Greater Norwich Development Partnership

Matter 8 Sustainability, environment and design (subject matter of JCS policies 1, 2 and 3)

Note: *EIP93 sets out the minor changes to the text of JCS1 to address revocation of the Regional Spatial Strategy.*

Policy 1:

A Is this justified, effective and consistent with national policy?

1. The policy is justified as it is:
   - founded on a robust and credible local evidence base covering green infrastructure (GI) (ENV2 and 6) , flood risk (ENV7), water (ENV4.1 - 4.4), energy (ENV5) and Appropriate Assessment (AA) (ENV1).
   - the most appropriate strategy. It takes account of the evidence base to ensure development will minimise flood risk, make good use of sustainable energy opportunities and be resource efficient and adaptable to environmental change, making the best use of existing and future potential for GI.
2. It is effective. It reflects the objectives of the plan, particularly concerning climate change and environmental enhancement and will be implemented through other DPDs and the development management process.
3. It is consistent with national policies, chiefly those set out in PPS1, PPS5, PPS9, PPS25, PPG13

B Is the concept of green infrastructure adequately explained and integrated into the JCS? Does policy 1 provide an effective, sharply-focussed strategic brief on the purpose and deliverability of green infrastructure? Does it adequately specify the need for identified future DPDs to define the specific boundaries of strategic green corridors and include policies for the management of green infrastructure?

1. The JCS provides the strategic framework that will ensure the delivery of GI, together with more detailed policies in Site Allocation documents and Development Management Policies. GI is not only

provided through the development process. As a spatial plan the JCS will enable coordination of GI provided by developers with that provided through other means (e.g. local schemes and farming grants).

2. The JCS provides the framework, supported by the evidence in the Green Infrastructure Delivery Plan (ENV2), and implemented through the LIPP (EIP85). These constitute a sound delivery plan to inform subsequent documents and workstreams.

3. The policy supports international and national policies to protect habitats and species by providing alternative locations for leisure activities to European protected sites and creating habitat links to and from sites. It ties in with the policies of neighbouring authorities being consistent with national policies set out in PPS1, PPS5, PPS9, PPS25, PPG13 and by being based on county and regional GI studies and strategies, as well as local evidence and priorities.

4. Flexibility is provided, as these priorities will be delivered not only through development, but also through local initiatives i.e. Parish Plans and though Entry Level Stewardship schemes to encourage biodiversity and protect water quality.

5. Policy 1 requires new development and investment to "Expand and link valuable open space and areas of biodiversity importance to create green networks". Detail is given in paragraphs 5.4. - 5.8.

6. The JCS provides the strategic requirement for GI, referring specifically to the role of other LDF documents in ensuring delivery (JCS1 paragraph 5.5).

7. In Norwich, Development Management and Site Specific policies are being drafted to require GI protection, delivery and management. Policy 1 and evidence in ENV2 are providing a valuable strategic framework for these policies and inform the definition of specific boundaries for strategic green corridors. Broadland and South Norfolk will adapt the JCS framework to their local needs through their subsequent LDF documents.

C Is the right hand column of policy 1 fully reflective of the tests posed PPS9 in respect of different types of protected areas? In addition, what is the logic of referring only to 'European' protected species, as opposed to other protection lists (e.g. species protected under the Wildlife and Countryside Act)?

1. PPS9 states LDFs should make clear distinctions between the hierarchy of international, national, regional and locally designated sites. Policy 1 focuses on the need to protect internationally

designated sites and create links between them. The policy draws particular attention to internationally protected species and sites as these are locally distinctive issues highlighted in the AA (ENV1.1,1.2).

2. PPS9 also states LDFs should indicate locations of designated sites of importance for biodiversity and geodiversity and identify areas or sites for the restoration or creation of new priority habitats and support this restoration or creation through appropriate policies. JCS policy sets the necessary strategic overview. Development Management Policies and Site Allocations DPDs will provide more detailed policies to ensure the protection, management and enhancement of environmental assets.

D [to note that GNDP has accepted that the key to the diagram on p35 is incomplete in that (i) certain colour shadings are unexplained, (ii) the phrase 'Green Infrastructure Opportunities' is seemingly incomplete, (iii) there is no mention of its indicative nature]

1. The need for amendments is accepted and is incorporated in minor changes (JCS2 and EIP93).

Policy 2:

E Is this justified, effective and consistent with national policy?

