

Planning Committee

AGENDA

Friday 19 August 2016

10.00am

- | | Page |
|---|--------|
| 1. To receive apologies for absence and introductions | |
| 2. To receive declarations of interest | |
| 3. Chairman's Announcements and Introduction to Public Speaking
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application | |
| 4. To receive and confirm the minutes of the previous meeting held on 22 July 2016 (herewith) | 3 – 16 |
| 5. Points of information arising from the minutes | |
| 6. To note whether any items have been proposed as matters of urgent business | |

MATTERS FOR DECISION

- | | |
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| 7. Request to defer applications included in this agenda and/or to vary the order of the Agenda
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending | |
| 8. To consider applications for planning permission including matters for consideration of enforcement of planning control: | |

BA/2016/0194/CU Hall Farm, Hall Lane, Postwick, Norwich
BA/2016/0191/FUL Hickling Broad, Hickling

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9. Consultation Documents: Update and Proposed Response: Report by Planning Policy Officer (herewith)	
(i) Designating Horstead with Stanninghall as a Neighbouring Area Designating Lound with Ashby, Herringfleet and Somerleyton as a Neighbouring Area	53 – 56
(ii) Lowestoft Flood Risk Management Project	57 – 60
10. Broads Local Plan (August) Bite Size Pieces Report by Planning Policy Officer (herewith) <i>Including:</i> <i>Appendix A – Acle Straight</i> <i>Appendix B – Climate Change</i> <i>Appendix C – Conversion of buildings</i> <i>Appendix D – Design</i> <i>Appendix E – Developer contributions</i> <i>Appendix F – Energy demand and performance</i> <i>Appendix G – Health and wellbeing</i> <i>Appendix H – Heritage policies</i> <i>Appendix I – Landscape and Land raising</i> <i>Appendix J – Natural environment</i> <i>Appendix K – Open space</i> <i>Appendix L – Pubs</i> <i>Appendix M – Renewable energy</i> <i>Appendix N – Retail</i> <i>Appendix O – Water efficiency</i> <i>Appendix P – Water Quality</i>	61 – 155

MATTERS FOR INFORMATION

11. Enforcement Update Report by Head of Planning (herewith)	156 – 162
12. Appeals to the Secretary of State Update Report by Administrative Officer (herewith)	163 – 165
13. Decisions made by Officers under Delegated Powers Report by Director of Planning and Resources (herewith)	166 – 169
14. To note the date of the next meeting – Friday 16 September 2016 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich	

Broads Authority
Planning Committee

Minutes of the meeting held on 22 July 2016

Present:

Mr M Barnard	Ms G Harris
Prof J Burgess	Mr H Thirtle
Sir Peter Dixon	Mr V Thomson
Mr W Dickson	Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 1/10 – 1/11)
Mrs S A Beckett – Administrative Officer (Governance)
Ms M Hammond – Planning Officer (Minute 1/10)
Mr D Harris – for the Solicitor
Mr G Papworth – Planning Assistant (Minute 1/8)
Ms A Long – Director of Planning and Resources
Mr T Risebrow – Planning Officer (Compliance and Implementation)

Members of the Public in attendance who spoke:

BA/2016/0176/FUL Land north of East End Farm, Aldeby

Ms Karen Kennedy-Hill	On behalf of Aldeby Parish Council
Mr Ben Watts	Objector
Ms Jenny Bailey	The applicant

BA/2016/0213FULThe Bridge Restaurant, Norwich Road, Wroxham

Mr Mark Eames	The applicant
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1/1 Appointment of Chairman and Vice-Chairman

- (1) The Director of Planning and Resources welcomed everyone to the meeting. She invited nominations for the Chairman of the Planning Committee for the following year 2016/17.

Prof Burgess proposed, seconded by Mike Barnard the nomination of Sir Peter Dixon.

There being no other nominations

RESOLVED unanimously

that Sir Peter Dixon be appointed as Chairman of the Planning Committee for the following year until the July 2017 Planning Committee meeting.

Sir Peter Dixon in the Chair

(2) Appointment of Vice-Chairman

The Chairman invited nominations for the Vice-Chairman of the Planning Committee. John Timewell proposed, seconded by Gail Harris, the nomination of Mr Paul Rice. Although Mr Rice was not able to be present, it was established that he was willing to stand. He has subsequently indicated he is pleased to be elected to the role

There being no other nominations, it was

RESOLVED unanimously

that Mr Paul Rice be appointed as Vice-Chairman of the Planning Committee for the following year until the July 2017 Planning Committee meeting.

1/2 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

In particular he formally welcomed Mr David Harris, to his first meeting of the Planning Committee as Solicitor and Monitoring Officer.

Apologies were received from Mr Paul Rice

1/3 Chairman's Announcements and Introduction to Public Speaking

(1) No members of the public indicated that they intended to record proceedings

(2) Site Visit for Application BA/2016/0191/FUL Hickling Enhancements

The Chairman reminded Members that the Planning Committee site visit to view the proposals for enhancements to Hickling Broad would be on 18 August 2016 at 2.00pm prior to the application being considered by the Planning Committee on 19 August 2016. The site visit was to apprise members of the area and the issues involved, particularly as it was the Authority's own application. He would not be attending the site visit as he had declared an interest.

(3) Heritage Asset Review Group

The Chairman stated that the next meeting of the Heritage Asset Review Group was due to be held following the Planning Committee meeting on 19 August 2016. The membership comprised the Chairman and Vice-Chairman of the Planning Committee and three others,

Jacquie Burgess and Mike Barnard being two of these. As Sholeh Blane had now left the Authority there would be a vacancy. Members interested were invited to contact the Director of Planning and Resources.

(4) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

1/4 Declarations of Interest

The Chairman declared an interest on behalf of all members in relation to Agenda item 9(3) BA/2016/0170/COND Heron Cottage, Ferry Road, Horning as a member of the Navigation Committee was a Director of the Ferry Marina, the owner of the property; and Agenda item 10 concerning Waveney River Centre as the owner was a member of the Authority's Navigation Committee.

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes.

Mr Dickson explained that he had provided comments on two applications prior to the meeting as he had originally thought that he would not be able to attend. Circumstances had since changed so he was now able to be present. Therefore he would not take part in the debate or vote on the two applications on which he had commented.

1/5 Minutes: 24 June 2016

The minutes of the meeting held on 24 June 2016 were agreed as a correct record and signed by the Chairman.

1/6 Points of Information Arising from the Minutes

The Director of Planning and Resources referred to Minute 13/9 concerning potential enforcement items deferred from the last meeting relating to the Ferry Inn at Horning and Eagles Nest, Ferry Road, Horning. She explained that they were not on the agenda for this time as a planning application and an application for a Certificate of Lawful Use had been received respectively.

1/7 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

1/8 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received.

The Chairman stated that he intended to vary the order of business to enable those reports prepared by the Planning Policy Officer at agenda items 12 and 13 to be taken before item 11 concerning Planning Committee Procedures.

1/9 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2016/0176/FUL Land north of East End Farm, East End Lane, Aldeby**
Change of use of land to equestrian. New Stables, feed shed, dog run, ménage, fencing and landscaping
Applicant: Miss Jennifer Bailey

The Planning Assistant commented that following the decision made at the last meeting, Members of the Committee had had the benefit of a site visit on 15 July 2016, a note of which had been circulated.

The Planning Assistant provided a detailed presentation of the application for the change of use of agricultural land to equestrian involving the location of new stables in the south west part of the site along the southern boundary, with the feed shed and dog run to the west and east elevations of the stable block, and a ménage to the east of the stable block as well as the area of hardstanding around the stable block to be finished in materials of a high specification. The application also included fencing and landscaping, details of which were illustrated. The Planning Assistant provided photographs showing the context of the site which included an indication of the landfill site to be restored and that which had been restored and was now a conservation meadow, as well as the Boons Heath Conservation Area. He also showed photographs of the application site from various vantage points which included those seen by members who had attended the site visit.

Since the writing of the report and the site visit, further representations had been received from the Parish Council and the neighbour, which had been circulated for Members' information.

The Planning Assistant addressed the main issues in the determination of the application concerning design, particularly the impact on landscape, ecology, highways and amenity. He informed the

Committee that he had received representations suggesting that the stable block be finished with black weatherboarding and a pantile roof, but it was considered that this would provide a more domestic look and inappropriate for an agricultural/equestrian building. In conclusion he explained that there had been no change in the circumstances since the previous report had been prepared, Officers were satisfied with the accuracy of the information provided and the further information submitted by the objectors did not materially affect the recommendation. Therefore, subject to the conditions outlined within the report to include lighting details and hours of operation of the generator, the application was recommended for approval.

Mrs Kennedy-Hall on behalf of the Parish Council, thanked the Committee for visiting the site in order to appreciate the concerns which had been documented. The Parish Council was particularly concerned about the precedent which the proposed development could set. One development would not have a massive impact but the cumulative effects of such developments in the area would be massive. She expressed puzzlement that the advice from the previous Planning Officers was not being taken into account, especially as she understood they had visited the site. She referred to Development Management Policy DP28 and the NPPF concerning the future protection of the landscape for future generations and urged the Committee to reject the application.

Mr Watts provided an account of his understanding of the history of the site as documented in his correspondence that gave officers' opinion that an application for change of use of the land from agriculture to an equestrian use was not likely to be supported. He referred to when the site had been under a previous owner before the current owner, there had been an instance when a 200metre area had been pegged out and hard core imported. Officers had visited the site and the hard core had finally been removed. He stated that the proposal needed to be considered as being out of scale, inappropriate to the area and did not conform to Policy DP28. The proposed use had not been supported by two former planning officers, the application had been called in by the local member due to the potential landscape impact of the development, in particular the cumulative effects of such developments both in and adjacent to the Broads Authority area.

The application was therefore considered to be unacceptable and he urged the Committee to refuse it.

Members sought clarification on Policy DP28 and application of consistency as well as precedent. The Director of Planning and Resources explained that the Policy DP28 was not in the NPPF but was one of the Authority's own policies which set out the criteria and issues that could affect amenity and which were required to be addressed. With regard to precedent, Members were required to judge each application on its merits. The Solicitor commented that the

establishment of a precedent was a potential material consideration. However, something more than a mere assertion or generalised concern was needed. It was not possible to make assumptions on future potential applications or circumstances. The term “amenity land”, as referred to in the correspondence, was very imprecise and its use was not advocated by planners. Planners would apply the Use Classes Order. In this case, the applicant sought to submit the application as a change of use from agriculture to equestrian in light of planning officer advice on use.

Members acknowledged the concerns raised by the Parish Council. They gave consideration to the potential noise from the generator but were assured that this would only be used when solar power was not adequate and would be conditioned. With regards to potential light pollution, in general Members were satisfied that the lights would be downward facing to minimise such an impact. It was established that they would be necessary from a health and safety perspective, particularly in the winter months. They were satisfied that the landscaping scheme would eventually mitigate any adverse landscape impact and that this had been properly considered.

RESOLVED by 5 votes to 2

that the application be approved subject to conditions as outlined within the report for 22 July 2016 and an Informative advising the applicant that any other buildings on the site would require planning permission.

The proposal is considered to be in accordance with Policies DP1, DP2, DP4, DP11 and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012).

(2) **BA/2016/0213/FUL The Bridge Restaurant, Norwich Road, Wroxham**

Replacement Restaurant

Applicant: Wroxham Bridge Developments Ltd.

The Planning Officer gave a detailed presentation of the application that proposed demolition of all but the brick section of the existing restaurant immediately adjacent to the Scheduled Ancient Monument of Wroxham Bridge and replacement with a new predominantly two storey building which would also trade as a restaurant. This would have a footprint of approximately 290 square metres, approximately 60 square metres larger than the existing and would have a predominantly glass front facing the river. The oak tree within the site would need to be removed, but this was not in good condition as it was already compromised by the existing building and was not worthy of a TPO. The new building would have a seating capacity of up to 100 covers, currently the restaurant had capacity for 60 to 70 covers.

Since the writing of the report, comments had been received from the County's Historic Environment Service in support of the comments from Historic England and requiring a scheme of Archaeological mitigation and that a survey be undertaken before demolition. It was clarified that the brick building to be retained was considered important for the stability of the bridge. Scheduled Ancient Monument consent would be required directly from Historic England.

Having provided a detailed assessment of the proposals in such a prominent and sensitive location, the Planning Officer concluded that the redevelopment proposal was acceptable being supported by the Site Specific Policy HOV4 as it would provide tourist facilities and would enhance the appearance of the area. The design was relatively traditional in form but contemporary and appropriate to the riverside setting but the significance of the Scheduled Ancient Monument would not be substantially harmed. In addition there were public benefits to the proposal which weighed in its favour. The proposal was also considered to be in accordance with paragraph 134 of the NPPF. Therefore the application was recommended for approval subject to conditions including a scheme of Archaeological mitigation.

Sketches of the proposal, provided by the agent for the application, were circulated for Members information.

Members welcomed the proposal including the dedicated disabled parking spaces and concurred with the Planning Officer's assessment.

RESOLVED by 6 votes to 0 (having declared an interest, Bill Dickson and John Timewell did not vote).

that the application be approved subject to conditions as outlined within the report including those recommended by Historic England requiring a scheme of archaeological mitigation. The proposal is considered to be acceptable in accordance with Policies CS1, CS5, CS7, CS9, CS20 and CS23 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4, DP5, DP11, DP20, DP27, DP28 and DP29 of the adopted Development Management Policies (2011), Policy HOV4 of the Site Specifics Policies (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

(3) **BA/2016/0170/COND Heron Cottage, Ferry Road, Horning**

Variation of condition 2 of permission BA/2014/0228/CU

Applicant: Ferry Marina Ltd.

