



## **Sustainable development panel**

**Date: Monday, 07 March 2022**

**Time: 16:00**

**Venue: Remote access and live streaming**

### **Committee members:**

#### **Councillors:**

Stonard (chair)  
Giles (vice chair)  
Carlo  
Davis  
Everett  
Grahame  
Lubbock  
Maxwell  
Oliver

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## Agenda

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1 **Apologies**

To receive apologies for absence

2 **Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 **Minutes**

3 - 10

To approve the accuracy of the minutes of the meetings held on 9 November 2021 and 16 November 2021

4 **Adoption of Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS)**

11 - 24

**Purpose** - To ensure that the council continues to meet its legal duty under the Conservation of Habitats and Species Regulations 2017, authority is sought for the adoption the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) and the collection of related obligations from applications for residential development, and other relevant development proposals, in accordance with the GIRAMS evidence and Policy 3 of the Greater Norwich Local Plan (GNLP).

5 **East Norwich Masterplan Update**

25 - 32

**Purpose** - To report on progress with the East Norwich masterplan and provide members with an opportunity to comment on the emerging work.

Date of publication: **Monday, 28 February 2022**



**Sustainable Development Panel (Extraordinary meeting)**

**16:00 to 17:40**

**9 November 2021**

Present: Councillors Stonard (chair), Giles (vice chair), Carlo, Everett, Grahame, Hampton (substitute for Councillor Davis), Lubbock and Oliver

Apologies: Councillor Davis

**1. Declarations of interest**

There were none.

**2. East Norwich Masterplan Progress Update Report**

(Martyn Saunders (director of planning and regeneration, Avison Young) (the lead consultant) and Anthony Benson (Allies and Morrison) attended the meeting for this item. Other members of the project team were also in attendance.)

The chair introduced the report and general introductions ensued.

Martyn Saunders and Anthony Benson gave a power point presentation on the East Norwich Masterplan.

(A copy of the [presentation](#) is available on the council's website and a recording of the meeting can be viewed on the [Norwich City Council YouTube channel](#). The East Norwich Masterplan Stage 1 is available on the council's website as follows: <https://www.norwich.gov.uk/ENMPart1> and <https://www.norwich.gov.uk/ENMPart2>)

The chair thanked the consultants for the comprehensive presentation which had also been made to the project board and stressed the importance of the unusual position of the project having the support of all stakeholders working in partnership to deliver regeneration in East Norwich.

During discussion, the consultants, together with the executive director of development and city services answered members' questions on the draft East Norwich Stage 1 Masterplan.

Members were advised that both the pumping stations at Trowse Millgate were locally listed. Members were advised that Historic England and Homes England had been commissioned to review the heritage assets on the site and therefore the list of listed or locally listed properties could change.

Members were advised that the masterplan incorporated the most up to date flood risk modelling and built-in resilience for climate change based on estimates. Homes England would fund further work around flood risk which would be shared with the statutory agencies. The Environment Agency had not issued any new baseline information. The modelling was based on a good understanding of existing flood risk patterns. The support of the Environment Agency was important and there would be further statutory consultation as part of the Greater Norwich Local Plan adoption process. East Norwich was a significant brownfield redevelopment site. Mitigation for flood risk and surface water drainage included setting buildings back from the river, remodelling low lying areas of the riverside walk and the two marinas.

A member suggested that to ensure the development was sustainable, communities needed basic provision of schools and primary health care facilities, particularly within walking or cycling distance of homes. The chair agreed that this was an issue that would be taken up at the project board. Members noted that the masterplan had allocated spaces where a school or health centre could be placed. There had been engagement with the county council's education service and discussions with the Clinical Commissioning Groups (CCG). During stage 2 there would be further work around the delivery mechanism for the work and employment spaces. This would include retail, leisure and entertainment provision.

In reply to a question, Martyn Saunders said that there had been no focus on the provision of facilities for Travellers as part of the masterplan process. The executive director of development and city services said that there was a separate exercise being undertaken to identify sites for Gypsies and Travellers across the Greater Norwich area which was due to report back later in the year.

During discussion a member commented on supporting self-build boat builders and the importance of residential moorings. Members noted that the Broads Authority was keen to support the principle of residential and visitor moorings.

Discussion ensued on the urban design of the development with high buildings on the riverbank reflecting the heritage and conservation area. The consultants shared members' concerns about the amount of hard standing. The existing environment at Carrow Works was mainly hard standing. Measures such as green roofs and walls were a consideration for a later stage. There would be opportunities to develop the public realm with hard and soft landscaping. The south side, west of the bridge, would be more urban development to reflect its current function and its direct relationship with the river. There would be less dense development to the south and east in relation to the country park and the broads. Flood risk and landscaping would be addressed across all sites.

Members were advised that it was important to promote the principle of bus routes at this concept stage. A member commented that the bus service to Geoffrey Watling Road had been ceased despite the creation of a bus only lane. During discussion members noted the reliance on commercial bus services but considered that car use should be discouraged. A member suggested that some areas should be car free, reducing the allocation for car parking on the site, and that public transport and use of the car club should be promoted. Members sought to ensure that community facilities were accessible for pedestrians and cyclists.

During discussion a member raised concerns that the new road bridges connecting the sites would create “rat-runs” connecting County Hall and King Street with Thorpe Hamlet. Members were advised that the design lines and use of 20 mph zones discouraged through traffic and “rat running”.

Members noted the discussion at the previous meeting about the potential to reopen the Trowse Rail Halt and were reminded of the response from the rail operators that it was not a viable proposition because of its proximity to Norwich Station and that the quantity of customers would not be achieved, and that it would affect main line services. The station building was locally listed and would be considered for non-residential use.

A member commented that the masterplan proposal reminded her for Salford Quay. The executive director of development and city services confirmed that Salford Quay had been one of the places that had been considered during initial scoping of the project.

