

**The National Planning Policy Framework and
Assessment of Local Development Framework Policies**

Report by Director of Planning and Strategy and Head of Development Management

Summary:	This report advises members of the assessment of the policies in the Authority's Local Development Framework against the National Planning Policy Framework. It identifies where there are policy 'gaps' and set out an appropriate course of action for dealing with these. It also outlines the implications for the preparation of further Local Plans (formerly Development Plan documents) in the Authority's Local Development Scheme (LDS). It is anticipated that a revised Local Development Scheme will be presented for members' consideration at the 28 March meeting.
Recommendation:	That members note the contents of the assessment in Appendix 1 and agree the suggested approach as outlined in Sections 3 and 4 of the report.

1 Introduction

- 1.1 Members will recall that the National Planning Policy Framework (NPPF) was published in March 2012 and that it sets out the transitional arrangements that will apply to existing adopted policies. The transitional arrangements are that 'for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework'. Following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework - the closer the policies in the Plan to the policies in the NPPF, the greater the weight that may be given.
- 1.2 The main policy documents in the Broads Local Development Framework are the Broads Core Strategy, adopted in 2007 and the Broads Development Management Policies, adopted in 2011. Full weight can continue to be given to the policies for the purposes of decision making until 27 March 2013, provided that there is only a limited degree of conflict with the NPPF. It is after that date that the consistency with the NPPF becomes an important consideration.
- 1.3 The NPPF restates the primacy of the Development Plan in planning decision making - planning applications must be determined in accordance with the

Development Plan unless material considerations indicate otherwise (referred to as the 'plan-led system'). The NPPF represents guidance both in drawing up plans and is a material consideration in determining applications. Where adopted policies are in conflict with the NPPF, the degree of weight to be attached to the advice in the NPPF as a material consideration becomes greater. It is therefore important that a detailed check of the adopted policies in the Local Development Framework against the requirements of the NPPF is undertaken.

- 1.4 Appendix 1 to this report provides a summary of the assessment which has been completed by officers. The assessment is based on a model checklist developed by the Planning Advisory Service (PAS) and the Local Government Association (LGA). The checklist enables local planning authorities to assess adopted policies against NPPF requirements, identify any gaps or areas of non conformity and start to plan how to manage the change. Although it has not been endorsed by the Department for Communities and Local Government, the PAS template has been used by a number of local planning authorities (including the New Forest NPA and the North Yorkshire Moors NPA). The assessment will be important in defending the weight to be given to the adopted Local Development Framework policies in application decisions and appeals.

2 Self Assessment Process

- 2.1 The NPPF condenses over 1000 pages of policy guidance into 55 pages and inevitably a lot of the detail contained in the former Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) has been lost. This is important because there are some areas where Local Planning Authorities were previously advised not to include policies in the Local Development Framework that would duplicate national policy in PPSs and PPGs. Now that these have been replaced there is potential for a policy and procedural 'vacuum' in some areas, the most significant of which for this Authority is in relation to the functional and financial tests for agricultural workers dwellings and floodrisk.
- 2.2 The picture is made more complex because a handful of PPSs and PPGs remain extant, together with Good Practice Guides and Circulars and these may still be taken into account in reaching planning decisions. Members will be aware from their agenda for the 1 February 2013 planning committee that the Government is committed to reducing the amount of extraneous guidance and had recently consulted on the findings of the Taylor Report which seeks to have much of this guidance removed by March 2013 and replaced by July 2013. They will also note from the report elsewhere on this agenda that a wider consultation on regulation is taking place as part of the Red Tape Challenge and this is likely to result in the removal of more guidance.

2.3 There are three aspects considered throughout the assessment table:

- whether an existing LDF policy is consistent with the NPPF or not;
- whether there is a policy 'gap' with the loss of the PPSs and PPGs; and
- whether there is additional information or evidence that would be desirable to have in place for the preparation of a new Plan but would not 'trigger' an immediate review of the LDF.

2.4 The summary of the assessment in Appendix 1 incorporates a 'traffic light' approach to indicate the degree of significance of variation between the adopted LDF policies and NPPF requirements as follows:

- **Red** – areas where there could be significant implications for decision taking - either because there is a conflict between an LDF policy and the NPPF or there is a gap in policy advice as a result of the loss of detail from Planning Policy Statements, Planning Policy Guidance Notes or Practice Guides. The assessment indicates the action that should be taken to deal with these areas.
- **Amber** – policies where there are less significant implications for decision taking - where there are requirements or advice now included in the NPPF that are not currently covered in LDF policies or supporting text and those aspects of the NPPF may need to be given weight in making decisions on applications but no immediate action needs to be taken in relation to plan making.
- **Green** – policies are considered to be wholly consistent with the NPPF and can be afforded full weight in decision making.
- **Blue** – Policy content is not reflected at all in the NPPF because of its very specific Broads nature e.g moorings, bank erosion. These policies should continue to be afforded weight in decision making until the Plan is reviewed. Any future policies will require robust local evidence and justification

2.5 In addition, there are some areas where it is considered that no immediate action needs to be taken. These are generally in relation to areas where the NPPF advises that certain evidence or advice should be incorporated into new Plans but which is not currently included in the adopted LDF and will not have any implications until the LDF is reviewed. This includes areas where additional evidence is required for preparing a new Plan.

3 Conclusions from the Self Assessment

3.1 The self assessment shows that the majority of the LDF policies are in general conformity with the NPPF and can continue to be given full weight beyond March

2013. In view of this it is not considered necessary to undertake an immediate full review of the Core Strategy and Development Management Policies. The Site Specifics Policies are to be submitted shortly and have been prepared in the context of the NPPF. Therefore their consistency with the NPPF will ultimately be decided at examination later in the year when the Inspector considers the issue of soundness. Following the conclusion of that process it will be apposite to begin a review of the Core Strategy and DM policies and bring them together to form a Local Plan and start to address the issues highlighted in paragraph 2.4 above. A revised Local Development Scheme setting out the proposed timetable for this will be presented to Members in due course. It is important to recognise that the special status of National Parks and the Broads as areas where development is restricted and landscape conservation is to be given great weight is recognised in the NPPF. Paragraph 115 of the NPPF continues to give the highest status of protection to National Parks and the Broads in relation to landscape and scenic beauty, maintaining the position set out in the former PPS 7 and footnote 9 identifies National Parks and the Broads as areas where development should be restricted and the presumption in favour of sustainable development does not apply. This confirmation in the NPPF is welcomed, but it is nonetheless appropriate to ensure that this is interpreted locally and incorporated into Broads-specific policies.

3.2 There are, however, four main areas where there are potential significant implications for decision making which are set out below. In some of these cases, it is considered that the non conformity of the LDF with the NPPF can be justified given the weight to be attached to conserving landscape and scenic beauty that is set out in paragraph 115 of the NPPF. The Authority may be challenged in these areas on a case by case basis and it will be important to maintain its policy position using the explanation and justification set out in the assessment. The main areas where implications could arise are:

- **Paragraph 28** – the NPPF supports the sustainable growth and expansion of all types of business in rural areas, through conversion and well designed new buildings. The NPPF does not contain any restriction on where new build development for employment purposes can take place, referring only to ‘rural areas’ which could imply within villages or open countryside. However, in open countryside, the LDF policies support the conversion of existing buildings rather than new buildings for employment development. New buildings are permitted within villages where there are no suitable sites or accommodation in the vicinity. It is considered that this approach is appropriate within a Broads context, whereas Policy DP21 of the Development Management Policies gives great weight to protecting the landscape, biodiversity and cultural heritage of National Parks. Officers consider that it would be unreasonable for ‘rural areas’ to be equated to ‘open countryside’ and therefore this may not be a significant issue.