The Planning Officer explained that the matter was before members as a Member of Navigation Committee and former Member of the Authority is a Director of the company making the application. The application related to a short term holiday let granted planning permission in 2014 having been a former boat sales and hair dressing

salon on the end of a terrace of holiday dwellings on Ferry Road Horning. The application involved amendments to the original permission to include the retention of a larger panel on the north elevation; use of glass balustrades to the Juliet balconies; installation of one full height window and one door on the east elevation at ground floor level; use of wood effect UPVC windows for all new windows and doors; advertising sign on the north elevation; and, provision of enclosed decking to the east. The original permission required all new windows to be of timber.

The Planning Officer commented that whilst it was regrettable that the alterations had been made at variance to the approved scheme they were relatively minor and largely acceptable in accordance with policy subject to securing replacement of the larger composite imitation timber finish panel on the north elevation with a timber panel.

Members concurred with the Officer's assessment. It was noted that the standard time limit compliance with the conditions, which included the replacement panel and the display of flood warning notices, would be six months from the date of the planning permission being issued.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The proposal is considered to be in accordance with Policies DP4, DP10 and DP28 of the adopted Development Management Policies DPD ((2011) and the NPPF (2012).

1/10 Enforcement Items for consideration

(1) Waveney Inn and River Centre

Further to Minute 13/9 of 24 June 2016, a revised report was before Members that took into account the comments made in a letter from Mr Knight's Solicitor provided for Members at the previous meeting as well as subsequent correspondence.

It was noted that the reason the matter had been referred to the Planning Committee was because the landowner was a Member of the Navigation Committee and usually the judgements required would normally be made at officer level.

The Planning Officer (Compliance and Implementation) provided Members with illustrations of the various matters in question and detailed in the report.

Members noted the email received from the landowner's solicitors stating that they maintained their position in relation to the points originally raised in their advice to their client on 23 June 2016. However, they had noted the recommendation within the report, and

stated that the client continues to want to work with the Broads Authority and therefore did not intend to make a substantive submission in response to the latest report.

Members endorsed the approach to be taken.

RESOLVED unanimously

- (i) that there are no grounds on which to argue that enforcement action is currently expedient in respect of breaches identified in para 3.2 of the report (a) to (e) and therefore no further action be taken;
- (ii) that the site operator be requested to provide the information and actions required with regard to the outstanding matters as set out in section 3.5 of the report:
 - Provide a landscaping scheme
 - Provide demarcated parking spaces as indicated
 - Provide details of the signage
(As he has already indicated he is prepared to do) and
 - To formally confirm the number of vessels using the site for residential mooring so that an assessment can be made of whether the trigger for the conditions on BA/2015/0251/FUL or BA/2016/0064/COND have been met;
- (iii) should the site operator fail to undertake the required actions, or provide the necessary information, to bring the matter back to the Committee to consider whether enforcement action be authorised or no further action be taken.

Agenda Items 1/12 and 1/13 were taken at this point

1/11 General Procedures and Protocol on receipt of information prior to Committee

Further to Minute 13/9c the Committee received a report setting out proposed procedures and protocol for receipt of information prior to Committee meetings following publication of the reports from relevant parties including landowners, applicants and/or their agents and third parties. Subject to members comments and agreements, this would form an additional section 10 (lobbying of and by Members) and Section 11 (Public Speaking at Planning Committee).

Members gave full consideration to the proposed protocol recognising that the responsibility for enforcing compliance with the protocol rested with the Chairman, Members of the Committee and relevant officers. They considered that it was important that a deadline for receipt of information prior to a Committee meeting was enforced and that this be three working days. This should give members sufficient time to review the information and for officers

to provide a response if required. It was important to avoid the late provision of information, particularly when used as a means of deferral.

It was recognised that in the case of Enforcement items, the procedures in the Enforcement Plan would have been carried out and the site operator/landowner would have been informed of the breaches of planning control and attempts made by officers to resolve the matter. Therefore, they would be aware of the potential consequences and proposed course of action if a resolution had not been achieved and they would be informed if a report would be submitted to the Committee. It was considered that although public speaking on enforcement matters was not permitted, the same rules for the submission of additional information for planning applications after publication of reports, be applied to enforcement matters.

RESOLVED

that procedures and protocol on receipt of information prior to Committee be adopted for a trial period of six months and the necessary amendments are provisionally made to the Code of Conduct for Planning Committee members and Officers and the "Speaking at Planning Committee" Leaflet.

1/12 Broads Local Plan – (June) Bite Size Pieces

The Committee received a report introducing the fourth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to draft policies for:

- Appendix A: Draft Vision for the Broads
- Appendix B: Boat Wash Down Facilities
- Appendix C: Excavated Material
- Appendix D: Utilities Infrastructure (*an amended version of Policy DP9*)
- Appendix E: Sports Venues
- Appendix F: Residential Annexes
- Appendix G: Visitor and Community facilities and services and Stalham Staithe (Refreshed STA1 and DP27).
- Appendix H: Local Infrastructure Study report 2016

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being presented to Planning Committee in November 2016.

Members welcomed the specific policies being developed, particularly the vision for the Broads Local Plan being the same as that for the Broads Plan (the overall management plan for the Broads). Members noted and welcomed that there would be cross-referencing to policies in association with the Objectives within the Vision as well as cross-referencing between the two documents. The proposed changes within the Site Specific Policies indicated as track changes were also welcomed.

With reference to Appendix B on Boat Wash Down facilities, Members noted the distinction between Biodiversity and antifouling and the potential costs relating to the latter for new applications.

With reference to Appendix D Utilities Infrastructure, a Member reported that he had recently attended a meeting at Norfolk County Council about the proposed next generation of windfarms off the Great Yarmouth coast. The meeting had made it very clear that any cables to the grid should be undergrounded. Members commented that it was very important that the 2006/2008 Landscape Character Assessment be taken into account and were pleased to note that this was being updated to support the developing Local Plan and Broads Plan as well as the Landscape Partnership project.

With reference to Appendix E concerning two specific sites: Maltings Meadow Sports Ground, Ditchingham and Broadland Sports Club, it was clarified that the policies were based on having had meetings with both site owners. The policies reflected the constraints of the sites and were designed to reflect the existing situation. There were no specific policies on sports venues generally.

With reference to Appendix G Visitor and Community Facilities and Services, members suggested that Waste facilities and management should be included in the second paragraph of the reasoned justification as well as in the text (pages 93 and 95 of the agenda papers).

With regard to the Localism Act and the reference to Assets of Community Value, this was welcomed. It was clarified that the Authority did not hold or maintain a list of community assets, as these were held with the Districts and at present, the Authority had only one community asset specified within the area.

It was noted that none of the proposed amendments would be in place until the Local Plan was adopted. Therefore any planning applications would be judged against the adopted 2014 Site Specifics Local Plan and not the amended policies until the new policies were adopted.

Members welcomed the approach being adopted of dealing with the Local Plan in "Bite Size" pieces. The Navigation Committee would be consulted on the relevant Bite Size pieces. It was noted that in order to achieve the deadlines for publication of the Preferred Options following consultation in November, the next two meetings would require consideration of a greater number of policies at a time. Therefore, it was intended to provide Members with the Draft policies well in advance of the August and September Planning Committee meetings to give ample opportunity for detailed consideration.

Appendix H The Local Infrastructure Study Report was considered to be very useful.

It was noted that with some of the issues raised, policy statements would not be appropriate as they would not be enforceable by the Authority, but more

appropriate for other agencies which could be referred to within the Broads Plan. It was often a question of education and marketing.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

1/13 Consultation Documents Update and Proposed Responses

The Committee received a report on the Consultation Documents recently received together with the Authority's proposed responses for:

Norwich City, Broadland District and South Norfolk District Councils: Greater Norwich Local Plan Sustainability Appraisal Scoping Report Consultation

Members welcomed the proposed responses, particularly the inclusion of reference to a number of the Authority's policies including dark skies. It was considered that the Authority was providing a consistent, robust, coherent and clear positive message which was to be welcomed.

RESOLVED

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to the relevant Authorities – Norwich City, Broadland District and South Norfolk District Councils.

Agenda Item 1/11 taken at this point

1/14 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee.

RESOLVED

that the report be noted.

1/15 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016.

RESOLVED

that the report be noted.

1/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 6 June 2016 to 4 July 2016.

RESOLVED

that the report be noted.

1/17 Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications

The Committee received the report setting out the development control statistics for the quarter ending 30 June 2016.

It was disappointing to note that when there were so few major applications within the Broads area, just one major application slipping provided a large percentage and therefore a disproportionate impression of the overall statistics. It was noted that if it became apparent that there would be difficulties in achieving the set target for such applications, Officers could request an extension of time. However, in this instance that related to a BESL application, it was not envisaged that the target would not have been met as completion was close to that required.

RESOLVED

that the report be noted.

1/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 19 August 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.10 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 22 July 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	1/9(1)	BA/2016/0170/COND Heron Cottage, Ferry Road, Horning as Member of Navigation Committee is Director of the company making the application
All Members	1/10	Enforcement Item for consideration Site owner is a member of the Navigation Committee
Bill Dickson	1/9 (1) and (2)	BA/2016/0176/FUL Aldeby and BA/2016/2013/FUL The Bridge Restaurant, Wroxham Written comments already submitted as originally not able to attend the meeting.
Jacque Burgess		Toll Payer
Gail Harris		Director of Whitlingham Charitable Trust
John Timewell	1/9	BA/2016/2013/FUL The Bridge Restaurant, Wroxham – Ex-wife owns Hotel opposite to Bridge Restaurant
Peter Dixon	1/6(3)	BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application)

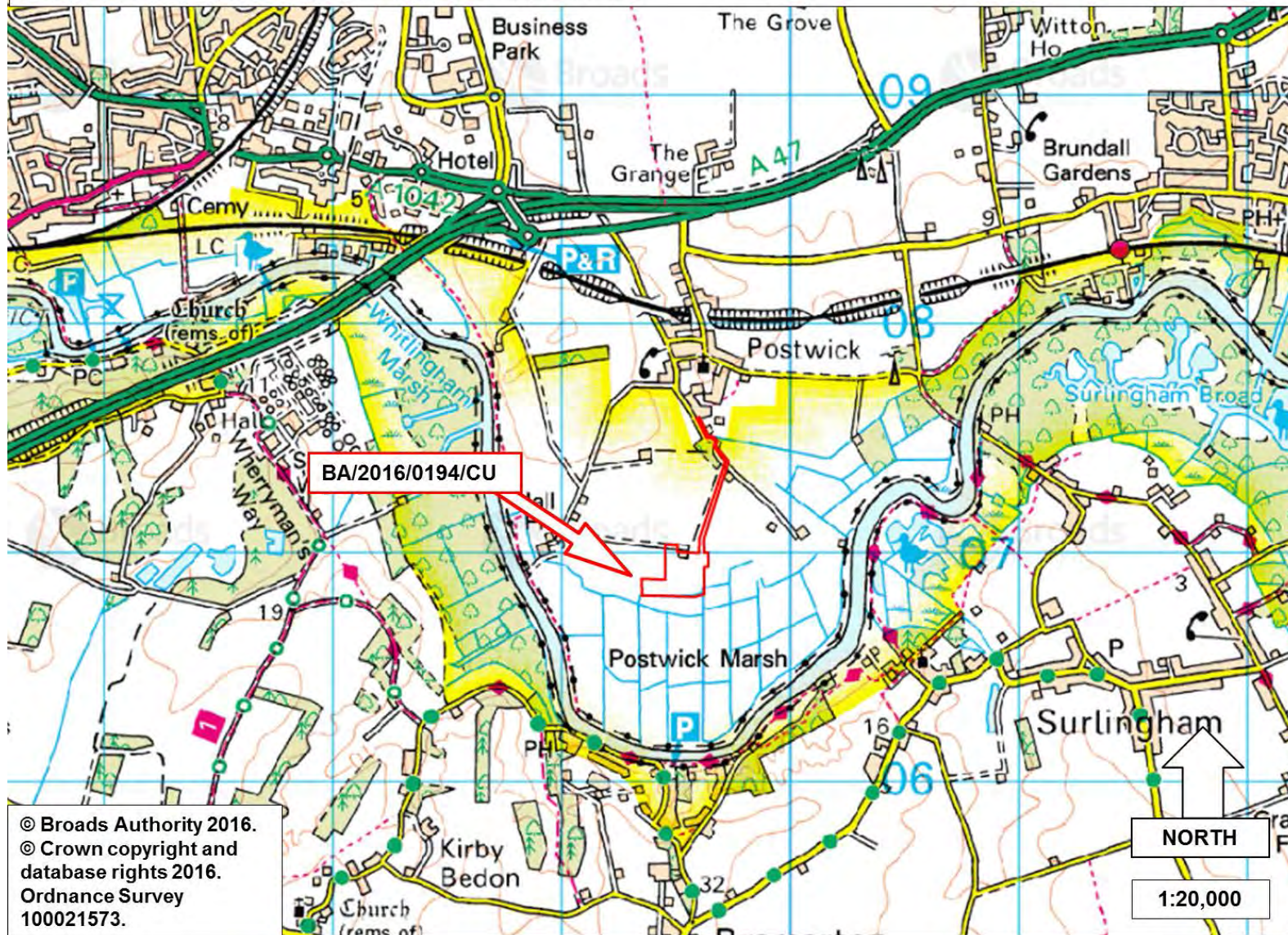
Reference:

BA/2016/0194/CU

Location

Hall Farm, Hall Lane, Postwick, Norwich

BA/2016/0194/CU - Hall Farm, Hall Lane, Postwick, NR13 5HQ



Application for Determination

Parish	Postwick with Witton Parish Council		
Reference	BA/2016/0194/CU	Target date	23 August 2016
Location	Hall Farm, Hall Lane, Postwick, Norwich		
Proposal	Change of use to outdoor venue for weddings and celebrations, to include retention of existing outdoor timber seating and wood shack, introduction of new service track and extension to existing turning area, creation of new passing places on public and private roadways and associated parking, access and landscaping.		
Applicant	Mr and Mrs C & E Langridge and Fairbank		
Recommendation	Approve subject to conditions for a temporary period of 24 months		
Reason for referral to Committee	Objections Received		

1 Description of Site and Proposals

- 1.1 The site, subject of this application, is situated in the parish of Postwick, approximately 650m south of the village centre. The site itself covers an area of 4.7ha and comprises a mixture of arable farm land and wooded copse. The northern, eastern and southern boundaries of the site are defined by mature hedgerows with the western boundary of the site open to arable fields.
- 1.2 The site is situated on the northern valley side of the River Yare and the land to the south of the site comprises flat grazing marsh which extends to the bank of the river. On the opposite riverbank (approximately 680m from the site) are a scattering of houses and the public house called The Waters Edge, comprising the hamlet of Woods End. To the northeast of the site is the Colts Lodge Bed and Breakfast business and associated dwelling (approximately 150m from the site), and approximately 560m to the west of the site is Hall Farmhouse – the applicant’s home, which is accessed via Hall Lane. Approximately 560m to the north east there is a small cluster of dwellings, accessed off Oaks Lane and Marsh Lane.
- 1.3 Access to the site is via the A47 and Oaks Lane, a cul-de-sac road which extends onto a private road, Marsh Lane, and a series of agricultural tracks

which serve both the application sites, the surrounding arable land and Colts Lodge.