1. The policy requires development to achieve high standards of urban design. It is justified as it is based on a robust and credible evidence base:

   - The need for high quality development is established through research undertaken by the Work Foundation (EC6), which identifies high quality environments as a prerequisite for the growth of knowledge economies
   - The need for high quality development is strongly supported through public consultation responses.
   - Development must be locally distinctive (required by PPS1) and reflect the findings of local landscape character assessments (BD-B7, BD-SN7) and conservation area appraisals (BD-N5, BD-SN9, BD-B5).

2. It is the most appropriate strategy as it will promote high quality development by requiring developers to submit Design and Access Statements to ensure developments will meet nationally established CABE Building for Life (BFL) design standards relating to layout. Engagement with CABE stressed the need for the JCS to deliver the

highest possible quality of development. Larger developments are required to be masterplanned. A Design Review Panel has been set up to consider and advise on the quality of developments.

3. The policy is effective. It is inherently flexible as it requires development to be locally distinctive, adapting to spatially specific requirements within the three districts. Flexibility is also built into the BFL standards. Policy 2 will be monitored firstly through planning application validation, which requires Design and Access statements to include information that allows a preliminary BFL assessment to be undertaken for development proposals for 10 dwellings or more. Secondly, completed developments will be assessed by a BFL assessor and reported through Annual Monitoring Reports (AMRs). Both preliminary scoring and post development assessments are already being undertaken in Norwich and South Norfolk.

4. Policy 2 is consistent with national policy in PPS1, PPS5 and PPS9, most importantly the PPS1 requirement that all development should be high quality, locally distinctive and safe.

Policy 3:

F Is this justified, soundly-based, effective and consistent with national policy?

1. The policy is justified. It is based on a robust and credible evidence base - ENV5 and ENV4.4b.

2. The studies are soundly based and followed the relevant national methodologies:

   - ENV5 followed the methodology set out in CLGs "Working Draft of Practice Guidance to support the PPS: Planning and Climate Change", developed into web guidance provided by CLG, PAS and the HCA. http://skills.homesandcommunities.co.uk/planning-and-climate-change.
   - ENV4.4b's methodology is in compliance with that promoted by the Environment Agency (EA) http://publications.environment-agency.gov.uk/pdf/GEHO0109BPFF-e-e.pdf

3. The policy is consistent with national policy as it complies with the PPS1 Climate Change supplement and PPS 12 (see response to F3). It sets specific requirements for water and energy elements of the Code for Sustainable Homes (CfSH), based on evidence studies showing there is a need for a positive policy approach to enable development to make best use of abundant sustainable energy potential and to reduce water use in an area of water stress.

F1 [bullet 1] Is it a reasonable planning requirement to link a development permanently into a particular 'dedicated, contractually linked decentralised and renewable or low carbon source'? How would this be monitored and enforced? What is the 'low carbon infrastructure fund', how is this 'justified' and how will it work? [see also 5.18]

1. Contractual links are intended to ensure energy is provided by new sustainable capacity to cover all needs generated by the individual development. This approach is practical in that it accepts the intermittent nature of some renewable energy sources and the potential for local energy generators to sell excess energy to the National Grid at considerable profit.

2. The approach requires promoters of new development to fund additional renewable or low carbon capacity which might be generated on site or in the locality, equivalent to the forecast energy consumption of the development, and that additional power created will not be "claimed" by other developers seeking to demonstrate a low carbon solution for their development.

3. The approach is reasonable. Developers are free to enter into the necessary commitment with a supplier of their choice. It is assumed, in the case of larger developments, many will want to provide for energy production on site and have a hand in the establishment of an Energy Service Company to ensure future maintenance.

4. Provided the arrangements outlined above been entered into, there is no reason why, in taking electricity from the national grid, the final occupiers of the development should not select their supply according to their own preference.

5. Enforcement would be through the demonstration of an agreement with an energy supplier, at the point where development is commenced, to provide additional capacity through renewable or low carbon technologies and an undertaking to implement the agreement as development progresses. The necessary safeguards could be secured through an appropriate condition or agreement when planning permission is granted.

6. Sustainable Energy Statements are required to ensure that developers of large scale projects can display how they will ensure development will provide dedicated sustainable energy supplies to meet the needs of the development.

7. In order to ensure first phases of large scale development contribute to the provision of a sustainable energy facility to serve the whole of the new development, rather than provide less cost effective small

scale plants, developers can pay into a low carbon infrastructure fund. This will ensure that developers do not opt for cheaper strategies in the earlier phases which jeopardise the ability of the development to achieve significant carbon savings in the longer term.

- This fund would be operated by the GNDP and/or the local authorities, with further detail set out in subsequent DPDs and SPDs where necessary.
- This approach is recommended in ENV5 (Recommendation 12, p7, with greater detail on pp5, 47 and 48).