- **Paragraph 51** – the NPPF states that applications for change to residential use from commercial uses should normally be approved, provided that there are not strong economic reasons why this would be inappropriate. The policies in the LDF seek to resist the loss of commercial and employment premises to other uses, unless it can be robustly demonstrated that they are no longer suitable or viable for these purposes – particularly boatyard or waterside uses. Officers consider that the caveat provided by the NPPF in relation to ‘strong economic reasons’ should apply to the Broads due to the fragile nature of the rural economy and the strong reliance on tourism/boating uses. However, it is considered that this is an appropriate approach in a location where development opportunities are limited, and it is important that the policy does not impose a blanket ‘ban’ on such changes of use. Members will be aware from a report elsewhere on this agenda that the Government has extended Permitted Development Rights on changes of use to allow for this change without the need for planning permission albeit for a temporary period of three years and this to an extent overrides the assessment findings in any case.
- **Paragraph 55** – the NPPF restricts isolated new homes in the countryside to special circumstances including to ‘meet an essential need for a rural worker to live permanently at or near their place of work in the countryside’. There is no definition of what constitutes a ‘rural worker’. Policy DP26 of the Development Management Policies has a much more specific definition as the policy permits new houses in open countryside only where it is proven as essential for farming, forestry and other essential land management activities including boatyards. The assessment of essential need was based on the functional and financial tests set out in Annex A of PPS 7 which have now been lost.

CLG has not issued any formal advice on how to deal with this policy ‘gap’. Although it may eventually be resolved when the review of guidance has been completed by the Government, in the meantime the Authority is receiving pre application queries and applications for dwellings of this type which need to be dealt with. It is therefore recommended that the Authority continues the approach of using the functional and financial tests set out in Annex A of the former PPS 7 to deal with proposals for agricultural and other rural workers’ dwellings in open countryside.

In addition the NPPF also does not give any specific guidance on replacement dwellings which is a regular issue in the Broads. Therefore the existing adopted policies will continue to be applied and will no doubt be tested on appeal.

- **Paragraph 65** of the NPPF indicates that Local Planning Authorities should not refuse permission for development which promotes high levels of sustainability because of concerns about incompatibility with townscape if this

is mitigated by good design. Policy DP4 of the Development Management Policies supports sustainable approaches to design but also requires that this complements the character of the local area and reinforce the distinctiveness of the wider Broads setting. This is considered to be an appropriate approach given the NPPF's requirement that great weight is to be given to conserving landscape and scenic beauty in National Parks and the Broads.

- 3.3 In addition there are a number of policies in the current LDF documents that are very Broads specific and relate to circumstances that are probably only found in Broads Planning Policy Documents and are unique to the area. These include policies relating to moorings, bank protection, leisure plots and other specific navigation related issues. Not surprisingly the NPPF is absent or silent on specific guidance for these issues. Whilst the Core Strategy and Development Management policies remain in force these policies will continue to be given weight in decision making. However, Members should be aware that when it comes to Plan review it may be more difficult than previously for policies covering these areas to survive Examination by an Inspector particularly if the NPPF as currently drafted and the regulations surrounding the test of soundness remain as evidenced today. The approach the Broads Authority will need to take will be in compiling a sound and robust evidence base which justifies the need and basis of the policies.

4 Housing Policy

- 4.1 Members may be aware from the report presented in December 2012, in relation to the Duty to Co-operate, that the position of National Parks and the Broads in relation to housing provision is not made clear in the NPPF. ENPAA has sought further clarification from CLG. The Regional Spatial Strategy set a 'nil' figure for housing provision in the Broads in recognition of the special circumstances of the area e.g floodrisk, landscape and ecology. Any housing that occurred would be to meet local housing need. However, the abolition of the RSS has left a 'vacuum' with regard to whether the Broads should be meeting general housing need which the NPPF does not clarify.
- 4.2 Paragraph 47 of the NPPF states that Local Plans should meet the full objectively assessed needs for market and affordable housing in the area, but only 'as far as is consistent with the policies set out in this Framework'. Thus in the National Parks and the Broads, meeting housing needs has to be balanced with the weight to be attached to conserving their scenic beauty set out in paragraph 115. The footnote to this paragraph also makes reference to the National Parks Circular which states that 'the Government recognises that the Parks and the Broads are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them'. Even if this approach is endorsed by CLG, under the Duty to Co-operate it remains essential to engage with the adjoining Districts to consider how this need will be met.

Members will recall that this process has begun through a Memorandum of Understanding which so far has been formally endorsed by Broadland and Waveney.

- 4.3 Meetings between ENPAA and CLG concluded that there is sufficient scope within the NPPF and especially the link to the Circular to conclude that National Park Authorities and the Broads should continue to focus on the delivery of housing to meet local and affordable needs and that to meet the full market and affordable needs would conflict with the other policies in the NPPF which seek to protect the National Park family. A draft 'articulation' of the relevant parts of the NPPF has been drawn up and it is intended that this will be agreed by ENPAA, CLG and PINS. This position does, however, need to be articulated through a logical process e.g. developing an evidence base through a Housing Market Assessment and then setting out the landscape constraints to meeting that need. The outcome of this process would conclude that, due to the constraints, future Broads Local Plans would not need to deliver the full amount of need identified or provide a 5 year housing land supply. This approach is being agreed with the constituent Districts through the Duty to Co-operate and the aforementioned Memorandum of Understanding.
- 4.4 Paragraph 54 of the NPPF suggests that local planning authorities should consider allowing some market housing on exception sites to facilitate affordable housing. In the future as funding for affordable housing on "exceptions" sites decreases, there may be more pressure for an open market element than currently experienced in the Broads to date.

5 Sustainability Appraisal

- 5.1 The policies in the Core Strategy and the Development Management Policies (and the Site Specifics Policies) were subject to Sustainability Appraisal and Habitats Regulations Assessment as part of their production. These assessments were not required as part of the production of the NPPF and therefore its implications have not been subject to the same level of rigorous assessment that is expected as part of a local plan. However, should any elements of the NPPF be incorporated into the LDF or Local Plan in the future these would need to be subject to Sustainability Appraisal and Habitats Regulations Assessment.

Background paper: None

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Enclosure: APPENDIX 1 – List of Current Broads Local Development Framework Policies

Appendix 1 – List of Current Broads Local Development Framework Policies

Below is a complete list of current (Jan 2013) Broads Local Development Framework Policies. These are from the Broads Core Strategy DPD 2007 and Broads Development Management Policies DPD 2011. These will continue in place once a Broads Site Specific Policies DPD is adopted and until they are replaced by a Local Plan.

1. Core Strategy DPD Policies (adopted 2007)

Respecting the Environment and Cultural Assets

Landscape protection and enhancement

CS 1

Development and changes in land use / management must ensure that all aspects of the environmental and cultural assets of the Broads distinctive landscape are protected, enhanced and restored.

Proposals should ensure opportunities for positive impacts on the following core assets have been addressed and adverse impacts avoided:

- (i) the defining and distinctive qualities of the varied landscape character areas formed by the built and natural environment
- (ii) tranquillity and wildness as part of the Broads experience
- (iii) the value and integrity of nature conservation interest and
- (iv) the character, appearance and integrity of the historic and cultural environment

Opportunities to mitigate the visual impact of currently intrusive features should be sought.

***NPPF Consistency assessment:* Consistent . No action required**

Key NPPF sections:

- Section 1 (sustainable development) , especially paras 7, 17,
- Section 11 (natural environment), especially para 113, 114, 115 (Broads) & 123 (tranquillity);
- Section 12 (historic environment);
- Para 58 (good design).

CS2

In the interpretation and implementation of the Core Strategy policies, full regard will be taken of the objectives of European and National nature conservation designations and adverse effects avoided.

*NPPF Consistency assessment: **Consistent No action required***

Key NPPF sections: Para 113, 117, 118

The Navigation

CS3 Navigable water space will be protected and enhanced through:

- The design of flood alleviation/protection project
- Avoiding development and changes in land management which are detrimental to its use.

Key NPPF sections: Paras 8, 33, 35, 41, 73, 74, 75, 143.

*NPPF Consistency assessment: **Consistent. No action required***

Creation of New Resources

CS4

The Broads landscape is partly man-made and is constantly changing. There will continue to be opportunities to create new environmental and cultural assets on any scale of development and these will be sought where they:

- create new high quality land and water-based landscapes which reflect the essential Broads characteristics, offering biodiversity gains through habitat creation and opportunities to improve facilities for navigation and recreation
- improve the quality of the built environment
- involve, for all new developments, good quality design, the use of sustainable construction methods and the use of locally sourced materials
- incorporate crime reduction measures in line with “Secured by Design”
- protect, maintain and enhance the nature conservation value of the Broads paying attention to habitats and species

- (vi) contribute to ecological networks and create habitat corridors, especially linking fragmented habitats of high wildlife value
- (vii) encourage and facilitate the development of alternative and more sustainable solutions to flood risk and alleviation, taking into account the likely changes as a consequence of climate change.

