

Author	North Norfolk District Council
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North Norfolk District Council's response to Inspector's Matters, Issues & Questions (10.1 to 10.10) in relation to:

Matter 10: Delivering Well Connected, Healthy Communities (HC policies)

Issue: Whether the policies to deliver well connected, healthy communities are positively prepared, justified, effective and consistent with national policy.

References in square bold brackets **[xx]** refer to Examination Library document numbers, their page and/or paragraph. The Examination Library can be accessed at:

www.north-norfolk.gov.uk/localplanexamination

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Introduction

This document is North Norfolk District Council's response to the Matters, Issues and Questions identified for examination by Inspector David Reed of the Planning Inspectorate, as published on 3 November 2023 [EH002]. This is one of eleven separate response papers produced to address the specific matter and issue as identified on the front page.

Each response paper includes a number of references to specific evidence which has been relied upon in answering the matters, issues and questions. These reference numbers relate directly to the Examination Library website, where all evidence is published:

www.north-norfolk.gov.uk/localplanexamination

References to 'modifications' relate to such modifications requested by the Planning Authority in Schedules 4 and 5 submitted alongside the Plan [A5.11 and A5.12]. For ease of reference, where these requested modifications relate to the Councils response to each question, details have been included in this response.

Response to Inspector's questions

10.1 Are the HC policies positively prepared, justified, effective and consistent with national policy? Are any main modifications necessary, and if so what should these be?

10.1.1 Yes. The Council considers that the submitted Plan, along with the proposed additional modifications, reflects the district's strategic aims and objectives, and has been positively prepared, is justified through robust and proportional evidence, as set out in the document library [A14], and is consistent with national policy. A self-assessment of the Plans against the legal and soundness tests has been undertaken which has followed that of the PAS check sheets. Further information can be seen in the examination library: PAS self-assessment check sheet; soundness / Legal & NPPF compliance [A11] and [A12]. A number of policies/elements of policies have been developed to compliment wider strategic agreements through the Norfolk Strategic Framework and input from statutory bodies which is seen as testament as positively working together to deliver in this policy area.

10.1.2 In relation to the Health and Wellbeing and the suite of HC policies, justification should be considered against the backdrop of the NPPF. Where it is considered the approaches align to a significant degree, for example (but not exclusively):

- Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
 - Promote social interaction, safe and well-designed e.g. high quality public open space, clear and legible pedestrian and cycle routes enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

(Extracts: NPPF paragraphs 92, 93-99)

- Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
- Planning obligations must only be sought where they meet all of the following tests:
 - a) necessary to make the development acceptable in planning terms.
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development

(Extracts: NPPF paragraphs 57-58)

- Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments.

(Extracts: NPPF paragraphs 114-118)

- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- Planning policies should - identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

(Extracts: NPPF paragraphs 104-108)

- 10.1.3 No main modifications are proposed for the HC policies in the Plan, but some additional minor modifications are proposed as detailed in Appendix K: Schedule 4 – Schedule of Proposed Additional Minor Modifications May 2023 [A5.11].
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10.2 Does Policy HC1 need to be clarified for effectiveness? Is a reduction in the threshold for an HIA to 250 dwellings justified? Should there be a threshold for non-allocated sites to be justified? In (1), how do the two sentences relate together? In (2), how is ‘major development’ defined?

- 10.2.1 The updated Health Protocol 2022 [I2], encourages Local Plans to contain policies to ensure health issues are considered in new development and supports the use of a Health Impact Assessment, HIA which is one mechanism to integrate health throughout the planning process. The planning practice guidance advises that HIAs are a useful tool to use where there are expected to be significant impacts and can support the Council in discharging its duties to take appropriate action to improve health under the Health and Social Act 2012. With the 2021 census confirming that at 33.4% of the population of the district being over 65 in age, the population of North Norfolk has the highest average age in England and Wales where the equivalent average is 18.4%. By the end of the Plan period this is due to increase to approximately 43% of the population. This local characteristic shows that the continued assessment of health provision, and its alignment with local circumstances and needs, is essential to ensure sustainable growth. Given the rural nature of the district, its relative isolation in relation to the regional hospitals in Norwich and Kings Lynn and dispersal of local health facilities, along with their relatively small scale and narrow focus, small scale development can have large impacts on health provision. Given this and the fact that the majority of the allocations contained in the Plan are smaller than 500 units coupled with the likely smaller scale of other proposals that will come forward across the district, the reduction of the threshold to 250 is necessary, as detailed in the proposed modification PMIN/HC1/01 below.
- 10.2.2 Guidance on undertaking an HIA and the level of detail required are provided through the Health Protocol, of which the Council is a signatory. The approach applies equally to both allocated and non-allocated development proposals as detailed in the proposed modifications for reasons of clarity and detailed below. In line with the Protocol [I1] section 1.3, discussions and advice on planning applications will be sought by the LPA from the Health Authorities for housing developments of 50 dwellings or more and for all planning applications including care homes, housing for the elderly, student accommodation and any proposals which would lead to significant loss of public open space. See proposed modifications PMIN/5.1/03 and PMIN/5.1/04 below.
- 10.2.3 In some cases, a development of less than 50 dwellings can potentially impact health services significantly, especially in rural areas. As such, the policy approach requires all major development to be informed by the Planning in Health Protocol produced through the Norfolk Strategic Framework and Duty to Co-operate and have regard to the Healthy Planning Checklist and incorporate the measures

identified as necessary to improve health and well-being. This information from the outset of an application will assist those discussions and decisions and ensure health matters are considered from the outset.