F2 [bullet 2] Is the GNDP carbon offset fund a 'justified' concept and can it be implemented effectively? [see also 5.18]

1. The carbon offset fund is justified because it ensures small scale development can cost effectively contribute to the reduction of overall carbon emissions by investment in existing housing stock.

2. The policy approach for smaller scale development is to link to large scale sustainable energy sources rather than providing energy through more expensive on site microgeneration, or to contribute to a carbon offset fund to provide cost effective carbon reduction solutions where on site achievement of zero carbon standards is expensive. It recognises that in some instances it will be technically difficult and extremely expensive to achieve carbon neutrality within a development, particularly in smaller developments where fewer technologies are available. In these instances, where agreement is reached to accept a lower level of onsite carbon reduction than the policy would normally seek, the balance could be made up by a contribution to a carbon offset fund set up to offer grants to the occupiers of existing property to improve the energy efficiency of their property.

3. ENV5 concluded that this approach, rather than setting specific on site renewable energy targets as in RSS14, would promote low and zero carbon development cost effectively and is therefore justified.

4. This approach is aligned with emerging government policy set out in the consultation document Planning for a Low Carbon Future in a Changing Climate, which permits "allowable solutions", including off site generation of energy and possibly carbon offsetting, achieving zero carbon development on sites where there would be a lack of viable on site solutions, such as small-scale and infill sites. The type of allowable solutions will be dependent on the government's final definition of zero carbon homes. A recent parliamentary statement confirms support for this approach, stating off site provision will be permitted and should be co-ordinated by local authorities: http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100

727/wmstext/100727m0001.htm#10072727000016

5. The detailed operation of the policy and appropriate contributions will be set out in Development Management DPDs or through an SPD after the "allowable solutions" are known, but it should clearly relate to a calculation of the cost to achieve carbon reductions comparable with those "forgone" on site. This enables flexibility to adapt to emerging government policy, as these policies can be drafted subsequent to the announcement of revisions to national policy, set for the end of 2010.

6. The fund should be capable of being administered in much the same way as funds received through section 106 or CIL.

7. A similar process is being established in relation to Rackheath, where an element of the proposal is to improve the energy performance of the existing housing stock through targeted grants.

F3 [bullets 3&4] Is this policy material justified, effective, and consistent with national policy in PPS supplement para 11 (re the need for Local Planning Authorities to adhere to the principle of not duplicating controls under planning and other regulatory regimes) and paras 31/32 (re the possibility of there being situations in which it 'could' be appropriate to anticipate levels of building sustainability in advance of national standards and, in such cases, demonstrating clearly 'the local circumstances that warrant and allow this' and focusing 'on development area or site specific opportunities')? What is the justification for departing from the national programme for strengthening the Building Regulations? Is the Greater Norwich Sustainable Energy Study sufficiently sound and convincingly based to support the mandatory approach set out in policy 3?

1. The policy is consistent with national policy. It:

   - Meets requirements of paragraph 11, PPS Climate Change supplement in that setting local standards for specific local issues complements rather than duplicates national building regulations;
   - Is supported by PPS12 paragraph 4.32 and PPS1 paragraph 31. Both national policy statements require local evidence to justify this.
   - Complies with the PPS1 supplement requirement (paragraphs 31 and 32) for local planning authorities to develop planning policies for new developments.
   - Complies with the PPS1 supplement in that local sustainability requirements for specific issues such as energy can be set provided that national standards such as the CfSH are used.

2. Thus, if a local planning authority is to require zero carbon standards for new development in advance of Building Regulations then it

needs to illustrate that zero carbon development is possible within the locality. The local evidence study found:

- The renewable energy resource locally is ample for the planned new development;
- Zero carbon standards are achievable locally ahead of national requirements;
- Dedicated renewables are possible for all development.

3. Accordingly, the policy in the JCS requires high standards of energy efficiency using the national standards and maximising the use of renewable energy given the proven local resource. This provides a flexible and more affordable approach by enabling offsite provision in line with recent government policy statements.

F4 [re 5.16 – last sentence] Would it be compliant with the tests in Circular 05/05 (and now Reg 122 of the CIL Regulations in respect of S106 agreements) to require new developments to contribute funds for improving the energy efficiency of existing houses?

1. The carbon offset fund would only be introduced if the government review of "allowable solutions" permit this (see response to F2), thus taking account of the requirements of Circular 5/5 and Regulation 122 of the CIL Regulations. Such an approach has been successfully implemented in Milton Keynes for a number of years.

F5 [re 'Provision will be made for the strategic enhancement of the electricity and gas supply networks to support housing and employment growth. This will include major investment in existing electricity substations in central Norwich and to the east of Norwich'. Do the providers agree that this investment is likely to be completed in time to support any development contingent upon it? Has such contingent development been identified? What is it?