- 1.4 The application is seeking consent for the permanent establishment of a wedding/associated celebrations and reception venue, which currently operates under the 28 day rule permitted by Schedule 2, Part 4 Class B The Town and Country Planning (General Permitted Development)(England) Order 2015. The wedding venue would typically accommodate 80-120 guests, although permission is being sought for up to 200 guests maximum. At present the venue operates during a season based from mid-May through to mid-September although consent is sought on the basis that the business could operate all year round, depending on demand.
- 1.5 There is currently a small rustic wooden building, with associated wooden benches, within the wooded area of the site, which would continue to be used as the focal point for the actual wedding ceremony. A marquee would be erected within the lawned glade set into the mature woodland copse, for the duration of the wedding booking, which would typically be three days. There is a potable water supply and electricity to the site but no foul drainage to the site. Portable toilet/washroom would be hired for guests use for the duration of the wedding booking. Catering and similar services would be brought in on an ad hoc basis, with different suppliers used according to the requirements of the hirer. Typically the wedding celebrations would include some form of musical entertainment either in the form of a live band or a DJ accommodated within the marquee. An area for guests to camp overnight on the night of the wedding would be established in an area immediately to the south of the existing agricultural access track.
- 1.6 Vehicular access for deliveries to the venue would be created via Oaks Lane leading onto Marsh Lane and then via a newly created access track running from the western boundary of Colt Lodge down to a slightly enlarged area of permeable hardstanding close to the copse area. Vehicular access for wedding guests would be via Oaks Lane and Marsh Lane into a newly created car park area on the eastern edge of the site. The car park area would comprise a grassed area, sufficient to accommodate 40 cars, enclosed with new hedgerow and tree planting, with individual non-demarcated bays. New passing bays would be created along the length of Marsh Lane and one new passing bay would be created at the eastern end of Oaks Lane. Pedestrian paths would be created from the carpark through the rough grazing pasture land and areas of wildflower meadow to the ceremony area. The existing unfinished agricultural track running across the site would be ploughed in and incorporated into the proposed grass meadow.

2 Site History

BA/1993/4646/HISTAP Agricultural building – Observations to District.

BA/2010/0029/FUL Proposed steel transport container for storage and shelter use with portable self-contained W/C for workers. Approved subject to conditions.

BA/2010/0058/FUL Single and two storey extension to dwelling and erection of detached stables. Withdrawn

3 Consultation

Broadland Environmental Health Officer – I have looked at the submitted noise report and noise management plan and have no objections to the application as long as the noise criteria within the amended management plan are legally binding and that the events are managed in accordance with the amended Noise Management Plan dated 28 June 2016.

Key to not causing noise problems with outdoor music venues is good management as client-run events can be unpredictable. If the Authority decides to approve the application it may want to do so for a temporary period to see how workable the proposal is.

Broads Society - No objection.

Postwick with Witton Parish Council – The Parish Council considered the above planning application. A number of objections had been received and would be sent also to the Broads Authority from parishioners. The Parish Council considered that the application should be refused for the following reasons:

1. Additional heavy traffic for 3 to 4 days every week on unsuitable roads affecting all houses situated along the route.
2. The Parish Council felt that noise levels are unable to be controlled and would seriously affect the tranquillity of the whole village and particularly the nearby houses. Unanimously refused.

The amended documents submitted to the Parish Council on 13 July 2016 do not properly deal with the issue of traffic on Oaks Lane. Particularly the traffic generated both prior and after the wedding. Which includes caterers and marquee providers which use large vehicles plus long trailers. Also the proposal that the number of guests should be limited to 200 will still probably result in 50 cars accessing the site. Oaks Lane is very narrow and this additional traffic will add to the already dangerous conditions on this road and will clearly result in further noise.

The Parish Council have considered the proposals which have set out maximum noise levels with a suggested management system. However, it is unclear how in practice noise levels can be reduced to satisfactory levels during the period of the event. The proposed systems suggested that noise can be reduced subject to the “Responsible Person” taking action, but is unlikely to be satisfactory for the whole event and would appear to be retro-active.

A Petition against the Wedding Venue Traffic from parishioners of Postwick Parish is attached.

Highway Authority – In relation to the type of events the agent states, the application seeks consent for change of use of a small wooded copse and adjacent field for the holding of wedding ceremonies and associated celebrations.

I am satisfied with the agent's explanation of what functions are proposed to be held at the venue, following my concerns that the previous supporting information implied events other than weddings and similar-type celebrations. Accordingly this clarification now correlates with the pre-application discussions with the Highway Authority.

As you will be aware the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Taking into account the fact that events have already been occurring and the traffic information supplied I do not consider that the residual cumulative impacts are severe.

Likewise, my earlier response suggested mitigation for the development by formalising existing informal passing bays, however, based on the additional information supplied together with the provision of one new passing bay at the southern end of Oaks Lane, I do not consider that such an obligation would fully meet the criteria set out in para. 204 of the NPPF.

However, notwithstanding the above, by the very location of the site and the highway network leading thereto, there are sensitivities with the network I need to ensure are not unduly compromised by the development, and therefore whilst not objecting to the development I would recommend that the following conditions and informative note be appended to any grant of permission your Authority is minded to make.

A condition define the nature of permitted events which can be held at the site i.e. limiting it to being a wedding and similar-type celebration venue - for the avoidance of doubt -wording to be agreed.

A condition to restrict the maximum number of guests on site per event to a maximum of 200 in order to protect the environment of the local highway corridor together with the following highway related condition.

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works -provision of a passing bay on Oaks Lane -as indicated on drawing number P391-201 Rev D have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

Prior to the commencement of the use hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

Environment Agency – No objection. The Environment Agency Maps show the site lies in both tidal and fluvial Flood Zone 3a, the high probability zone. The important points are:

- Ground levels rise in a northerly direction providing dry access/egress routes
- A Flood Response Plan has been proposed for the site.

Detailed climate change modelling has not been completed by the applicant. It is their responsibility to provide details of flood risk at the site. At some locations we have modelled flood level data to provide to applicants. Unfortunately these models were completed prior to the update in climate change allowances. We are working to provide some basic allowances that may be appropriate for use against the recent climate change thresholds, to aid applicants. These require significant time and resources to complete and precautionary allowances for potential climate change impacts have not yet been formally signed off.

As the allowances we have in draft format are precautionary for this site we have agreed they can be used to aid you in making a decision. These levels have not yet been approved for use and if further more detailed information comes to light before any planning permission is granted we reserve the right to use the best available data at the time.

4 Representations

- 4.1 A total of 14 representations on this application have been received from residents living in the vicinity of the site. A number of residents have written in more than once. Whilst all the comments made in each of the letters have been taken into consideration in the recommendation made in this report, where multiple letters have been received from the same person this has been counted as one representation. A petition of 50 names has also been received, objecting to the permanent establishment of the wedding venue on the basis of the traffic for the proposed wedding venue using the southern part of Oaks Lane, which is single track with a blind bend.

- 4.2 All 14 representations received object to the proposed change of use of this land to the wedding venue on the basis of the additional traffic generated by the business and the level of noise produced during the wedding receptions.
- 4.3 Residents are concerned that whilst the wedding might take place on a particular Saturday, additional traffic is generated from Thursday through to Monday with traffic delivering equipment and supplies leading up to the wedding and immediately after it. They are also concerned that the proposed access route to the venue, along Oaks Lane and onto Marsh Lane is inadequate, in terms of width, to safely accommodate the additional traffic that would be generated, particularly on the day of the wedding itself. The letters received suggest that a route which utilises Oaks Lane and Hall Lane would be preferable, as it would avoid the narrower, eastern end of Oaks Lane.
- 4.4 The other principle reason for the objections to this proposal is centred around the noise that would be generated by bands and DJ's during the receptions held in the marquees following the actual wedding ceremonies. Residents are concerned, given the open nature of the landscape, the rural character of the area and the fact that the receptions would be held in marquees, that there would be an unacceptable level of noise generated by the music that would have an adverse effect not only on their residential amenity but also on the wildlife in the vicinity of the site and the tranquillity of the area in general.
- 4.5 One representation received has requested that Members carry out a site visit, particularly to look at Oaks Lane.

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework ([NPPF](#)) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

Core Strategy

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement

CS4 – Creation of New Resources

Development Management Policies DPD

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

DP4 – Design

DP11 – Access on Land

DP29 – Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those

aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Core Strategy

CS18 – Rural Sustainability

CS20 – Development within Flood Risk Zones

Development Management Policies DPD

DP19 – Employment Diversification

DP28 – Amenity

6 Material Consideration

6.1 National Planning Policy Framework (NPPF).

7 Assessment

- 7.1 In terms of the assessment of this application the main issues to be considered are: the principle of the development, impact on highway safety, noise impact, landscape impact, floodrisk, impact on ecology; impact on residential amenity.
- 7.2 The site of the wedding venue forms part of a working farm. The formal change of use of this site to accommodate the wedding venue business is seen as a diversification of the farming business which would complement the existing agricultural activity on the site whilst retaining and improving the landscape character of the area. The need to strengthen and support the rural economy is highlighted in Paragraph 28 of the NPPF. The NPPF places an emphasis on developing a strong rural economy and specifically requires local planning authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas and to promote the development and diversification of agricultural and other land-based rural businesses.
- 7.3 Policy DP19 of the Development Management Policies DPD reflects this requirement to support the rural economy by permitting farm diversification providing a number of criteria are complied with. Development should be complementary in scale and kind to the main farm operation and site area and must not prejudice the agricultural operations. The application states that the site of the wedding venue is an underutilised part of the landholding and therefore taking it out of agricultural use would not prejudice the efficient functioning of the farm. The wedding venue business would generate revenue from an area of land which currently does not contribute to the economy of the farmholding. The formal establishment of the wedding venue in this location would also support other diversification projects on the farm, namely Colt Lodge Bed and Breakfast business. The scale of the wedding venue is small, comprising the small wooden rustic shed and associated seating and the temporary erection of a marquee,

associated catering and facility accommodation and camping area. Given the small scale nature of the use it would not dominate the functioning of the agricultural holding.

- 7.4 On the basis of the above reasoning the principle of formalising the operation of the wedding venue business on the application site is accepted as being in accordance with both the NPPF and criteria (a) and (b) of Policy DP19. However Policy DP19 does also require any proposal for farm diversification to ensure that it does not have an unacceptable impact on the local transport network and that it complies with the other relevant Development Plan Policies, which in this case relate to noise, landscape, ecology, flooding and residential amenity.
- 7.5 Access to the venue is proposed to be achieved via the A47 onto Oaks Lane leading onto Marsh Lane. The application states that commonly 80 to 120 guests attend the weddings held here although consent is being sought for a maximum of 200 guests. There are also a number of vehicle movements leading up to and following the weddings with the delivery and collection of the marquee and catering and toilet/washroom facilities. The application proposes to create a number of new passing places along Marsh Lane, which is a private road, and also the creation of one new passing bay at the eastern of Oaks Lane. The information submitted with the application states that if weddings were held on consecutive weekends with between 80 and 120 guests attending each wedding, 154 car or Light Goods Vehicle (LGV) movements per week and 16 Other Goods Vehicle (OGV) movements over the two events would be generated. If these figures are extrapolated over the principle wedding season running from late May to early September the projected annual traffic flows on Oaks Lane would be 2,669 cars and LGVs and 277 OGV movements. This would equate to an increase in car and light goods movements of around 3.7% and an increase in OGV movements of approximately 5.2% along Oaks Lane.
- 7.6 All the representations received on this application cite the effect the additional traffic generated by this business would have on the capacity and safety of Oaks Lane as a reason for objecting to the scheme.
- 7.7 The Highway Authority has acknowledged that the wedding venue could continue to operate under the '28 day rule' and that this level of activity would generate its own traffic flow. Therefore any assessment of traffic impact on the road network arising from this proposal would be an assessment over and above the traffic that would be generated under the 28 day rule. The Highway Authority states that the residential area of Oaks Lane leading up to Hall Lane has sufficient width for two way traffic in accordance with Manual for Streets. However the remainder of Oaks Lane to the southeast does vary in width and informal passing bays have been created due to current vehicle movements. Whilst the anticipated additional vehicle traffic movements on this road arising from the permanent establishment of the wedding venue business are perceived by residents along Oaks Lane as being significant, it is the Highway

Authority's view that the applicant has clearly demonstrated that in terms of Highway Authority guidance that there would not be a material increase in traffic flows, with a maximum number of guests set at 200. The NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development would be severe. Taking into account the fact that events have already been occurring and the traffic information supplied in support of the application the Highway Authority does not consider that the residual cumulative impacts would be severe. Whilst the Highway Authority does not therefore object to the application they do require the creation of a passing bay at the eastern end of Oaks Lane to ensure that the highway network is adequate to cater for the development proposed.

