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North Norfolk District Council's response to Inspector's Matters, Issues & Questions (9.1 to 9.9) in relation to:

Matter 9: Delivering Climate Resilient Sustainable Growth (CC policies)

Issue: Whether the policies for delivering climate resilient sustainable growth 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

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?

9.1.1 Yes. As detailed in Matter 1, Question 1.9 the Plan accords with legislative requirements on climate change as set out in Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 that "*Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*".

9.1.2 The NPPF requires that a positive approach is taken to meet the challenge of climate change as set out in section 14. In particular, the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Para 152.'

9.1.3 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.

- 9.1.4 Early work on the Plan established the overall vision and the five strategic aims and objectives as set out in Section 2.3, which sets out how key planning issues will be addressed through the Plan and how development will be designed and located to maximise the benefits for the district during the Plan period. An iterative process has been followed and in response to the wide-ranging comments relating to the need to address climate change and resilience through sustainable development, the expectation to ensure that wider climate change principles are upfront and integrated throughout the Plan, and that development makes a positive contribution to the adaptation and mitigation of climate change, the submitted Plan sets out a positively prepared and justified strategy. This is set out in Section 3 through the consolidation and consideration of appropriate climate change policies in the first section of the Plan and which is based around the key theme of delivering climate resilient sustainable development in order to address the challenges that are most relevant to North Norfolk. The Plan itself sets out the strategic policies across six specific strategic and interrelated policy sections including: The Delivery of Climate Resilient Sustainable Growth, the Spatial Strategy, Delivering Well Connected Healthy Communities, the Environment, Housing and the Economy. Action and consideration of matters relating to climate change are integral parts of many policies and as such, addressing climate change is an integral element to the Plan.
- 9.1.5 The Plan is positively prepared with a strategy that is justified in the context of moving towards net zero, planning positively for renewable and low carbon energy and heat, increasing the districts resilience to climate change while delivering sustainable growth managing risks in vulnerable areas and promoting biodiversity. The Council also recognises that it, along with other local authorities, have a responsibility to help to secure progress on meeting the UK's emissions reduction targets both through direct influence and by bringing others together and encouraging coordinated local action. Local Plans can play a central role in helping to facilitate this key national environmental objective and effective strategic plan-making can help deliver climate change resilient sustainable growth and help address the challenges that climate change brings, complementing measures outside of the planning sphere and ensuring climate change considerations are central in proposals.
- 9.1.6 A fundamental principle of the NPPF is to ensure strategic plans include proactive planning measures to address climate change through resilience, mitigation and adaptation and which support the transition to a low carbon economy. This is achieved in this Plan through policies encouraging reductions in energy use through the adoption of low carbon technology, promoting low carbon modes of travel, directing growth to the most sustainable locations, through design and via the use of renewable resources and low carbon energy. Planning's role is one of facilitation through mitigation, adaptation and resilience. It forms part of the hierarchy set out in the NPPF to avoid, reduce and as a last resort, compensate for any adverse impacts from development. The approach is holistic and not limited to one single policy. This Local Plan addresses climate change when taken as a whole, seeks to shape the economic, environmental and social landscape for the better by minimising the

vulnerability of new development to the potential impacts of climate change, ensuring that it avoids risk areas wherever possible, and is resilient to future risks.

9.1.7 The Plan includes a number of specific policies starting with Policy CC1 which sets out the guiding principles of climate resilient sustainable development that development proposals should address in order to ensure that new development positively contributes to mitigating and adapting to climate change and delivers climate resilient sustainable growth in order to address the challenges most relevant for North Norfolk. This is followed by policies that cover specific key issues such as the approach to increasing the use of and supply of renewable and low carbon energy, CC2, sustainable construction, energy efficiency and carbon/ water reduction, CC3/4, coastal change and adaptation, CC5/6, flood risk CC7, electric vehicle charging, CC8, sustainable transport, CC9, biodiversity net gain, the provision of green Infrastructure and the approach to trees and Hedgerows CC10,11/12 and lastly, a policy that sets out the strategic approach to protecting environmental quality. More detail on these and how the remaining Plan policies accord with the requirement to address climate change mitigation and adaption is set out in the council's response to Question 1.9 (Matter 1).

9.1.8 A number of Proposed Modifications to the Plan are put forward through:

- Schedule 4 - Schedule of Proposed Additional Minor modifications [A5.11]
- Schedule 5 - Schedule of Proposed Additional Main Modifications [A5.12]:

In particular a main modification is put forward to address nutrient neutrality as set out below. This has been positively prepared in collaboration with all LPAs across Norfolk and with Natural England. More detail on this, and its justification is set out in response to Question 1.6 and 1.8.