- 10.2.4 Major development in criteria 2 is defined as that used in the NPPF. For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

Relevant Proposed Modifications

Additional Modifications to the Plan are put forward through Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11]. The Table below details the relevant modifications in relation to the response above.

PMIN/HC1/01	<p>Amend criterion 1 A Health Impact Assessment will be required for development proposals of 500 250 dwellings or more. For all non-allocated sites an accompanying HIA must be provided where there is the potential for significant impacts</p> <p>Amend criteria 2 Major development should be informed by the Planning in Health Protocol and have regard to the Healthy Planning Checklist as detailed in the Planning in Health Protocol (1) and the updated criteria in and the updated criteria in 'Building for a Healthy Life'(2) and incorporate the measures identified as necessary to improve health and well-being</p> <p>Footnote 1 Planning In Health Protocol, Norfolk Strategic Planning Forum 2019 2022 and subsequent updates.</p>
PMIN/5.1/03	Clarification that the approach is required for major development
PMIN/5.1/04	Clarifying text re para 5.1.7 around the LPA intention to seek advice from the ICS on all proposals over 50 residential units in line with the protocol.

10.3 Should Policy HC2 refer to the definition of major development in the NPPF rather than developments of 11 or more dwellings/1000 sq m? Are the open space requirements in Appendix 2 and Table 3 justified? How would financial contributions to off-site open space be calculated?

- 10.3.1 Yes, Policy HC 2 should refer to the definition of major development in the NPPF as being 10 or more dwellings/ 1000 sq m, as opposed to 11 or more dwellings/ 1000 sq m, where the latter appears to relate to an inconsistency in the evidence of the Open Space Assessment February 2020 [G11]. There are no wider consequences

associated with this matter. A modification could be put forward that clarifies this matter.

10.3.2 The Council's adopted open space requirements / standards, as set out in Appendix 2 and Table 3 of the Plan **[A1]**, are evidenced and justified through the North Norfolk Open Space Assessment 2020, Ethos Environmental Planning **[G11]**. Table 12, page 79 of the Assessment sets out the required amount of 4.36 ha/1000 population and provides the recommended breakdown per type, as set out in para 5.2.6 of the Plan **[A1]**. The methodology of the approach is detailed in Section 2 where it advises that the approach is based on that contained in the NPPF section 8 and that the underlying principles of the approach have been informed by the former guidance provided in 'Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation', and its Companion Guide 'Assessing Needs and Opportunities', which is a tried and tested methodology and takes a consistent approach with many other local authorities. The study follows 5 stages;

- Step 1 - Identifying Local Needs
- Step 2 - Audit of Existing Open Space Assets
- Step 3 - Setting Local Standards (Quantity & Access)
- Step 4 - Applying Local Standards
- Step 5 - Drafting Policy Recommendations

10.3.3 An audit of existing quantitative and qualitative provision across the district (as set out in section 5) along with community and stakeholder consultation including , household survey, a town and parish council's and ward members survey and local groups survey, plus stakeholder interviews based around quality, quantity and access (geographical) (as set out in section 4) led to the development of local provision standards which are set out in the Plan in para 5.2.6 and in more detail in Appendix 2. The standards have been consulted on as part of the Local Plan process at Regulation 18 and 19 stages.

10.3.4 Table 3 provides a guide to the Councils expectation around on-site and off-site provision in relation to each type of development and its size. As set out in the North Norfolk Open Space Assessment **[G11]**, Table 21, page 125, each proposal will still need to be considered on a site-by-site basis, with on-site provision considered to be the first solution. The application of the standards is through an open space calculator that is available through pre application advice and also published on the [council's web site](#). Further information on this is contained in section 8.7 of the Assessment.

10.3.5 Collectively this approach is detailed, proportionate and provides a robust analysis of the status of open space within North Norfolk and as such, is suitable to inform the recommended standards and approach adopted in the Plan.

10.4 Is all the land designated as open/green land on the policies map and thus within the scope of Policy HC2(4&5) justified? Areas subject to objection include land at The Pastures, Blakeney, land at Hempstead Road & A148 Holt, land at Sheringham House and land off Warren Road, High Kelling. Are any other sites the subject of

objection? Can the Council provide plans of these sites. Is the wording of sections 4 & 5` justified and effective?