**RESOLVED to:**

- (1) thank the consultants for their presentation;
- (2) recommend the draft stage 1 Masterplan to cabinet subject to noting that the panel:
  - (a) considers that there should be further engagement with the Environment Agency in relation to flood risk in the context of climate change, using the indicative proposed layout as set out in the masterplan based on existing flood risk;
  - (b) welcomes the provision of community infrastructure for schools, health facilities and public transport but seeks assurance that there will be further consideration at the development stage to ensure that this infrastructure is provided.

CHAIR





**Sustainable Development Panel**

**16:00 to 17:40**

**16 November 2021**

Present: Councillors Stonard (chair), Giles (vice chair), Carlo, Everett, Grahame, Lubbock, Maxwell and Oliver

Apologies: Councillor Davis

**1. Declarations of interest**

There were none.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 14 September 2021.

(The draft minutes of the meeting held on 9 November 2021 were circulated and would be considered for approval at the next meeting.)

**3. Local Development Scheme November 2021**

The planner presented the report.

The chair commented on the report and said that it was an important document to demonstrate the hard work that was going on. He also commented that there was still uncertainty about the government's changes to the planning policy and whether it will implement changes to policies that have been subject to consultation.

During discussion the planner, together with the head of planning and regulatory services and members of the planning policy team, referred to the report and answered questions. Members were advised that the establishment of a neighbourhood forum was a lengthy process. An application needed to be made; the forum established; and a neighbourhood plan adopted. The panel noted that the brownfield register was available on the council's website and provided a tool for developers to identify sites where the council wanted development to take place. The production of the register was a legal obligation. The council had access to the Towns Deal funding so could intervene if appropriate to make a positive contribution to bring sites forward for development. The King's Arms, Mile Cross Road, had been an example of a site to be developed for social housing under this scheme.

In reply to a members' question, the planner said that the Local Development Scheme (LDS) was a work programme which identified which local development planning documents would be produced, in what order and when. The public

examination of the Greater Norwich Development Plan (GNDP) in early 2022 would test that development was sustainable and complied with legislation. A member said that she considered that because of the climate and environment emergency, the aspiration in the GNDP should be for new homes of energy efficiency A rather than settling for C and provide more than 10 to 20 per cent renewable energy. The chair said that the members' comments had been noted and would be shared with the Greater Norwich Development Partnership (GNDP's) partners. Members were advised that the review of localised development management policies and guidance would follow the public inquiry. Members noted that the annual monitoring report (AMR) monitored local plan policies, which could result in policy change. A member commented that rising temperatures would lead to greater flood risk and was advised that the policies would be monitored through the AMR. The panel had last reviewed the LDS in February 2021 and reviewed it fairly frequently so had the opportunity to ensure that documents were produced according to the scheme. The panel also noted that the LDS would be reviewed again next year to incorporate into the work programme changes to planning documents in response to any changes to the National Planning Policy Framework (NPPF) and legislation.

In reply to a question, the planner reiterated that the LDS was the work programme for bringing forward planning documents for review. She offered to update the member on the University of East Anglia's requirements for student accommodation and whether this had changed following the pandemic. She explained that the baseline for houses in multiple occupation (HMOs) needed to be established across all areas of the city and an assessment made of the provision of purpose-built student accommodation.

**RESOLVED** to agree the Local Development Scheme and recommend that cabinet approves it for publication under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by section 111 of the Localism Act 2011).

#### **4. 2021 Norwich City Centre Shopping and Town Centre Floorspace Monitor & Local and District Centres Monitor**

The senior planner presented the report and pointed out that this was the first retail monitoring report since the start of the pandemic and contained for the first-time vacancies for other town centre uses other than retail. Members were advised of a correction to paragraph 90 of the report which concerns the rest of the centre which should read "from 12 to 25" rather than "22 to 25".

The chair thanked the senior planner for the report and commented that the results were better than had been feared and was attributed to the success of the council's policies to protect town centre uses whilst acknowledging that it was a challenging situation. The senior planner highlighted the importance of monitoring and suggested that a full monitoring report was produced annually and reported to members; and, then every 6 months or so the council could carry out the survey, analyse the data and look at trends. Members were advised that this approach would be less resource intensive than a full report every 6 months. The survey work this time had been largely undertaken by the planning technical team and it was hoped that they would be available for future surveys.

During discussion members commented on the resilience of the city and its ability to maintain footfall and vibrancy and considered other measures that could be taken to



increase the offer. A member suggested that vacant retail units could be used for pop-up shops to encourage independent businesses and repair shops, and that the former Debenhams store could be converted to a music venue or that one should be included in the emerging proposal for Anglia Square. Members were advised that the Norwich BID had assisted businesses to use empty shops for temporary uses and this was assisted by the government's relaxation of permitted development rights and change of use. The senior planner said that there had previously been strict policy percentages to retain retail units. A more flexible approach had been adopted to the application of these policies. More leisure uses had been accepted in the Castle Quarter. It was recognised that high streets stores could not compete with online shopping. It was therefore important to diversify the offer by encouraging people to shop in the city centre or at district centres, and create an environment comprising shops and leisure facilities, such as pubs and restaurants. Members considered that the city's cultural and historical offer was important. A member pointed out that the *Dippy the Diplodocus* exhibition at Norwich Cathedral and the *Gaia* exhibition at St Peter Mancroft church had increased footfall and visitors to the city over the summer. The success of the city was reliant on a diverse offer that was greater than just multiple shops or chain stores so it could compete with other towns and cities.

The panel noted that the city had a large catchment area and the importance of public transport. A car was no longer necessary to visit retail outlets when purchasing white goods or larger items as delivery could be arranged. The success of the retail offer might be due to its large catchment which other towns and cities did not benefit from. For example, Ipswich's position might be weakened because it was within easy driving distance of other retail centres such as Thurrock. Members referred to the footfall data and said that it would be interesting to see the proportion of visitors coming into the city from across the county and wider area. A member pointed out that rail transport had an important role in influencing people's ability to visit a place for retail and leisure. Some parts of Norfolk were only accessible by car with no rail access between King's Lynn and Fakenham/Wells.

