



Development Management DPD 2015

The Development Management DPD was adopted on 3 August 2015 and subject to a 6 week period for legal challenge ending on 15 September 2015.

Environment Policies

Policy EN1 – Biodiversity and Habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats, and support the delivery of a co-ordinated green infrastructure network throughout the district.

Where harmful impacts may occur, it should be adequately demonstrated that:

- i. The development cannot be located where it would cause less or no harm; and
- ii. That adequate mitigation is incorporated, including specific mitigation requirements to address impacts upon international wildlife sites (Natura 2000 sites); and
- iii. That the benefits of the development clearly outweigh the impacts.

- 3.6 Paragraph 61 of the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraphs 109 – 125 set out the Government's view on conserving and enhancing the natural environment. In particular, paragraph 110 of the NPPF states that 'In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.' All new developments will ensure that there will be no adverse impacts on the water environment, including European and Ramsar sites and other designated sites through surface and storm water runoff, water abstraction, or sewerage discharge in accordance with the Habitat Regulations Assessment (HRA). All new development will ensure that the requirements of the Water Framework Directive (WFD) are met within the wider water environment. Paragraph 112 states the economic and other benefits of best and most versatile agricultural land should be taken into account and that where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. Paragraph 113 states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. In addition, paragraph 117 states that planning policies should plan for biodiversity at a landscape-scale across local authority boundaries; identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation; promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. Paragraph 165 states that planning

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policies should be based upon up-to-date information about the natural environment. This should include an assessment of existing and potential components of ecological networks.

- 3.7** Policies 1, 10, 12 and 18 of the JCS set out a requirement in respect of green infrastructure. Policy 1 states that the environmental assets of the area will be protected, maintained, restored and enhanced and the benefits for residents and visitors improved. Development and investment will seek to expand and link valuable open space and areas of biodiversity importance to create green networks. Where there is no conflict with biodiversity objectives, the quiet enjoyment and use of the natural environment will be encouraged and all proposals should seek to increase public access to the countryside. All new developments will ensure that there will be no adverse impacts on European and Ramsar designated sites and no adverse impacts on European protected species in the area and beyond including by storm water runoff, water abstraction, or sewage discharge. They will provide for sufficient and appropriate local green infrastructure to minimise visitor pressures. Development likely to have any adverse affect on nationally designated sites and species will be assessed in accordance with national policy and legislation. In addition, Policy 1 of the JCS states that development will: minimise fragmentation of habitats and seek to conserve and enhance existing environmental assets including mitigation measures where necessary; contribute to providing a multi-functional green infrastructure network; and help to make provision for the long term maintenance of the green infrastructure network. Policies 10, 12 and 18 cite more specific green Infrastructure priorities.
- 3.8** The policies map accompanying this DPD identifies the most important areas of habitat for various indigenous and visiting species, including internationally designated sites (e.g. Natura 2000 sites, Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites), nationally designated sites (e.g. Sites of Special Scientific Interest (SSSI) and National Nature Reserves) and locally designated sites (e.g. Local Nature Reserves, County Wildlife Sites, Ancient Woodlands and Regionally Important Geological/Geomorphological Sites (RIGS)). The policy will be applied proportionately according to the significance of the designation with utmost weight being accorded to the protection of international designations. In addition, regard will be had to the Green Infrastructure Study and Green Infrastructure Delivery Plan (see explanatory text to Policy EN3).
- 3.9** All proposals should consider protection and enhancement of biodiversity from the outset. Avoidance of potential harm to habitats and protected species will be expected. Where appropriate, adequate evidence, normally in the form of an Ecological Assessment, should be submitted to demonstrate the proposal will not result in any significant adverse impact upon internationally, nationally and locally designated sites/areas. This may include acceptable safeguarding measures to be included, and mitigation, or compensatory measures where impacts are unavoidable.