- 10.4.1 Yes. The approach is evidenced through the review of sites undertaken by the Amenity Green Space Study [G13]. The review undertook a robust assessment of existing designated Open Land Areas, Education & Formal Recreation Areas from the existing development plan along with those submitted via a ‘call for sites’ process allowing parish and town councils to nominate suggestions. Additional sites suggested through consultation feedback on the Local Plan, and from officer review in the higher order settlements. The result is a comprehensive assessment of the different types of amenity land in and around the districts existing selected settlements, those additional settlements proposed as part of the settlement hierarchy in the Plan, and in those parishes where town and parish councils put forward suggestions for review including potential Local Green Space designations.
- 10.4.2 The document provides the evidence to inform the Plan as to which sites should be designated with an appropriate open space designation, and in which settlements. The Policies Map [A2] sets out the designated open spaces (Open Land Areas, Formal Education or Recreation Areas, and Local Green Spaces) within the proposed selected settlements of the Plan i.e. the Large Growth Towns, Small Growth Towns and the Large and Small Growth Villages, as defined within Policy SS1.
- 10.4.3 The need for open space and the qualitative / quantitative standards is set out in the North Norfolk Open Space Assessment, 2019 and associate appendices undertaken by Ethos Environmental Planning [G11 & G12] as set out in the response to question 10.
- 10.4.4 Justification should be considered against the backdrop of the NPPF where LPAs are required to plan positively for the provision of high-quality open space that reflects the current and future needs and support communities’ health, social and cultural wellbeing. Plans should also distinguish between the hierarchy of international, national and locally designated sites and take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, as well as conserving and enhancing the natural, built and historic environment, including landscapes and green infrastructure.
- 10.4.5 It is recognised that valued open space includes designated and non-designated open space and that the protection should not be limited to just visually important open spaces as detailed in criterion 5. An additional modification to criteria 5 and supporting text para 5.2.3 is proposed for reasons of clarity through PMIN/HC2/01 and PMIN/5.2/02, as detailed below.

Relevant Proposed Modifications

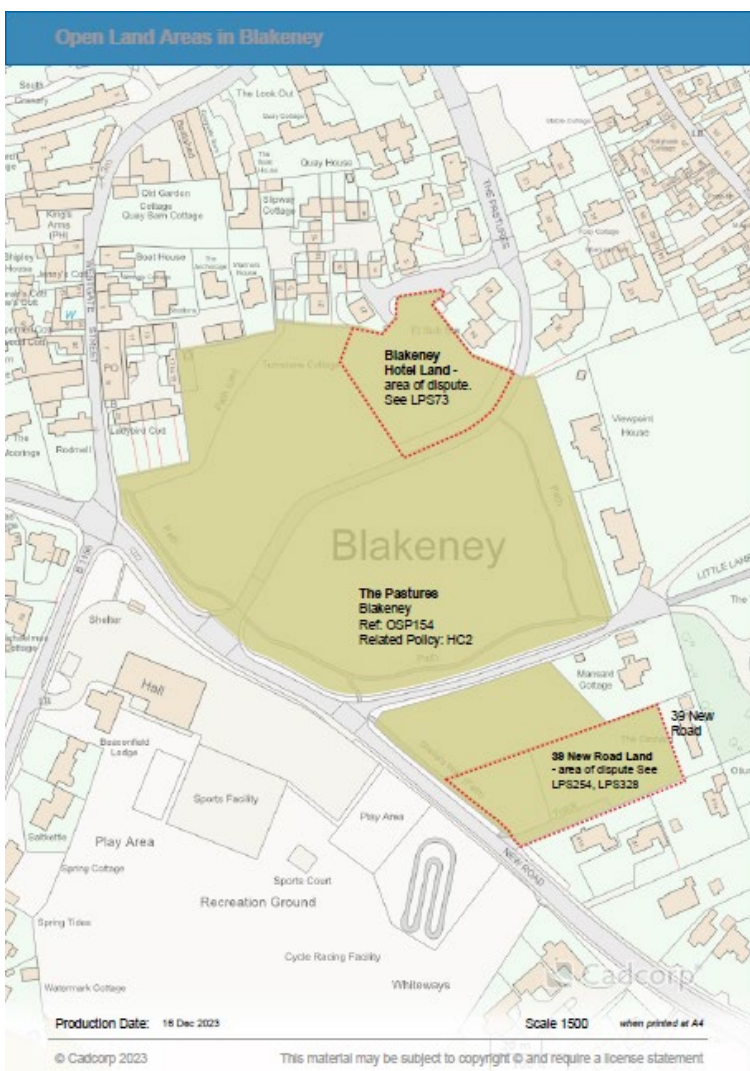
Additional Modifications to the Plan are put forward through Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11]. The Table below details the relevant modifications in relation to the response above.

