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Dear Sir / Madam

## **Greater Norwich Local Plan (GNLP) Regulation 19 consultation**

We write further to our previous Regulation 18 consultation response of 16 March 2020 and in response to the above consultation, published on 1 February 2021.

We regret that none of the issues raised in our response to the Regulation 18 consultation appears to have been addressed in the updated version of the plan. We therefore repeat our previous representations regarding non-compliance with section 19(1A)<sup>1</sup> and inconsistency with the NPPF, which we now supplement and update in respect of certain issues.

Since the Regulation 18 consultation, the UK Climate Change Committee (CCC) has issued a standalone report providing recommended actions for local authorities, with a view to enabling the achievement of the 6<sup>th</sup> Carbon Budget and the 2050 net zero target.<sup>2</sup> The report includes a number of specific recommendations in respect of local planning policy, which they say should “lay the foundations towards net zero”. The CCC advises that:

- “Net Zero housing and commercial developments, connected to sustainable transport infrastructure, walking and cycling and public transport need to become the norm, not the exception”, and
- “[n]ew planning policy needs to align more widely with spatial planning for sustainable transport and energy systems – to support decarbonised heat as a norm – based on appropriately sited, highly energy efficient buildings.”<sup>3</sup>

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<sup>1</sup> Planning and Compulsory Purchase Act 2004, with the SEA regulations including related requirements.

<sup>2</sup> <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/>.

<sup>3</sup> In this context, they further advise: “Zero carbon developments avoid future retrofit costs for councils, landlords and residents. ... Local planning authorities currently developing Local Plans should gather evidence to support policies that require developments to exceed current building standards. This should include evidence that shows that higher energy performance and low-carbon heating systems will add value to the sale or rental price and reduce energy costs for householders. This evidence can feed into the determination of the value of the development. ... Local Plans and Transport Plans should deliver modal shift from cars to walking, cycling and public transport. New developments should prioritise walking and cycling infrastructure at the masterplanning stage and should be well-linked to viable public transport routes. Planning policy can set maximum (rather than minimum) car parking spaces for developments or even car-free development. ... Constraining the growth in vehicle mileage is vital to reducing emissions, even as EVs replace petrol and diesel cars. Car and van mileage can be reduced by 7-16% by 2030 and 12-34% by 2050 against today’s levels. There should be: ... Shifting 33-35% of trips to walking, cycling and public transport such as shorter trips, for cities this can be higher ... Local Plans should support renewable energy and low-carbon heat. Local Planning Authorities should review Local Plans. These should include an energy policy that takes a positive and proactive approach to renewable energy generation and storage. ... Local authorities should include new onshore wind in discussions with communities about climate change and land-use planning.”

The Norfolk Strategic Planning Member Forum (NSPMF), of which the Greater Norwich authorities are part, has also recently issued a research paper on 'climate change and the planning system'.<sup>4</sup> The paper includes a number of recommendations regarding plan-making:

- **On the overall approach:** *“Action on climate change should be an integral part of the culture of plan-making and should be embedded and integrated in policy preparation. ... Local Planning Authorities are therefore likely to need to evaluate planning applications through a climate change lens and ensure future local plans clearly set out the decision-making framework, with particular emphasis on the following, for example:*
  - *Placing more emphasis on co-locating uses and planning development near public transport links to reduce car travel.*
  - *Setting more ambitious targets on energy efficiency in buildings.*
  - *Encouraging the greater use of renewable energy.*
  - *Embedding and prioritising climate change in local plan-making and when determining planning applications, including ensuring resilience to climate impacts such as flooding.*
  - *Requiring travel plans with increased sustainable transport obligations - prioritising walking, cycling and public transport over reliance on the car.*
  - *Increasingly plan and help facilitate for the switch to electrified transport.”*
- **On co-benefits:** *“It is important to be aware that whilst these recommendations relating to topic areas may address climate change adaptation and mitigation, or sequestration of greenhouse gases, that is not the only benefit. It is often wise to do what is recommended, regardless of climate change, because of the many other benefits of which doing so brings. The elements of climate change are also woven into many policy areas with much cross-over, e.g. growth distribution, transport policies, environmental policies as well as specific policies on adaptation and mitigation as all have a role to play in addressing Climate change. For example:*
  - *Walking and cycling rather than driving a motor vehicle can reduce greenhouse gas emissions from burning fuel. Adopting a more active lifestyle can lead to improved health and well-being as well as saving individuals money.*
  - *An energy efficient home requires less energy and therefore reduces the amount of emissions associated with producing energy, but it also reduces money a household or business spends on energy bills.*
  - *Green infrastructure can help sequester carbon dioxide but it can also help biodiversity and increase access to the countryside and other greenspaces, which can in turn support mental and physical well-being.*
  - *Tackling climate change is part of facilitating and enabling clean growth. It can help economic recovery and provide job opportunities such as retrofitting of properties,*