- 7.8 Most of the objections received query why Hall Lane cannot be used to access the venue rather than Marsh Lane, as this would avoid the narrow stretch of Oaks Lane and the use of Marsh Lane. The applicant has confirmed that due to changing ownership arrangements Hall Lane will no longer remain in his ownership however Marsh Lane will. Marsh Lane is currently used as an integral part of the agricultural holding providing access for farm machinery and to the Colt Lodge Bed and Breakfast business. It is considered, with the addition of the various passing bays proposed by the applicant, that Marsh Lane would provide a satisfactory access route to the venue for cars and LGV as well as for OGVs.
- 7.9 Whilst the concern expressed by residents that use Oaks Lane that the additional traffic generated by the proposal would have an adverse effect on the safety of the existing users of Oaks Lane is acknowledged and understood, it is concluded that based on the advice provided by the NPPF and the Highway Authority that this proposal is not unacceptable in terms of network capacity and highway safety. The proposal is therefore considered to be in accordance with criteria (c) of Policy DP19 and Policy DP11 of the Development Management Policies DPD and the NPPF.
- 7.10 Criterion (d) of Policy DP19 requires any proposal for farm diversification to comply with other Policies of the Development Plan. One such relevant Policy is Policy DP 28 which deals with amenity and ensuring that any proposal does not have an unacceptable impact on neighbouring properties or landuses. The majority of the objections received on this application cite the detrimental impact that the volume of noise generated by the music played at the wedding receptions would have on their residential amenity and on the tranquillity of the area generally as a reason for objecting to this planning application. Residents state that they are already being affected by the volume of music played at the receptions of the weddings currently held under the 28 day provision.
- 7.11 Noise generated by this proposed activity is of particular concern when assessing the acceptability of this application. The site is situated in a rural, relatively tranquil area with no natural sound buffers surrounding it and any music played would be played in a marquee which has no sound proofing qualities. The application was initially supported by a Technical

Report on Music Noise Assessment. This assessment measured background noise levels at dwellings close to the wedding venue. Based on these results they identified the highest permissible noise levels at the boundary of the nearby dwellings to meet the proposed noise criteria. The key to controlling noise from the venue would rely on monitoring and manual adjustment of levels. As a guide to assist with monitoring noise levels the Technical Report has calculated the highest permissible levels at 50m from the marquee. The Technical Report recommended that a Noise Management Plan is drafted to provide a robust set of methodologies and procedures for noise control.

- 7.12 The Technical Report has been reviewed by Broadland District Council's Environmental Health Officer. Having looked at the Acoustic Report he had concerns regarding the potential amplified music noise from the site. Whilst the criteria set out in the Report seemed satisfactory he stated that it was clear that noise limits could be easily exceeded without adequate controls. On this basis the applicant was asked to provide a Noise Management Plan. The Environmental Health Officer has reviewed the Noise Management Plan and concluded that he has no objections to the application as long as the noise criteria within the Management Plan are legally binding and that the events are managed in accordance with the Noise Management Plan. He stated that the key to successful noise control is effective management and that until the system is implemented it is not possible to know how effective this will be. Therefore he is recommending that a temporary approval is granted at this stage so monitoring of the noise generated and the effect it has on nearby residents and the area in general can be carried out. He also mentioned that discernible bass between 11pm and midnight across an open window could not be ruled out.
- 7.13 The applicant has stated that they are unhappy with the suggestion of a temporary consent given the financial outlay that would be incurred in the permanent establishment of the business. They state that a trial period has already been completed with the holding of weddings on this site under the 28 day rule. However the noise generated by the weddings held previously under this temporary activity provision was not subject to the controls imposed by the newly written Noise Management Plan. Residents have stated that they were disturbed on a regular basis by the volume of noise generated by these wedding receptions. It is therefore crucial for the effectiveness of the Noise Management Plan and the management of it to be monitored over a period of time to ensure that there is no adverse effect on the residential amenity of any of the residential properties before consideration can be given to granting a permanent planning consent.
- 7.14 It is therefore recommended that planning permission is granted for a temporary period of 24 months to assess the effectiveness of the Noise Management Plan and its management. It is also recommended that a condition be imposed on any planning permission that may be granted requiring any music to cease playing at 11pm.

- 7.15 In terms of the impact on ecology of the proposed wedding venue business, it is again the noise generated by the amplified music during the wedding receptions that is causing concern. Postwick Marshes to the south of the site support breeding and wintering wader birds. Mid Yare Broads and Marshes SSSI, SPA is approximately 800m east of the venue. It is acknowledged that the Noise Management Plan has been submitted, however it will not be possible to assess disturbance to breeding and wintering birds on the marshes without further surveys. The Broads Authority's Ecologist would support the granting of a temporary consent as this would provide the applicant with the opportunity to commission bird disturbance surveys to be carried out during the 24 months to provide evidence as to whether or not this activity was having a detrimental effect on the birds adjacent to the site. In addition conditions are recommended to be imposed on any planning permission that might be granted protecting bats and birds and enhancing the hedgerow planting with native hedgerow species.
- 7.16 The proposal is considered to be in accordance with Policy DP2 of the Development Plan Policies DPD as there are no concerns about the effects on landscape character. The area is elevated above the marshland environment and the retention of a grass sward over the area provides a good buffer strip to the marshland. The application was supported by a detailed Landscape Assessment which stated that there would be new woodland planting surrounding the extended service area and double row field hedging with tree planting would be carried out surrounding the north, east and southern car park boundaries with the gaps in the existing hedgerow along the western boundary of the car park being filled in with planting.
- 7.17 The wedding venue business includes provision for a small camping area to be used solely by wedding guests on the Saturday night. Whilst parts of the application site are located within Flood Risk Zone 3 the camping area has been identified as being situated within Flood Risk Zone 2. Camping is categorised as being 'more vulnerable' in the Technical Guidance to the NPPF. The application is supported by a Flood Risk Assessment which confirms that a safe access to and from the site can be maintained throughout a modelled flood event. It is also pointed out that due to the flat topography of the area any flood event would have a slow onset time and it is anticipated not only that people and cars could be safely removed to within Flood Zone 1, but also that sufficient warning could be given to dismantle any temporary structures erected within the site. The Environment Agency has confirmed that it has no objection to the proposal based on the information currently available. It is recommended that a condition be imposed on any planning permission that may be granted requiring the submission of a Flood Response Plan for the venue.

8 Conclusion

- 8.1 Planning permission is being sought to formalise the wedding venue business that currently operates from the application site under the 28 day rule

permitted by Schedule 2, Part 4 Class B The Town and Country Planning (General Permitted Development) (England) Order 2015. The business constitutes diversification of part of an agricultural holding and as such is supported by both Policy DP19 of the Development Management Plan DPD and paragraph 28 of the NPPF.

- 8.2 Whilst the principle of the proposal is accepted it is acknowledged that there is a considerable amount of objection to the scheme from local residents, concerned about the effects of additional traffic generated by the business on the local road network and also about the effect of noise levels from music played at the wedding receptions on their residential amenity and on the tranquillity and ecology of the area.
- 8.3 The ability of Oaks Lane to safely accommodate the additional traffic generated by this proposal has been carefully assessed by the Highway Authority which has concluded that with the maximum number of guests permitted at the wedding limited to 200, and with the creation of the passing bay at the eastern end of Oaks Lane, this road does have the capacity to safely accommodate the anticipated extra traffic. There is therefore no highway objection to the proposal and the scheme has to be considered in accordance with Policy DP11 of the Development Management Policies DPD and the NPPF.
- 8.4 Given the open landscape and rural character of the area in which the venue is situated and the fact that the noise from the music is to be generated within a marquee, the concerns that have been voiced regarding the possible detrimental effect of noise on the area are considered to have significant weight. In an attempt to allay these concerns both a Noise Assessment Report and a Noise Management Plan have been submitted in support of the application. Broadland District Council's Environmental Health Officer has accepted both these documents as being fit for purpose but states that they will only achieve their purpose of limiting the noise levels to acceptable limits if the wedding venue is satisfactorily managed. Therefore to be able to assess whether this will realistically happen he has recommended that a temporary permission is granted to enable the situation to be monitored. This approach is considered to be justified and reasonable and therefore it is recommended that a temporary permission for a period of 24 months is granted subject to conditions.

9 Recommendation

- 9.1 Approve subject to the following conditions:
- (i) Permission is granted for a period of 24 months from the date of the decision
 - (ii) Definition of nature of permitted events
 - (iii) Development to be in accordance with submitted plans and documentation.
 - (iv) Business is to operate strictly in accordance with the Noise Management Plan at all times.

- (v) Music to finish by 11pm
- (vi) Maximum number of guests limited to 200
- (vii) Submission of plans detailing the design of the passing bay on Oaks Lane.
- (viii) Creation of passing bay at eastern of Oaks Lane prior to commencement of use.
- (ix) Creation of passing bays on Marsh Lane and car park prior to commencement of use
- (x) Preparation of a Flood Response Plan.
- (xi) Any work to be carried out to the vegetation in the area to avoid the bird nesting season.
- (xii) Low level lighting plan to be submitted to LPA for approval
- (xiii) Native hedgerow species to be used
- (xiv) A bird disturbance survey (wintering and breeding) to be completed during the lifetime of this permission and the results forwarded to the LPA.
- (xv) Creation of a medium-large sized wildlife pond on the agricultural holding.
- (xvi) Planting carried out in next planting season following this decision
- (xvii) If plants die within 2 years of this consent they must be replaced.

10 Reason for Recommendation

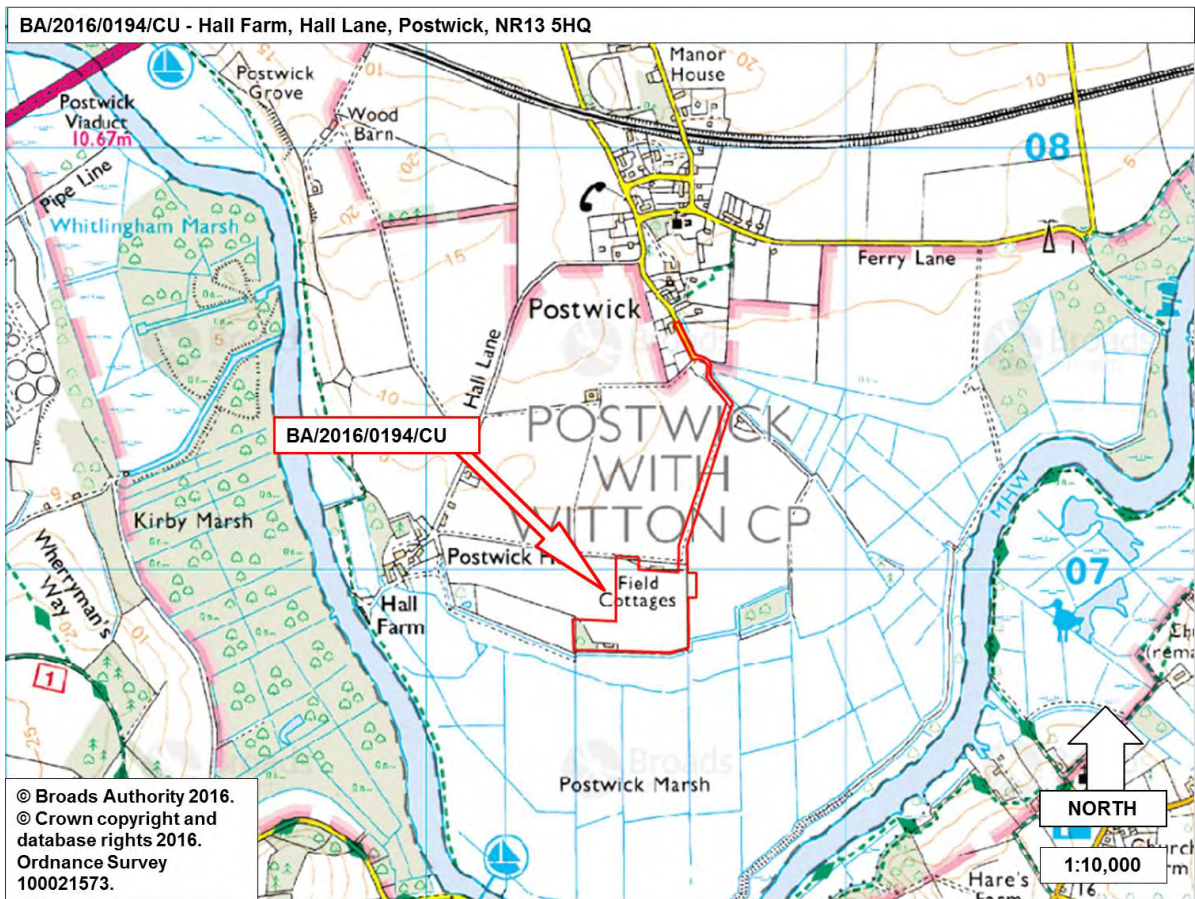
- 10.1 The principle of the development is considered to be acceptable and in accordance with Policy DP19 of the Development Management Policies and the NPPF. The proposal is also considered to be in accordance with Policy DP11 of the Development Management Policies DPD and the NPPF. A temporary consent is recommended to ensure that the scheme will comply with the other relevant Development Plan Policies, in particular Policy DP28, before a permanent planning permission is granted.