PMIN/HC2/01	Criteria 5 Development on visually important open spaces including those designated as Open Land Areas and Local Green Spaces on the Policies Map will not usually be supported unless:
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	<ul style="list-style-type: none"> • it enhances the open character and/or recreational use of the land; and • is surplus to requirements (taking into account all of the functions it can perform), or, • where provision of equal or greater benefit is provided in the locality
PMIN/5.2/02	Add wording as follows to para. 5.2.3: North Norfolk has a diverse range of designated and undesignated open spaces (62).....

Open Land Areas subject to objection

1) The Pastures (Blakeney)



10.4.7 The pastures as a whole is considered to be a highly accessible and highly valued amenity green space centrally located within the settlement and is currently designated as an open land area in the adopted Core Strategy [J1]. It is considered that the Pastures forms a defining edge and green setting to the historic village core and gives a degree of separation from the later development to the south. The pastures as a whole is considered to be highly significant being one of the few areas

of open space within the Conservation Area. There is a significant visual quality to the site and also in its visual connection with the two sites to the south. Collectively the pastures forms an important part of the notable composite green space within the settlement. Historic mapping and aerial photos evidence its historical function as open green space forming a setting to the historic core of the village. The subsequent enclosure is *purposefully to create visual separation* and not supported.

- 10.4.8 Both contested areas have planning history and the current ambition / use of the land in the ownership of Blakeney Hotel is not lawful. An application for an overflow parking area on the land at the Pastures (Blakeney hotel) was refused in 2015 (PF/15/1553) on grounds of non-compliance with Local Plan policies CT1, EN1, EN2, and EN8 **[J1]**. An application for a Certificate of Lawfulness for use of the land as a car park was also refused (CL/15/0317). Land at 39 New Street has been subject to a planning application in 2015, PF/15/0483, for the erection of a detached two-storey dwelling on the open land area. This was refused by the LPA due to conflict with Local Plan policies EN1, EN2, EN4, EN8 and CT1 of the Core Strategy **[J1]** and subsequently dismissed at Appeal (Ref: APP/Y2620/W/16/3146342). Subsequent enclosure and separation is purposeful.

2) Land at Hempstead Road & A148 (Holt)



- 10.4.9 The site is an existing open land area as designated in the Core Strategy **[J1]**. Norfolk Property Services, NPS as the commercial arm of the Norfolk County

Council (NCC) object to the continued designation of the site as an open land area (representation LPS175) on the basis that it is not demonstrably special and does not meet the tests of Local Green Space, LGS.

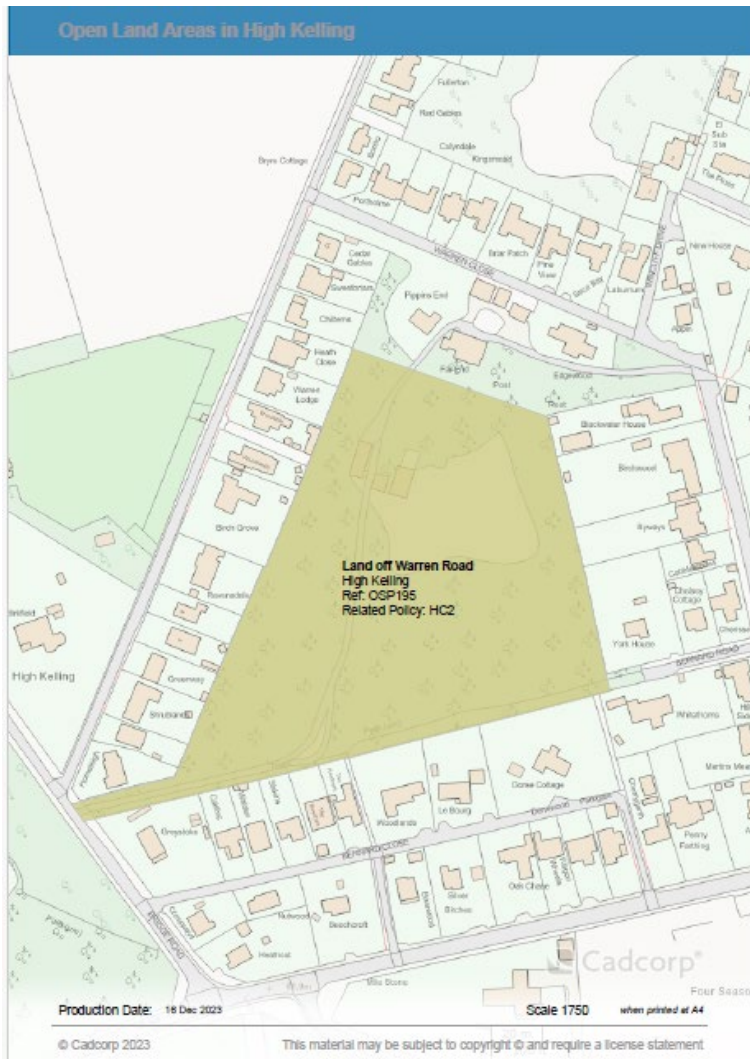
10.4.10 The site is assessed as semi natural grassland and woodland used for informal recreation, biodiversity and dog walking in the AGS study, page 21 **[G13]** and as such, is considered to form an important open space for the town. The site is also adjacent and connected to a County Wildlife Site which is also designated as open space (AGS/HLT03) and forms part of a wider environmental corridor. It is proposed to carry forward the designation as open space under policy HC2. It is not proposed as or seen as meeting the tests for LGS.

