

**NORTH NORFOLK
LOCAL PLAN
EXAMINATION
HEARING STATEMENT
– MATTER 9**

Quality Assurance

Site name: North Norfolk Local Plan Examination
Client name: Hopkins Homes Limited
Type of report: Hearing Statement – Matter 9

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Signed 

Date 5 January 2024

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Signed 

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1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Bidwells LLP on behalf of Hopkins Homes Ltd in support of representations made to the North Norfolk Local Plan. By way of background, Hopkins Homes Ltd are promoting land at Norwich Road and Nursery Drive (NW01/B) for residential-led development of 343 dwellings, and associated infrastructure.
- 1.2 At the time of writing this statement, hybrid planning applications are at an advanced stage of determination covering both the allocated land under the existing Local Plan, and the proposed allocation of the submitted North Norfolk Local Plan.
- 1.3 The applications are registered under planning references PF/22/1596 and PF/22/1784 and form a hybrid planning application comprising of the following elements:
1. Full Planning Application for the construction of 343 dwellings (including affordable homes), garages, parking, vehicular access onto Ewing Road and Hornbeam Road, public open spaces, play areas, landscaping, drainage and other associated infrastructure;
 2. Outline Planning Application with all matters reserved for a phased development comprising 7 serviced self-build plots and associated infrastructure; and
 3. Outline Planning Application with all matters reserved for the construction of an elderly care facility and associated infrastructure, landscaping and open space.
- 1.4 This Statement provides Hopkins Homes Ltd's response to Matter 9 (Delivering Climate Resilient Sustainable Growth – CC Policies) Questions 9.1, 9.8 and 9.9 of the Inspectors' Matters Issues and Questions, November 2023 [Document EH0003].

2.0 Matter 9

2.1 **Question 9.1: Are the CC policies positively prepared, justified, effective and consistent with national policy? Are any main modifications necessary, and if so what should these be?**

2.2 While Hopkins Homes Ltd contends that the CC policies have been positively prepared, in seeking to minimise greenhouse gas emissions and elevating the environmental credentials of development proposals in the District, some aspects of the policies are not considered as justified, effective or consistent with national policy. For instance, part (g) of Policy CC1 requires development proposals to achieve a range of land and resource efficiency principles, including a requirement to ‘protect water quality’.

2.3 Paragraph 11.7 of the 2022 Sustainability Appraisal explains that:

“In respect of limiting water consumption to the capacity of natural processes and storage systems and to maintain and enhance water quality and quantity, the Local Plan aims to mitigate against negative effects caused by the Plan by the inclusion of policies. The Local Plan is proposing policies directly relating to water efficiency, flood risk and surface water drainage, as well as the inclusion of other policies supporting the principles of reduced water consumption, including encouraging renewable energy, the delivery of environmental infrastructure (including SuDS), protecting geodiversity and seeking net gains in biodiversity and providing and retaining open space and Green Infrastructure. Individually, specific positive policies have been included to address the issue of water quality and ensure developers considers the multi-functional benefits of combining water management (including surface water run-off and discharge) with open space. The Plan adopts a policy approach that limits the use of water in residential development to 110lpppd, (Policy CC4), the maximum allowed by national policy. The approach also evokes the BREEAM “Very Good” water efficiency standard for non-housing development.”

2.4 This ultimately allows the Council to conclude through their SEA process that “overall the Local Plan is predicted to have a significant positive effect on the social, environmental and economic aspects of sustainability.”

2.5 Crucially, Policy CC4 provides an effective mechanism to limit water consumption through restricting residential development to 110lpppd. However, in respect of ‘water quality’, there is a statutory duty on water *undertakers* to “prepare, publish and maintain a water resources management plan” in accordance with section 37A of the Water Industry Act 1991. It should not, therefore, fall to individual planning applications to resolve strategic water quality issues. To remedy this, part (g) of Policy CC1 should be refined to acknowledge that water quality relates to matters within the control of applicants only, such as on-site surface water drainage features. Policy CC13(d) should also be refined to align. Suggest the following wording amendments:

POLICY	CURRENT WORDING	SUGGESTED AMENDMENT
Policy CC13(d)	Water quality, including surface water and groundwater;	Deletion of current wording and replacement with: ‘protected watercourses’
Policy CC1(g)	Promoting the efficient use of land and resources, minimising water use,	Promoting the efficient use of land and resources, minimising water use,

POLICY	CURRENT WORDING	SUGGESTED AMENDMENT
	protecting water quality and minimising the impacts of air, land, light, and water pollution;	protecting water quality watercourses and minimising the impacts of air, land, light, and water pollution;

2.6 Elsewhere, Hopkins Homes Ltd supports Policy CC12 and its ambition to retain existing trees and deliver new trees as part of development proposals. To assist in achieving this ambition, and to ensure compliance with Paragraph 35(c) of the NPPF, the requirement for replacement planting to be of 'comparable biomass' and of a 'comparable size' should be erased from the policy. The process of calculating/quantifying biomass can prove ambiguous and may be subject to change during the plan period, and site constraints may determine that replacement planting of a comparable size proves undeliverable. Retaining these elements within the policy risks making the policy ineffective, so they should be erased to ensure compliance with Paragraph 35(c) of the NPPF.

Question 9.8: Does Policy CC8 provide appropriate guidance for the provision of electric vehicle charging points in new development? Are the proposed standards justified, how do they relate to the building regulations and what are the implications for the cost of development? Is the text in 3.8.3 and 3.8.7 justified in requiring compliance with any future County Council electric vehicle parking standards when these are not currently known?

- 2.7 Hopkins Homes Ltd submitted representations at Regulation 19 stage of the Plan challenging the soundness of this approach. Part 2 of the policy, as written, requires one active charging point to be provided per dwelling, in the form of an external charging point on a driveway or a wall-mounted internal charging point in a garage. The policy also requires, where off-plot or communal parking is provided, a minimum of 50% of spaces will provide active chargepoints with the remainder as passive.
- 2.8 Hopkins Homes supports the transition towards increased usage of electric vehicles, and wishes to support its residents in providing electric vehicle charging infrastructure within their developments, with chargers provided to garages and on-plot driveways (defined as 'associated spaces' by Part S of the Building Regulations). However, the requirement for off-plot or communal charging provision to the level specified within the draft policy raises concerns, as the technical, legal and practical implications of running electric cables over or under land outside of the control of the user of the parking space has significant deliverability issues.
- 2.9 Moreover, The Local Plan Evidence Base doesn't include analysis to understand whether off-plot electric vehicle charging provision at the level identified in the draft policy is justified or deliverable in practice, in accordance with Paragraph 35(b) of the NPPF. To ensure compliance with this aspect of the Framework, Policy CC8 should be amended to ensure that development is not constrained by potentially undeliverable off-plot electric car charging provision, and to align with mandatory standards introduced by an update to Part S of the Building Regulations from June 2022. Furthermore, this policy should not be seeking to duplicate the requirements of other legislation such as building regulations, which will continue to be updated and exceed these policy requirements over the plan period.
- 2.10 To achieve this, the following wording refinement to Part 2 of the policy is suggested:

2. Proposals for residential development (excluding use class C1 hotels and C2/C2A residential institutions) where private driveways and garages are provided, will provide 1 active(1) charging point per unit, in the form of an external charging point on a driveway or a wall-mounted internal charging point in a garage. Where off-plot or communal parking is provided, active and passive chargepoints will be provided wherever practical and feasible ~~a minimum of 50% of spaces will provide active(1) chargepoints and the remainder will be passive(2). The spaces should be made available to all residents in accordance with a management agreement.~~

Question 9.9: Is Policy CC10 relating to biodiversity net gain consistent with national policy? Does it need to refer to qualifying development? Should it refer to off-site and/or credit options? Has the effect on the cost of development been properly taken into account?

2.11

Hopkins Homes Ltd supports the mandatory requirement to secure 10% biodiversity net gain as part of development proposals. However, the wording of Policy CC10 should be revisited to ensure compliance with the governing national policy and legislation ([Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#)). With that in mind, part 2 of Policy CC10 could be deleted, to remove any risk of deviation from national guidance, and to ensure that appropriate off-site mitigation measures can be considered acceptable, in accordance with legislation.



BIDWELLS