Key NPPF sections: Paras 7, 17, 56, 57, 58, 69, 109, 114, 115, 117, 126, 137,

*NPPF Consistency assessment: **Consistent. No action required***

Historic and Cultural Environments

CS5

Key buildings, structures and features which contribute to the Broads' character and distinctiveness will be protected from inappropriate development or change and enhancements which maintain the overall cultural heritage value of an area will be encouraged through:

- (i) the identification of locally important assets and their context through the cultural heritage strategy and the landscape character assessment and by applicants in their design statements;
- (ii) the revision of the statutory list and the preparation and adoption of a local list published in a Supplementary Planning Document;
- (iii) the repair and appropriate re-use of buildings and structures of historic, architectural, cultural or landscape value where the repair and/or use would not be detrimental to the character, appearance or integrity of the building or structure, its context or setting;
- (iv) encouraging the highest standard of design to protect existing assets and add to the future cultural heritage value of the locality.

Key NPPF sections: 56, 57, 58, 60, 126, 129, 137, 141.

*NPPF Consistency assessment: **Consistent. No action required***

CS6

The archaeology of the Broads will be better understood, protected and enhanced by:

- (i) protecting existing archaeology from inappropriate development or change
- (ii) raising awareness of potential archaeology through the identification of likely sites/finds
- (iii) the adoption of methodology and procedures for the notification, recording and interpretation of unanticipated finds; and
- (iv) encouraging the interpretation of archaeology.

Key NPPF sections: 126, 128, 129, 135, 136, 137, 139, 140, 141.

*NPPF Consistency assessment: **Consistent. No action required***

Environmental Protection

CS7

The environment will be protected and enhanced by ensuring all development addresses impacts on air quality, water quality, water resources and waste. Opportunities should be sought for incorporating measures to achieve resource efficiency, for re-use and recycling.

The Authority will seek their sustainable management and use by working with local authorities, Natural England, the Environment Agency, water companies, Internal Drainage Boards and landowners on land-use and water issues.

Key NPPF sections: 109, 110, 120, 122. Note potential for a degree of minor degree of conflict with para 122

NPPF Consistency assessment: Generally consistent, but potential for a degree of inconsistency only if this is used to duplicate or reinforce other control regimes. No action required

Response to Climate Change

CS8

Contributions to climate change arising from development will be minimised by means of a reduction of greenhouse gas emissions. Potential impacts will be identified and assessed by developers and measures taken including:

- (i) Implementing green travel plans
- (ii) Incorporating small scale renewable energy technologies into development
- (iii) Using sustainable design principles that achieve energy efficiency throughout the developments lifecycle.

Key NPPF sections: 29, 30, 35, 36, 93, 94, 97,

NPPF Consistency assessment: Consistent. No action required

The Use and Enjoyment of Water and Land

Sustainable Tourism

CS9

The tourism base in the Broads will be supported, widened and strengthened by:

- (i) encouraging a network of tourism and recreational facilities throughout the system and protecting against the loss of existing services
- (ii) protecting waterside employment sites to contribute to the local economy
- (iii) incorporating employment uses in new schemes
- (iv) supporting diversification of tourism where economically and environmentally sustainable and
- (v) promoting low-impact tourism.

Key NPPF sections: 17, 18, 19, 20, 21, 28, 37, 41, 33, 70, 73, 74, 75.

*NPPF Consistency assessment: **Consistent. No action required***

CS10

Gateways and entrances between the Broads and settlements will be created and those already existing will be enhanced.

Key NPPF sections: None

*NPPF Consistency assessment: Policy content not reflected in the NPPF. **Continue to apply weight to policy.No action required ahead of Plan review***

CS11

Tourism and recreational development will be directed to appropriate locations which have the necessary infrastructure and facilities to support such development by:

- (i) Identifying criteria for broad areas to ensure a network of facilities, to achieve a hierarchy from high-density comprehensive provision through to low key support facilities; and
- (ii) Requiring adequate levels and types of infrastructure and facilities to support development taking into account factors such as accessibility, water quality, sewer capacity, seasonal impacts.

Key NPPF sections: 8, 10, 17, 21, 30, 32, 70, 109, 110, 115,

*NPPF Consistency assessment: **Consistent. No action required***

CS12

Additional holiday accommodation will be situated in sustainable locations to achieve a variety of types of facility, support for long distance (walking/ cycling/ boating) routes, and continuing income to local businesses, and be sited and designed in order to protect and enhance the special features and character of the Broads.

Key NPPF Sections 1, 3, 4, 7, 8 & 11: especially paragraphs 30, 70, 115,

NPPF Consistency assessment: Consistent. No action required

Water Space Management**CS13**

The water space will be managed in a strategic, integrated way and navigation and conservation interests will be maintained and enhanced.

Site management plans for key broads will be developed and implemented and opportunities for the extension or creation of navigable/recreational water space will be promoted, consistent with natural or cultural heritage conservation interests and other Broads' purposes.

Key NPPF sections: 3, 4, 8, 11, & 12

NPPF Consistency assessment: Consistent. No action required

CS14

The provision of a range of additional short and long-term visitor moorings will be encouraged in order to ensure that visitor moorings are available in appropriate locations and where they are most needed, where they contribute to the management of a safe and attractive waterway, and in settlements where services and facilities are available.

Key NPPF sections: 3, 4, 8, 11, & 12

NPPF Consistency assessment: Consistent. No action required

CS15

Adequate water depths will be maintained for safe navigation, and the disposal of dredged and cut material will be carried out in ways that mitigate unavoidable adverse impacts on the environment. Beneficial use of dredgings will be encouraged. Opportunities for the disposal of

dredged materials to enable the management of the navigation will be sought and promoted in line with the Sediment Management Strategy. Control of sediment input from surrounding land, highways and river banks will be considered in development proposals.

Key NPPF sections: 3, 4, 11.

NPPF Consistency assessment: Consistent. No action required

Access and Transportation

CS16

Improvements to transportation to, and to access facilities within the Broads will be sought in a manner and at a level which is compatible with sustainability objectives.

Integration between alternative modes of transport will be sought to encourage visitors to arrive and travel within the Broads via sustainable modes of transport.

Within the area particular improvements required include:

- (i) The improvement of access to and views of the waterside by the introduction of additional footpaths and cycle ways;
- (ii) The promotion of access to enjoy the built, historic and cultural landscape; and
- (iii) The creation of links from settlements.

Key NPPF Sections: 4, 8, 11, 12.

NPPF Consistency assessment: Consistent. No action required

CS17

Safe recreational access to both land and water and between the water's edge and the water will be protected and improved through:

- (i) Developing the Public Rights of Way (PRoW) network in line with the recommendations of the Norfolk and Suffolk Rights of Way Improvement Plans;
- (ii) Developing access to designated open country;
- (iii) Identifying and safeguarding potential crossing points of land and water;
- (iv) Protecting and improving staithe and slipways;
- (v) Creating new access to the waterside by boat (where there is good road access and provision for parking);

- (vi) Improving and maintaining launching facilities for small craft;
- (vii) Protecting and creating waterside spaces for informal recreation;
- (viii) Incorporating appropriate measures for disabled people.

Key NPPF sections: Key NPPF Sections: 4, 8, 11, 12.

*NPPF Consistency assessment: **Consistent. No action required***

Fostering Communities

Rural Sustainability

CS18

Development will be located to protect the countryside from inappropriate uses to achieve sustainable patterns of development, by concentrating development in locations:

- (i) With local facilities;
- (ii) With high levels of accessibility; and
- (iii) Where previously developed land is utilised.

Key NPPF Sections: 3, 4, 10, 11.

NPPF Consistency assessment: Generally consistent, but potential for a degree of inconsistency only if this is used to exclude all development elsewhere (see, e.g., NPPF para 29).

CS19

Where development seeks to attract more than a small-scale or local level of visitors, it must be accessible by means other than the private car, be located at strategic positions throughout the area where it can be accessed by water and land, and be linked to settlements.

Key NPPF Sections: 4

NPPF Consistency assessment: Inconsistent: Aim of policy consistent with NPPF, but use of the term 'must' excludes the potential for visitor related developments which are not accessible except by car, etc., which in a largely rural area is likely to be considered not 'reasonable' (para 30) or recognising the variation in opportunities for sustainable transport between urban and rural areas (para 29). Care to be taken when applying the policy.