PMAIN/3.13/01	In relation to policy CC13 Protecting Environmental Quality, and Nutrient Neutrality considerations.
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9.2 Does Policy CC2 provide appropriate guidance for the consideration of Renewable & Low Carbon Energy projects in the district? Are areas classified as moderate-high sensitivity in the Landscape Sensitivity Assessment SPD suitable for development in principle as proposed, and is the assessment sufficiently detailed to determine this? Should moderate-high sensitivity or less be reflected in Figure 5, which appears to be solely based on AONB & Broads designations? Are the other criteria in the policy justified and would they be effective? Has potential windfarm development at the district's airfields been sufficiently assessed to justify the less restrictive policy?

9.2.1 Yes, Policy CC 2 provides appropriate guidance for the consideration of Renewable & Low Carbon Energy projects in the district, where the policy approach has been

positively prepared in line with national policy and guidance in seeking to ‘increase the use and supply of renewable and low carbon energy and heat’ (paragraph 155 NPPF 2023). The policy forms part of the Climate Change suite of policies that collectively supports the principle of development that reduces, adapts and mitigates the impacts of climate change, including reductions in energy use through the promotion of renewable and low carbon energy technology.

- 9.2.2 National policy (paragraphs 153- 158 NPPF) and guidance (including Paragraph: 005 Reference ID: 5-005-20150618 and Paragraph: 033 Reference ID: 5-033-150618 PPG) make it clear that whilst the Council has a responsibility to help increase the supply and use of renewable energy, its provision does not automatically override environmental protections and the planning concerns of local communities. In this regard, Background Paper 8 Approach to Renewable Energy, November 2022 **[C8]** details the Council’s justification for the policy approach to the development of renewable energy technology, and in particular, onshore wind energy development. For the latter, assessment of the initial policy options are detailed in Section 4 of the Discussion Document, Appendix 2 (pages 37-47) of the Background Paper **[C8]**, which included a constrained approach through the identification of high value landscapes/ designations in the district. This preferred approach was justified through the Landscape Sensitivity Assessment Supplementary Planning Document (SPD) January 2021 **[J8]** undertaken by Land Use Consultants. This SPD identifies the sensitivity for the different types of renewable energy technology, assessed at a scale identified in paragraph 5.3 of the document (page 50), for the different Landscape Character Types, as defined in the North Norfolk Landscape Character Assessment SPD January 2021 **[J7]**. The Landscape Sensitivity Assessment SPD **[J8]** sets out the overall conclusions for each of the renewable energy types in Section 5 of the SPD, which have directly informed the approach taken in Policy CC 2.
- 9.2.3 The Landscape Sensitivity Assessment SPD **[J8]**, provides a transparent and robust basis for the exclusion of high sensitivity rated areas, including the Norfolk Coast AONB and the identification of the moderate-high sensitivity classification within Policy CC 2 of the Local Plan **[A1]** as a starting point for suitable locations where renewable energy technology would be supported. While this provides a firm foundation for the policy approach, the Local Planning Authority is aware through its experience with previous renewable energy applications, that a more detailed criteria-based approach is also a necessary part of the policy. In line with national policy and guidance mentioned in the paragraph above, Policy CC 2 (criterion 2) therefore includes criteria-based requirements for all such proposals to demonstrate satisfactory mitigation to potential adverse impacts, including visual impacts, the special qualities of all designated landscapes and heritage assets and their settings, as well as European sites and residential and local amenity matters. These criteria would be effective in allowing for the full assessment of any individual and cumulative considerations that performs a vital function of Policy CC 2, particularly given that site specific features within each Landscape Character Type differ. For example, the particular topography and landcover along with the specific nature of a proposal, such as scale, layout, siting and design, will significantly influence the potential impact, mitigation and consequential acceptability of a renewable energy proposal.
- 9.2.4 Figure 5 provides a wind energy area map to support the interpretation of criterion 3 of Policy CC 2 by indicating suitable areas for small, medium and large-scale wind turbines at a district wide level. The map is an amalgamation of the range of

sensitivity ratings from low to moderate-high, as detailed on the three sensitivity rating maps for large, medium, and small-scale wind turbines within the Landscape Sensitivity Assessment SPD [J8] (Figures 5.1, 5.2 and 5.3). An error has been identified in Figure 5, as it incorrectly includes river valleys as being suitable for medium scale wind turbine development. Consequently, a modification is proposed to provide a revised map for Figure 5 to take account of the river valleys, based on Figure 5.2 of the Landscape Sensitivity Assessment [J8], which is appended to Matter 9 [Appendix 1]. This would also require a consequential amendment to the wording of Policy CC 2 criterion 3, to include reference to the Policies Map, in order that further clarity is provided to the district-wide map at Figure 5, as detailed below.

New Proposed Modification

1. Revised Figure 5 Wind Energy Areas - Appendix 1.
2. Amend Criterion 3 as follows:
 3. The location of all planning proposals for wind turbines will be informed by Figure 5 – the suitable Wind Energy Areas (footnote XX), as indicated at Figure 5 and defined on the Policies Map, which details the suitable areas for such development and, following consultation, must demonstrate that the planning impacts identified by the affected local community have been fully addressed.

(footnote XX) Wind Energy Areas - as derived from the Landscape Sensitivity Assessment SPD January 2021, or successor document.