Discussion ensued on the council's opposition to out of town retail and employment centres that were reliant on car use. A member referred to the Riverside Retail Park and asked what measures were in place to reduce car dependency and promote access by bus or foot. It was noted that this would be considered as part of review of DM (development management) policies. Access along the Riverside Walk from the city had been improved by the St Anne's Wharf development and would be accessible from East Norwich. Members' concerns about lack of signage would be addressed through the River Wensum Strategy which would be considered at cabinet in December. Members noted that out of town retail centres such as Longwater did not have the cultural or heritage offer as the city centre, such as the museums, heritage buildings and The Lanes, for instance.

The chair thanked the officers for the report. Despite the current trend for online shopping the city had fared well compared with other towns and cities and continued to be a vibrant retail centre, minimising its retail loss and attracting inward investment. The council would need to work with Norwich BID and partners to ensure that its policies and strategies protected the city centre.

**RESOLVED** to note:

- (1) the conclusions of the report;
- (2) the possible implications for development plan policies, particularly those relating to the retention of existing large floorspace comparison retail units in the secondary retail area/large district centres;
- (3) that officers considered it appropriate to repeat the survey in spring 2022 when the longer term trends may be easier to separate from the short term impacts of COVID. In conjunction with point 2 above, these findings should be used to inform a decision about whether a review of policies contained in the DM policies plan is needed.

#### **5. Article 4 Direction to Remove Permitted Development Rights for the Conversion of Offices to Residential**

The senior planner presented the report.

The chair commented that it was necessary for the council as a local planning authority to ensure that the proportions of office and residential use were right and that this control would be lost without an Article 4 direction.

**RESOLVED** to recommend to cabinet that the council proceeds with the introduction of a non-immediate Article 4 direction and that the Article 4 direction to remove permitted development rights for the conversion of offices to residential within Norwich city centre is confirmed.

CHAIR



**Committee Name: Sustainable development panel**

**Committee Date: 07/03/2022**

**Report Title: Adoption of Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS)**

**Portfolio:** Councillor Stonard, Cabinet member for inclusive and sustainable growth

**Report from:** Head of planning and regulatory services

**Wards:** All Wards

**OPEN PUBLIC ITEM**

**Purpose**

To ensure that the council continues to meet its legal duty under the Conservation of Habitats and Species Regulations 2017, authority is sought for the adoption the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) and the collection of related obligations from applications for residential development, and other relevant development proposals, in accordance with the GIRAMS evidence and Policy 3 of the Greater Norwich Local Plan (GNLP).

**Recommendation:**

To note the report and to provide comments, if required, for cabinet on 9 March.

**Policy Framework**

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

This report contributes to meeting the corporate priorities Great neighbourhoods, housing and environment.

This report addresses 'Continue sensitive regeneration of the city that retains its unique character and meets local needs' objective in the Corporate Plan, in particular working to bring forward development in the city in accordance with the adopted development plan.

This report helps to meet Policy 3 in the emerging Greater Norwich Local Plan which is due for adoption by the Council and the other Greater Norwich authorities in late 2022.

This report helps to meet the Housing Regeneration and Development objective of

the COVID-19 Recovery Plan, specifically to make progress on the Greater Norwich Local Plan to put in place a framework that will guide development.

## Report

### Introduction

1. In exercising their duties as a local authority, the council has a legal duty to comply with the Conservation of Habitats and Species Regulations 2017. This requires the authority to assess the impacts of all plans and programmes (including Local Plans and Planning Applications) that may affect the protected features of any site protected under those regulations. Such sites are referred to as “habitat sites” in the National Planning Policy Framework (NPPF).
2. Where an adverse effect on the integrity of a habitat site cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if compensatory measures are secured which obviate those adverse effects.
3. Recreational pressures from growth and the resultant impact on designated habitat sites is a cross boundary issue affecting all local plans in Norfolk including the Greater Norwich Local Plan (GNLP). Assessment work carried out in connection with the production of the Norfolk Strategic Planning Framework (NSPF) and as part of the GNLP has identified that residential, and other relevant accommodation e.g. tourist accommodation, will have a likely impact on designated habitat sites, and that this needs to be avoided as much as possible through local open space / green infrastructure provision, and also mitigated by a package of soft and hard mitigation measures at the habitat sites themselves.
4. Compensatory measures to mitigate the recreational impacts have been identified within the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) which was commissioned on behalf of all Norfolk authorities given the cross-boundary nature of this issue, as part of the Duty to Cooperate. The requirement to seek tariff contributions (referred to below as the RAMS tariff) towards mitigation measures at designated habitat sites themselves and to provide appropriate contributions to green infrastructure are included within Policy 3 of the GNLP, which was approved by the council for submission to the secretary of state for independent examination on 26 July 2021.
5. To ensure that the council continues to meet its legal duty under the Conservation of Habitats and Species Regulations 2017, it is proposed that the council adopts the GIRAMS and resolves to begin collecting obligations from applications for residential development, and other relevant development proposals in line with the requirements of Policy 3 of the GNLP. Without a relevant policy and mitigation strategy in place all local plans in Norfolk could face legal and soundness challenges and there is a possibility that Natural England could start to object to planning applications on the basis that there is no mitigation strategy in place to address the cumulative impacts of growth, thus potentially affecting housing delivery. Whilst some of the Norfolk authorities currently collect similar tariffs towards mitigation measures at

designated habitat sites, the intention is that all Norfolk authorities will collect the RAMS tariff from 31 March 2022.