- 3.10** Proposals likely to have a significant effect on Natura 2000 sites (N2K sites) should be accompanied by sufficient information to enable the LPA to undertake an Appropriate Assessment as required under the Conservation of Habitats and Species Regulations 2010 (as amended). Proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy', should not be permitted. Proposed development likely to result in significant harm to a SSSI will be considered in light of paragraph 118 of the NPPF.
- 3.11** Housing developments will be required to implement or contribute to measures to mitigate the adverse effects of recreational disturbance impact on N2K sites identified through the strategic HRA, or subsequently identified through project level HRA. Measures will include the provision of suitable alternative natural greenspace that provide a viable alternative to visiting N2K sites for daily recreational needs. Green Infrastructure provision will be in line with Policy EN3 Green Infrastructure requirements and have regard to green infrastructure projects identified within the Greater Norwich Infrastructure Plan (GNIP) or future iteration of this. Green Infrastructure provision or contribution to this will be secured through planning permissions, including S106 obligations or unilateral undertakings, or CIL.
- 3.12** All new developments will ensure that there will be no adverse impacts on the water environment, European and Ramsar sites and other designated sites in the area and beyond including by storm water runoff, water abstraction, or sewerage discharge in accordance with the Water Framework Directive (WFD). The particularly sensitive N2K sites are: The Broads SAC, The Broads RAMSAR Site, The Broadland SPA, The River Wensum SAC, Winterton-Horsey Dunes SAC, Breydon Water SPA RAMSAR, Norfolk Valley Fens SAC and Great Yarmouth North Denes; as identified in the HRA.

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In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact upon as well as seek to protect and enhance where appropriate:

- i. Gaps between settlements;
- ii. Visually sensitive skylines, hillsides and valley sides and important views including the setting of the Broads Area;
- iii. Nocturnal character;
- iv. Conservation Areas;
- v. Scheduled Ancient Monuments; and
- vi. Historic Parks and Gardens; and
- vii. Green spaces including natural and semi-natural features as well as geological/geomorphological features which make a significant contribution towards defining the character of an area.

3.13 Paragraph 61 of the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used: where the green space is in reasonably close proximity to the community it serves; where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and where the green area concerned is local in character and is not an extensive tract of land. Paragraphs 109 – 125 set out the Government's view on conserving and enhancing the natural environment. In particular, paragraph 113 of the National Planning Policy Framework (NPPF) states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

3.14 A Landscape Character Assessment Supplementary Planning Document (SPD) has been adopted and this information should be used to ensure that development proposals reflect the distinctive character, qualities and sensitivities of the area. Key designated heritage assets to which the policy applies are shown on the policies map. However, there may also be other features not shown on the policies map that should be taken into account on the basis that they make a significant

contribution towards defining the character of an area e.g. listed buildings, green spaces, geological/geomorphological features and natural or semi-natural features including trees and hedgerows. In this respect such features may be considered to be of strategic landscape importance on account of the scale they occur at or their particular prominence/unique value. Examples include the setting of the Broads and river valleys such as the River Wensum, River Yare and River Bure. Those areas of these landscape features located within settlement limits can be considered to be particularly sensitive and it should therefore be ensured that development does not result in any significant adverse impact upon them.

- 3.15** Regard will be had to any amendments to statutory designations e.g. County Wildlife Sites, Conservation Areas etc., as well as any local designations (e.g. Green Spaces) identified in Neighbourhood Plans and intended to replace those set out in this document.
- 3.16** The Council will seek to ensure inherent visual qualities and ensure that the distinctive character of these areas is protected. Development will only be permitted where it does not result in any significant detrimental impact upon the character, scenic quality or visual benefit of the area.
- 3.17** Paragraph 125 of the NPPF states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The term nocturnal character when used in this context refers to the impact of any external lighting proposals at night when they are likely to have most impact, particularly in the countryside. The presence of any existing lighting should be taken into account along with levels of illumination associated with proposed lighting.

Policy EN3 – Green Infrastructure

All development will be expected to maximise opportunities for the creation of a well-managed network of wildlife habitats.

Residential development consisting of five dwellings or more will be expected to provide at least 4 ha of informal open space per 1,000 population and at least 0.16ha of allotments per 1,000 population.

Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.

- 3.18** Paragraphs 69 – 78 of the NPPF set out the Governments view on promoting healthy communities. In particular, paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 states that existing open space, sports and recreational buildings and land,

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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 needs for which clearly outweigh the loss. Paragraph 117 states that planning policies should plan for biodiversity at a landscape-scale across local authority boundaries; identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation; promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity.