Background papers: Planning File BA/2016/0194/CU

Author: Alison Cornish

Date of Report: 8 August 2016

List of Appendices: APPENDIX 1 – Location Plan



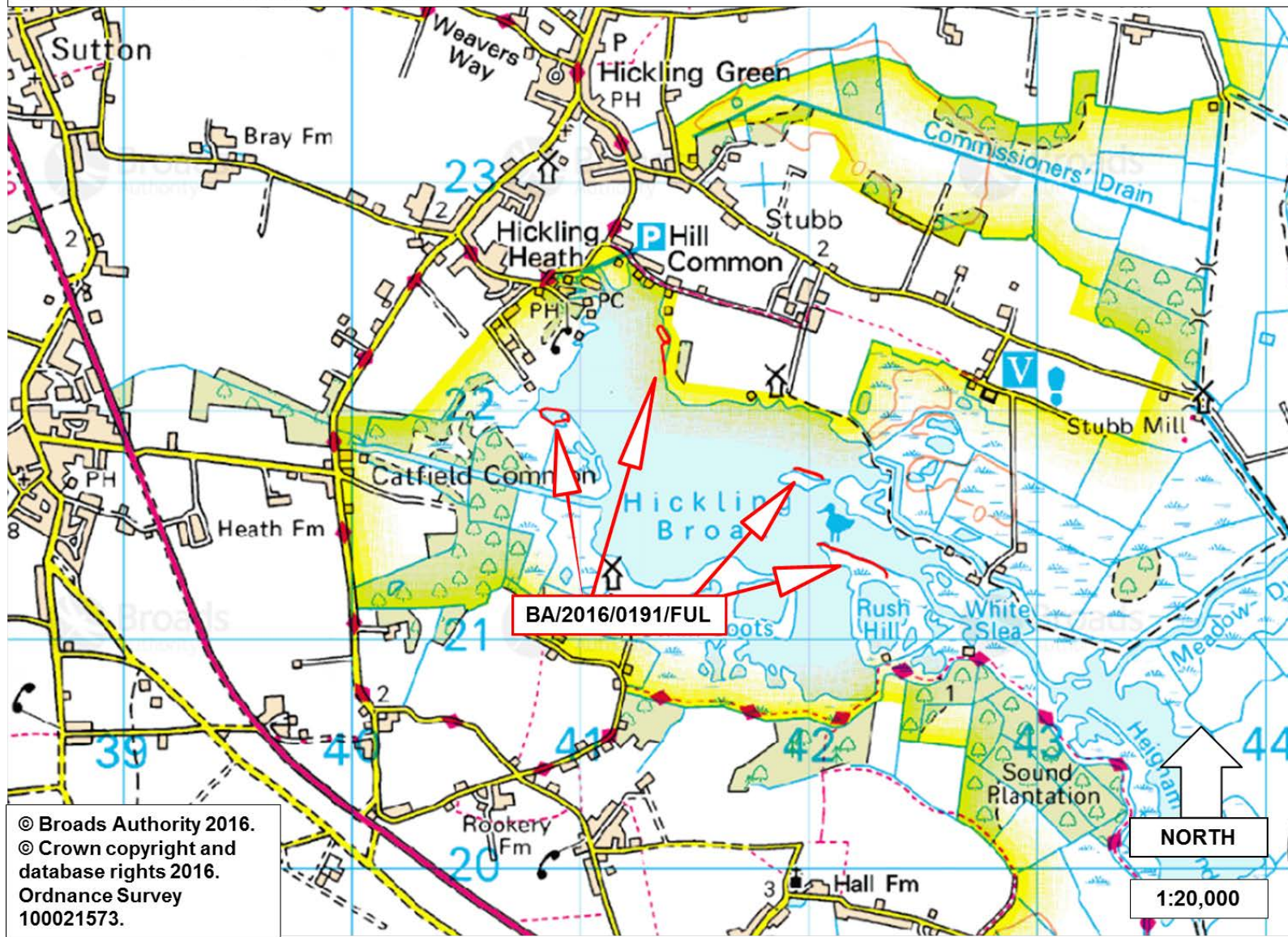
Reference:

BA/2016/0191/FUL

Location

Hickling Broad, Hickling

BA/2016/0191/FUL - Hickling Broad, Hickling



Application for Determination

Parishes:	Hickling	
Reference:	BA/2016/0191/FUL	Target Date: 11 August 2016
Location:	Hickling Broad, Hickling	
Proposal:	Hickling Broad enhancement work with two areas of reed swamp restoration using dredged sediment retained by a series of textile membranes held in place by posts and three areas of protection of existing reed swamp vegetation with 750 metres of floating PVC curtains with integral goose guard mesh perpendicular to the existing vegetation margin to reduce erosive forces and allow vegetation restoration	
Applicant:	Broads Authority	
Recommendation:	Approve with conditions	
Reason for Referral	Broads Authority application	

1 Background

- 1.1 The Broads Authority has a strategic objective to develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review. This has led to the development of a vision statement for the area.
- 1.2 The adopted vision for the enhancement in Hickling Broad proposes both ecological and marginal habitat works and identifies a number of outcomes:
 - Protection of refuge areas in quiet bays and sheltered areas which provide conditions for water plants to flourish and habitat for fish and birds
 - Maintenance of the marked channel to meet Waterway Specification
 - Beneficial re-use of dredged material, being used to restore eroded reed swamp, construct lake side bank protection and regularly topping up bank restoration and island areas, as well as being spread to local arable land
 - Regular monitoring to continue, to build understanding of the lake and to help shape its future management
- 1.3 To deliver the necessary practical work elements as part of the vision and as a result of limited funding availability, the applicant has identified the need for a phased approach to enhancement works. This will involve seeking individual planning consents for specific works over a number of years. Initial

works propose to focus on addressing the significant reedswamp regression that has taken place in key locations (as reedswamp is an important habitat with high bio-diversity value) and the first phase was trialled during winter 2015.

1.4 It is in the light of this background, this planning application has been submitted. To accompany this planning application, the following documents have been submitted to support the submission including:

- Environment Report
- Habitats Risk Assessment
- Water Quality Monitoring Plan
- Drawings and plans

2 Description of Site and Proposal

2.1 Hickling Broad is located in the northern part of the Broads and is important in terms of landscape, nature conservation and recreation interest. Hickling Broad itself falls within the very large Upper Thurne, Broads and Marshes SSSI which encompasses an extensive area – some 1159 ha. Hickling Broad also forms part of the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA) which are European sites. It is also listed as The Broadland Ramsar site.

2.2 Hickling Broad has been subjected to various changes including reed swamp regression caused by a combination of factors and its highly erosive environment including the windy conditions, damage resulting from goose grazing and bacteria action in the peat.

2.3 This planning application proposes two different techniques to secure environmental enhancements to tackle reedswamp regression. This approach aims to deliver protection of refuge areas in quiet bays and sheltered areas to provide conditions for water plants / habitat for fish and birds plus offer some areas for the beneficial use of dredged material (which is to be removed from the navigable area of the Broad as part of on-going dredging works to maintain water depth in key areas).

2.4 The design has been devised following an assessment of a number of options and has been proposed as the most technically feasible and affordable, using approaches that are also relatively easy to install and remove. This application now proposes two techniques (discussed in more detail in paragraphs 2.7 and 2.8:

- Use of a retaining front edge curtain (nicospan) with a second rear edge curtain (now again using nicospan rather than the initially proposed biodegradable retaining edge) with associated backfilling with sediment / dredged material and planting
- Use of a silt curtain to encourage natural reedswamp advancement

2.5 In terms of the location of works at the edge of Hickling Broad, the following

sites have been identified in this application and the applicant has identified the following factors that justify this selection:

Location	Potential area (m ²)	Biodiversity potential	Exposure	Geotechnical feasibility	Cost effectiveness
a) Retaining nicospan front edge and second nicospan retaining edge					
Churchill Bay	5000	High	Moderate	Good	Moderate
The Studio	2150*	High	Moderate	Good	High
b) Use of a silt curtain to encourage natural reedswamp					
Pleasure Island	1123	High	Low	Moderate	Moderate
SE area of Broad	4520	High	Moderate	Moderate	Moderate
Near The Studio	2150*	High	Moderate	Good	High

*denotes potential area covers both 'The Studio' and area 'Near The Studio'.

2.6 In relation to Churchill Bay, the applicant has highlighted that the margin has degraded significantly and has eroded back some 40 metres since 1999.

2.7 In more detail, the technique proposed at Churchill Bay and The Studio follows a small trial undertaken last year close to Hill Common (based on only a single retaining curtain) which involves:

- Use of an outer curtain using nicospan (black geotextile material) held in place by softwood posts at a level some 0.70 metres AOD (based on experience of trial area – to limit impact of wave action and act as a goose guard)
- Use of a second inner retaining barrier (now proposed as nicospan material – based on its more robust qualities compared with a fibre curtain) set 5 – 10 metres from outer curtain (staked in place)
- Dredged material / sediment to be placed between current bank and inner barrier to mean low level (0.22 metres AOD) with additional material placed between inner and outer curtain to form a graded slope leading to the outer edge

2.8 In more detail, the silt curtain wave barrier solution proposed for Pleasure Island, SE area of the Broad and south of The Studio involves:

- Use of a PVC membrane with floating tubes (coloured dark green) secured to bed with heavy duty chains and anchoring mudweights as a temporary feature set some 10 – 13 metres from existing reedswamp to encourage reedswamp establishment in this area;
- Gooseguard (black plastic grid to be incorporated into the top of the curtain).

- 2.9 As outlined in the Environment Statement that accompanies this application, it is recognised that the works associated with the application have potential to impact on water chemistry / algal production (including *prymnesium parvum*) and impact on wildlife (notably over-wintering birds). Therefore as part of the submission, the application outlines measures and working practices to limit risk of *prymnesium* bloom and impact on bird population. This includes implementing a water quality monitoring plan to identify changes in water quality / cell density counts, limiting works to specific times (November to February) and when water temperatures fall within prescribed limits (i.e less than 8 degrees C). This precautionary approach is particularly relevant to the works at Churchill Bay and The Studio. A similar scheme of working was agreed when the Broads Authority was working at Duck Broad where similar environmental constraints apply.
- 2.10 As outlined in paragraph 1.4, the application has been accompanied by an Appropriate Assessment. This concludes that that the proposal will neither alone nor in combination with other works have a significant effect on the European site due to the temporary nature of the works, robust monitoring proposed and precautionary principle linked to works. The disturbance to waterfowl will be local and temporary only.
- 2.11 The applicant has identified the recreational interest of the areas but consider that the proposal limits effects as it will have no impact on land based recreation (areas not used by anglers), sediment from dredging will be removed and used in a manner that will not interfere with normal boat movements in the Broad and the main works areas are away from the navigable channel. The applicant does however recognise that the works at Churchill Bay will close off one internal marsh dyke that interconnects with others through to the north of Catfield Dyke and is close to an existing boathouse (associated with an existing dwelling at The Smea). The design of reedswamp restoration has been designed to protect the access to this boathouse although it is acknowledged that the works will prevent access for canoes in the area to one dyke. It is understood, however that whilst there may physically be access into this dyke, it is a private dyke managed by Norfolk Wildlife Trust and to which there is no permitted public access.
- 2.12 The proposed works are planned to be undertaken over a three year period (2016-19), subject to planning consent, with initial work concentrated at Churchill Bay and The Studio. This will involve establishing the inner and outer curtains in October 2016 with sediment removal and reedswamp restoration limited to November 2016 to February 2017 (to limit risk of environmental effect notably risk of *prymnesium* bloom) and maintenance works to improve operation of the existing dyke system to the south of Churchill Bay being undertaken in February 2017.

3 Site History

- 3.1 BA/2014/0411/FUL Install erosion protection along 3 bayed areas at NE of Hickling Broad. Approved 6 February 2015.

4 Consultations

- 4.1 The following comments were initially received from consultees. Following these comments, the applicant has clarified the nature of some works, notably in relation to Churchill Bay and additional comments received from statutory consultees are also provided where these amend or amplify initial views.

Hickling Parish Council – Access to the existing dykes that serve both The Studio and The Smea need to be protected and that work undertaken should not impede access to these dykes in the foreseeable future. The Parish Council also request a written assurance that closing the historic dyke is essential to the project; that removing it will not close off an escape or refuge for fish during periods of prymensium bloom; that it will not affect water flows or drainage for the village in any respect (Hickling has a high flood risk level. We understand that the channels proposed for closure are not directly part of the IDB network however the village drainage is so borderline that this change could have an effect as the village drainage is directly affected by water levels on Hickling Broad. Anything that causes water levels to rise or that impedes free drainage of water away from the village will have an immediate and deleterious effect on the community and its environment and so the Parish Council seek 100% reassurances that this will not be the case if Chamberlains Dyke is closed off); and if the closure of the dyke has any adverse effect on the water flow or drainage for the village the dyke will be immediately re-opened.