6. A report will be taken to cabinet on 9 March recommending that cabinet:
  - (a) adopts the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) and approves the requirement for contributions from applicable planning applications for residential development and other relevant development proposals received from 31st March 2022, in line with the requirements of Policy 3 of the Greater Norwich Local Plan (GNLP)
  - (b) sets the level of contribution for 2022/23 at £185.93 and agrees that the level in future years can be set by the independent board
  - (c) appoints the cabinet member for inclusive and sustainable growth and head of planning and regulatory services to represent the City Council on the independent board, and
  - (d) agrees in principle the broad governance arrangements set out in paragraph 14, and delegates powers to the executive director of development and city services, in consultation with the cabinet member for inclusive and sustainable growth, to agree the detailed governance arrangements.
7. Any comments raised by the sustainable development panel will be reported to Cabinet for consideration at its meeting on 9 March.

### **GIRAMS and tariff**

8. A commissioned survey by [Footprint Ecology](#) (Norfolk Visitor Survey) undertaken in 2016 collected visitor data from a range of habitat sites (or 'Natura 2000 sites') in Norfolk. This survey demonstrated that there would be an increase in recreational pressure on habitats sites resulting from housing and population growth across Norfolk. In recognition of this evidence, the Norfolk Strategic Planning Framework (NSPF), the latest version of which was endorsed by Norwich City Council on 14 April 2021, identified in agreement 28 that: 'In recognition of: a) the importance the Brecks, the Broads and the Area of Outstanding National Beauty, together with environmental assets which lie outside of these areas, brings to the county in relation to quality of life, health and wellbeing, economy, tourism and benefits to biodiversity; b) the pressure that development in Norfolk could place on these assets; and c) the importance of ecological connections between habitats Norfolk Planning Authorities will work together to complete and deliver the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) which will aid Local Plans in protecting and where appropriate enhancing the relevant assets'.
9. In complying with its duty under the Conservation of Habitats and Species Regulations 2017 the Council has also commissioned its own Habitat Regulations Assessment (HRA) as part of the production of the Greater Norwich Local Plan (GNLP). The GNLP HRA also concludes that residential, and other relevant accommodation e.g. tourist accommodation, will have a likely impact on habitat sites, and that this

needs to be mitigated by a package of soft and hard mitigation that includes measures at the habitat sites themselves as set out in the GIRAMS. This conclusion is shared by Natural England.

10. As a consequence of the HRA's conclusion, Policy 3 of the submitted GNLP includes the following requirement:

"All residential development will address the potential visitor pressure, caused by residents of the development, that would detrimentally impact on sites protected under the Habitats Regulations Directive through:

- the payment of a contribution towards the cost of mitigation measures at the protected sites (as determined under the Norfolk Green infrastructure and Recreational Impact Avoidance and Mitigation Strategy plus an allowance for inflation); and,
- the provision or enhancement of adequate green infrastructure, either on the development site or nearby, to provide for the informal recreational needs of the residents as an alternative to visiting the protected sites. This will equate to a minimum of 2 hectares per 1,000 population and will reflect Natural England's Accessible Natural Greenspace Standard. "

11. This policy was agreed individually by all the Greater Norwich authorities as part of the decision to submit the GNLP for independent examination. Norwich City Council Cabinet agreed to submit the GNLP at its meeting on [7 July 2021](#).
12. The Norfolk GIRAMS was completed in March 2021. This Strategy, included as a linked document [here](#), considered relevant baseline information across Norfolk, identified opportunities for improvement of the Green Infrastructure Network, and set out proposals for a Recreational Avoidance and Mitigation Strategy (RAMS).
13. The RAMS strategy comprises the delivery of a mitigation package costing just under £8m as set out in Table 10 of the GIRAMS document. The mitigation package is to be funded through developer contributions. At the time the strategy document was completed the cost per dwelling was calculated as £185.93 per dwelling. This figure was calculated by dividing the total cost of the mitigation package by the number of planned dwellings to 2038 that had not yet secured planning permission i.e. the number of dwellings on which developer contributions could be sought. After adoption, the tariff will be subject to an annual adjustment for inflation as set out in the GNLP policy.
14. An interim Statement of Common Ground (SOCG) has been agreed with Natural England as part of the submission of the GNLP for independent examination. This confirmed agreement to bring forward procedures for the collection of a county wide tariff of £185.93 per dwelling (the RAMS tariff, evidenced in the GIRAMS).
15. At its meeting on 14 December the Norfolk Strategic Planning Member Forum agreed to endorse a county-wide SOCG between the Norfolk local authorities relating to the collection and implementation of the

RAMS tariff. This is attached at Appendix 1. Members also agreed that a new independent board will be set up, made up of Members from all Norfolk local authorities and ecologists / planning officers from all Norfolk planning authorities, and a delivery officer employed to oversee the work. It was agreed that Norfolk County Council would act as host and full arrangements for this will be finalised once collection of the tariff is in operation.

16. The work programme being taken forward under the NSPF will also include a review of the GIRAMS and the mitigation package to ensure that it is as effective as possible. The intention is to complete the review of the GIRAMS within 18 months from adoption of the SOCG to inform the delivery of specific mitigation projects.
17. Whilst these matters are being finalised the Greater Norwich partners will adopt the GIRAMS and implement the RAMS tariff as the best available evidence.
18. The residential development that the tariff will apply to is set out in paragraph 3.4.1 of the GIRAMS and comprises:
  - all new residential development in current site allocations and windfall (excluding replacement dwellings and extensions);
  - houses in multiple occupancy;
  - student accommodation;
  - residential care homes and residential institutions (excluding nursing homes);
  - residential caravan sites / mobile homes / park homes; gypsies, travellers, and travelling showpeople plots; and
  - residential moorings, holiday caravans, touring pitches and campsites.
19. The strategy recommends adopting a similar approach to student accommodation as agreed by Natural England for the Essex Coast RAMS and suggest that the Norfolk LPAs apply the RAMS tariff on a 'per 2.5 student accommodation unit ratio'. This is based on guidance contained in the Housing Delivery Test Measurement Rule Book (MHCLG, July 2018).
20. The tariff (set at £185.93 per dwelling) will apply to planning applications for relevant development submitted from 31st March 2022 and will be payable upon commencement of development via a legal agreement to be submitted with the application, in accordance with an update to the local Validation Checklist.