- 9.2.5 In addition, criterion 3 of Policy CC2 seeks to ensure demonstration that any identified planning impacts from wind turbine proposals that are raised by a local community have been addressed, in accordance with national policy (NPPF, paragraph 158) and guidance (PPG Paragraph: 033 Reference ID: 5-033-150618).
- 9.2.6 The airfields in the district have been specifically assessed in relation to renewable energy technology, as set out in Appendix 2 of the Landscape Sensitivity Assessment SPD [J8]. These assessments provide detailed evaluations of their landscape sensitivity for each type of renewable energy technology, as well as details of their key characteristics and valued features and qualities. The assessments conclude that all types of renewable energy technology have a landscape sensitivity rating of low to moderate-high on the four airfields of Coltishall, Little Snoring, Sculthorpe and West Raynham and that the airfields of Langham and North Creake would be excluded for medium and large-scale wind turbine proposals (having a high sensitivity rating). In all cases, any renewable energy proposal on the airfields would need to satisfy the criteria-based part of Policy CC2.

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- 9.3 **How do the energy efficiency standards set out in section 1 of Policy CC3 relate to current and potential future building regulations? Does it need updating? Are any differences from building regulations standards justified? What does 'zero carbon ready' by 2035 mean in practice? What are the implications for the cost of development?**

Current Building Regulations

9.3.1 The housing sector accounts for 23.1% of the districts carbon emission and represents the second highest contributor behind that of transport (24.4%) and decarbonising the housing market, both new builds and existing housing stock poses one of the biggest challenges. Following the Governments response to its consultation on the 2019 Future Homes Standard, published in January 2021 changes to Part L of the Building regulations were subsequently updated, confirming the standards and compliance metric. These changes were issued on 15th December 2021 and came into effect on 15th June 2022 with a transition for dwellings started to June 2023. After June 2023 transitional arrangements did not apply and homes must be built in line with the minimum updated energy efficient standards set out in Part L. This includes the requirement to achieve the minimum reductions in Co2 emissions over the 2013 regulations as set out in policy CC3 along with high level specification on fabric standards and low carbon heating. The reduction set out in Policy CC3 criterion 1 is now a requirement of building regulations.

Future Building Regulations

9.3.2 The latest [timeline](#) for consultation on further uplifts in the Future Homes Standard and building regulations Part L was anticipated to take place late summer / autumn 2023 followed by the publication of the Government's response in January 2024 and published Part L early 2025. In line with the expectations all new homes will then be required to be 'zero carbon-ready' through both planning and building regulation purposes. The draft specification for the Future Homes Standard is set out in appendix A to the Government's response to the initial consultation and included a potential requirement for the average home to produce at least 75% lower Co2 emissions compared to one built to the then energy efficient requirements (i.e. 2013 edition building regulations (amended 2016) (Part L) and require homes to be zero carbon ready.

9.3.3 It is anticipated that in order to implement such a standard, change in construction and design, the utilisation of reduction through fabric and building services and the use of low carbon heating will be required. In addition, the carbon footprint of development is anticipated to continue to reduce over time as the electricity grid decarbonises as set out in the Governments [Energy White Paper 2020](#) and [Net Zero Strategy: Build Back Greener](#) published October 2021. In practice this would typically mean that a new home built to the Future Homes Standard would have a heat pump, a wastewater heat recovery system, triple glazing and minimum insulation standards for walls, floors and roofs that significantly limit any heat loss and result in significant improvements in the fabric of buildings and thermal efficiency.

9.3.4 In order to provide interim certainty, the Government's response to the 2019 Future Homes standards confirmed that the government would not amend the Planning and Energy Act 2008, which means that local authorities retain powers to set local energy efficiency standards for new homes. The response also clarified that further planning reforms would clarify the longer-term role of LPAs in determining local energy efficiency standards. These and other anticipated planning reforms have similarly been delayed at the national level and it is clear from recent government announcements that the Governments approach to net zero is still evolving along with increasing concerns that the step changes required will not be in place and international targets could eventually be missed.

9.3.5 The Governments' Clean Growth Strategy 2017 specifically highlights the role of Local

Planning Authorities through local leadership in moving to a productive low carbon economy. The NPPF along with the Section 182 of the Planning Act 2008 and the Planning and Energy Act 2008 puts a positive emphasis and a legal duty on local authorities to include policies on climate change mitigation and adaption in Development Plan Documents. The Climate Change Act passed in 2008 committed the UK to reducing greenhouse gas emissions by at least 80% by 2050 when compared to 1990 levels. **In 2019 The Government introduced a legally binding target to reduce greenhouse gas emissions to net zero by 2050**, making the UK the first major economy in the world to legislate a zero net emissions target. Under the Climate Change Act of 2008, the UK government must set five-year emission reduction targets, otherwise known as carbon budgets. By adopting the advice of the [Climate Change Committee](#), the **Government set a new legally-binding target to cut the country's greenhouse gas emissions 78% by 2035** compared to 1990 levels in the sixth carbon budget for the period 2033-2037. Announced April 2021. At COP 26 the government pledged to meet a lower internationally agreed target of 68% reduction by 2030 and although this is not a legally binding target it was again reported that the international commitment was reaffirmed this week (5.12.23) at COP28.