Broads Society – Support proposal.

NCC Highways – No objection.

Environment Agency – No objection. Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 16m from a tidal river and from any tidal flood defence structure of the River Thurne, designated a 'main river'. Satisfied with the Water Framework Directive assessment, providing the working method and precautionary principle approach are followed. We also consider the timing of the works with respect to Prymnesium parvum is suitable.

Internal Drainage Board – Awaited.

Natural England – No objection - subject to conditions.

The application site is in close proximity to The Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA) which are European sites. The site is also listed as The Broadland Ramsar site. In considering the European site interest, Natural England advises that the Broad Authority, as a competent authority under the provisions of the

Habitats Regulations, should have regard for any potential impacts that a plan or project may have. Having considered the proposal and supporting documentation, Natural England advises that the proposal is entirely necessary for European site management. Natural England considers that the works are necessary for the management of the European site interest features for nature conservation purposes, enabling the maintenance or restoration of those features and contributing to the achievement of the site's Conservation Objectives. The proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 61 of the Habitats Regulations 2010, as amended. If planning permission is granted we recommend that the following conditions are attached:

- (i) The post-work monitoring should be extended to at least six weeks following completion (as opposed to at least one month proposed). There is still uncertainty over the impacts of dredging on *Prymnesium* algae and a bloom occurred six weeks after similar work was completed in the past; therefore the post-work monitoring should be extended.
- (ii) Due to the uncertainty over the cause of the 2015/16 low wintering wildfowl numbers and because the work areas have been identified as important locations for SPA species, a 'cold weather ban' should be adopted to help alleviate stress on the birds during any difficult freezing conditions. Work should cease if the air temperature drops below freezing for seven consecutive days, and should not restart until the temperature rises above freezing for three days consecutive days.
- (iii) Increase the *Prymnesium* cell counts to at least twice weekly if numbers approach the warning level of 10,000; this will allow the Broads Authority to become aware earlier and react faster to any further elevation in cell counts (as opposed to the proposed weekly counts proposed).

These conditions are required to safeguard the special features for which the SAC, SPA and Ramsar sites are designated.

In addition, this application lies within part of Upper Thurne and Marshes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Again, we would expect conditions to protect the SSSI, as detailed above for the SAC, SPA and Ramsar, to ensure that the proposal, as submitted, will not impact upon the features of special interest for which Upper Thurne

and Marshes is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority:

- a) Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- b) Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

RSPB – No objection. Hickling Broad has long been underperforming against its conservation objectives and measures aimed at reducing sediment input and restoring reed swamp are helpful in contributing to the restoration of this internationally important site. RSPB accept, with respect to the Habitats Regulations Assessment that this is work necessary for site management. However, we request an additional safeguard given works will take place during the winter. RSPB recognise that bird numbers are low, but they are still qualifying features of the Broadland SPA and Ramsar and Upper Thurne Broads and Marshes SSSI. Recommend that a cold weather condition be attached to the works. This should follow the JNCC guidance, for example, as set out in the “Scheme to reduce disturbance to waterfowl during severe winter weather.”

Whilst we do not object to the proposed works, we note that the overall bird numbers continue to remain disappointingly low for such a large waterbody, especially one that is fully protected at international, European and national levels. Whilst the planned works are a start at addressing the failure of this site to deliver against its conservation objectives, much more is required given its international importance. RSPB hope that future work undertaken as part of the Hickling Vision will build significantly on the current works to deliver both improved open water habitat and marginal habitats for the qualifying features; action which is essential and long overdue.

NCC Historic Environment Service – No adverse comment received.

North Norfolk Council Environmental Health Officer – No objection or comment.

NSBA – No objection. Additionally we are in favour of the associated removal of accumulated sediment from the marked channel by dredging. We are aware that the works to Churchill Bay entail closing off a remote dyke through the marshes which used to connect through to Catfield Dyke. This is a loss of opportunity for exploration of the wilderness and enjoyment of its tranquillity by canoe. However, none of our affiliate clubs or classes has any interest in this dyke for organised activities, being shallow and narrow. On

balance the NSBA considers that in this instance, the environmental benefits outweigh the loss of opportunity for canoeists. Nonetheless any possible loss of navigable water, in future applications throughout the Broads, even if shallow and narrow, should be given appropriate consideration and be subject to consultation.

Navigation Committee - The application site was the subject of a site visit by Navigation Committee on 2 June 2016. Immediately following the site visit the Members had a discussion on the application and the Chairman of Navigation Committee collated the comments made and has requested that the following issues are addressed in determining the application

Firstly, scope to slightly adjust the boundary of the proposed works in Churchill Bay in such a way that it would not materially affect the works to be done, but would deal with a local objection – we would like this to be addressed as it seems that an accord can be easily reached.

Secondly, with regard to the work at Churchill Bay, we are concerned to ensure that this application has been brought to the attention of all parties who might be affected by, for example, occasional use of the drainage dykes. We are aware of consultation on this but feel that the extensive NSBA database should be used in order to make all the relevant groups aware of the application in case they should wish to comment on it by direct contact with the Planning Department.

In response to this request the works were modified to address the concerns round access to the boathouse associated with The Smea and further notification was undertaken. The outcome of these actions is included in this report.

5 Representations

5.1 Two letters have been received from local residents.

5.2 Occupier of Timber Gables, Hill Common raises the following objections / concerns

- (1) The application is in the name of a paid member of Broads Authority Staff and the Planning Committee will therefore be biased and in favour of their own cause. It is therefore an abuse of the legitimate process
- (2) The environmental study is not independent and also in the name of a paid member of Broads Authority Staff (who previously submitted a planning application for a similar scheme on behalf of a land owner)
- (3) The Broads Authority continues to adopt a cavalier attitude toward decency, integrity and impartial consideration of planning matters to the point of complete abuse.
- (4) It continues to only allow 5 minutes for an objector to present an objection whilst permitting its own staff as long as they consider necessary. Fairness and equality of arms and the rules of natural justice are not applied
- (5) The site of the proposed works is SSSI and RAMSAR designated and

Natural England fail to look properly at the application and continue to allow the Broad to be polluted by the very authority that is supposed to protect the area

- (6) Previous dredging works last winter caused considerable disturbance of the wildlife and aerial photography already shows visible signs of extensive algae bloom. In short the fish will die again and it will be entirely the fault of the Broads Authority.
- (7) Goose guard used at the site prevents ducklings getting to the Broad and they perish through predators as a result this has also been the case with the Flood Barrier
- (8) They admit within the report that they do not understand why reed bed erosion has taken place yet submit this application based on assumption and not environmental or scientific fact. The report is grossly negligent and the committee should not rely on anything contained within it.
- (9) The works already carried out at Hill Common are an environmental mess and nothing for anyone to be proud of.
- (10) This application is really simply disposal of polluted environmental waste in the middle of an SSSI and RAMSAR site.

Additionally the occupier subsequently responded

I note the use of textile that will not biodegrade, this to address any risk of future pollution and movement of the sediment. I point to the lack of independence in the environmental report and the complete failure of Norfolk Wildlife Trust and Natural England to engage. Having recently viewed NWT watercourse works to the south of Hickling Broad many are completely blue with pollution.

Given that Natural England allowed unregulated dredging outside our house the year before last we have a position that the three entities are all as guilty as each other in failing wildlife Conservation. Their silence, frankly, says it all.

I continue to object to this planning application. In my view dredging is completely in conflict with the natural environment and will result in the death of wildlife that access the Broad. There is no sense whatsoever in excavating polluted material and then spreading it around the edges of the Broad.

As to planning issues, all of these works completely conflict with the designation of the site and current planning policies. The dredging conflicts with the code of practice for inland waterways and the proper environmental disposal of contaminated waste. If dredging is to take place the dredged material should be taken away and disposed of off-site.

The Broads Authority knows well what its true legal responsibility is but continues to ignore it.

I see that I remain a lone voice against a deathly silence from those who have a similar duty but are too weak to speak out against what is being proposed.

There remains nothing in this that lends any credibility to the Broads Authority.

I will leave the matter with you as nobody is remotely bothered how many creatures perish as a result of each one of these planning applications.

5.3 Occupier of The Smea, raises the following concerns:

Access to my boathouse dyke - The application makes no reference whatever to the access dyke to my boathouse which is immediately adjacent to the proposed retaining structure. An earlier graphic, on show at the recent open day, clearly obstructed my access. Tom Hunter has very kindly put in place poles to indicate the edge of the structure and I can now confirm that if this line is adhered to and the intermediate zone does not result in any additional reduction in water depth, my access will be adequate. I do have a concern that the machinery used during the construction of the structure and the subsequent pumping needs to be sited such that it does not block or impede my access. I also need assurance that any displacement of the silt in the bay by these works does not result in an ingress of mud into my dyke or between the bay and the navigable channel.

Closure of existing drainage dyke - This proposal requires the closure of the main dyke draining this area of marshland. While there is reference to the possibility of opening up other dykes, there is no proposal as such. The line of the proposed structure does not follow the edge of the old reed bed and instead takes a wide sweep that completely closes off the historic drainage dyke. While I accept the comment that there is no right of navigation, this and other similar dykes are part of the original structure of these areas and have been used for generations for informal access and in earlier times for reed and sedge harvesting. It seems to me strange that if we are trying to restore this hugely significant area, we should start by destroying part of its past.

While I understand that NWT have no objection to the closure of the dyke, I think they are mistaken. A flow of water in and out of the marsh will enhance its ecological status and since they have already blocked the other main dyke in the system (except for a pipe which is not maintained), I think there is a real risk of significant change to this man-made system.

A further value of this dyke is its availability as a refuge for fish in the event of a prymnesium outbreak, which will inevitably happen at some point. I can see no reason why the dyke should not be preserved, with the enclosure continuing on the other side of it and indeed being extended to compensate for any loss of spoil capacity.

6 Planning Policy

6.1 The following policies have been assessed for consistency with the National Planning Policy Framework ([NPPF](#)) and have been found to be consistent

and can therefore be afforded full weight in the consideration and determination of this application.

Broads Core Strategy

[Core Strategy Adopted September 2007 pdf](#)

Policy CS1 – Landscape protection and enhancement

Policy CS2 – Landscape protection and enhancement (European Sites)

Policy CS3 – Navigable water space

Policy CS4 – Creation of new resources

Policy CS15 – Use of dredging

Broads Development Management Policies DPD

[DEVELOPMENTPLANDOCUMENT](#)

Policy DP1 – Natural environment

Policy DP3 – Water quality and resources

Policy DP4 - Design

Policy DP29 – Development on sites with a high probability of flooding

- 6.2 The following policies has been assessed for consistency with the NPPF and has been found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Broads Core Strategy

Policy CS20 – Flood risk

Broads Development Management Policies DPD

Policy DP28 - Amenity

- 6.3 The following policy has been assessed for consistency with the NPPF and found in part to be inconsistent with the NPPF so care is needed in applying this policy and where weight can be given.

Broads Development Management Policies DPD

Policy DP13 – Bank protection

- 6.4 The National Planning Policy Framework (NPPF) <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> - represents a material consideration in determining applications. It highlights a presumption in favour of sustainable development. In relation to this application, the following are considered particularly relevant.

Para 109 - highlights the planning system should protect and enhance valued landscape; and

Para 115 - recognises great weight should be given to conserving landscape and

scenic beauty in the Broads; and
Para 118 - highlights local planning authorities should aim to conserve and enhance biodiversity interest, ensuring protection of SPA, SAC's and Ramsar sites.

7 Assessment

In view of site specific factors and planning policy, it is considered that the key issues relate to:

- Design / visual impact
- Nature conservation
- Navigation and recreation
- Flood risk
- Other considerations (including amenity)

7.1 Design

7.1.1 The application proposes to use two different techniques in five areas at the edge of the Broad, well detached from the main navigable area. The techniques proposed are relatively new. There has been a trial of the 'retained edge and back fill with sediment' technique at Hill Common and an objector has considered that this has not been successful due to harm to the designated site and algae bloom. However the applicant considers the trial has been successful and as discussed in section 7.2, no concerns have been raised by statutory consultees (such as Natural England) regarding this approach, monitoring has identified no unacceptable increase in algae and no fish deaths have been evident. Furthermore the trial has helped inform and refine certain design elements contained within this application, including the use of a double nicospan curtain and the height of goose guard.

7.1.2 In terms of the visual impact on the extensive Broad, the main impact will be in relation to Churchill Bay (and to a lesser extent associated with The Studio). It is considered that visual impact for most Broads users will be mainly long distance, although close to Churchill Bay there will be the loss of an existing narrow dyke (discussed further in sections 7.2 and 7.3). It is however considered that the completed works will provide a natural appearance that will complement the traditional appearance of the area preserving and enhancing the character of the area.

7.1.3 There will be some short term impact from the use of geo-textile features and silt curtains. However these will not have a significant impact on the appearance and in the case of the silt curtain technique proposed (at Pleasure Island, SE Area of the Broad and partly The Studio), these are designed to be re-used elsewhere (subject to wear and tear) so once the new edge has established in these locations, scope should exist to remove and then re-use this silt curtain elsewhere as conditions permit.