### **Current position**

21. The emerging GNLP policy (policy 3), which has been agreed as being sound by Greater Norwich Authorities, sets out a specific requirement to make contributions towards the cost of mitigation measures at protected



sites, as determined under the GIRAMS, and to secure the provision of adequate green infrastructure. This is to ensure that the Council meets its obligations under the Conservation of Habitats and Species Regulations 2017.

22. Obligations policies set out through a Local Plan would typically only come into force following its adoption. However, the Council's obligations under the Conservation of Habitats and Species Regulations 2017 also apply in the discharge of its responsibilities in granting planning permission for development. In this instance, compliance with the Council's legal duty supersedes such typical practice in this instance. As noted at paragraph 4 above non-compliance could mean that Natural England starts to object to planning applications which would impact on housing delivery.

### **Proposed action**

23. Taking account of the Council's approval of the GNLP policy in relation to requiring contributions to the RAMS tariff, in order to ensure that the Council continues to meet its legal duty under the Conservation of Habitats and Species Regulations 2017 it is proposed that the Council adopts the Norfolk GIRAMS and resolves to begin collecting the tariff from applications for residential development, and other relevant development proposals in accordance with the requirements of Policy 3 as set out in the recommendation of this report.

### **Consultation**

24. Councillor Stonard is the relevant portfolio holder for this report and sits on the Norfolk Strategic Planning Members' Forum where the GIRAMS has been discussed in detail.
25. The GIRAMS is an evidence document for the GNLP and as such was subject to public consultation as part of the Regulation 19 GNLP in early 2021.

### **Implications**

#### **Financial and Resources**

26. There will be some additional costs to the authority related to the introduction of the RAMS tariff including for example the extra administrative burden on the Planning validation team, collection of the tariff and monitoring of commencement on sites and registering on the land charges system. The resources to monitor delivery are being considered as part of a review of the planning team and it is expected that other costs can largely be met within the existing resources of the Planning service. Costs associated with the implementation and programme management of the RAMS mitigation would be funded through the collection of the tariff contributions. Whilst there will be no direct ongoing financial implications because of the introduction of the tariff and operation of the governance arrangements, there will be a

resource implication arising from member and officer attendance at Board and other relevant meetings.

## Legal

27. Norwich City Council has a legal duty to comply with the Conservation of Habitats and Species Regulations 2017. This requires the authority to assess the impacts of all plans and programmes (including Local Plans and Planning Applications) that may affect the protected features of any site protected under those regulations.
28. Where an adverse effect on the integrity of a habitat site cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if compensatory measures are secured which obviate those adverse effects. It is not possible to seek such payment of the tariff by planning condition so this will have to be secured by way of a legal agreement with the applicant/developer. The preferred route is by way of a planning obligation.
29. All planning obligations sought through development must meet the tests of contained in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Namely that any obligation is:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and,
  - c) fairly and reasonably related in scale and kind to the development.
30. Legal advice has been sought from Nplaw on whether the Council can legally commence collection of a tariff to mitigate the impact of new residential development on protected sites as required under the Habitats regulations, ahead of the adoption of the GNLP. The advice is that the Council has a legal duty to take into account the requirements of the Habitats Regulations when determining a planning application and to give it substantial weight, and they consider that there is no legal reason why such a payment cannot be requested in advance of the relevant GNLP policy being adopted.

## Statutory Considerations

Consideration	Details of any implications and proposed measures to address:
Equality and Diversity	There are not considered to be any individual equalities implications resulting from the adoption of the GIRAMS and implementation of the relevant section of Policy 3 of the GNLP. Wider equalities implications were considered through the equalities impact assessment that accompanied the GNLP.

<b>Consideration</b>	<b>Details of any implications and proposed measures to address:</b>
Health, Social and Economic Impact	The proposal will support healthy lifestyles and communities by enabling the implementation of GNLP policy 3 in particular the provision or enhancement of adequate green infrastructure to provide for informal recreational needs of residents as an alternative to visiting protected sites. The proposal is not considered to have any significant implications in terms of economic impact.
Crime and Disorder	The proposal is not considered to have any significant implications in terms of crime and disorder.
Children and Adults Safeguarding	N/a
Environmental Impact	The adoption of the GIRAMS is a key part of complying with the Council's duty under the Conservation of Habitats and Species Regulations 2017. The adoption of the GIRAMS and implementation of the relevant section of Policy 3 of the GNLP will ensure, beyond reasonable doubt, that the implementation of the Council's planning strategy does not have an adverse impact on habitat sites protected under the Conservation of Habitats and Species Regulations 2017 as a result of increased recreational pressure resulting from household and population growth.

### **Risk Management**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
The risks of not adopting the GIRAMS and approving the tariff are set out above.	See paragraph 5 above and paras 30-31 below. This could result in challenge from Natural England for failing to apply the Habitats Regulations	

### **Other Options Considered**

31. The council may choose to delay adoption of the Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) and implement the related section of Policy 3 of the GNLP or choose not to adopt the GIRAMS.
32. The full implication of taking either of these other options would be related to the reasoning behind the decision. However, both options would, in principle, present a material risk to the soundness of the GNLP and the legal robustness of decisions to approve planning applications for residential and other relevant types of development. The related section of Policy 3 is based on the GIRAMS and its evidence, and so any alternative approach to be considered would be dependent on

further work being undertaken to identify and evidence an appropriate alternative way forward. This would likely impact on the determination of relevant applications for planning permission.