3) Land at Sheringham House (Sheringham)



10.4.11 The map shows the area of designated land and the changes proposed to the existing designation in order to reflect residential permissions since the adoption of the Core Strategy **[J1]**. The remaining designation reflects the residual area. The site is currently private open space which provides a green space within allocated development land and longer views towards Sheringham Park.

4) Land off Warren Road (High Kelling)



10.4.12 The land's undeveloped nature forms part of the wider settlement character.

Other Open Land Areas subject to objection

5) Mill Road Allotments (Wells-next-the-Sea)



10.4.13 One further designation is subject to objection. Wells-Next-the-Sea Town Council, through Regulation 19 representation LPS190, seeks the removal of the proposed open land area designation covering Mill Road allotments and wider area at Wells-Next-the-Sea. The site forms part of a wider undesignated open land area considered visually important to the setting of Wells which is proposed for open land designation in the submitted Plan **[A1]**.

10.4.14 Part of the site has subsequently been identified as suitable for community-led housing as put forward through the submitted Wells-Next-the-Sea Neighbourhood Plan, as detailed in red on map 5a) below. The Neighbourhood Plan also identifies the allotments contained within the wider proposed open land area as suitable for Local Green Space designation. The Council is supportive of the community-led allocation but believe the allotments do not meet the tests for LGS and that the proposed open space designation is appropriate. It is expected that any conflict will be resolved through the neighbourhood plan examination, which is scheduled to commence in January 2024. The Council does not consider that a modification to the Plan is necessary for soundness reasons. Nevertheless, given the community aspirations, and the Council recognising that the open land designation in its entirety is no longer justified from a community perspective, the Plan should be amended to exclude the community housing land allocation area.

5a) Mill Road Allotments (Wells-next-the-Sea)
Neighbourhood Plan Position



10.5 Is the wording of Policy HC3 justified and effective? In Policy HC3(2b), should criteria (a) and (c) be combined for clarity and thus effectiveness? Should criterion (b) be strengthened to demonstrate alternative modes of operation are not viable? Is it justified for the footnote to require marketing to comply with best practice guidance that does not form part of the plan?

10.5.1 Yes. The Council considers that the submitted Plan, along with the proposed additional modifications, reflects the district’s strategic aims and objectives, and has been positively prepared, is justified through robust and proportional evidence, as set out in the document library [A14], and is consistent with national policy. A self-assessment of the Plans against the legal and soundness tests has been undertaken and which has followed that of the PAS check sheets. Further information can be seen in the examination library: PAS Self-Assessment Check Sheet; Soundness + Legal & NPPF compliance [A11] and [A12]. A number of policies/elements of policies have been developed to compliment wider strategic agreements through the Norfolk Strategic Framework and input from statutory bodies which is seen as testament as positively working together to deliver in this policy area.

10.5.2 Justification should be considered against the backdrop of the NPPF where the onus is on LPAs to deliver the three overarching aims of sustainable development in a mutually supportive way, supporting strong, vibrant and health communities with accessible services and open spaces that reflect

current and future needs and support communities, health, social and cultural well-being and

- to ensure the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship as part of promoting a prosperous rural economy.
- to provide policies and decisions that should aim to achieve healthy, inclusive, and safe places and plan positively to provide the social, recreational, and cultural facilities and services the community needs, and other local services to enhance the sustainability of communities and residential environments.
- to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- to ensure that established shops, facilities, and services are able to develop and modernise, and are retained for the benefit of the community; and
- to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. (NPPF para 93)
- to make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality-of-service provision and access to open space.
- to promote healthy and safe communities and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

10.5.3 The Council does not consider that a modification to the Plan is necessary to combine criterion 2b(a) & 2b(c) for soundness reasons. Nevertheless, the Authority agrees that the combining in the criterion in the policy could be helpful for reasons of clarity.

10.5.4 A minor modification is also proposed, PMIN/HC3/01 in relation to criterion 2b(b) as detailed in Schedule of Proposed Additional Minor modifications **[A5.11]** in order to address the policy alternative modes of operation and associated viability.