7.1.4 Overall it is considered the design is satisfactory and sustainable and meets the key tests of development plan policies CS4, DP1 and DP4.

7.2 Nature conservation considerations

7.2.1 As highlighted in Natural England comment, the application site is within the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA) which are European sites, is also listed as the Broadland Ramsar site and that Hickling Broad falls within an SSSI designation (the Upper Thurne, Broads and Marshes SSSI) which extends to 1159 ha.

7.2.2 The application proposes creating five areas of reedswamp habitat with the largest two areas using dredgings to create new reedswamp habitat (and the remaining three promoting reedswamp advancement).

7.2.3 Concern has been expressed in relation to works at Churchill Bay regarding the loss (effectively stopping up) of an existing north – south (N-S) marsh dyke which is considered by an objector to be important in drainage / water exchange this area. In response the applicant has now confirmed that this is not a dyke managed for drainage as part of the IDB network, however has detailed that works of maintenance of existing dykes will take place to ensure that the new reedswamp area at Churchill Bay (which will prevent water entering this N-S dyke directly from the north) will be mitigated by the maintenance of existing east – west (E-W) marsh dyke and this should perform the same function of letting water into and out of this area. It is considered that provided this is undertaken and an ongoing maintenance programme is agreed by planning condition that this concern will be addressed.

7.2.4 In view of the nature conservation interest of the area, the applicant has sought to devise proposals using techniques which will safeguard nature conservation interest and limit the risk of impact on the key features of the area. The approach adopted is welcomed, which is to concentrate works in into the autumn and winter period, at periods when water temperatures fall into specific thresholds (notably under 8 degrees C) linked to water monitoring plan to identify changes in water quality / cell density counts to limit the risk of prymnesium bloom as a result of the works (as detailed in section 2.10).

7.2.5 Natural England accept that the works are necessary for the management of the European site interest features for nature conservation purposes and this will enable the maintenance / restoration of features to contribute to meeting site Conservation Objectives. Natural England accept that the proposal meet the Habitats Regulations requirements but consider that the monitoring proposed in the application should be further enhanced by the imposition of the following conditions (to safeguard the special features for which the SAC, SPA and Ramsar sites and SSSI) to cover:

- post-work monitoring extended to at least six weeks following

completion as there is still uncertainty over the impacts of dredging on Prymnesium algae and a bloom occurred six weeks after similar work was completed in the past

- a 'cold weather ban' should be adopted to help alleviate stress on the birds during any difficult freezing conditions (with works ceasing if the air temperature drops below freezing for seven consecutive days and should not restart until the temperature rises above freezing for three days consecutive days)
- increase the Prymnesium cell counts to at least twice weekly if numbers approach the warning level of 10,000; (to allow the Broads Authority to become aware earlier and react faster to any further elevation in cell counts)

7.2.6 In view of the above, it is considered that the proposals will safeguard the nature conservation and water quality interests of the area and will increase reed swamp habitat which will add to the interest of the area and is consistent with development plan policies CS1, CS2 and DP3

7.3 Navigation and recreation

7.3.1 The areas of works are proposed at the edge of Hickling Broad, well outside the main navigable areas and also away from areas where angling takes place or any public right of way exists.

7.3.2 It is however recognised that there are works close to existing boathouses (linked to The Smea and The Studio) and this could impact on the access routes from these boathouses / properties to the main Broad. In seeking to create new reedswamp at Churchill Bay, the application has indicated that the proposed alignment of the new edge seeks to broadly reflect (but not accurately mimic) the 1946 position, whilst seeking to retain safe and convenient access to this boathouse.

7.3.3 It is considered that the proposal does allow sufficient access to the boathouses but it will be important that the creation of the new edge does not increase rate of sediment build up in this area so it is considered reasonable for a planning condition to be imposed to require depth to be monitored and that remedial works be undertaken should depth fall below an agreed threshold (particularly in relation to The Smea based on the design of scheme). This approach is similar to a condition that has been imposed with BESL planning applications where there is risk of impact on specific navigable routes.

7.3.4 As discussed in sections 7.1 and 7.2, the works at Churchill Bay will effectively 'stop up' one of the N-S dykes that help water exchange in the existing reedswamp area. This area has been used informally for access by canoe but the applicant has confirmed that there are no navigation rights. Whilst the NSBA identify the desirability to retain such dykes to allow exploration of areas of wilderness, in consultation they have identified that none of their affiliate clubs or classes has any interest in this dyke for organised activities as it is shallow and narrow. Furthermore the works will

have no impact on established navigation rights and it is considered that the benefit of creating reedswamp habitat and creating areas for beneficial sediment disposal provide a stronger navigation benefit than any unofficial rights to access this dyke.

- 7.3.5 In view of the above, it is considered that any impact on recreation will be limited to water based activities and the proposal will safeguard navigation interests, subject to the imposition of suitable planning conditions and will accord with the provisions of development plan policy CS3.

7.4 Flood Risk

- 7.4.1 The application proposes recreating habitat which would reduce the area of open water in the Broad. However in creating the areas of reedswamp at Churchill Bay and The Studio, this will be created by use of dredged material from the navigable channels in the Broad. Therefore the applicant considers that the proposal, will not increase water levels either in the Broad or elsewhere as a result of the works.

- 7.4.2 Development Plan policy DC 29 seeks to resist proposals which would increase flood risk (a concern raised by Hickling Parish Council). In this case as the proposal will effectively use dredged material in the Broad to create new habitat, there will be no unacceptable impact on water levels and this is a view shared by the Environment Agency in raising no objection. Therefore it is considered the proposal will not conflict with the aims of development plan policy.

7.5 Other considerations

- 7.5.1 It is recognised that the areas within the application site are quiet and tranquil areas where little activity or disturbance takes place. As part of the reedswamp restoration work, the applicant has identified the need for plant and machinery to be used to create these new areas. In relation to both The Studio and Churchill Bay, there are properties in the vicinity which could be impacted by noise and disturbance during construction period. The applicant has now clarified where such plant and machinery will be sited and the additional information suggests that the plant and machinery will be located as distant as operationally practical from the dwellings for the construction period

- 7.5.2 Whilst in such a quiet location there is likely to be noise and disturbance, this should be short term and concentrated into the autumn and winter months and it is considered that such short term disturbance will not unacceptably harm residential amenity especially when judged against the benefit of creating reedswamp habitat and creating areas for beneficial sediment disposal.

8 Conclusion

- 8.1 Whilst some concerns have been raised by local residents regarding the

application, the proposal has been generally supported. It is considered that the application proposals will deliver an acceptable design of enhancement works that will protect and enhance the nature conservation value of the area subject to the imposition of the planning conditions outlined below (which the applicant has indicated they are happy to meet) and will therefore meet the key tests of development plan policies.

9 Recommendation

9.1 Subject to any additional representation / comment being raised, planning permission be approved subject to the following conditions:

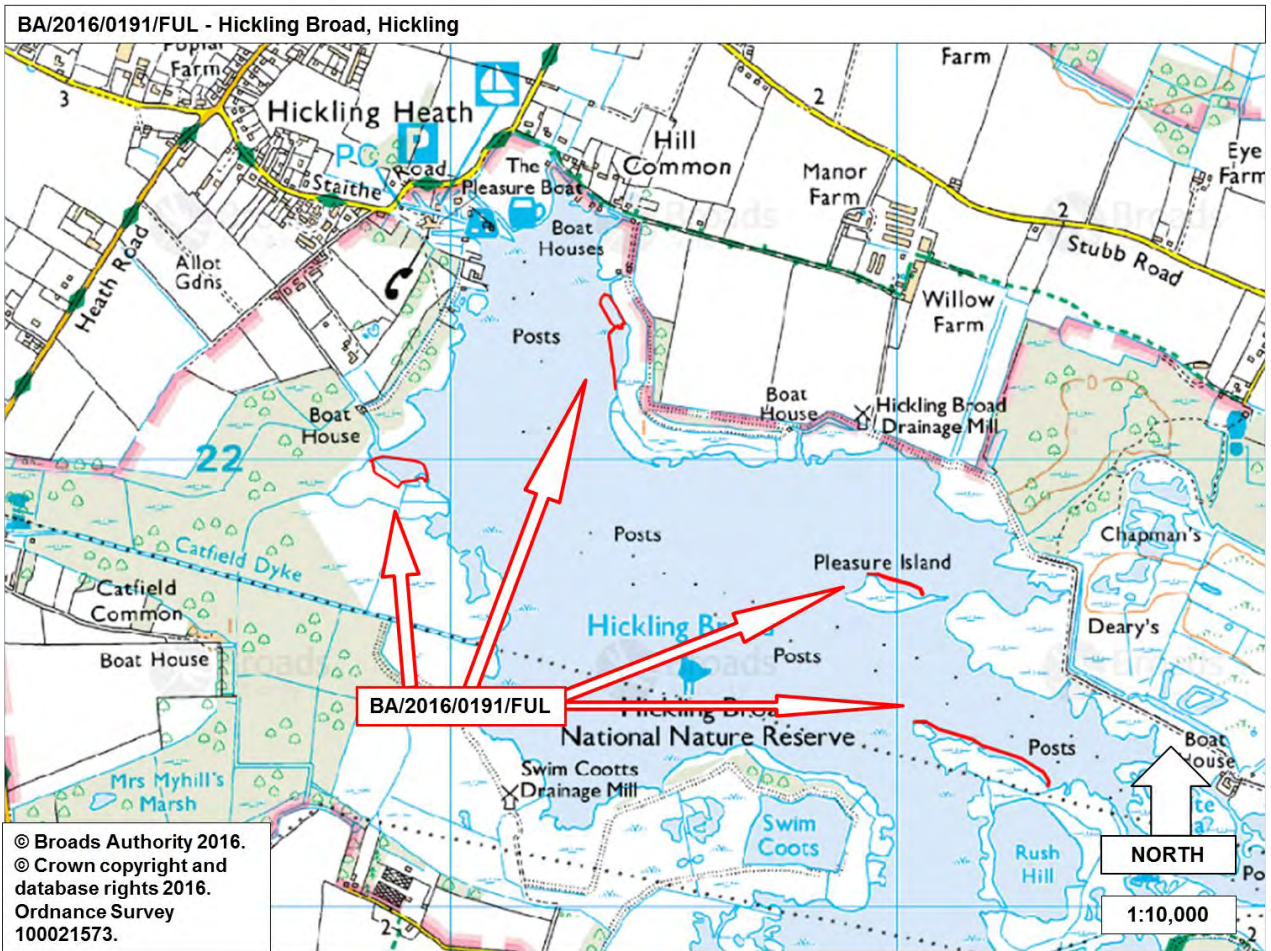
- (i) Standard time limit condition
- (ii) All works to accord with approved plans / submitted details
- (iii) Maintenance programme of dykes adj Churchill Bay to be agreed
- (iv) Water Monitoring Plan
- (v) Post-work monitoring extended to at least six weeks;
- (vi) A 'cold weather ban'
- (vii) Twice weekly Prymnesium cell counts if numbers approach the warning level
- (viii) Monitoring / mitigation water depths adjacent to Churchill Bay and The Studio
- (ix) Location / duration of plan and machinery to be agreed

Background Papers: Planning File BA/2016/0191/FUL

Author: Andy Scales

Date of report: 20 July 2016

Appendices: APPENDIX 1 – Location Plan
APPENDIX 2 – Aerial photo identifying application techniques





**Consultation Documents Update and Proposed Response
Designating Horstead with Stanninghall as a Neighbourhood Area
Designating Lound with Ashby, Herringfleet and Somerleyton as a
Neighbourhood Area**

Report by Planning Policy Officer

Summary: The report briefly introduces two Neighbourhood Plans. Both applications were consulted on during July in relation to the areas becoming Neighbourhood Areas in order to produce a Neighbourhood Plan. The Horstead and Stanninghall consultation comments are included within this report. The Lound area consultation comments will be reported verbally at Planning Committee.

Recommendation: That the Planning Committee notes the comments received and agrees to the written (for Horstead) and verbal (for Lound area) recommendations that will arise from the nature of the comments.