CS20

Development within the Environment Agency's flood risk zones will only be acceptable when it:

- (i) Is compatible with national policy and when the sequential test and the exception test, where applicable, as set out in PPS25, have been satisfied;
- (ii) Is demonstrated that it is necessary to support the social and economic needs of the local community;
- (iii) Would not increase flood risk elsewhere; and
- (iv) Would not affect the ability for future flood alleviation projects to be undertaken.

Key NPPF sections: 10 (see also NPPF Technical Guidance)

NPPF Consistency assessment: Generally consistent, but potential for a degree of inconsistency only if this is used too rigidly (for instance in relation to minor development, non- 'new' development, development, etc.), and reference to PPS25 is redundant. No action required ahead of Plan review.

CS21

Developer contributions and management agreements will be sought if deemed necessary to deliver the policies/objectives in the Core Strategy and for the provision of infrastructure via planning obligations and/or conditions.

Key NPPF sections: Plan Making;

NPPF Consistency assessment: Not fully consistent, arguably, as the plan does not set out 'standards', which should be included 'where possible', be worked up alongside Community Infrastructure Levy charges 'where practicable', and district-wide development costs understood at time of plan making. Important to note too, the NPPF requirements (paras 176 & 177) for any obligations to be justified, minimised, and have regard to viability and reasonable prospect of timely deliverability of any 'infrastructure' to which contributions may apply. No action required ahead of Plan review.

Economy

CS22

In order to support and strengthen the local and rural economy, sites and properties in employment uses will be protected from redevelopment resulting in a loss of employment, by:

- (i) Supporting and promoting appropriate diversification, subject to there being no consequent adverse local impacts;
- (ii) Strengthening a skilled workforce in the marine and tourism industries and in specialist craft skills on which the distinctive character of the Broads relies; and
- (iii) Supporting and promoting employment in nature conservation.

Key NPPF sections: 18, 19, 20, 21

NPPF Consistency assessment: Consistent. No action required

CS23 A network of waterside sites will be maintained throughout the system in employment use providing boating support services, provision of visitor facilities, access to the water and wider infrastructure to support tourism, recreation and community facilities. Limited redevelopment of boatyards and other waterside employment sites for tourism or leisure-based operations will be permitted, subject to retention of a network of boating services and to the use for employment purposes of the major part of the sites

Key NPPF sections: 18, 19, 20, 21,28,

*NPPF Consistency assessment: **Consistent. No action required***

Residential Development and the Local Community

CS24 In order to promote sustainable patterns of development and protect the rural nature of the Broads, new permanent open market residential development will only be acceptable within settlements, compatible with rural sustainability. Housing will only be permitted outside settlements where it is necessary, and subsequently retained, in connection with agricultural, forestry, tourism or leisure operations or to provide affordable housing where local need has been demonstrated in District Councils' or local housing needs surveys. A contribution from housing development – both new and conversions, permanent and holiday (Second homes) - towards the provision of affordable housing will be sought.

Key Nppf sections: 55,

*Nppf consistency assessment: **Consistent. No action required***

CS25 New community facilities will be supported where there is a proven need identified and location within the Broads is fully justified

Key NPPF sections: 70,

*NPPF Consistency assessment: **70***

2. Broads Development Management Policies DPD Policies (adopted 2011)

DP1 Natural Environment

All development should:

- (a) Protect biodiversity value and minimise the fragmentation of habitats;
- (b) Maximise opportunities for restoration and enhancement of natural habitats;
- (c) Incorporate beneficial biodiversity and geological conservation features where appropriate; and
- (d) Include green infrastructure where appropriate.

Development proposals where the principal objective is to restore or create new habitat, particularly where these contribute to the Broads Biodiversity Action Plan or enhance geodiversity, will be supported.

Where it is anticipated that a development could affect the integrity of a Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site, either individually or cumulatively with other development, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), specific to the development, will be undertaken. If adverse impacts on the integrity of the site and its qualifying features are predicted, measures to mitigate for these effects will be implemented. If it is not possible to mitigate for adverse effects, the development will not be permitted.

Development that may affect the special interest of a Site of Special Scientific Interest (SSSI) which is not also subject to an international designation, or a National Nature Reserve, will only be permitted in exceptional circumstances where:

- (e) The benefits of the development clearly outweigh the impact of the development on the features of the site and the contribution that it makes to the network of habitats and/or geological features in England; and
- (f) The detrimental impact of the proposal on biodiversity interest and/or geodiversity has been minimised through the use of all practicable prevention, mitigation and compensation measures.

Development that would have an adverse impact on a Local Nature Reserve, County Wildlife Site, a habitat identified in the UK or Broads Biodiversity Action Plan (BAP), or a local site of geodiversity, including peat soils, will only be permitted in exceptional circumstances, having regard to:

- (g) The international, national, regional and local importance of the site in terms of its contribution to biodiversity, scientific and educational interest, geodiversity, visual amenity and recreational value; and
- (h) The benefit of the proposed development in relation to the overriding public interest.

Development that would be likely to have an adverse impact on a legally protected species will only be permitted where mitigation measures are implemented to maintain the population level of the species at a favourable conservation status within its natural range. Habitat and species enhancement will be sought, provided they will accord with the importance of the Broads protected area. Where the proposed development would impact upon European protected species or habitats it must also be demonstrated that:

- (i) The development is necessary for reasons of overriding public interest; and

There are no satisfactory alternatives, in terms of the form of, or location for, the development, that would have a lesser impact on the species or habitats.

Key NPPF sections: 109, 113, 115, 116, 117, 118,

*NPPF Consistency assessment: **Consistent. No action required***

DP2 Landscape and Trees

Development will be permitted where it would not have a detrimental effect on, or result in the loss of, significant landscape heritage or a feature of landscape or ecological importance, including trees, woodlands or hedgerows.

The landscaping of new development should:

- (a) Reflect the local landscape character, having regard to the findings of the Authority's Landscape Character Assessment;
- (b) Ensure that biodiversity is taken into account in the planning stage to create an environment of high amenity and nature conservation value and contribute to the Broads Biodiversity Action Plan;
- (c) Where appropriate, maintain, and enhance, restore or add to geodiversity;
- (d) Wherever possible, support adaptation to climate change, for instance by incorporating Sustainable Drainage Systems (SUDs) and providing shade and shelter;
- (e) Have regard to its impact on navigation.

Development proposals should normally be accompanied by:

- (f) An ecological survey as required by the nature and scale of the proposal;
- (g) A landscaping scheme that details new planting and including, when appropriate, replacement trees of a value commensurate or greater to that which is lost, boundary treatments and proposals for ecological enhancement;
- (h) An arboricultural assessment detailing the measures to be put in place to protect trees and hedgerows during construction works and providing justification for the removal of any trees or hedgerow;
- (i) Details of landscaping maintenance arrangements; and
- (j) A method statement for any land raising and/or dispersal of excavated or dredged materials.

In exceptional circumstances, where the landscape, biodiversity, navigation, social or economic benefits of a proposal are considered to outweigh the loss of a feature, impact on landscape character, or existing habitat, development may be permitted subject to adequate compensatory measures being implemented. However, wherever possible the design and layout of the development should be configured to make provision for the retention, enhancement or restoration of these features.

Key NPPF sections: 118

NPPF Consistency assessment: **Consistent. No action required**

DP3 Water Quality and Resources

Sufficient water infrastructure capacity to meet the additional requirements arising from a development should be in place before the development commences.

Development will only be permitted where it can be demonstrated that it will not have an adverse impact on surface or ground water in terms of quality and quantity. This should include the requirements of the Water Framework Directive and Habitats Regulations.

Development should be connected to a foul sewer unless proven not to be appropriate. Other arrangements, including septic tanks and private sewage treatment works, will only be acceptable if the Authority is satisfied that there would be no harmful effects on the environment.

New development should incorporate measures to minimise water consumption. Water management systems, including grey water recycling and rainwater harvesting, should be incorporated into new development unless proven unfeasible.

All new development should address surface water run-off. Sustainable Drainage Systems (SuDS) should be used unless, following adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. Surface water run-off proposals should address the requirements of the Flood and Water Management Act 2010.

Key NPPF sections: 94, 99, 100, 120, 121, 122

NPPF Consistency assessment: **Consistent. No action required**

DP4 Design

All development will be expected to be of a high design quality. Development should integrate effectively with its surroundings, reinforce local distinctiveness and landscape character and preserve or enhance cultural heritage. Innovative designs will be encouraged where appropriate.

