.12 Where possible, mitigation measures should contribute to wider benefits such as enhancing green infrastructure and reducing flood risk. Nature based solutions which improve biodiversity will be particularly supported.

The requested modification would add the following wording to the requirements of Policy CC13.

New criteria 6:

All qualifying development⁽¹⁾ proposals located within the catchments of the River Wensum Special Area of Conservation (SAC), the Broads SAC and the Broadland Ramsar must provide evidence to enable the Local Planning Authority to conclude through a Habitats Regulations Assessment that the

proposal will not have an adverse effect on the integrity of the habitats sites. Proposals that fail to demonstrate at least nutrient neutrality will not be permitted.

Add Footnote (1)

⁽¹⁾ Qualifying development: all development resulting in overnight accommodation.