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<sup>4</sup> Available at: <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/norfolk-strategic-planning-member-forum>.

*technology development e.g., EVs and electrification of transport and the renewable energy sector.”*

- **On sustainable travel:** *“Local planning authorities should consider the following through appropriate plans, policies and processes: Better alignment of plans and decisions with identified local and national strategic infrastructure priorities for walking and cycling. Ensure proposals seek enhanced connectivity to open space and seek to provide connections to, enhancement and maintenance of nearby existing walking and cycling networks. ... The aim is to better promote active forms of travel, particularly walking and cycling to reduce unnecessary car use. Evidence clearly points to shorter trips (i.e. 1-5 miles) where walking and cycling can most effectively increase, and conversely reduce, travel by private car. There needs to be a much more joined up approach, with more collaboration and clear advice on how to realise the multiple aspirations. ... Car Free Housing policies: Transport is now the biggest contributor to carbon emissions in the UK and within this sector, passenger cars are by far the biggest contributor. It is clear from the Department for Transport’s research that a modal shift away from the private passenger car would have the most significant impact in reducing greenhouse gases, such an approach could be encouraged through planning policy.”*
- **On sustainability appraisal:** *“Strong/prominent climate change objectives in the Sustainability Appraisal and Local Plan ... These policies are then assessed against sustainability appraisal objectives whereby potential positives are maximised and any negative effects identified mitigated.”*
- **On national planning reforms:** *“[W]hilst changes may well be made to the planning system in future, recommendations within the report are relevant for the current local plans in production and could be ‘in the meantime’ policy approaches – in place until the national system is changed.”*

However, despite the Greater Norwich and other NSPMF authorities having committed to implementing these recommendations, they do not appear to be reflected in the current draft of the Greater Norwich plan. In addition to the issues previously raised at the Regulation 18 stage, we have identified the following matters that suggest a failure to comply with the applicable statutory and policy requirements.

## 1. Energy efficiency

We have explained that a zero carbon standard must be the starting point that is worked back from to the extent that any viability constraints are identified. Where there are viability constraints affecting a particular category of dwelling or scale of development, then standards should be reduced for that category or development size only, avoiding a ‘lowest common denominator’ approach. This approach is required to meet the applicable statutory and policy requirements and to ensure that the plan supports delivery of the net zero target. Since our response, the government has confirmed the important role that local authorities have in supporting national climate policy when maintaining local authorities’ powers to set local energy efficiency standards.<sup>5</sup>

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<sup>5</sup> Government response to the Future Home Standard, January 2021, paras 2.39-40, available at: <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings> (“All levels of Government have a role to play in meeting the net

However, the final Viability Appraisal dated 15 December 2020 simply asserts (at paragraph 108) that “[t]he majority of the comments noted are considered to be valid aspirational points however, given the nature of these notional Typologies it is not feasible to go into the level of cost detail as suggested.”