- 9.3.6 The Council welcomed the publication of the governments subsequent net zero strategy: Build Back Greener, October 2021 which provides a direction of travel, however, recognises that a large part of the response needs to be addressed through local priorities and policies based through stakeholder and community expectations. In practice the move to carbon zero ready is supported by most stakeholders especially those that recognise there is a need for an urgent response to climate change.
- 9.3.7 The policy approach is aligned to the Governments stated Future Homes Standard overall ambition and carbon strategy which enshrines an intermediate target of cutting emissions by 78%, compared to 1990 levels by 2035 though the subsequent setting of the sixth Carbon budget and helps facilitate the ambition of the backstop date of 2035 to ensure that all new homes built meet a net minimum performance standard of zero carbon ready. As such the approach positively contributes to meeting the national 2050 net greenhouse emissions target.
- 9.3.8 In order to achieve zero ready new homes, having policies and standards that are adequate, clear and enforceable is key. The Climate Change Committee, in their 'UK housing: Fit for Future?' report (CCC, 2019), is of the opinion that the technology and knowledge to create high quality low carbon homes exists, but that current policies (planning) and standards are not sufficient or ambitious enough to encourage and enforce the implementation of net zero carbon homes.
- 9.3.9 The policy approach set out in the Plan is not prescriptive but sets a requirement and framework that seeks a progressive betterment in energy performance of buildings and carbon reduction in relation to the Target Emission Rate of the 2013 Edition of the 2010 Building Regulations (Part L) in order to achieve carbon zero ready. It also puts in place a policy requirement that allows officers access to sufficient information early on in the planning process in order to determine policy compliance at application stage and ensures that achieving this is not solely reliant on future Government planning policy, later considerations or through building regulations technical requirements. The approach taken allows choice for either a fabric first approach to reducing energy or the use of on-site sustainable energy / low carbon technology or a mixture of both and reflects the NPPF requirements as well as

building regulations.

- 9.3.10 Notwithstanding the role of building regulations, the policy requirement is there to reinforce the requirements around the need for a progressive move to carbon zero and enhanced building standards and ensure they are a material consideration in Planning. The upfront transparency will provide more certainty for land agents and developers, and lead to the policy being reflected at land transaction stage and ensure the relevant design considerations are incorporated from the outset at application stage and not left post decision following Planning at build stage.
- 9.3.11 There is no guarantee that the Government will be able to publish its stated ambition of the Future Homes Standard or publish the further uplifts and technical requirements in building regulations. Similarly, there may also be alterations to the anticipated national approach and as such the policy approach in the Plan incorporates the necessary planning policy, but with sufficient flexibility to be able to adapt yet drive the ambition.

Zero Carbon Ready

- 9.3.12 Zero carbon ready means that dwellings will be zero carbon once the electricity grid has been decarbonised. This is the term used by the government which in short, means that in the longer term, these homes will be future-proofed with low carbon heating and world-leading levels of energy efficiency. No further retrofit work will be necessary to enable them to become zero carbon homes as the electricity grid continues to decarbonise. It is considered not an issue of soundness, but the definition of zero carbon ready could be added to the glossary if necessary.

Implications for viability

- 9.3.13 Much of the technology is readily available and some developers are already building to enhanced standards in North Norfolk. Broadland Housing Association are building 19 new homes in Northrepps, which are designed to be net zero – operational carbon homes. Work has already started (November 2022) and they are due to be completed spring 2024. The scheme will comprise of eight affordable rent and two shared ownership dwellings with the remaining nine open market ownership and will be for sale. The new homes will feature an enhanced insulated timber frame, triple-glazed windows, air source heat pumps, air tightness with mechanical ventilation, and heat recovery to minimise energy demand. Photovoltaic solar panels on the homes' roofs are predicted to generate sufficient electricity over the course of the year to off-set the estimated electricity usage for the average occupancy of each property.
- 9.3.14 The construction of carbon zero ready homes can bring long term benefits, despite the need for changes in the way that developers build and manage their housing stock. Legislative compliance, reputation and legacy, as well as long term financial benefits (to both developers and occupants) can all be gained by future proofing new housing stock and negating the need to retrofit new build homes in the near future.
- 9.3.15 Constructing carbon zero ready new homes may add to the capital cost and value of a building but costs will also come down due to economies of scale and efficiencies as the nation, local, national and international suppliers move collectively towards this goal and this type of development becomes the norm.