1. The relevant providers have been involved throughout the process. Discussion with EDF Energy confirmed that investment in infrastructure will be made available as required and will not be a constraining factor on development.

2. No constraints in the gas network have been identified by National Grid.

3. The LIPP (EIP85) sets out the main local network requirements to support development. It continues to be developed with ongoing engagement with utility providers.

F6 [re necessary water infrastructure referred to in policy 3 and paras 5.19 to 5.23.] Do the providers agree that this investment is likely to be completed in time to support any development contingent upon it? Has such contingent development been identified? What is it?

1. Anglian Water (AW) has been involved throughout the process, including the WCS.

2. Water providers are statutorily required to link new developments to foul sewerage networks under the Water Industry Act.

3. The LIPP (EIP85) sets out the strategic network requirements to support development. These are based on the findings of the WCS. Whilst this sets out possible solutions to water issues, AW will adopt the most appropriate solutions through their Asset Management Plans. Developers will be required to contribute to this.

4. We continue to engage with AW to seek solutions to ensure implementation of development, working with the regulators, the EA and Natural England.

5. Some unresolved water issues remain at certain growth locations:

   - quality and capacity issues at Long Stratton;
   - capacity and water quality issues at Reepham, which may require wastewater reduction or alternative disposal mechanisms;
   - the EA are working with AW on addressing Habitats and Water Framework Directive issues at Aylsham and Acle.

6. Position Statements will clarify the views of stakeholders for the Hearings.

7. In addition to the above, the JCS requires water infrastructure to be provided to support new development and ensure it does not have an adverse affect on water quality and supplies, particularly in relation to internationally protected sites. If these issues are not addressed, development will not be permitted.

F7 [re water efficiency] Does the standard sought in policy 20 imply a requirement in advance of national standards? Is this justified and deliverable? [See also 5.22]

National Standards

1. The standard set in policy 3 is a requirement in advance of national standards, which are set by Building Regulations in new dwellings at

a maximum water use of 120 litres per person per day inside the home. The policy sets the requirement for all development to maximise water efficiency, with smaller scale housing developments achieving CfSH level 4 for water (105 l/p/d) and large scale development, over 500 dwellings, achieving level 6 for water (80 l/p/d) by 2015. For non-housing development, it sets the requirement at BREEAM "Excellent" on adoption of the plan and "Outstanding" from 2015.

2. This is justified. It is based on national policy and a robust evidence base. PPS1 Climate Change Supplement (paragraphs 31 and 32) allow standards to be set locally in excess of Building Regulations provided that the requirement is tied to a national standard (the CfSH and BREEAM) and is included in a DPD (in this case, the JCS) and focuses on development area or site specific opportunities (the policy requires higher standards for large scale developments –see deliverability below). Most importantly there must be a demonstrable local need. In Greater Norwich, this has been demonstrated through the WCS, which recommends the high standards in the policy and the EA Water Stress Classification, classifying the region, with the lowest rainfall in the country, as "Seriously water stressed" (ENV4.4b).

3. The WCS highlighted that, although new water resources have been planned by AW, it is essential in sustainability terms that development minimises water use to ensure that water demand by the end of plan period is as low as possible, reducing the cost and environmental effect of providing new resources (Policy Recommendation 6, Water Efficiency, ENV4.4 (page 98).

4. The SA (JCS3 pages 50–51) and AA (ENV1.3/ JCS14.2 page 25) also provide justification for high standards of water efficiency to reduce the burden of wastewater flows that need to be treated development of water quality and protected environments. This approach meets the requirements of paragraph 11 of the PPS in that setting local standards for specific local issues complements rather than duplicates national building regulations.

Deliverability

5. Delivery will be ensured through the requirement for requiring CfSH and BREEAM assessments to accompany planning applications. If necessary, Development Management policies and SPDs can provide extra detail. This will enable monitoring of the policy through the AMR and planning conditions will be used to ensure the policy is implemented on site and to enable enforcement.

6. Waterwise East have been involved in developing this policy. Their research shows that the approach is deliverable as in a new development it is best (from a cost-benefit and sustainability viewpoint) to first consider reducing overall water consumption

through specifying water-efficient appliances before considering water recycling.

- Fittings-based strategies can be used to meet Code Level 3 and 4 (CLG estimates £125 per home).

- Recycling-based strategies can be used in combination with efficient fittings to achieve challenging water consumption target of Code Levels 5 and 6. As they are more expensive than fittings strategies, they are more suitable for large scale developments where economies of scale can be achieved.