This failure to consider more ambitious standards is all the more unjustified given (i) the new viability exception that has been introduced into Policy 2,<sup>6</sup> and (ii) that the government’s proposed uplift in national standards will deliver a higher reduction in emissions against current standards (of 31%) than proposed in the plan (19%), with the uplift expected to take effect from June 2022.<sup>7</sup>

Moreover, the proposed cost of £5,000 is supported (at para 111 of the Viability Appraisal) on the basis that it is close to the figure of £4,847 used in the government’s Future Homes Standard consultation – however, this figure relates to a 31% emissions reduction against current standards, not a 19% emission reduction as proposed in the plan.<sup>8</sup> Indeed, the cost of a 20% reduction in emissions is assessed at £2,557 – i.e. roughly half the cost used in the Viability Appraisal.<sup>9</sup> There would therefore appear to be scope to go significantly further than is currently proposed in the plan.

## 2. Wind energy

The plan continues to fail to scope and designate areas suitable for wind energy, as confirmed by the terms of Policy 2.<sup>10</sup> The plan seeks to justify this approach on the basis that the NPPF “requires a positive approach to large scale renewable energy generation except for onshore wind energy development” (emphasis added), and that “no suitable sites for onshore wind energy development have been submitted to the GNLP”. Instead, the plan proposes to leave the designation of areas suitable for wind energy to neighbourhood plans.

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*zero target and local councils have been excellent advocates of the importance of taking action to tackle climate change. Local authorities have a unique combination of powers, assets, access to funding, local knowledge, relationships with key stakeholders and democratic accountability. This enables them to drive local progress towards our national climate change commitments in a way that maximises the benefits to the communities they serve. As part of this, the Government wishes to ensure that we have a planning system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net zero by 2050. We recognise that there is a need to provide local authorities with a renewed understanding of the role that Government expects local plans to play in creating a greener built environment; and to provide developers with the confidence that they need to invest in the skills and supply chains needed to deliver new homes from 2021 onwards. To provide some certainty in the immediate term, the Government will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes.”*

<sup>6</sup> “All new development will provide a 19% reduction against Part L of the 2013 Building Regulations (amended 2016) ... except where a lower provision is justified because the requirement would make the development unviable.”

<sup>7</sup> See Government response to the Future Homes Standard, January 2021, paras 2.54 and 3.10-16.

<sup>8</sup> See Future Homes Standard consultation, October 2019, p. 26, available at: <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>.

<sup>9</sup> See Future Homes Standard consultation, October 2019, p. 25.

<sup>10</sup> “Proposals for free standing decentralised, renewable and/or low carbon energy networks, except for wind energy schemes, will be supported subject the acceptability of wider impacts. Wind energy schemes will be supported where the proposal is in a suitable area as identified in a neighbourhood plan or other local plan documents or has been demonstrated to have the support of the local community.”

However, this fundamentally misunderstands the requirements of the NPPF on this issue: local plans are required to “*provide a positive strategy for energy from these sources, that maximises the potential for suitable development*” in respect of all forms of renewable and low carbon energy and heat (NPPF, para 151). The requirement (in footnote 49 of the NPPF) for wind energy applications to fall within “*an area identified as suitable for wind energy development in the development plan*” only underscores the need for the plan to proactively scope and identify suitable areas, so as to “maximise the potential for suitable development” (emphasis added).

### 3. Sustainability Appraisal

In response to the previous criticisms of the approach taken to emissions reduction in the Sustainability Appraisal, the updated report accepts (at p. 14 of Volume 2) the “*restricted*” nature of the assessment, which is said to fall short of an “*in-depth analysis*”, with such an analysis requiring “*further detail from additional research*”. Moreover, in its overall conclusions the report continues to disregard the key question in this context: that is, the extent to which the proposed policies maximise the plan’s potential positive effects on emissions. Rather than simply assessing the relative size of individual policies and sites’ emissions impacts, the appraisal must assess the consistency of all proposed policies and sites with wider climate policy, including whether they fully support the achievement of the national net zero target – itself stated to be a core objective of the plan.<sup>11</sup>