- 9.3.16 Nevertheless, the Council's viability study [I11] builds in an allowance for the improved energy efficiency standards in line with the expected increases in building regulations (at the time) through Part L and the target of 31% reduction in carbon emission. How this is achieved will vary depending on the house type and the specific development. As the methods used in achieving the reduction will vary, so will the cost of meeting the new standards, the general consensus in the industry is that the current costs will range from £3,000 to £5,000 per residential property, this will also differ depending on the type of client and economies of scale as well as greater uptake across the industry. Based on this and the experience of the Council's viability consultants in association with Gleeds cost consultants a percentage uplift of 3% was applied to dwelling build costs. This is seen as a proportionate and robust approach in capturing the difference in costs in relation to the different types of builders delivering residential development in North Norfolk e.g., it will capture the differences in the costs of the volume housebuilders and the traditional small local firm / main contracting route. This equated to an additional allowance of £43sqm for houses and £47sqm for apartments as detailed in section 4 of the viability study [I11].
- 9.3.17 The Government in its [final stage impact assessment 2021](#) of the Future Building Regulations introduced through building regulations expected the costs of the introduction of this move to be borne by developers. **The costs would fall over time and become factored into land prices and therefore passed onto landowners.** Higher costs may also lead to higher purchase costs of homes/higher rents for buyers/renters. For housing associations and in particular the rented sector it is unlikely that in the short to medium term higher costs could be accommodated in the social rented sector as these are set by HMG. The government therefore expects in such cases that the costs will be born through higher grants.
- 9.3.18 In relation to future costs, it's not the role of the LPA to test future advances and practices especially as there is great flexibility and industry research being undertaken on how this is achieved. It will also vary depending on the house type and the specific development. As the methods used in achieving the reductions will vary, so will the cost of meeting the new standards. Significant advancements in technology economies of scale, change in building practices and design and the move to more modular construction / off site will help absorb many of these but these are considered national considerations which will be reflected in land values and born by future landowners. The Government is committed to consulting on the further technical standards and technical building regulations and undertaking further impact/ cost analysis at the same time. In planning policy terms, the national planning practice guidance PPG expects that infrastructure costs, including site specific and decentralised energy as well as the total costs of all relevant policy requirements and standards should be taken into consideration when defining land values and it is also expected that future costs will become factored into land values.
- 9.3.19 The policy does make a backstop provision for the circumstances where achievement of the standard is considered not technically feasible, or the requirement would make the development unviable.
- 9.3.20 It is expected that the technical requirements of enhanced Future Homes Standards will be reflected in future building regulations and the, it is recognised that building regulations have "caught up" with the Criterion 1 of the policy and national legislative commitments have since been updated. As such policy 1 could be amended to reflect

the new legal framework and now include the requirement to achieve a minimum of 78% reduction in Co2 emissions by 2035 in line with the subsequent legally binding 6th carbon budget and alignment with bullet 1.c. Ensuring this in Local Plan policy would provide certainty to local land owners and developers in the way the government intended by making it clear that residential and commercial development in North Norfolk is required to move progressively and contribute towards delivering on the legally binding targets of 2035 and 2050.

9.4 Is the requirement in section 2 of Policy CC3 for all proposals to be accompanied by a compliance statement justified? Does this include minor development or should there be a threshold?

9.4.1 Yes, residential and commercial development proposals must demonstrate how they comply to the policy, not least so the policy can be enforceable, and officers can determine policy compliance at an early stage and the policy monitored and reported on through the Annual Monitoring Report. The requirement as set out in para 3.3.5 of the Plan for a compliance statement puts in place a policy requirement that allows officers access to sufficient information early on in the planning process in order to determine policy compliance at application stage and ensures that achieving this is not solely reliant on future Government planning policy, later considerations or through building regulations technical requirements. The approach is not seen as onerous given the direction of national travel. Indeed, some applications do so already, though it is accepted that this could be part of the Design and Access Statement (where required), or a separate energy statement. Text is proposed to amend the supporting text as set out in Q9.3 so that it is clear that a Compliance Statement is required in relation to how the target energy performance and the level of reduction in carbon to be achieved for each dwelling type proposed.

9.4.2 Weakening the approach by excluding development under a certain threshold e.g. excluding development under that classed as major development would create significant gaps in the approach and uncertainty as well as an uneven approach to the road to meeting the expected emissions targets.

9.4.3 The approach is not intended to capture minor alterations or household applications but new build residential dwellings including conversions and commercial development. A modification could be put forward that clarifies that the approach excludes small householder applications, permitted development and applies to *all new dwellings/conversions and commercial buildings*.

9.5 Is the requirement in section 3 of Policy CC3 for non-residential development over 250 sq m floorspace to achieve BREEAM 'very good' standard justified? What are the implications for the cost of development?