**Reasons for the decision/recommendation**

33. To enable members of the sustainable development panel to comment on the report and the recommendations to cabinet.

**Background papers: none**

**Appendix:1 (County-wide statement of common ground)**

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## **APPENDIX 1: Statement of common ground in relation to Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy**

**Statement between:**

**Breckland District Council,  
Broadland District Council,  
Great Yarmouth Borough Council,  
South Norfolk Council,  
The Borough Council of King's Lynn and West Norfolk  
North Norfolk District Council  
Norwich City Council  
Broads Authority  
(together "The Norfolk LPAs"),  
and  
Natural England**

**On the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy ("the GIRAM Strategy"). The GIRAM Strategy is a strategic approach to ensure that there are no adverse effects caused to European sites across Norfolk by the proposed level of residential development, as detailed in the relevant local plans. It supports Local Planning Authorities (LPAs) in Norfolk in their statutory requirement to produce legally compliant Local Plans.**

**GIRAM Strategy Report dated March 2021 ("the Report") is an evidence base which informs The GIRAM Strategy.**

The Statement

### Background

Under the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") the Norfolk LPAs have a duty to test if new plans or project proposals could significantly harm the designated features of a European site, and to mitigate any likely significant effects.

Pursuant to this duty, Norfolk LPAs are working collaboratively to adopt and deliver a GIRAM Strategy to ensure that the cumulative (in-combination) impacts of additional visitors arising from additional qualifying developments<sup>1</sup> ("Qualifying Developments") to European sites will not result in any likely significant effects which cannot be mitigated.

The GIRAM Strategy is owned by the Norfolk LPAs.

Natural England in its role as statutory conservation adviser will support the Norfolk LPAs in their duty to produce Local Plans compliant with the Habitats Regulations, by providing advice about recreational pressure on, disturbance of, and appropriate

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<sup>1</sup> See Section 3.4.1.1 of the GIRAMS report

mitigation for European Sites in relation to the GIRAM Strategy generally and the action plans and tariff (below) specifically.

### The Interim Action Plan and Tariff

Pursuant to the GIRAM Strategy, the Norfolk LPAs have identified the nature of visitor pressures and put together an interim action plan of mitigation measures (“the Interim Action Plan”) intended to be finalised in due course (into “the Revised Action Plan”).

The cost of these mitigation measures has been calculated in accordance with a mitigation scenario outlined in Table 10 of the GIRAM Strategy Report dated October 2020 (“the Report”). The Report, one of a number of documents intended to inform the GIRAM Strategy as it evolves, currently forms the best available estimate of the cost of likely mitigation actions.

On the basis of the Report, each LPA has agreed to bring forward procedures for the collection of the county-wide tariff of £185.93 per new dwelling in each Qualifying Development (“the Tariff”).

Should mitigation measures be revised as a result of the Review (below), this will be reflected in an updated tariff. However, notwithstanding the potential for later revision, all Norfolk LPAs will adopt and start to apply this Tariff to all Qualifying Developments not later than 31 March 2022. All moneys collected before the completion of the Review and Revised Action Plan must be spent in accordance with Interim Action Plan and the Report.

### The Review and Revised Action Plan

Having established the Tariff on the basis of the Report and having implemented the Interim Action Plan, the LPAs are mindful that areas within the Interim Action Plan (governance, success factors and other process points including distribution, joint decision-making and prioritisation) still need to be finalised (into a “Revised Action Plan”). During this process, the LPAs, will individually collect the Tariff for qualifying developments. Tariff money spent should be recorded and evidenced.

In order to achieve the Revised Action Plan, all Norfolk LPAs commit to an early review of both the Interim Action Plan and the Tariff (“the Review”). The Review will be completed within 18 months from adoption of this Statement by the Norfolk LPAs.

The Review will consider all aspects of the GIRAM Strategy including recreational impact avoidance and mitigation measures as specified in Section 3 and Table 10 of the Report, and the associated revenue/capital funding of any revised GIRAM Strategy actions if deemed to be necessary.

Any revisions to the Tariff or Interim Action Plan should:

- a) be recommended in the Review and,
- b) must meet the following criteria: be evidence-led, legal, deliverable, and effective in that they materially mitigate the recreational pressures and disturbance impacts of the Qualifying Development in question in such a way

that there will be no likely significant effect on the integrity of European sites across the Norfolk.

More generally, the Norfolk LPAs accept that any revisions to the Interim Action Plan must be implemented in a manner which meets all legal requirements and delivers the objectives of the Habitats Regulations. To this end, the parties agree that the Revised Action Plan must be evidence-led, incorporate robust governance, a prioritisation of mitigation actions and clear success factors/measures.

The Revised Action Plan should also be accompanied by:

- A workable process model so it is clear to those Qualifying Developments subject to the charge precisely where their contributions have been applied, and how; and
- Policies and procedures to ensure resources are apportioned to maximise the effectiveness of the overall mitigation package over the life of the Action Plan.

Subject to resource provision, Natural England will support the LPAs by providing advice on any proposed amendments to the Revised Action Plan and accompanying documents, models and policies, as applicable.

Providing the above criteria are met and that the implementation of the Revised Action Plan does not conflict with any of the Partners' statutory responsibilities, either under the Habitats Regulations or any other legislation, all Norfolk LPAs commit to implementing any agreed revisions identified in the Review into a Revised Action Plan (subject to consultation with Natural England) as soon as is reasonably possible and no later than 6 months from the date of the Review.

#### Ongoing Monitoring and Adaptation

The mitigation delivered as a part of both the Interim and Revised Action Plans will be monitored by Norfolk LPAs and the outcomes fed into any subsequent review(s) of the Revised Action Plan and Tariff, to assess the effectiveness of the mitigation with any changes to the Revised Action Plan and Tariff. Natural England will provide a consultation response to any changes, subject to their resource provision, prior to finalisation.