Proposals will be assessed to ensure they effectively address the following matters:

- (a) **Siting and layout:** The siting and layout of a development must reflect the characteristics of the site in terms of its appearance and function.
- (b) **Relationship to surroundings and to other development:** Development proposals must complement the character of the local area and reinforce the distinctiveness of the wider Broads setting. In particular, development should respond to surrounding buildings and the distinctive features or qualities that contribute to the landscape, streetscape and waterscape quality of the local area. Design should also promote permeability and accessibility by making places connect with each other and ensure ease of movement between homes, jobs and services.
- (c) **Mix of uses:** To create vitality and interest, proposals should incorporate a mix of uses where possible and appropriate.
- (d) **Density, scale, form and massing:** The density, scale, form, massing and height of a development must be appropriate to the local context of the site and to the surrounding landscape/streetscape/waterscape character.
- (e) **Appropriate facilities:** Development should incorporate appropriate waste management and storage facilities, provision for the storage of bicycles, connection to virtual communication networks and, if feasible, off-site provision for a bus shelter and/or a bus service serving the development.
- (f) **Detailed design and materials:** The detailing and materials of a building must be of high quality and appropriate to its context. New development should employ sustainable materials, building techniques and technology where appropriate.
- (g) **Crime prevention:** The design and layout of development should be safe and secure, with natural surveillance. Measures to reduce the risk of crime and anti-social behaviour must however not be at the expense of overall design quality.
- (h) **Adaptability:** Developments should be capable of adapting to changing circumstances, in terms of occupiers, use and climate change (including change in water level). In particular, dwelling houses should be able to adapt to changing family circumstances or ageing of the occupier and commercial premises should be able to respond to changes in industry or the economic base.
- (i) **Flood Risk and Resilience:** Development should be designed to reduce flood risk but still be of a scale and design appropriate to its Broads setting. Traditional or innovative approaches may be employed to reduce the risks and effects of flooding.
- (j) **Biodiversity:** The design and layout of development should aim to maintain, and enhance, restore or add to biodiversity.

Key NPPF sections: 17,56,57,58,59,60,61,62 (although use of Design Panel is rare GNDP opportunity exists)

NPPF Consistency assessment: Consistent. No action required. See paragraph 3.2 of main report.

DP5 Historic Environment

New development will be expected to protect, preserve or enhance the fabric and setting of historic, cultural and architectural assets that give the Broads its distinctive character.

Development that would affect a Heritage Asset, including a Listed Building, Conservation Area, Registered Park and Garden, Scheduled Monument or its setting, or a locally listed asset, will be considered in the context of national policy (currently PPS5), having regard to the significance of the asset. Harm to or loss of significance to a Designated Heritage Asset will only be permitted in exceptional circumstances.

Proposals for development on sites that are of known or suspected archaeological interest must be accompanied by an archaeological field evaluation that determines the significance of the archaeological remains and assesses the implications of the development on these remains. Development that would adversely affect important archaeological remains will only be permitted where:

- (a) The benefits of the development outweigh the harm to the remains and the value of retaining the remains in situ;
- (b) The degree of disturbance has been minimised; and
- (c) Satisfactory provision is made for the evaluation, excavation, recording and interpretation of the remains before the commencement of development.

Where development can take place and still preserve important features in situ, planning conditions will be sought to secure the implementation of effective management plans that ensure the continued protection of those features.

Key NPPF sections: 61, 126-141

NPPF Consistency assessment: Not fully consistent arguably as the tests set out in 132 and 133 of NPPF are more detailed. NPPF groups all heritage assets rather than distinguishing between them. Care when applying the policy – need to ensure NPPF tests are fully applied.

DP6 Re-use of Historic Buildings

The conversion or change of use of a statutorily protected or locally listed building or structure which makes a significant historical, cultural or architectural contribution to the character of the Broads will only be permitted where:

- (a) A structural survey demonstrates that the conversion or change of use can be undertaken without extensive building works, alterations or extensions that would have a significant detrimental effect on the structure's character and appearance;
- (b) The proposal can be achieved in a way that preserves the structure's historic, cultural and architectural features and its character;
- (c) The nature, scale and intensity of the proposed use are compatible with, and would not prejudice, surrounding uses or the character of the locality; and
- (d) It would not adversely affect protected species or habitat.

Wherever possible, the building or structure should remain in the use for which it was originally designed. Where this is not possible, employment, recreation or tourism uses (including holiday accommodation for short stay occupation on a rented basis) will be the next preference.

Conversion to residential uses, where the building would be used as a second home or for the main residence of the occupiers, will only be permitted where employment, recreation or tourism uses of the building are shown to be unviable.

Key NPPF Sections: 126-141

NPPF Consistency Assessment: Not fully consistent arguably as the tests set out in 132 and 133 of NPPF are more detailed. NPPF groups all heritage assets rather than distinguishing between them. Some potential conflict with nppf and recent government announcements in relation to hierarchy of alternative uses. Care when applying the policy – need to ensure NPPF tests are fully applied.

DP7 Energy Generation and Efficiency

New development, including redevelopment and conversion of existing buildings, will be encouraged to use energy, water, materials and other natural resources efficiently in order to achieve reduced carbon emissions and reduce the impact of development on climate change.

Developments will be encouraged to meet the following:

- (a) In the case of housing development, meet at least Level 3 of the Code for Sustainable Homes, on the adoption of this Plan (until exceeded by national Building Regulation standards, at which point revised level/s will apply);
- (b) In the case of non-housing development over 1000m², achieve at least the BREEAM 'Very Good' standard or equivalent, on adoption of

this Plan;

- (c) For development over 10 residential units, or 1,000m² for non-residential development, provide at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

Development will be required to:

- (d) Maximise the use of energy efficiency and energy conservation measures in its design, layout and orientation to reduce overall energy demand. This should be demonstrated by an energy statement; and

Incorporate water conservation and sustainable drainage methods, in accordance with, respectively, Policies DP3 and DP29 of this Plan.

Key NPPF Sections: 95,97,98

NPPF Consistency Assessment: Broadly consistent. Could be argued the quoted standards are now out of date. Care when applying the policy.

DP8 Renewable Energy

Renewable energy proposals should be of a scale and design appropriate to the locality and should not, either individually or cumulatively, have an unacceptable impact on the distinctive landscape, cultural heritage, biodiversity or recreational experience of the Broads. The impact of ancillary infrastructure, including power lines, sub-stations, storage buildings, wharves and access roads, will form part of the evaluation.

Wherever possible, renewable energy proposals should utilise previously developed sites and result in environmental improvements over the current condition of the site.

Key NPPF Sections: 14, 98,

NPPF Consistency Assessment: Consistent. No action required.

DP9 Telecommunications Development

The provision of essential infrastructure for telecommunications will be supported where it is of a scale and design appropriate to the Broads

and would not have an unacceptable impact on the special landscape setting and character of the Broads.

In particular, proposals for the erection of telecommunications masts, equipment and associated development will only be permitted where:

- (a) The proposal has an essential role in the provision of a regional and national network;
- (b) There is no opportunity for undergrounding or no suitable alternative locations outside the Broads protected landscape;
- (c) There is no unacceptable impact on the character of the locality, the wider landscape and the amenity of neighbours;
- (d) Full consideration has been given to the opportunities for sharing a site, mast or facility with existing telecommunications infrastructure already in the area and the least environmentally intrusive option has been selected;
- (e) The proposal is in conformity with the latest national guidelines on radiation protection; and
- (f) It would not adversely affect protected species or habitats.

The operator will also be required to remove any telecommunications equipment when it is redundant.

Key NPPF Sections: 14, 42-46

NPPF Consistency Assessment: Broadly consistent. However, criterion (a) would be seen as unduly restrictive and care needs to be taken when applying the policy

DP10 Advertisements and Signs

Advertisements will only be permitted where the size, design, positioning, materials and degree of illumination of the advertisement would not have an adverse visual impact on the built or landscape character of the Broads or a detrimental effect on public safety on land or water.

Key NPPF Sections: 67,68

NPPF Consistency Assessment: Consistent. No action required.