9.5.1 As detailed above the NPPF requires that a positive approach is taken to meet the challenge of climate change as set out in section 14 and as a legal requirement include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

- 9.5.2 Energy demand, and emissions, arises from many types of development, not just residential. Therefore, it is important that these other developments also contribute to reducing emissions and use of energy, for the same reasons as set out in response to Q9.1 & 9.3 above, and so the policy requirement is justified.
- 9.5.2 Policy CC3 includes the requirement BREEAM certification which is seen as a means of demonstrating compliance with associated climate change policies and a means to drive and determine good management practices across fundamental environmental issues e.g. in the areas of energy efficiency/ monitoring of buildings and water uses in non-residential development. The use of the “very good” standard rather than the more onerous Excellent and Outstanding ratings available is so as not to place an excessive burden on commercial activity and ensure a balanced approach reflecting the rural nature of the district and the commitment to environmental standards and sustainable construction across all sectors. The threshold of 250 sqm is intended to avoid imposing the requirement on small scale/ modest start up business and community buildings. The BREEAM standard is seen as being a reasonable measure to apply to such developments and the policy includes an exception around technical feasibility and or viability. As detailed in the supporting text the approach of the policy is to be flexible, as the defined standards are not prescriptive in the measures that should be taken but allow for either a “fabric first” approach to reducing energy use, or the use of on-site sustainable energy/, or a mixture of both.
- 9.5.3 Compliance costs vary according to the different building types and uses and the flexible nature of the BREEAM accreditation. Various industry research demonstrates that the costs of low carbon energy. BREEAM certification are relatively modest and on average for ‘Very Good’ scenarios, the BREEAM related capital cost uplifts over the baseline building’s overall construction costs are less than 0.25%. Payback is typically less than 5 years for energy and 2 years for water.
- 9.5.4 The policy includes flexibility around the requirement for viability reasons. However as stated in para 4.19 of the Council’s Plan Wide Viability Assessment, [111] the assessment utilises BCIS rates which are considered to reflect current building regulations and as with residential development an additional allowance has been made in the commercial assessments through the use of the BREEAM excellent standard.

9.6 Is the requirement in Policy CC4 for compliance with any future local water efficiency standard justified when these are not currently known?

- 9.6.1 Policy CC4 includes the requirement that:

All new dwellings, including building conversions, must be designed and constructed in a way that enables them to meet or exceed Building Regulations Part G, amended 2016 water efficiency higher optional standard or any higher standard subsequently established nationally or locally.....

- 9.6.2 As detailed in Background Paper 7 [C7.1] the region is classed now and in the future

as an area of serious water stress by the Environment Agency and Anglian Water The policy approach is informed by the duty to co-operate where the Norfolk authorities have an agreed strategic approach as set out in the Norfolk Strategic Planning Framework agreement 22 **[A8.1]**.

- 9.6.3 Competing demands exist between water needs for public water supply, irrigation and the environment and incorporation of water demand management from the start promotes water efficiency and resilience, along with the protection of water quality and protection of areas of environmental importance within and adjacent to North Norfolk. As such the policy evokes the optional water use standards as set out in the PPG currently 110lpppd base, on a clear local need. [Paragraph: 014 Reference ID: 56-014-20150327](#)
- 9.6.4 The wording of the policy is intended to future proof the approach should national and local standards be tightened. Anglian Water, along with the Environment Agency, EA and Natural England, NE, currently support the approach set out in policy CC4 and Council's across the region having a policy requirement of the current enhanced standards of 110lpppd for new homes. The Government, in its Environment Improvement Plan published January 2023 **[EX022]**, are committed to review water efficiency standards and have committed to considering a new standard for new homes in England of 105 lpppd and 100lpppd where there is a clear local need, such as in areas of serious water stress. (Action point 7: Water efficiency in new developments and retrofits). Anglian Water are supportive of this approach and have written to local authorities advising that they along with EA and NE colleagues are intending on updating their joint protocol on water efficiency to reflect the joint protocol to support LPAs where it is considered necessary to have more ambitious water efficiency targets and to support levels of sustainable growth **[EX021]**. This position reinforces Anglian Water's representation at Regulation 19 stage as set out in the Schedule of Representations **[A5.9]** LPS790, page 281, which states that: *'We consider that the policy seeks to require all development to meet or exceed the current 110l/p/p/d standard in the Regulations and to higher standards as these are introduced by Government.'*

9.7 Do Policies CC5 and CC6 provide appropriate guidance for the management of change and relocation of existing uses within the Coastal Change Management Area (CCMA)? Do they provide sufficient flexibility for tourist accommodation businesses operating within the CCMA? How reliable is the CCMA designation, what assumptions are made in drawing it up and when might it be reviewed? Is the vulnerable within 50 years period justified in relation to potential blight and investment decisions? Should it be more flexible or relate to the use concerned? Is the 'no net detrimental impact' test justified when the development being replaced remains temporarily?

- 9.7.1 Yes, Policies CC5 and CC6 provide appropriate guidance for the management of coastal change and the relocation of existing uses within the CCMA, in line with national policy and guidance, in seeking to 'reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast' (paragraph 171, NPPF) and taking account

of the UK Marine Policy Statement and the marine plans, which in North Norfolk's case are the East Inshore and Offshore Marine Plans, December 2015 **[G1]**.