Nonetheless, taking the Sustainability Appraisal on its own terms, the following headline conclusions (set out in the Non-Technical Summary) point to the plan having significant adverse effects on this objective:

- “A total of 85 allocated sites are located on previously undeveloped land in the open countryside of Greater Norwich. The proposed development within the GNLP in these locations would be expected to increase the risk of urbanisation of the countryside and coalescence. The proposed development of 49,492 dwellings across Greater Norwich, with a number of developments located within rural Broadland and South Norfolk, would be likely to result in a loss of tranquillity of the rural landscape as a consequence of increases in noise and light pollution.”
- “The majority of new residents would be located in areas with good access to services and facilities, including convenience stores and bus services. Nevertheless, large areas of Broadland and South Norfolk have limited access to rail services.”
- “Approximately 1,019ha of development allocated within the GNLP is located on previously undeveloped land. This would be expected to result in the permanent and irreversible loss of ecologically, and potentially agriculturally, important soil resources. ... Soil provides a range of essential services to the local area, including nutrient cycling, abating flood risk, filtering water, filtering air, carbon storage and providing the basis for vegetation to flourish. The scale of development proposed within the GNLP would be expected to increase pressure on essential ecosystem services.”

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<sup>11</sup> See, e.g., p. 38 of the draft plan: “... to significantly reduce emissions to ensure that Greater Norwich is adapted to climate change and plays a full part in meeting national commitments to achieve net zero greenhouse gas emissions by 2050.”

In response, the GNLP authorities appear to accept these conclusions and, while pointing to attempts to “*limit*” these impacts in the plan, fall short of suggesting that a lower emissions approach to allocating development was not possible.<sup>12</sup> Indeed, it would appear that these adverse effects have been exacerbated by the decision to plan for a level of housing that exceeds the assessed need by some 20% / 10,000 houses, and which therefore unnecessarily provides for development on greenfield land and in unsustainable locations.

The impact of this decision is clear from looking at a few examples of the Sustainability Appraisal’s assessment of allocations made in the plan:

- In respect of the Key Service Centre allocations (at C.9.12.2): *“It is assumed that this policy would be in conformity with the requirements of other policies, such as Policy 4, to promote sustainable transport. This could potentially help to improve access to workplaces and social infrastructure. However, as these Key Service Areas are located in primarily rural areas across Greater Norwich, improvements to transport infrastructure set out in Policy 4 would be unlikely to provide all site end users with sustainable connections to Norwich city centre, Norfolk and nationally.”*
- In respect of the Village Clusters allocations:
  - *“There is a vast network of [Public Rights of Way] across Greater Norwich. This would be likely to provide good pedestrian access within and around these settlements. However, many of the Village Clusters are situated in remote areas within Greater Norwich, with limited access to railway stations, which are primarily located within Norwich and the east of the Plan area, with some stations also located to the west of South Norfolk. Site end users in more rural locations would also be expected to have limited access to regular bus services, despite some expected transport improvements in line with Policy 4. It is likely that a large proportion of site end users would be situated outside the target distance of public transport links. The rural location of development proposals under this policy would be expected to contribute to a relatively high reliance on personal car use...” (C.10.12.1)*
  - *“Under this policy, it is likely that development will occur at a number of greenfield sites, which would be expected to result in a net loss of agriculturally and ecologically valuable soils. As the significant majority of soils in the Plan area are Grade 3 land, it is likely that this policy would result in a net loss of BMV land. This impact would be permanent and non-reversible and would also reduce the carbon sink capacity of soils across the Plan area.” (C.10.14.1)*
- In respect of site GNLP4054 – for provision of 400 dwellings:
  - *“Sites GNLP4052 and GNLP4054 comprise previously undeveloped land and are located outside the existing settlement of Hethersett. Therefore, the proposed development at these two sites could potentially contribute towards the urbanisation of the countryside.” (D.17.4.4)*

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<sup>12</sup> GNLP Authorities’ Response to Sustainability Appraisal Residual Effects from the Reg 19 GNLP, January 2021.