10.5.5 Best practice broadly means a set of guidelines that represent the most efficient or prudent course of action in a given situation. In this case following best practice in marketing will provide the applicant with the best opportunity to successfully gain planning permission under this approach and provide a basis for a consistent approach. The approach is neither prescriptive nor exhaustive but, in the Councils experience, the intervention recognises the need for such guidance to ensure consistency and a level playing field in order to assist developers and also ensure the widest possible efforts have been undertaken to ensure alternative options prior to closure / alternative use considerations and the loss of such important local facilities in a dispersed and rural district. Best practice guidance also has the advantage of being able to be

easily revised to reflect any changes in the marketplace and local economy, and any updates to the Council’s economic strategy as well as such as to legislation or national policy.

Relevant Proposed Modification

Additional Modifications to the Plan are put forward through Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11]. The Table below details the relevant modification in relation to the response above.

PMIN/HC3/01	Amend Part 2b.b. as follows: b. a viability test has demonstrated that the use is no longer viable; and, a viability test has demonstrated that the use is no longer viable and could not be made viable under alternative models of operation.
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10.6 In Policy HC4(1a), is it justified to require compliance with infrastructure requirements set out in supplementary planning documents that do not form part of the plan? In 4b, is it justified to require the highest viable level of affordable housing? Should there be a reference to Policy HOU2 which sets out affordable housing requirements? Should 6 state proposals not accompanied by a viability assessment will be required to be policy compliant? In c, should police be added to the list of community infrastructure?

10.6.1 Yes, the requirement to deliver necessary infrastructure to meet wider sustainability objectives that meet the tests set out in the NPPF and the specific requirements set out throughout the development Plan and Supplementary Planning Documents is firstly, justified in providing the maximum clarity necessary in delivering the required type and form of infrastructure and secondly, ensures all relevant planning proposals meaningfully consider and apply the content of relevant SPD’s at the earliest stage in the formulation of a scheme.

10.6.2 It is the Council’s experience, through the application of existing comparative policies that the bar is set too low and relegates SPDs to an advisory document rather than it having genuine influence, which is inconsistent with the NPPF and governments objectives. For the Council, such policy wording needs to be strengthened to ensure that consulted upon and adopted local guidance (where relevant) is at the heart of development proposals and delivers on the identified needs. The approach is not absolute and allows flexibility for proposals to put forward justifications for departures from relevant SPDs guidance, and as such, compliance is not absolute.

10.6.3 This is consistent with the direction of travel of national policy where in the future, supplementary planning documents may be addressed by the requirement for them to be prepared as part of the development plan, but in the interim, and consistent with the NPPF, it is important that the policy allows for relevant SPDs to be at the heart of proposals.

10.6.4 As detailed in question 4.5, proposals should be policy compliant and seek to deliver the amounts of affordable housing by alignment with the minimum policy expectations contained in the Plan as a whole. For proposals that seek a departure from policy on viability grounds and a reduction in infrastructure requirements required to make the proposal acceptable in planning terms, criterion 4b of Policy HC 4 details that the Council’s priority will be to ensure affordable housing provision is prioritised and maximised over other obligations.

10.6.5 Further information on this is contained in section 7.2 – Delivering the Right Mix of Homes of the Plan, where para 7.2.5 states “*The Council will seek to deliver the highest proportion of affordable homes that is viable and save for very exceptional circumstances will require on site provision at the proportions required by the policy*”, which is intended to convey clarity and certainty to that intention.

Criteria 4B

10.6.6 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Taking the Plan as a whole the Council does not consider that a modification to the Plan is necessary to reference policy HOU2 in criterion 4b for soundness reasons. Nevertheless, the Authority agrees that the inclusion of the reference in the policy could be helpful for reasons of clarity.

Criteria 6

10.6.7 The Council have proposed an additional modification (PMIN/HC4/02) for reasons of clarity as detailed in Schedule 4 [A5.11]. The Council does not consider that a further modification to the Plan is necessary for soundness reasons. Nevertheless, it is recognised that introducing the requirements for policy compliance through the suggested wording complements and strengthens the envisaged overall approach and aligns with the wording in criterion 7. The NPPF (para. 58) states:

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Relevant Proposed Modification

In addition to the potential considerations outlined above, additional modifications to the Plan are put forward through Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11]. The Table below details the relevant modification in relation to the response above.

PMIN/HC4/02	Criteria 6
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	<p>Proposals that are not accompanied by a viability assessment (3) considered to be fully policy compliant will be taken as fully policy compliant. do not need to be accompanied by a Viability Assessment.</p> <p>Criteria 7 add footnote 3 Development proposals that seek to depart from policy on viability grounds must be supported by a viability assessment (3) at validation stage that is suitable, proportionate, and transparent and accords with the required Council's methodology. Assessments should consider alternative funding mechanisms to aid scheme viability. (3) In all cases the submitted viability assessment will be made publicly available.</p> <p>Amended additional modification. Criteria 6 Proposals not accompanied by a viability assessment will be required to be policy compliant.</p> <p>Criteria 7 add footnote 3 Development proposals that seek to depart from policy on viability grounds must be supported by a viability assessment (3) at validation stage that is suitable, proportionate, and transparent and accords with the required Council's methodology. Assessments should consider alternative funding mechanisms to aid scheme viability Footnote (3 -) In all cases the submitted viability assessment will be made publicly available.</p>
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Should police be added to the list of community infrastructure?