- 9.7.2 The approach to Policies CC 5 and CC 6 has been developed with the shared Coastal Partnership East team, who provide the coastal management functions for North Norfolk District Council, where the evidence and justification for the two policies is detailed in Background Paper 9 Coastal Change & Management November 2022 **[C9]**. To support these policies (and the comparative existing policies), a Coastal Adaptation Supplementary Planning Document (SPD) was adopted in September 2023 **[EX020]** which was jointly prepared by East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority and the shared Coastal Partnership East team (CPE) to provide guidance on the implementation of coastal planning policies from Holkham in North Norfolk to Langard Point in Felixstowe. The Coastal Adaptation SPD has been subject to public consultation and consequently, is an appropriate document that provides further guidance regarding development within the CCMA, rollback and relocation away from the CCMA, and about the requirement for Coastal Erosion Vulnerability Assessments.
- 9.7.3 It is key for coastal change transition to be in advance, where the time period for relocation provides the flexibility for a broad range of businesses and residences within the CCMA, in the absence of a more nationally defined approach for different uses. Any restrictions on timescales would limit opportunities that may not yet have been identified, where the erosion and relocation experience of Coastal Partnership East and North Norfolk Development Management Teams to date, points to the need for flexibility in proposals. As such, Policy CC 6 regarding coastal adaptation, provides sufficient flexibility for commercial and business uses, including tourist accommodation such as hotels and caravan and camping parks, using the trigger of when an existing site is forecast to be affected by erosion within 50 years of the date of the proposed planning application. The consideration of the relocation and replacement of dwellings has been extended from properties affected by erosion within 20 years of the date of application within Policy EN 12 of the existing Core Strategy **[J1]** to 50 years within Policy CC 6 of the Local Plan **[A1]** to give commensurate flexibility to both residential and commercial uses within the CCMA.
- 9.7.4 The CCMA designation, as identified on the Policies Map **[A2]**, is based on the adopted Shoreline Management Plan (SMP) indicative coastal erosion risk mapping from SMP5 Hunstanton to Kelling Hard November 2010 **[G3]** and SMP6 Kelling Hard to Lowestoft Ness August 2012 **[G2]**. At present, it is the most appropriate risk mapping for coastal erosion. It is acknowledged that the baseline data (2005) is now some time ago and that climate change scenario modelling has developed further. The National Coastal Erosion Risk Mapping 1 published in 2017 by the Environment Agency was not nationally recognised as being consistently reliable, provided only erosion rates and did not include public risk mapping. The National Coastal Erosion Risk Mapping 2 is due to be published in 2024, which is likely to supersede the SMP risk mapping when available.

9.7.5 Paragraph 8 of the NPPF makes it clear that achieving sustainable development should provide opportunities to secure net gains across the three overarching objectives of economic, social and environmental, where the pursuit of net gain is mutually supportive, effectively meaning that achieving net gain in one objective does not outweigh or negate the net gain in other objectives. In addition, the Environment Act 2021 [L10] has enshrined in law the requirement to achieve biodiversity net gain for qualifying development. Consequently, the requirement for rollback and relocation proposals to achieve ‘no net detrimental impact’ at criterion 1d) of Policy CC 6 is justified in ensuring that wider environmental objectives in relation to landscape, townscape and biodiversity are protected, particularly given that parts of the North Norfolk coast affected by coastal erosion are of significant importance in relation to nature conservation and landscape designations. In any event, development proposals will need to satisfy the requirements of other policies within the Local Plan, for example, Policy CC 10 and Policy E 6 (1c.) which would require a minimum of 10% biodiversity net gain.

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?

9.8.1 Yes, Policy CC 8 of the Local Plan [A1] provides appropriate guidance for the provision of electric vehicle charging points in new development, being an important and justified delivery mechanism to support the Government's zero emission vehicle mandate, which was adjusted in September 2023 to require 80% of new cars and 70% of new vans sold to be zero emission by 2030, increasing to 100% by 2035. As such, the targets still remain within the Plan period. [Government sets out path to zero emission vehicles by 2035 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/government-sets-out-path-to-zero-emission-vehicles-by-2035). This latest announcement follows on from the Government's publication Taking Charge: The Electric Vehicle Infrastructure Strategy 2022 [I5] which states that from June 2022 all new homes with associated parking, including those undergoing major renovation, will require chargepoints to be installed at the point of construction and that charging infrastructure will also be required in relation to new non-residential buildings.

9.8.2 The Policy also reflects the NPPF (paragraph 112e), which states that ‘applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations’ and along with North Norfolk District Council's Corporate Plan 2023-2027 (Our Greener Future) [EX011], it is justified and necessary that Policy CC 8 ensures the delivery of electric vehicle charging points and associated infrastructure at the earliest planning design stage where new vehicle parking is proposed.