- 3.19** Policy 1 of the JCS states that development will contribute to providing a multi-functional green infrastructure network. Paragraph 5.5 of the supporting text to Policy 1 states that more detailed delivery of green infrastructure will be taken forward through delivery plans and other elements of the LDF.
- 3.20** Improving the quality and accessibility of informal open space is of such importance that residential development consisting of five dwellings or more is expected to provide a contribution towards its enhancement and maintenance. The Council will seek to ensure the provision of adequate informal open space to meet the recreational needs of existing and future residents and to mitigate the potential impacts of visitor pressure upon sensitive internationally designated sites (Natura 2000 sites) as identified in the HRA and referred to in Policy EN1 of this DPD. Where appropriate on-site provision will be expected, and this will need to be adequate to provide a viable alternative to visiting Natura 2000 sites or contribute to the provision of a viable alternative as part of a wider green Infrastructure network. On sites where adequate provision cannot be achieved, off-site provision is necessary. The requirement for informal open space set out within this policy is in addition to the formal recreational provision requirement set out in Policy RL1 of this DPD. However, in general new areas of open space created should be multi-functional serving a variety of purposes e.g. where appropriate they could incorporate formal and informal recreational provision as well as sustainable drainage areas where appropriate (in accordance with paragraph 99 of the NPPF).
- 3.21** The Council will have regard to the findings of the PPG17 Open Spaces, Indoor Sports and Community Recreation Assessment undertaken by Strategic Leisure Limited in September 2007, along with any updated information related to this. The district average in respect of existing informal open space equates to approximately 4 hectares per 1,000 population. This is broadly in accordance with the benchmark aspiration in respect of Accessible Natural Green Space (ANGSt) suggested by Natural England of 3.74ha per 1,000 population.

- 3.22** The Council recognises that there may be some circumstances where it is not appropriate to meet the green infrastructure requirement on-site. In addition, it may not always be necessary to provide allotments for example, where there is a surplus in an area. Consequently, it is acknowledged that a flexible approach will need to be adopted in applying the policy. Therefore in seeking to apply this policy the Council will negotiate the provision on individual proposals taking into account matters such as the scale of the development proposed, characteristics and location of the site and the standard of existing provision within the area. Where there is an identified deficit the Council will seek to address this if possible. On larger sites meaningful on-site provision is more likely to be achievable. However, it is more likely that the requirement will need to be commuted for smaller developments.
- 3.23** The Council will ensure the provision of adequate informal open space to meet the recreational needs of future residents and to mitigate the potential impacts of visitor pressure upon sensitive internationally designated sites (Natura 2000 sites) as identified in the HRA and referred to in Policy EN1 of this DPD. Where appropriate, on-site provision will be expected and this will need to be adequate to provide a viable alternative to visiting Natura 2000 sites or contribute to the provision of a viable alternative as part of a wider Green Infrastructure network. On sites where adequate provision cannot be achieved, off-site provision is necessary.
- 3.24** The provision of green infrastructure is of particular importance to address the potential impacts of increased visitor pressure on Natura 2000 sites, as identified in the HRA. Therefore, it will need to be ensured that the type of green infrastructure provided includes attractive, accessible greenspace that gives a credible alternative to visiting those sites. This may include some of the priorities identified in the Greater Norwich Green Infrastructure Study, the Greater Norwich Green Infrastructure Delivery Plan, and the projects formalised within the GNIP, or future iterations of these.
- 3.25** As part of the background work underpinning the JCS, a Green Infrastructure Study and Green Infrastructure Delivery Plan were produced which development proposals should have regard to. In addition to necessary green infrastructure being provided related to the development, other strategic elements of green infrastructure will be sought. This may include some of the priorities identified in the Greater Norwich Green Infrastructure Study, the Greater Norwich Green Infrastructure Delivery Plan, and the projects formalised within the GNIP, or future iterations of these. Strategic green infrastructure provision will be funded through the Community Infrastructure Levy (CIL) or other funding sources. Delivery of the informal recreational provision to provide mitigation that has been identified as being necessary will be secured through s106 obligations or other legal agreement or appropriate mechanism.

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- 3.26 The Council will also expect developers to make adequate arrangements for the management of green infrastructure.
- 3.27 The Council intends to produce an SPD to provide more detailed guidance on how this policy will be applied in practice.

Policy EN4 – Pollution

Development proposals will be expected to include an assessment of the extent of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

- 3.28 Paragraphs 109-125 of the NPPF set out the Government’s view on conserving and enhancing the natural environment and the considerations that apply when assessing the potential impacts of pollution.
- 3.29 In considering development proposals regard will be given to the risk and impact of potential pollution including that of land, water, noise or air; either arising from the development or on the development from existing uses (e.g. where housing is proposed near to a potentially polluting use). Development proposals will need to address any risks. Developers should also be aware of relevant pollution prevention legislation that may need to be complied with under the pollution control system. Regard should also be had to Policy GC4 in the General Considerations chapter of this DPD.