**Committee Name: Sustainable development panel**

**Committee Date: 07/03/2022**

**Report Title: East Norwich Masterplan Update**

**Portfolio:** Councillor Stonard, Cabinet member for inclusive and sustainable growth

**Report from:** Head of planning and regulatory services

**Wards:** Thorpe Hamlet, Lakenham

### **Purpose**

To report on progress with the East Norwich masterplan and provide Members with an opportunity to comment on the emerging work.

### **Recommendation:**

To note progress and provide comments on the Stage 2 work on the East Norwich Masterplan, particularly the Draft Infrastructure Delivery Plan (IDP) and Draft Supplementary Planning Document (SPD) along with emerging work on viability, funding and phasing.

### **Policy Framework**

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

This report addresses following strategic actions in the Corporate Plan:

- Provide means for people to lead healthy, connected and fulfilling lives
- Maintain a clean and sustainable city with a good local environment that people value
- Continue sensitive regeneration of the city that retains its unique character and meets local needs
- Mobilise activity and investment that promotes a growing, diverse, innovative and resilient economy

This report helps to update the local plan for Greater Norwich by informing production of a supplementary planning document for East Norwich which will support delivery of the Greater Norwich local plan's policies. Once adopted the GNLP will replace the Joint Core Strategy for Broadland, Norwich and South Norfolk and the Norwich Site Allocations and Site Specific Policies plan which currently form key elements of the local plan for Norwich.

This report helps to meet the following objectives of the COVID-19 Recovery Plan:

- Housing, regeneration and development: this specifically includes the action of commencing the masterplanning process for the regeneration of East Norwich with the potential to deliver 4,000 new homes and create 6,000 new jobs; this work began in March 2021 and is well underway as noted in the main body of this report. Also, the masterplan will identify required infrastructure to ensure the regeneration of East Norwich in a timely manner. The acquisition of Carrow House by the city council gives it a stake in the regeneration of the wider area.
- Business and local economy: the masterplan will identify opportunities to promote sustainable travel in the city centre, with a focus on walking and cycling. The masterplan and acquisition of Carrow House is part of the Town Investment Plan which has secured £5m funding for investing in the East Norwich as part of the wider £25m investment programme.
- Climate change and the green economy: the masterplan and eventual supplementary planning document to be produced in stage 2 of the process will help ensure that future the regeneration of East Norwich is delivered to the highest possible environmental standards.

## Report Details

1. Following an update to sustainable development panel at the conclusion of Stage 1 work at its meeting on [9 November 2021](#), Members will be aware of the continuing work towards completion of Stage 2 of the East Norwich Masterplan work. The Stage 1 Masterplan was agreed by cabinet on [17 November 2021](#), alongside agreement to progress to Stage 2. This second stage work is focused on the infrastructure needed to support the delivery of the East Norwich Masterplan, and the regeneration of the Carrow Works, Deal Ground/May Gurney and Utilities Sites, and Carrow House, owned by the city council, along with further work on funding and phasing, as part of outlining the deliverability of this regeneration, and critically, preparation of a Supplementary Planning Document (SPD) for the East Norwich area to support the policy and site allocation currently being examined as part of the Greater Norwich Local Plan.
2. The formal Stage 2 outputs will be:
  - (a) An Infrastructure Delivery Plan (IDP) and refined Strategic Viability Assessment, including Funding and Phasing Strategies
  - (b) A refined masterplan
  - (c) An evidence base to support planning applications and the allocation in the Greater Norwich Local Plan
  - (d) A draft Supplementary Planning Document (SPD) for East Norwich
3. Since agreement of the masterplan by cabinet in November 2021 comments have been received on the masterplan from a number of partners and key stakeholders, alongside regular engagement with the partnership steering group and partnership board. Landowners continue to be regularly engaged and other interested parties such as Carrow Yacht Club and Whitlingham Country Park are being met with to talk through the emerging proposals.
4. At its meeting on 9 November, sustainable development panel members raised particular points regarding flood mitigation, community infrastructure provision and sustainable transport. The resolution recommended the draft Stage 1 masterplan to cabinet, subject to noting that the panel:
  - (a) considers that there should be further engagement with the Environment Agency in relation to flood risk in the context of climate change, using the indicative proposed layout as set out in the masterplan based on existing flood risk;
  - (b) welcomes the provision of community infrastructure for schools, health facilities and public transport but seeks assurance that there will be further consideration at the development stage to ensure that this infrastructure is provided.

## Progress

5. With regards to resolution (a), the consultants have continued to engage with the Environment Agency, and further flood modelling work is being undertaken funded by an additional grant from Homes England. The grant (totalling £41,000) has also funded further feasibility work into a potential

pedestrian/cycle link through the Trowse Rail Underpass, as part of a route running East-West through the Carrow Works and Deal Grounds sites to Whitlingham Country Park ('from City to the Broads').

6. Updates on the flood modelling work and the underpass feasibility study will be provided by the consultants as part of a presentation on progress to be provided at panel on 7 March. For clarification the flood modelling work makes allowance for climate change based on EA requirements; this relates to a percentage increase of fluvial flows and a level increase for tidal events and is considered to be a standard approach for assessing flood risk.
7. With regard to resolution (b), further engagement has taken place with County Council officers regarding education and public transport provision, and with the Clinical Commissioning Group to ascertain health infrastructure requirements arising from the proposed development at East Norwich. This will enable these key elements of infrastructure to be fully incorporated into both the Infrastructure Delivery Plan (IDP) and Supplementary Planning Document (SPD). Further, work is being undertaken to assess the implications of phasing, including triggers for infrastructure requirements, along with potential funding sources. The SPD will reflect the importance of a 'hub' of community and related facilities (school, health, neighbourhood retail etc) which are provided in a location that recognises the facilities will serve all three sites and to ensure a '20 minute neighbourhood' objective is met.
8. Key conclusions highlighted in the Stage 1 work in relation to costs and delivery were:
  - The overall proposition creates significant financial value however there are likely to be challenges terms of the relationship between timing of costs and revenue;
  - Significant improvements are anticipated in the value of development that can be achieved in East Norwich as the development matures, with positive impacts on viability;
  - Although the stage 1 masterplan presents a profitable scheme overall, there is a series of financial and funding barriers that need to be considered in more detail to identify how they can be overcome.
9. The ongoing Stage 2 work, therefore, has focussed on looking more closely at the timing of costs and receipts to develop appropriate strategies for securing upfront investment to unlock infrastructure delivery and capture long term value to repay that investment appropriately. This will include a consideration of both local and national government funding as well as the expectations of landowners and developers. Whilst this is still work in progress, work continues to identify infrastructure and potential funding sources. It is important to identify those costs which are abnormal, i.e., not normally to be expected in the development of a site. Alongside this, the implications of the infrastructure provided is being identified as either site-specific, regeneration area-specific, Norwich-wide or even regional, to inform how funding might be secured.
10. In terms of other important updates since last reporting to this panel, Historic England completed their Listings Review in December 2021. Several notable