9.8.3 Policy CC 8 was first formulated as part of the planning response to the Council

declaring a Climate Emergency and its continuing district wide objective to reduce carbon emissions and reach net zero emissions, as most recently detailed in the North Norfolk District Council Corporate Plan, 2023-2027 (Our Greener Future) [EX011]. In June 2022 the Approved Document S, Infrastructure for the charging of electric vehicles, 2021 edition [EX032] came into effect, which gives guidance on how to comply with Part S of Schedule 1 of the Building Regulations. The Approved Document S provides the regulations, technical requirements, including minimum technical standards and guidance for the provision of electric charging points for a range of development proposals, including new and conversions to residential dwellings, as well as non-residential buildings. The main difference is that Policy CC 8 sets out in more detail, the requirements for new non-residential proposals in order to provide better clarity for the range of different commercial uses that the policy would cover.

- 9.8.4 The Council utilises Norfolk County Council's Parking Guidelines for new developments in Norfolk July 2022 [I4] as a starting point for the provision of adequate vehicle and cycle parking facilities within the district -; see Policy HC 7 Parking Provision of the Local Plan [A1]. For continuity and consistency, paragraphs 3.8.3 and 3.8.7 of the supporting text rightly include reference to the County Council parking guidelines as a material consideration for relevant county wide guidance on electric vehicle charging points, but Policy HC 8 itself, does not require compliance with any such standards and as such, the policy is sound. For information, the latest version of the Norfolk County Council Parking Guidelines June 2022 [I4] includes general information about electric vehicle parking and refers the reader to local authority planning policies for any specific requirements for provision of electric vehicle charge infrastructure.
- 9.8.5 The cost implications for electric vehicle charge points and associated infrastructure have been taken into account as part of the viability of development. For example, an allowance of £750 per dwelling has been included as part of the viability of a scheme, as detailed in the Local Plan Viability Assessment September 2022 [I11].

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?

- 9.9.1 The approach is considered to align with national policy as envisaged through the Environment Bill and subsequent Act. National guidance requiring a minimum 10% net gain and habitat secured for at least 30 years, along with the biodiversity metric calculator provided by the Government, are due to become a statutory requirement in January 2024. A small sites metric will be required for relevant sites from April 2024. Biodiversity net gain requirements for Nationally Significant Infrastructure Projects has had a date set of November 2025.
- 9.9.2 Mandatory biodiversity net gain will apply to all development that falls under the Town and Country Planning Act 1990 with the following exemptions:

- Permitted development.
- Development impacting habitat of an area below a ‘de minimis’ threshold of 25 metres squared, or 5m for linear habitats such as hedgerows.
- Householder applications
- Biodiversity gain sites
- Small scale self-build housebuilding
- Sites which are solely made up of an existing sealed surface (such as tarmac or existing buildings) as these have zero biodiversity value and those where temporary impacts can be restored within 2 years.

9.9.3 The approach is regulated through secondary legislation and government guidance which is still emerging. The Council recognises that the requirements and approach is new, still emerging and complicated and as stated in para 3.10.11 of the Plan **[A1]** page 51, recognises that further developer guidance will be required from the Council to guide its implementation but also to provide a holistic view/ strategy for delivering biodiversity net gain locally.

9.9.4 Biodiversity net gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. The Council’s approach places great weight on the use of the mitigation hierarchy where provision and enhancement should be firstly on-site then off site (locally) and then as a last resort, via statutory biodiversity credits scheme. This is outlined in section 3.10.9.

9.9.5 Within the Plan Wide Viability Assessment **[I11]** an allowance of £500 per dwelling has been made for 10% biodiversity net gain. This is broadly based on the study undertaken by Defra in 2018 ‘Biodiversity Net Gain’ which estimates £17,757 of cost per hectare to achieve the requirement. At the time of writing the approach was in advance of national policy and the policy requirement was included in the cautious approach adopted by the viability assessment. The requirement is now a national requirement enacted through national law and as such these national considerations will in time be reflected in land values and born by future landowners.

9.9.6 The minor modifications PMIN/3.10/01 and PMIN/CC10/01 set out below are proposed in order to clarify that biodiversity net gain requirements apply to any qualifying development and that any exemptions are in accordance with the Environment Act and national policy and guidance (as amended).

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/3.10/01	Add the following text to Para. 3.10.4: ‘Measurable biodiversity net gain will be sought for all qualifying development, as defined by the Environment Act, national policy and guidance and , at the very least, in accordance with the minimum requirements of the policy and proportionate to the scale of the proposal....’
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	<p>Add after last sentence:</p> <p>Exemptions are in line with the Environment Act, national policy and guidance (as amended) and include permitted development, householder applications, development of specific types of ownership that may be disproportionately impacted by the requirement (such as residential self-build), and brown-field sites that meet specific criteria. The mandatory net gain will not apply to; Nationally Significant Infrastructure Projects (NSIPs), marine development (the government is working separately to define an approach to marine net gain), and irreplaceable habitat sites (such as, ancient woodland, sand dunes and salt marsh).</p>
PMIN/CC10/01	<p>Add word to Policy CC10 as follows:</p> <ol style="list-style-type: none"> 1. Qualifying development must achieve a minimum of 10% Biodiversity Net Gain, or higher as stipulated in national legislation, over the pre-development biodiversity value as measured by the DEFRA Biodiversity Metric or agreed equivalent.