DP11 Access on Land

Development proposals that need to be accessed by land shall:

- (a) Be assessed in terms of their impact upon the highway network in respect of traffic capacity, highway safety and environmental impact of

- generated traffic. As appropriate, mitigation will be required including off-site works, points of access, visibility and turning facilities;
- (b) Incorporate opportunities for increased sustainable public access by a choice of transport modes including by foot, bicycle or horse, including where possible new access to CROW access land;
 - (c) Provide parking in accordance with the relevant adopted standards;
 - (d) Where appropriate, be accompanied by a Travel Plan that seeks to improve the accessibility of the developments by non-car modes, the implementation of which will be secured by planning condition or obligation; and
 - (e) Avoid any adverse affect on protected species or habitat.

When determining development proposals, the Authority will safeguard public rights of way. Development will not be acceptable where it would result in the severance or loss of an existing public route. New development adjacent to a waterway should, where appropriate, facilitate pedestrian access to, and along, the waterway by providing a safe and attractive waterside walkway and pedestrian links between the waterside and other key pedestrian routes.

Key NPPF Sections: 32, 75

NPPF Consistency Assessment: Consistent. No action required.

DP12 Access to the Water

Developments that support and encourage the use of waterways, including the provision of supporting infrastructure for navigation, such as the construction of jetties and walkways and the provision of electric hook up points, will be permitted provided that they:

- (a) Would not result in hazardous boat movements ;
- (b) Would not compromise opportunities for access to, and along, the waterside, access to and use of staithe, or for waterway restoration; and
- (c) Are consistent with the objectives of protecting and conserving the Broads landscape and ecology, including the objectives of the Water Framework Directive;
- (d) Would not prejudice the current or future use of adjoining land or buildings.

Proposals incorporating staithe or slipways will be permitted where:

- (a) The use of the slipway and any associated uses or facilities, including car parking, would not have an adverse effect on either the waterway or the adjacent riverside, including ecological, biodiversity or flood risk effects; and

(b) Access and other highway requirements for cars and trailers would be adequately provided for.

Development proposals for new freight wharves and for the provision of freight interchange on brownfield sites adjacent to the navigation will be permitted where these are in accordance with the Core Strategy and other policies of the Development Plan.

Key NPPF Sections: None

NPPF Consistency Assessment: Policy content largely not reflected in NPPF. Continue to apply weight to policy. No action required ahead of Plan review

DP13 Bank Protection

Development proposals that include bank protection will be permitted where it can be demonstrated that the proposal has been designed to take account of:

- (a) The need for protection;
- (b) The nature of the watercourse;
- (c) The scale of tidal range;
- (d) Safe navigation;
- (e) The character of the location;
- (f) The effect on European and priority biodiversity habitats and species; and
- (g) The requirements of the Water Framework Directive.

Soft engineering techniques should be used as a first preference where appropriate. Permission for the piling of banks will only be permitted where:

- (h) There is a proven need to prevent bank erosion by this method; or
- (i) The site is within an established settlement where piling is part of the character of the area; or
- (j) The proposal is for replacement piling for a site that has been piled in the recent past; and
- (k) The piling works are required for:
 - o navigation purposes;
 - o compliance with the Water Framework Directive;
 - o the prevention of diffuse pollution to the water environment;

- flood defence; or
- development that has been granted planning permission.

Mooring on banks that have been piled may not necessarily be permitted. Where mooring is permitted, the number of craft allowed and whether stern-on or single alongside only mooring, will be specified.

Key NPPF Sections: None

NPPF Consistency Assessment: Policy content largely not reflected in NPPF. Continue to apply weight to policy. No action required ahead of Plan review

DP14 General Location of Sustainable Tourism and Recreation Development

New tourism and recreational development will be permitted where it is proposed within or adjacent to a defined development boundary, as defined on the Proposals Map, or is closely associated with an existing tourism site, group of holiday dwellings, boatyard or established sailing or similar club.

Tourism and recreational facilities in the open countryside will be permitted only where there is a clear and demonstrable need for the facilities to be situated in the open countryside and where they:

- (a) Are in accordance with the Core Strategy and other policies of the Development Plan;
- (b) Do not involve a significant amount of new built development;
- (c) Do not adversely affect, and wherever possible contribute positively towards, the landscape character of the locality;
- (d) Do not result in an adverse effect on the integrity of a protected site or protected species; and
- (e) Would not compromise existing tourism or recreation facilities in more sustainable locations.

The requirement to demonstrate a need to be located in open countryside does not apply to farm diversification development to provide tourist accommodation.

Intensive tourism and leisure uses, including static caravans, will not normally be permitted on greenfield sites.

Regard will be given to the cumulative impacts of tourism and recreation proposals on landscape character, nature conservation value and local transport movements.

Key NPPF Sections: 28

NPPF Consistency Assessment: Aim of policy is consistent with NPPF however criterion (e) more restrictive than NPPF. Therefore continue to give policy weight but be mindful of conflict with NPPF

DP15 Holiday Accommodation – New Provision and Retention

New holiday accommodation will be permitted where:

- (a) It complies with the approach to locations for tourism and recreation development as set out in Policy DP14;
- (b) It will be for holiday use for short stay occupation on a rented basis and not used as a second home or for the main residence of the occupiers;
- (c) It will be available for holiday lettings for a substantial period of the year and not occupied by the same people; and
- (d) A register of bookings is maintained at all times and is made available for inspection.

When permitting new holiday accommodation, the Authority will seek to ensure that it remains available for short stay occupation on a rented basis by attaching an occupancy condition to restrict the sale of the property on the open market for year-round occupation or as a second home. Changes in the occupancy conditions from a holiday lettings unit to a second home will only be permitted where it can be demonstrated that the existing tourism use is no longer viable.

The extension, intensification, upgrading or replacement of existing static caravan sites will only be permitted where:

- (e) The proposal is in accordance with the Core Strategy and other policies of the Development Plan;
- (f) The proposal is compatible with the Landscape Character Assessment; and
- (g) Any associated buildings proposed are modest in scale and the visual impact of the proposal is minimised by appropriate siting, design, external materials and colour.

The conversion or redevelopment of hotels and guest houses to permanent residential accommodation will be resisted where it would result in the loss of more than five bed spaces available for holiday use unless it can be demonstrated that the existing tourism use is no longer viable.

Key NPPF Sections: 28

NPPF Consistency Assessment: Aim of policy consistent with general thrust of NPPF. Majority of Policy issues not referenced in the NPPF e.g second homes. Continue to apply weight to policy. No action required ahead of Plan review

DP16 Moorings

In accordance with the Mooring Strategy (2009), new moorings will be permitted where they contribute to the network of facilities around the Broads system in terms of their location and quality.

Proposals for new moorings, including mooring basins, marinas or reconfigured mooring basins will be permitted where:

- (a) They would be located where they would not have a negative impact on navigation (for example in an off-river basin or within a boat yard);
- (b) The proposed development would not have an adverse affect on landscape character or protected habitats or species and would meet the requirements of the Water Framework Directive;
- (c) There is provision for an adequate and appropriate range of services and ancillary facilities, or adequate access to local facilities in the vicinity;
- (d) The proposed development would not prejudice the current or future use of adjoining land or buildings; and
- (e) The proposed development would not adversely affect the amenity of adjoining residents.

In addition, proposals for development at or within commercial basins or marinas should:

- (f) Not result in the loss of moorings available for visitor/short stay use;
- (g) Not have an adverse effect on European habitats or species and meet the requirements of the Water Framework Directive;
- (h) Provide new visitor (short stay) moorings at not less than 10% of total new moorings provided with a minimum provision of two;
- (i) Make adequate provision for car parking, waste and sewage disposal and the prevention of pollution;
- (j) Provide for the installation of pump-out facilities (where on mains sewer) unless there are adequate alternative facilities in the vicinity; and
- (k) Provide an appropriate range of services and ancillary features, unless there is access to local facilities within walking distance.

Any purpose-built wash down facility provided in a mooring basin or marina should enable the filtration and re-use of waste water from the washing of boat hulls.

Key NPPF Sections: None

NPPF Consistency Assessment: Policy content largely not reflected in NPPF. Continue to apply weight to policy. No action required ahead of Plan review

DP17 Leisure Plots

New leisure plots will not be permitted. The use of mooring plots will be restricted to the mooring of boats and uses incidental to that activity.

Renewable energy generating equipment to provide energy for electric hook up points and the provision of storage lockers for use incidental to the enjoyment of leisure plots will be permitted where they would be consistent with the objectives of protecting and conserving the Broads landscape character and ecology and with other policies of the Development Plan. Permission will not normally be granted for the erection of other buildings, enclosures or structures.

