

Greater Norwich Local Plan - Inspectors Matters Issues and Questions (MIQ) (Part 1)

Natural England's Representations – 17 January 2022 (our ref: 377767)

Matter 4 Sustainable Communities and the environment

Issue 2 : Is Policy 3 justified, effective and consistent with national policy?

1. Does Policy 3 provide an appropriate policy framework for the conservation and enhancement of the areas built and natural environment? Is it consistent with national policy in this regard?

Natural England has advised adding to the wording of *Policy 3 Environmental protection and Enhancement – The Natural Environment* consistently throughout the various consultations on the GNLP, including in our response to the Reg 19 consultation, emailed on 22 March 2021 (our ref: 341876) , and in our Reg 18 Consultation response letter dated 16.March 2020 (our ref: 307463). We advised re-visiting the the current adopted Local Plan, together with examining the relevant policy in another LPA's recently adopted Local Plan, which we considered to be a good example.

We consider that Policy 3 and the supporting text are inadequate to protect, maintain, restore and enhance the natural environmental assets of the area. The policy will not ensure the delivery of Green Infrastructure of sufficient quality and quantity in the right locations (contrary to NPPF para 171), nor help the Plan to meet the sustainability criteria or adapt to climate change in a coherent and robust manner.

As currently worded Policy 3:

- makes reference to protected landscapes but contains no reference to designated sites;
- does not make it clear that there is a hierarchy of avoiding, mitigating and then compensating significant harm (NPPF para 118);
- does not contain criteria against which any proposed development affecting designated sites will be judged (NPPF para 113);
- does not make clear the distinctions between the hierarchy of designated sites so that protection is commensurate with their status and gives appropriate weight to their importance (NPPF para 113); and
- does not make clear that the sustainable development presumption does not apply where development requiring appropriate assessment is required (NPPF para 119).

We strongly recommend that Policy 3 and the supporting text are substantially amended and expanded to address the points made above, together with more comprehensive details and measures including in relation to designated sites and protected landscapes, protected species, climate change adaptation, halting and reversing the loss of biodiversity, recreational disturbance on non-designated sites, Green Infrastructure (GI) networks and suitable alternative greenspace (SANGS).

Greater Norwich Local Plan - Inspectors Matters Issues and Questions (MIQ) (Part 1)
Natural England's Representations – 17 January 2022 (our ref: 377767)

Matter 4 Sustainable Communities and the environment

Issue 2 : Is Policy 3 justified, effective and consistent with national policy?

Q1 continued

We note that the Plan does not make reference to either project level Habitats Regulations Assessments (HRAs), or potential compensatory measures, as being required in relation to those allocations which have likely significant effects on European designated sites.

To ensure that the policy is compliant with both the NPPF and the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') we recommend that the following text is added:

Recommended amendment to Policy 3 – The Natural Environment:

'Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitat Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of regulation 62, in which case any necessary compensatory measures will need to be secured.'

Natural England would be happy to work with the GNLP Authorities to resolve these issues.

2. Is Policy 3 consistent with the HRA?

It is consistent in that it reflects the need to address recreational disturbance through financial contributions and the provision of local GI. Although as noted in our response to (1) above, the Plan does not make reference to either project level HRAs, or potential compensatory measures, as being required in relation to those allocations which have likely significant effects on European designated sites.

3. The supporting text refers to a contribution of £205 per new home made towards mitigation measures on protected sites. Policy 3 refers to this. Does this apply to all residential development across the Plan area including single dwellings? Is it justified and how would it be implemented?

In the Norfolk GIRAMS under 3.4.1 *A Single Countywide Tariff Approach* (p119) there is a list of relevant residential growth to which the tariff applies which includes all residential growth including single dwellings with a few exceptions (excludes replacement dwellings and extensions for single dwellings, and excludes nursing homes). Details of how the tariff would be collected under 3.4.2 *Tariff Collection Mechanisms for LPAs* (p121-122)

Justification for it is set out within the Norfolk GIRAMS, which relate to the in-combination impacts from other plans and projects, and specifically from recreational disturbance impacts arising from new predominately residential developments across the County, on Habitats Sites in Norfolk.

Greater Norwich Local Plan - Inspectors Matters Issues and Questions (MIQ) (Part 1)
Natural England's Representations – 17 January 2022 (our ref: 377767)

Matter 4 Sustainable Communities and the environment

Issue 2 : Is Policy 3 justified, effective and consistent with national policy?

Q3. Continued

Though the provision of GI at both a development site and at the Plan making level is key to diverting and deflecting new residents from visiting Habitats Sites on a daily basis, it is not possible to rule out residual effects, which is why strategic mitigation is required in the form of a Recreational impact Avoidance and Mitigation Strategy (RAMS). This will ensure that Local Plans can be adopted and to enable planned growth through the implementation of measures to avoid adverse effects on the integrity of Habitats Sites.

(GIRAMS link; https://www.gnlp.org.uk/sites/gnlp/files/2021-10/Norfolk_GI_RAMS_Strategy_March_2021.pdf).

4. Map 8A sets out the Green Infrastructure Corridors in the Plan area. These are not reflected in Policy 3. How do these corridors relate to Policy 3? Should the policy include provision to preserve and enhance the Green Infrastructure Corridors?

With the exception of *Policy 3 – The Natural Environment*, many other Policies within the Plan refer to Maps 8A and 8B, stating that:

"Enhancements to the multi-functional green infrastructure network will be provided by development to contribute to the strategic network as set out in maps 8A and B and to linking local networks."

Policy 3 needs to set out how the development proposals in the Plan will contribute to creating new GI, and protecting, expanding or enhancing existing GI, at site level, and across the Plan area, to form a cohesive GI network that delivers multiple benefits for people and the natural environment. New development should provide environmental net gains in terms of both GI and biodiversity. Proposals should demonstrate how the development would contribute towards new GI opportunities or enhance the existing GI network as part of the development. New development must also secure ecological enhancements as part of its design and implementation, and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal, and contribute to establishing coherent ecological networks that are more resilient.

Natural England would be happy to work with the GNLP Authorities to find a suitable form of wording that incorporates the above points into the wording of Policy 3.