10.6.8 The Council does not consider it necessary to amend the policy or table 4. The list is not exhaustive and does not prevent a case being made on an appropriate application. In line with the NPPF, planning obligations will only be sought where necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development (NPPF, para 57). In addition to Government funding, Police and Crime Commissioners (PCCs) set a local police precept which is part of Council Tax paid by every household in the district including newly built dwellings. Police precept accounts for on average approximately 1/3 of the funding PCCs receive and is paid directly to collecting authorities by local taxpayers.

10.7 Does the Plan Wide Viability Assessment (Document I11) properly assess the impact of the policies of the plan on the economic viability of development so as

to not undermine the deliverability of the plan? (NPPF paragraph 34) Does it properly assess the costs of development including affordable housing, biodiversity net gain, energy efficient standards, accessible & adaptable homes, minimum space standards, electric vehicle charging and digital infrastructure?

- 10.7.1 Yes. The Plan has undergone viability testing throughout its development with due regard to the requirements of the NPPF and the best practice advice contained in the national PPG on viability. The Plan Wide Viability Study **[I11]** establishes the viable percentages of affordable housing that can reasonably be expected to be delivered given the policy costs, market conditions and making an allowance for a reasonable return to the landowner and developer in each affordable housing submarket areas. The assessments concluded that *“all sites are broadly viable and deliverable across the entire plan period taking account of the Affordable Housing requirements and all policy impacts of the Local Plan but at this stage there is not a practical opportunity to introduce a Community Infrastructure Levy”* **[I11]**.
- 10.7.2 The viability studies **[I11]** and **[I11.1]** coupled with the sensitivity testing in relation to affordable housing and Policy HOU2 contained in the response to question 4.6, review whole Plan viability and therefore firstly assesses the potential cost impacts of the proposed policies in the Plan to determine appropriate cost assumptions in the viability assessments and broadly determine if planned development is viable having made an allowance for a reasonable return to the landowner and developer. Costs have been factored into the viability appraisals to reflect the impact of relevant development plan policies and the residual use of planning obligations for site specific mitigation.
- 10.7.3 An Interim appraisal **[I11.1]** of the impact of the emerging Plans policies on the economic viability of the development expected was first undertaken to inform policy development and the Regulation 18 consultation May 2019. Prior to finalising the interim report, the Council invited stakeholders including land agents, site promoters and developers to a stakeholder event, held in August 2018, in order to review the methodology and emerging findings and have input into the approach. In particular, the event was held to review the key assumptions to be used and review the emerging findings. There was acceptance of the overall approach around the use of typologies, EUV+ and that the establishment of the benchmark value based on a 50:50 Shinfield approach at the meeting, along with agreement on many of the assumptions to be used. A summary of that event, the issues raised and how they were taken into account, is included in the First Draft Local Plan (Part 1) Interim Consultation Statement, **[B11]**, page 24 with a more detailed account transcribed in Appendix L, page 242. Following the meeting the study appraisals were subsequently rerun with updated assumptions such as the use of BCIS build costings, and the inclusion of additional policy costs as agreed e.g., to cover the costs of externals and an uplift in association with accessible and adaptable homes. The updated appraisals also included the agreed position of 17.5% as a reasonable rate for return across North Norfolk which reflects the relatively low levels of risk to developers and the banks’ needs, before lending due to the high levels of demand and need across the district. The final interim version **[I11.1]** underwent public scrutiny as part of the Regulation 18 consultation.
- 10.7.4 The final version of the assessment **[I11]** includes costs associated with floor

spaces aligned to minimum described space standards for each type of dwelling, updated build costs through BCIS (and sales values) and increased section 106 allowances to incorporate the more specific policy requirements of the GIRAMS and site-specific mitigation, as well as a £5,000 per dwelling allowance for nutrient neutrality mitigation, notwithstanding that large parts of the district and a large number of the Plans allocations (approximately 77% of the allocated dwelling requirement) are not affected by the issue of nutrient neutrality as detailed in earlier clarification correspondence [EX003]). Further allowances are included reflecting the final proposed policy requirements such as the specific policy requirements for biodiversity net gain, electric vehicle charging points and accessibility standards. Specific additional costs are added to the base BCIS costs rates to reflect the Councils policy on Adaptable and Accessible Dwellings and Part L Building Regulations changes. In addition, the tenure mix of affordable housing is updated to reflect the Governments requirement to include 25% low-cost home ownership products within the mix of affordable housing. Overall, the approach is based on the available evidence and likely costs at the time and adopts a cautious, worse case scenario in relation to Section 106 contributions and transfer values. Further details of how the policy cost impacts and planning obligation costs have been taken into account and the assumptions used, can be found in Chapter 4 of the final Plan Wide Viability Assessment Sept 2022 [I11].