changes were made to buildings, and elements, on the East Norwich Regeneration Area sites, namely:

<b>Building</b>	<b>Change to status</b>
Carrow Priory (ruined portions)	Boundary of the scheduled monument amended
Carrow Abbey	Listing remains grade I, exclude post-war extensions
Carrow House	Listing remains grade II, new Carrow House excluded, 1908 garden structures included
Carrow House conservatory	To be listed separately and upgraded to II*
Eastern air raid shelter	To be listed grade II
Trowse railway station	To be listed grade II
Flint wall and 19 pet tombs	To be listed grade II
Lodge, gardener's cottage and former cart shed to Carrow Abbey	To be listed grade II
K6 Telephone Kiosk outside the entrance of the former mustard seed drying shed	To be listed grade II
Former Mustard Seed Drying Shed	To be listed grade II
Walls, steps and paved surfaces of the sunken garden near Carrow Abbey	To be listed grade II

11. This provides greater clarity for all parties – landowner/developers, local planning authority and other interested parties, regarding the important heritage context across the East Norwich sites. An appropriate contextual development and enhancement of heritage assets remain key drivers for future regeneration of the sites, and this will be a key element of the emerging SPD.
12. Another significant parallel workstream relates to the ongoing work on the Greater Norwich Local Plan (GNLP). The East Norwich Masterplan work, with its focus on infrastructure requirements and deliverability, continuing strong Partnership of Local Authorities, landowners and other partners/agencies, and with upcoming tangible outputs including the IDP and SPD, provides key supporting evidence to the local plan examination.
13. The examination session on East Norwich took place on 10 February. It was agreed that amendments were required to the policies to address duplication between the strategic policy 7.1 and the site specific policy for East Norwich, and that further information on viability and delivery (particularly of infrastructure) would be submitted once available.
14. A key next step for members to note is the proposal for a future Stage 3 for the East Norwich Masterplan work. This is currently being discussed with Homes England to enable momentum to be maintained. This stage will take all the Stage 2 Outputs and prepare a Delivery Plan to assist with future funding bids, as future funding sources are identified and become available.

## Consultation

15. A summary of the extensive consultation and engagement to date is available on the council's [website](#). Members of the sustainable development panel have also been kept informed by regular reports throughout the Stage 1 process.

## Implications

### Financial and Resources

16. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2019-22 and Budget.
17. There are no proposals in this report that would reduce or increase resources. Partnership funding is in place to cover the costs of the masterplan production as noted in previous reports to Cabinet and Sustainable Development Panel.
18. Financial commitment to date for the masterplan work totals £675,000 from the following sources: Norwich City Council, Norfolk County Council, Norwich Towns Fund, Norfolk County Council, the Broads Authority, Homes England, Network Rail, the landowners of the Deal, Utilities and Carrow Works sites, and the Norfolk Strategic Fund.
19. The overall level of funding covers the cost of the masterplan consultants, project management costs and other costs including commissioning of any additional work required to the end of the contract (anticipated at the end of April 2022).
20. In addition, as noted at paragraph 5 above Homes England has also contributed £41,000 for additional studies to support the masterplan.

## Legal

21. There are no legal issues arising from this report.

Consideration	Details of any implications and proposed measures to address:
Equality and Diversity	This report does not have any direct implications for the council's equality and diversity considerations.
Health, Social and Economic Impact	This report does not have any direct implications for the council's health, social and economic considerations.
Crime and Disorder	This report does not have any direct implications for the council's crime and disorder considerations.
Children and Adults Safeguarding	This report does not have any direct implications for the council's Safeguarding Policy statement.

Consideration	Details of any implications and proposed measures to address:
Environmental Impact	The masterplan will have implications for the council's environmental impact considerations. Impacts that are being specifically addressed through the masterplan include the need to manage traffic impact on the strategic road network in the east of the city which is at capacity, to address key areas of landscape and biodiversity value and the setting of heritage assets, to address and mitigate flood risk, to address and mitigate environmental impacts from adjacent activities and site contamination, and to address navigation rights in relation to the River Wensum part of the Broads network.

Risk	Consequence	Controls Required
This report is an update on the significant progress made to date and does not have any specific operational, financial, compliance, security, legal, political or reputational risks to the council. As noted in the report, funding for stage 2 of the masterplan is already committed. The masterplan is part of the Towns Deal project; risks have been identified as part of that project.	N/a	N/a

### Other Options Considered

22. The decision was taken at Cabinet in November 2021 to proceed to Stage 2 of the masterplan process. Production of a masterplan for East Norwich is a major opportunity to drive forward the regeneration of that area. Given that we are in the middle of the Stage 2 process and the emphasis is on completing the key outputs, the consideration of other options is not considered to be relevant at this stage.

### Reasons for the decision/recommendation

23. The reason for the recommendation is to ensure that members of Sustainable Development are kept updated on progress and given the opportunity to comment on the emerging stage 2 work.

**Background papers:** none

**Appendices:** none

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