Key NPPF Sections: None

NPPF Consistency Assessment: Policy content largely not reflected in NPPF. Continue to apply weight to policy. No action required ahead of Plan review

DP18 Protecting General Employment

Sites and properties currently in employment use will be protected by permitting:

- (a) The re-use for employment uses in the first instance or subject to demonstrating that such uses are unviable;
- (b) Tourism, recreation, community facilities or services in the second instance.

Alternative uses not falling within (a) and (b) will only be permitted where it is demonstrated to the satisfaction of the Authority that:

- (c) The above uses are economically unviable;
- (d) The development would not compromise the operation of remaining employment uses adjacent to the site; and
- (e) The proposal provides benefits that significantly outweigh the loss of land for employment uses;

- (f) In relation to proposals for retail uses, the proposal is compliant with the sequential approach to site selection as defined in PPS4 or the retail floor space would be ancillary to services at a boatyard. Planning conditions will be used to ensure any approved floorspace remains ancillary to the primary use; or
- (g) In relation to proposals for residential uses, the site or property is within a defined settlement boundary and would have adequate access to local services and facilities.

In the case of waterside sites, including boatyards, development proposals will also be determined against Policy DP20 and will, where appropriate, ensure the retention of facilities for water access and mooring.

Key NPPF Sections:21,22

NPPF Consistency Assessment: Aim of policy is consistent with NPPF, However where alternative uses are proposed it presents a more restrictive approach. Continue to apply weight to policy. No action required ahead of Plan review

DP19 Employment Diversification

Business or farm diversification to provide a range of employment uses will be permitted where:

- (a) The uses proposed are complementary in scale and kind and support the original business or farm operation;
- (b) There is no loss of local or visitor facilities;
- (c) The proposed uses would not have an unacceptable impact on the local transport network; and
- (d) The proposal is in accordance with the Core Strategy and other policies of the Development Plan.

New build development as part of a business or farm diversification will only be permitted when it can be demonstrated to the satisfaction of the Authority that the diversified use cannot be accommodated through the conversion of an existing building.

In the case of farm diversification, development should be complementary in scale and kind to the main farm operation and site area and must not prejudice the agricultural operations. Farm shops will only be acceptable where a significant proportion of the range of goods for sale is produced on the farm.

In the case of proposed diversification, redevelopment or change of use of commercial waterside sites, including boatyards, development proposals will be determined against Policy DP20.

Key NPPF Sections: 28

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. However, criterion (a) has slightly more restrictive approach than NPPF. Continue to apply weight to policy. No action required ahead of Plan review

DP20 Development on Waterside Sites in Commercial Use, including Boatyards

Proposals for the diversification, redevelopment or change of use of a waterside site in commercial use will be permitted when:

- (a) The proposed use is an employment or commercial use that is complementary in scale and kind with existing waterside commercial uses;
- (b) The proposed use would not prejudice a return to boatyard use; and
- (c) The proposals form part of a comprehensive scheme for the site that retains the site as a unified management unit.

Within existing boatyards, the development of new boatsheds and other buildings to meet the operational requirements of the boatyard will be permitted. The development of new buildings or uses for other employment purposes within boatyard sites will be permitted provided that:

- (d) The development would involve a subsidiary part of the yard;
- (e) The site is large enough to accommodate the different uses in a manner that would not conflict with each other, and would not have a significant adverse effect on adjoining uses and occupiers;
- (f) Existing visitor and boating facilities, such as moorings and access to the waterside, are maintained; and
- (g) Storage of potentially polluting material, e.g. oils, is proposed and implemented in such a way that pollution is avoided, including during flood events.

Development proposals should, as far as practicable, ensure that waterside commercial uses, including construction activity, avoid increased sedimentation and disturbance to the waterways.

Key NPPF Sections: 28

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. However, majority of detailed policy content is not reflected in NPPF. Continue to apply weight to policy. No action required ahead of Plan review

DP21 Conversion of Buildings in the Countryside

The re-use of rural buildings and structures for employment, tourism (including holiday accommodation for short stay occupation on a rented basis), recreation and community uses will be supported where:

- (a) A structural survey demonstrates that the building is structurally sound and capable of conversion without major rebuilding and/or substantial extension;
- (b) The building can be redeveloped without an adverse affect on the character of the Broads landscape or its setting;
- (c) It can be demonstrated that the building is of sufficient quality to make it worthy of retention;
- (d) The proposal is of a high quality design, retaining the external and/or internal features that contribute positively to the character of the building, including original openings and materials, and with minimal intervention to the original form and fabric of the building (e.g. new openings);
- (e) The nature, scale and intensity of the proposed use are compatible with, and would not prejudice, surrounding uses and the character of the locality;
- (f) The building is in a sustainable location and the highway network is able to accommodate safely the demands resulting from the proposed use; and
- (g) The design and details of conversion will maintain, and enhance, restore or add to biodiversity.

The conversion of a rural building or structure to a residential use, where the building would be used as a second home or for the main residence of the occupiers, will only be acceptable when it is clearly demonstrated that employment, recreation, tourism and community uses would be unviable.

In addition to the above criteria, the conversion of a building in the countryside to residential use will only be acceptable where the building has adequate access to services and facilities.

Key NPPF Sections: 25, 28

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. However, majority of detailed policy content is not reflected in NPPF. See para 3.2 of main report. Continue to apply weight to policy. No action required ahead of Plan review

DP22 Residential Development within Defined Development Boundaries

New residential development will only be permitted within defined development boundaries and must be compatible with other policies of the Development Plan. Such development will normally be limited to individual dwellings or groups of no more than five dwellings.

Exceptionally, more than five dwellings may be acceptable where the settlement is of a scale and character that could accommodate larger development without adverse impacts or where substantial environmental enhancement will result, particularly when the site is previously developed.

Outside the defined development boundaries, new residential development will not be permitted except in the circumstances defined in Policies DP21, DP23, DP24 and DP26.

Proposals for new residential moorings will be determined against Policy DP25.

Key NPPF Sections: 54,55

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. However, NPPF allows for development in one village to support services in another. Continue to apply weight to policy. No action required ahead of Plan review

DP23 Affordable Housing

Affordable housing developments outside defined development boundaries, as defined on the Proposals Map, will be permitted where:

- (a) All of the proposed dwellings would be affordable;
- (b) There is an identified local need for affordable housing;
- (c) The need cannot be met within the boundaries of the adjoining local authority's part of the Broads settlement or elsewhere within established settlements in the Broads; and
- (d) The development would be in a sustainable location with adequate access to local services and facilities.

For residential developments within a defined development boundary, as defined on the Proposals Map, contributions towards affordable housing provision will be sought in accordance with adopted standards of the relevant District Council, including thresholds, level (%) of contribution, house types/mix and tenure, and having regard to evidence provided by Council surveys and research, including Council waiting list data.

Affordable housing should be provided as completed dwellings built to an agreed standard on site or through contributions to be transferred to a Registered Provider or similar at nil land costs plus the financial contribution to build out the units. Financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

To secure all affordable housing, the Authority will seek a planning obligation from the developer to ensure that:

- (e) The permitted dwellings are affordable in perpetuity by being offered for initial and successive occupation at an affordable rent or low-cost shared ownership;
- (f) The management of the dwellings is undertaken by a local authority, Registered Provider or other suitable body such as a parish or village trust; and
- (g) Initial and successive occupation of the permitted dwellings is restricted to people with strong local connections and who need to live in the immediate area.

'Residential development', for the purposes of this policy, includes residential moorings.

Key NPPF Sections: 47,48,49,50

NPPF Consistency Assessment: Inconsistent. "Exceptions" approach not consistent with NPPF. See para 4.4 of main report

DP24 Replacement Dwellings

Replacement dwellings outside of the development boundary will be permitted on a one-for-one basis provided that:

- (a) The scale, mass, height, design and external appearance of the replacement dwelling are appropriate to its setting and the landscape character of the location;
- (b) The replacement would be located within the same building footprint as the existing dwelling or in an alternative location within the same curtilage, which would be less visually prominent and/or at a lower risk of flooding;

(c) The existing dwelling has a lawful residential use; and
The existing dwelling has no historic, architectural or cultural significance making it worthy of retention.