- 10.7.5 The assessment concluded that in general terms, housing development proposed in all locations in the North Norfolk District Local Plan are broadly viable and that the percentages of affordable housing in each of the affordable housing submarkets were justified and could be delivered. The separate assessments for sheltered accommodation for the elderly also showed that the Council's Affordable Housing targets can be viably delivered by retirement development in the higher value zone 2 but that the viability of retirement apartments may be marginal.

10.8 Is the requirement for a Digital Infrastructure Connectivity Plan in paragraph 5.5.3 to assess compliance with Policies HC5 and HC6 justified for all proposals over 100 sq m?

- 10.8.1 Yes, this requirement is justified. The NPPF comments on the importance of communications infrastructure in supporting economic growth and social well-being whilst also referencing the need for planning policies to support the expansion of electronic communications networks, including mobile technology and full fibre broadband connections (Para. 114). The Plan supports this by acknowledging the importance of delivering Fibre to the Premises (FTTP) throughout the Plan Period where the demand will continue to grow and Policy HC5 in particular seeks to ensure that proposals are suitably prepared and can accommodate future improvements in technology. The Council has a joint strategic agreement within the Norfolk Strategy Planning Framework [A8.1] to deliver broadband and mobile coverage through Norfolk in accordance with national policy.
- 10.8.2 The 100sqm threshold required within the policy of HC5 is a modest requirement to encapsulate most small businesses to ensure that they and larger businesses are

prepared for future improvements to the electronic communications network.

10.9 Is it justified for Policy HC7(4) to require compliance with the North Norfolk Design Guide when this does not form part of the plan?

- 10.9.1 Yes, the requirement for conformity with the adopted North Norfolk Design Guide Supplementary Planning Document 2008 (SPD) [J6] is justified for Policy HC7 in providing maximum clarity about local design and amenity matters to ensure all relevant planning proposals meaningfully consider and apply the content of the North Norfolk Design Guide SPD at the earliest stage in the formulation of a scheme. As an adopted SPD, the North Norfolk Design Guide has been subject to public consultation and consequently, is an appropriate document that provides comprehensive guidance on a range of local design and amenity matters.
- 10.9.2 It is the Council's experience, through the application of existing comparative policies, such as Policy ENV 4 Design of the Core Strategy [J1] where proposals are expected to 'have regard to the North Norfolk Design Guide', that the bar is set too low and relegates the SPD to an advisory document rather than having a genuine influence on the design quality of development in the district. This is inconsistent with the NPPFs objectives that 'Good design is a key aspect of sustainable development' (NPPF paragraph 126) and for the Council, such policy wording needs to be strengthened to ensure that local design and amenity matters are at the heart of all development proposals, in order to reflect local design preferences and enhance the local character and distinctiveness of the different areas of the district with a consistent and high quality standard of design.
- 10.9.3 In considering the wording of Policy HC7, the LPA considered a number of alternatives and recognised that it could not elevate the status of the Design Guide to a policy document. As such, both policies allow flexibility for proposals to put forward justifications for departures from the SPD guidance, and as such, compliance to the Design Guide SPD is not absolute.
- 10.9.4 In the future, such supplementary planning documents may be addressed by the requirement for them to be prepared as part of the development plan, but in the interim, and consistent with the NPPF, it is important that design of development is given greater attention.

10.10 Is all the land safeguarded by Policy HC8 clearly shown on the policies map? Should land between Walsingham and Wells, and at Wells, be included?

- 10.10.1 Yes, all the land required to be safeguarded by Policy HC 8 has been clearly shown on the Policies Map [A2].
- 10.10.2 No, land between Walsingham and Wells and at Wells should not be included in Policy HC 8 as it has not been identified by Norfolk County Council to be required for strategic safeguarding in terms of re-use as railway land, rail freight terminal

facilities or sustainable transport links.

- 10.10.3 For further clarity, the Walsingham to Wells railway land is in use as a tourist/leisure-based narrow-gauge railway, the Wells and Walsingham Light Railway, for approximately 8 months of the year. Criterion 1 of the Policy relates to the safeguarding of former track beds and criterion 2 relates to areas which are currently in use, but that are safeguarded for potential rail freight use. The Walsingham to Wells railway land does not qualify for either type of safeguarding.
- 10.10.4 The Wells-next-the-Sea Neighbourhood Plan was submitted to the Council for Examination in October 2023 and includes Policy WNS10: Opportunities for sustainable transport, which aims to address this local matter by seeking protection of the former railway track beds and other railway land within the designated Neighbourhood Plan Area. The Examination is scheduled to start on 3rd January 2024.