- *“The nearest convenience stores, Park Drive Stores and Tesco Express, are located in the centre of Hethersett. Sites GNLP4052 and GNLP4054 are located outside the target distance to these shops.” (D.17.6.1)*
- *“Hethersett Surgery is located in the centre of Hethersett. Sites GNLP4052 and GNLP4054 are located wholly or partially outside the target distance to this GP surgery.” (D.17.8.5)*
- *“Hethersett Woodside Infant and Nursery School and Hethersett Voluntary Controlled Junior School are located in the south of Hethersett village. Little Melton Primary School is located to the north of the cluster. Both sites in this cluster are situated wholly or partially outside the target distance to these schools.” (D.17.10.1)*
- *“Sites GNLP4052 and GNLP4054 are located wholly or partially outside the target distance to a bus stop providing regular services. ... The closest railway station to Hethersett is Wymondham Railway Station, located approximately 6km to the south west of the cluster. This is outside the target distance ...” (D.17.12.1 and D.17.12.2)*
- *“The proposed development at Sites GNLP4052 and GNLP4054 would be likely to result in a major negative impact on natural resources due to the loss of 20ha or more of previously undeveloped land. These negative impacts would be associated with an inefficient use of land and the permanent and irreversible loss of ecologically valuable soils.” (D.17.14.2)*
- In respect of site GNLP0581R – for provision of more than 600 dwellings:
  - *“Sites GNLP0581R and GNLP4045 comprise previously undeveloped land and are located outside the existing settlements of Costessey and Bowthorpe. Therefore, the proposed development at these two sites could potentially contribute towards the urbanisation of the countryside.” (D.8.4.4)*
  - *“The nearest local services, Co-op, Stafford Stores and Post Office, and Sainsbury’s, are located in and around Costessey. Sites GNLP0581R and GNLP4045 are located outside the target distance to these services.” (D.8.6.1)*
  - *“The closest GP surgeries to this cluster are The Roundwell Medical Centre in Costessey and Taverham Surgery in Taverham. Sites GNLP0581R and GNLP4045 are located outside the target distance to these GP surgeries.” (D.8.8.5)*
  - *“The closest leisure facility to Costessey is Riverside Leisure Centre, located approximately 8km south east of the cluster. Both sites in this cluster are located outside the target distance to this leisure facility ...” (D.8.8.6)*
  - *“The closest primary schools to this cluster include Chapel Break Infant School, St Michael’s Church of England Voluntary Aided Junior School and Queen’s Hill Primary and Nursery School. Sites GNLP0581R and GNLP4045 are situated outside the target distance to these schools.” (D.8.10.1)*

- *“Sites GNLP0581R and GNLP4045 are located outside the target distance to a bus stop providing regular services. ... The closest railway station to Costessey is Norwich Railway Station, located approximately 8km to the south east of the cluster. This is outside the target distance ... Site GNLP0581R currently has poor access to the surrounding footpath network.” (D.8.12.1-3)*
- *“The proposed development at Site GNLP0581R would be likely to result in a major negative impact on natural resources due to the loss of more than 20ha of previously undeveloped land. These negative impacts would be associated with an inefficient use of land and the permanent and irreversible loss of ecologically valuable soils.” (D.8.14.2)*

Accordingly, on its own terms, the Sustainability Appraisal’s findings would appear to support a quite different approach to site allocation – one that avoids as far as possible new development on greenfield land and in unsustainable locations. The above allocations are an illustrative but not exhaustive list of instances of this problem in the plan.

In preparing the submission version of the plan, we urge you to address fully all of the above issues, as well as those raised at the Regulation 18 stage, to ensure that the plan complies with the applicable statutory and policy requirements.

Yours faithfully

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