Key NPPF Sections: None

NPPF Consistency Assessment: Policy issues not specifically reflected in NPPF. However general thrust of housing policies in the NPPF would be less restrictive than this policy. Continue to apply weight to policy. No action required ahead of Plan review. See para 3.2 of main report.

DP25 New Residential Moorings

Applications for permanent residential moorings will be permitted provided that the mooring:

- (a) Is in a mooring basin, marina or boatyard that is within or adjacent to a defined development boundary and, if more than one residential mooring is proposed, the proposal is commensurate with the scale of development proposed for that settlement. Furthermore, that the mooring basin, marina or boatyard provides an adequate and appropriate range of services and ancillary facilities or provides adequate access to local facilities in the vicinity;
- (b) Would not result in the loss of moorings available to visitors/short stay use;
- (c) Would not impede the use of the waterway;
- (d) Would not have an adverse impact upon:
 - the character or appearance of the surrounding area;
 - protected species, priority habitats and designated wildlife sites;
 - the amenities of neighbouring occupiers; or
 - bank erosion.
- (e) Provides safe access between vessels and the land without interfering with or endangering those using walkways;
- (f) Has adequate car parking and makes provision for safe access for service and emergency vehicles and pedestrians;
- (g) Would not prejudice the current or future use of adjoining land or buildings;
- (h) Makes adequate provision for waste, sewage disposal and the prevention of pollution; and
- (i) Provides for the installation of pump-out facilities (where on mains sewer) unless there are adequate facilities in the vicinity.

All such development will meet the requirements of the Water Framework Directive.

Key NPPF Sections: None

NPPF Consistency Assessment: Policy matters not specifically referenced in the NPPF. Continue to apply weight to policy. No action required ahead of Plan review.

DP26 Permanent and Temporary Dwellings for Agricultural, Forestry and Other Workers

Development of a new dwelling or a residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted outside the defined development boundaries if:

- (a) There is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly;
- (b) The need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business;
- (c) Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- (d) The functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;
- (e) The dwelling would be commensurate in size and scale with the needs of the enterprise; and
- (f) It would not adversely affect protected species or habitats.

Should a new dwelling be permitted under this policy, the Authority will impose a condition restricting its initial and successive occupation to a person solely or mainly employed in agriculture, forestry or a Broads related rural enterprise. The removal of an occupancy condition will only be permitted in exceptional circumstances where it can be demonstrated that:

- (g) There is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and
- (h) Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition.

Applications for a temporary mobile home or residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted provided that:

- (i) Residential occupation would be for a period of up to three years;
- (j) There is clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (k) The functional need cannot be met by an existing dwelling on the site or in a nearby settlement; and

(l) In relation to temporary mobile homes, the proposed temporary dwelling would not be located in Flood Risk Zone 3.

After three years, if there is no planning justification for a permanent dwelling, then the mobile home must be removed or, for a residential mooring, the vessel's residential use must cease.

Key NPPF Sections: 55

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. However, majority of detailed policy content is not reflected in NPPF and a policy gap exists. See para 3.2 of main report.

DP27 Visitor and Community Facilities and Services

Applications for the change of use or redevelopment of an existing community, visitor or recreational facility or service that meets a local need or contributes to the network of facilities through the river valleys will only be permitted where:

- (a) There is an equivalent facility available in the locality or one is made available prior to the commencement of redevelopment, to serve the same need; or
- (b) It can be demonstrated through a viability assessment that the current use is economically unviable.

Development of new buildings, the extension of existing buildings or the use of land to meet a need for local community uses and facilities will be permitted provided that:

- (c) An assessment can demonstrate a need for the facility and that it will support the social viability of a community;
- (d) Location within the Broads can be justified and that it would not conflict with other policies of the Development Plan;
- (e) It would not adversely affect protected species or habitat, nor have an unacceptable impact on landscape character; and
- (f) The facility is in a sustainable location, accessible by a choice of transport modes.

Facilities which are educational in nature or relate to the promotion of the conservation of the Broads environment will be supported.

Key NPPF Sections: 69,70,72,73

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. No action required.

DP28 Amenity

All new development, including alterations and extensions to existing buildings, will be expected to provide the occupiers/users with a satisfactory level of amenity. Development will not be permitted if it would have an unacceptable impact on the amenity of existing or potential neighbouring properties or uses. When considering the impact of a development on amenity, consideration will be given to:

- (a) Overlooking;
- (b) Overshadowing;
- (c) Visual amenity;
- (d) Light pollution;
- (e) Airborne pollutants;
- (f) Odours;
- (g) Noise pollution and disturbance; and
- (h) Provision of a satisfactory external amenity space to residential properties.

Where existing amenity is poor, improvements will be sought in connection with any development.

Key NPPF Sections: 17,123

NPPF Consistency Assessment: Aim of policy broadly consistent with NPPF. However, majority of detailed policy content is not reflected in NPPF. Continue to give weight to the policy. No action required ahead of plan review

DP29 Development on Sites with a High Probability of Flooding

Development will only be permitted in Environment Agency Flood Zones 2 and 3 and those areas deemed to be at risk of flooding in the Authority's Strategic Flood Risk Assessment, where appropriate and when the Sequential Test and Exception Test (parts (a), (b) and (c)) where applicable, as set out in PPS25, have been satisfied. Development proposals should be supported by a Site Specific Flood Risk Assessment.

The Flood Risk Assessment will need to meet the requirements of PPS25 and give consideration to the following:

- (a) Whether the proposed development will make a significant contribution to achieving the objectives of the Core Strategy and other policies of the Development Plan;
- (b) Whether the development involves the redevelopment of previously developed land or buildings and would result in environmental improvements over the current condition of the site;
- (c) Whether appropriate measures to ensure resilience to potential flooding have been incorporated into the development;
- (d) Whether appropriate measures to reduce the risk of flooding (on and offsite), including sustainable drainage systems with effective attenuation of flows to adjoining land or waterways, have been incorporated;
- (e) The impact of the proposal on flood risk elsewhere and on the effectiveness of flood alleviation or flood defence schemes; and
- (f) Where the proposal involves the replacement of an existing building, whether the replacement building is located and/or designed without increasing flood risk and, where possible, to reduce the risks and effects of flooding.

The relocation of existing development to an undeveloped site with a lower probability of flooding will be permitted where:

- (g) The vacated site would be reinstated as naturally functioning flood plain;
- (h) The benefits of flood risk reduction outweigh the benefits of leaving the new site undeveloped; and
- (i) The development of the new site is appropriate when considered against the other policies of the Development Plan.

Surface water run-off proposals should address the requirements of the Flood and Water Management Act 2010.

Key NPPF Sections: 99-104

NPPF Consistency Assessment: Consistent. No action required.

DP30 Developer Contributions

The Authority will seek appropriate contributions from developers in order to serve the development and its occupants. Where the development is of a type that will introduce additional pressure on the Broads area, including permanent moorings, contributions will be sought towards the appropriate provision of affordable housing, biodiversity enhancement, recreational, community and navigation facilities and to achieve sustainable development.

Contributions may be sought towards:

- (a) Affordable housing (as detailed in policy DP23);

- (b) Community infrastructure (including police and fire service provision, community halls, sports facilities, education facilities and libraries);
- (c) Green infrastructure and biodiversity/geodiversity mitigation, management and/or enhancement;
- (d) Open space and children's play facilities;
- (e) Landscaping, landscape enhancement and management;
- (f) Public footpaths, rights of way, green-links, signing and maintenance;
- (g) Waste management and recycling facilities;
- (h) Highway works and/or improved public transport facilities and funding for the implementation of Travel Plans;
- (i) Flood management/mitigation;
- (j) Dredging to maintain navigation;
- (k) Administrative costs; and
- (l) Conservation or enhancement of heritage assets.

Other contributions may be sought in appropriate circumstances. The standards and thresholds adopted by the relevant authority will apply. Contributions may be pooled with others from outside the Broads area, in order to fund wider community infrastructure.

Reduced contributions, where necessary (for example due to the exceptional costs of redeveloping a particular site) will be negotiated on an 'open book' basis based on the financial viability of the scheme.

The Authority will consider the introduction of a Community Infrastructure Levy (CIL) to address strategic infrastructure delivery.

Key NPPF Sections: 162,

NPPF Consistency Assessment: Issue not specifically referenced in NPPF. Covered by Other legislation including CIL guidance. No action required ahead of Plan review.