1 Neighbourhood Planning

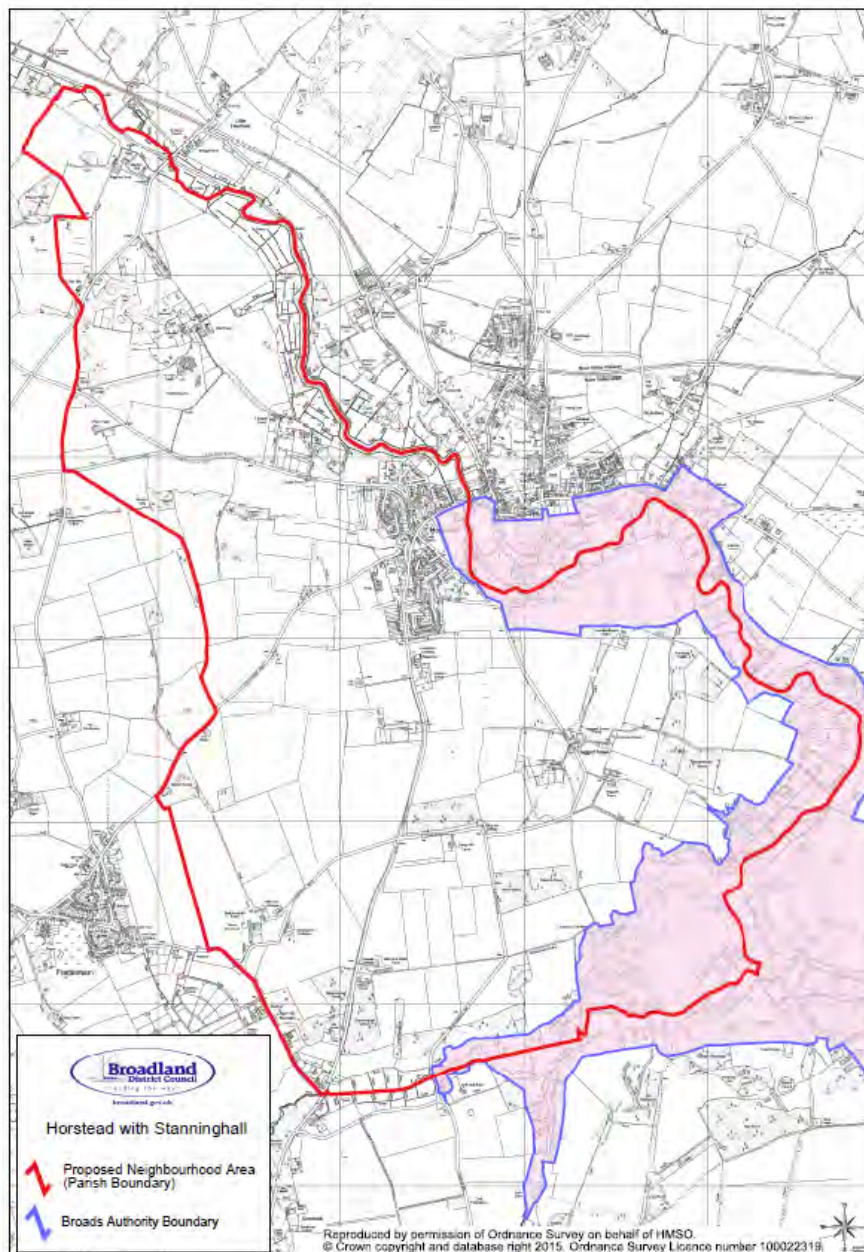
- 1.1 Neighbourhood Planning was introduced through the Localism Act 2011. Neighbourhood Planning legislation came into effect in April 2012 and gives communities the power to agree a Neighbourhood Development Plan, make a Neighbourhood Development Order and make a Community Right to Build Order.
- 1.2 A Neighbourhood Development Plan can establish general planning policies for the development and use of land in a neighbourhood, for example:
 - where new homes and offices should be built
 - what they should look like
- 1.3 Under the Neighbourhood Planning (General) Regulations 2012, parish or town councils within the Broads Authority's Executive area undertaking Neighbourhood Plans are required to apply to the Broads Authority and the relevant District Council to designate the Neighbourhood Area that their proposed plan will cover.
- 1.4 Once these nominations are received, there follows a consultation period within which any member of the public may submit written comments to the Broads Authority and the relevant District Council regarding the proposed Neighbourhood Area, who will then consider the area, and the comments received, before approving or rejecting its designation. The designation of a

Neighbourhood Area is therefore the first step in the process of preparing a Neighbourhood Plan.

- 1.5 This report covers two Neighbourhood Area consultations. The consultation period for the Horstead and Stanninghall Neighbourhood Plan ran from 5 July to 2 August 2016. The consultation period for the Lound area Neighbourhood Plan ran from 1 July to 12 August 2016. The deadline for this report was 3 August. As such, in order not to delay the Neighbourhood Plans, the comments will be reported to Planning Committee verbally with the appropriate recommendation.

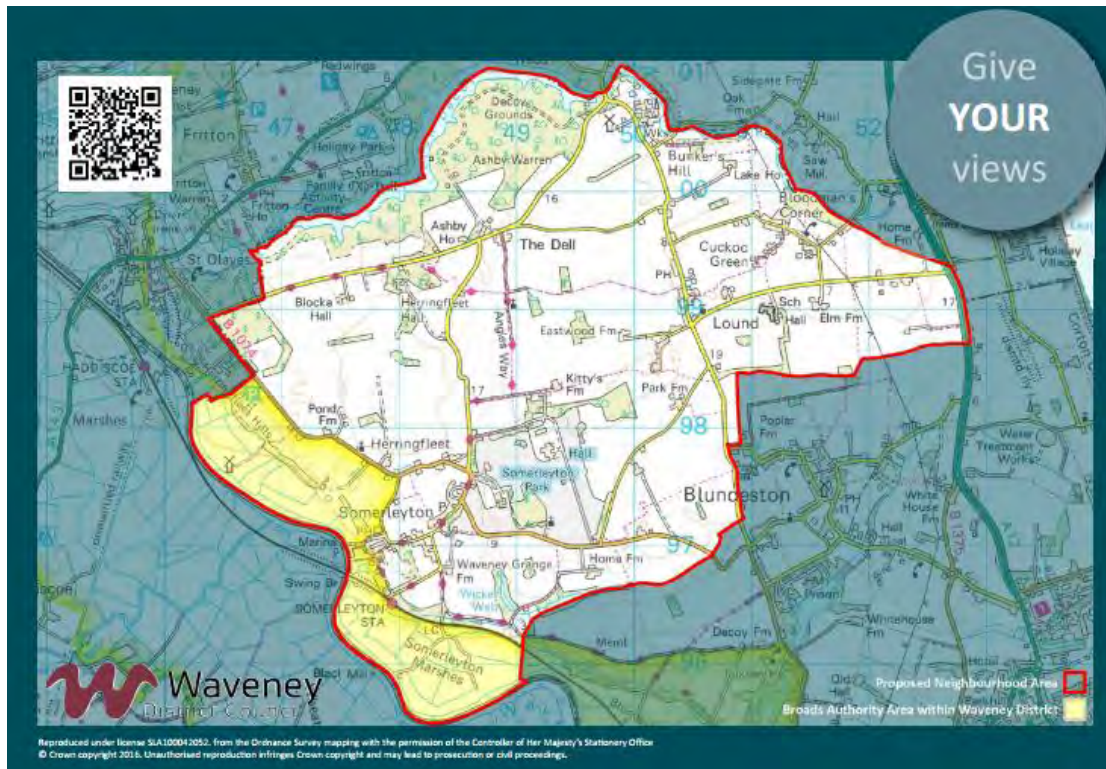
2 Horstead with Stanninghall Neighbourhood Area

- 2.1 Horstead with Stanninghall Parish Council has submitted the application for their entire Parish. The red line shows the Neighbourhood Area. Source: Broadland District Council.



3 Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Area

- 3.1 Lound Parish Council and Ashby, Herringfleet and Somerleyton Parish Council have submitted the application for both Parishes. The red line shows the Neighbourhood Area. Source: Waveney District Council.



4 Links of relevance:

The Broads Authority Neighbourhood Planning webpage:

<http://www.broads-authority.gov.uk/planning/future-planning-and-policies/neighbourhood-planning.html>

Broadland District Council Neighbourhood Planning webpage:

http://www.broadland.gov.uk/housing_and_planning/4994.asp

Waveney District Council Neighbourhood Planning webpage:

<http://consult.waveney.gov.uk/consult.ti/becclesneighbourhoodarea2015/consultationHome>

Some guidance/information on Neighbourhood Planning:

<http://www.rpi.org.uk/planning-aid/neighbourhood-planning/>

5 Financial Implications

- 5.1 Occasional Officer time in supporting the process (as required by regulations). There will be no cost to the Broads Authority for the referendum at the end of the process as Broadland District Council and Waveney District Council have agreed to take on this task and cost.

6 Conclusion

6.1 Comments received will be reported verbally along with the recommendation.

Background papers:	None
Author:	Natalie Beal
Date of report:	5 July 2016
Appendices:	None

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

Summary:	This report informs the Committee of the Officers' proposed response to planning policy consultations recently received, and invites any comments or guidance the Committee may have.
Recommendation:	That the report be noted and the nature of proposed response be endorsed.

1 Introduction

- 1.1 Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2 The Committee's endorsement, comments or guidance are invited.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: None

Author: Natalie Beal
Date of report: 1 August 2016

Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Waveney District Council
DOCUMENT:	Lowestoft Flood Risk Management Project
LINK	http://www.lowestoftfrmp.org.uk/latest-news/consultation-document/
RECEIVED:	13 July 2016
DUE DATE:	17 August 2016
STATUS:	Consultation
PROPOSED LEVEL:	Planning Committee Endorsed
NOTES:	<p>This Strategy covers the areas of Lowestoft deemed to be at significant risk from tidal flooding between the Outer Harbour and the western end of Lake Lothing at Mutford Lock; from river flooding along Kirkley Stream, and from surface water flooding both adjacent to Kirkley Stream and other key areas identified to the north and south of Lake Lothing.</p> <p>Solutions are needed to address all these forms of flooding to offer the best possible flood risk management for Lowestoft. In deciding the best ways to manage tidal flood risk in Lowestoft now and in the future, a long list of options have been assessed as follows:</p> <ul style="list-style-type: none"> • Do nothing (Option 1) • Maintain existing defences (Option 2) • Improve - defence raising – walls only (Option 3) • Improve - defence raising – walls combined with a barrier. 3 barrier locations considered: <ul style="list-style-type: none"> ○ Outer Harbour (Option 4) ○ seaward of Bascule Bridge (Options 5) ○ within Lake Lothing combined with 3rd crossing (Option 6) <p>Kirkley Stream:</p> <p>Fluvial Options Overview – Location & Description Options Considered:</p> <ol style="list-style-type: none"> 01 Create new storage and restrict flows 02 Additional storage in existing green spaces 03 Re-routing of the watercourse 04 Reducing flows from upstream watercourses 05 Restrict flows to use capacity in existing drainage systems 06 Create embankments 07 Installing a two stage channel in Kirkley Stream 08 Earlier operation of surface water pumps 09 Increasing capacity of existing storage areas 10 Removal of silt and re-grading of the watercourse 11 Adding non return valves on the network

	<p>13 Installing local mitigation measures 14 Optimising throttles in the river 15 Strategic non-return valve and underground storage</p>
<p>PROPOSED RESPONSE:</p>	<p>No specific mention of how a changing climate might alter the impacts. Suggest reference made to changing patterns of rainfall (including projected increased frequency and intensity of rain events) and rising sea level to help people understand the changing probabilities and risks over time. Other climate impacts may have an effect on the Kirkley stream – such as water temperature increasing and periods of drought. Modifications could be designed that might be able to off-set this and to bring environmental improvements as well. The environmental improvements may also bring societal improvements (recreation, landscape) as well although it may need additional finance: this however might be available through other funding streams.</p> <p>Little reference to the Broads to the west of the area. Assume that notice has been taken of the navigation, recreational needs and uses and environmental designations to ensure any potential adverse impacts or potential enhancements have been identified. This allows decision making to be properly informed. Reference to this in the summary document helps inform the public such issues have been covered. The Broads Authority will be happy to help review such issues.</p> <p>The material as presented seems to focus solely on the flood management advantages or disadvantages. Appreciating that other factors can make it more confusing, there is probably merit in reflecting whether any further benefits can be obtained: such as environmental enhancements (natural and historic) recreational opportunities (e.g. does it impact on walking or cycling network) or regeneration advantages. Such consideration can sometimes identify additional costs but may also release other funding strands.</p> <p>Pleased to see references to SuDs and this could be strengthened by drawing out other benefits of such systems (e.g. health, recreation and biodiversity gains).</p> <p>The assessment of the Kirkley stream interventions are very one dimensional and appear not to acknowledge how some positive projects could bring added value to landscape, biodiversity, recreation and well-being.</p> <p>Page 1</p> <ul style="list-style-type: none"> • Should show the Broads Executive Area on this map. <p>Page 2</p> <ul style="list-style-type: none"> • Should there be an update to reflect the rainfall events of June? Not sure if Lowestoft was affected greatly... if so, might emphasise the importance of such a recent incident. • So far there is only mention of affecting future growth, but what about existing assets and businesses and the community and the impact of flooding on those? Is

	<p>that a reason for defences as well?</p> <ul style="list-style-type: none"> • Should this strategy feed into our local plan? • Last word – planning? Plan making? Planning permission? Planning applications? Suggest this is elaborated. <p>Page 3</p> <ul style="list-style-type: none"> • Can the evidence be shared with us to update our systems, as a Local Planning Authority for part of the Lowestoft area? • Column 2, last sentence – section ends abruptly, is there any progress on funding? • There could be a section on how this strategy fits with the Broads. <p>Page 5</p> <ul style="list-style-type: none"> • Will hard infrastructure move the issue elsewhere? How has this been taken into consideration? <p>Page 9</p> <ul style="list-style-type: none"> • Is there a target reduction zone in the Broads – map seems to show Oulton Broad... What should we be doing at the Broads? • What do the colours mean? There is no legend. <p>General view that the document is otherwise helpful and clear apart from the map of target area reduction zones and accompanying text is so brief it leave lots of questions (how have the zones been determined? What about priorities? Who is doing what?etc)</p>
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Broads Local Plan (August) Bite Size Pieces
Report by Planning Policy Officer

Summary: This report introduces the following topics of the Preferred Options Local Plan: Acle Straight, Climate Change, Conversion of Buildings, Design, Developer Contributions, Energy Efficiency, Health, Heritage, Landscape, Land Raising, Natural Environment, Open Space, Renewable Energy, Retail and Water Efficiency. There is also an amended site specific policy for Pubs.

Recommendation: Members' views are requested.

1 Introduction

- 1.1 This bite-size piece of the Preferred Options discusses Acle Straight ,Climate Change, Conversion of buildings, Design, Developer contributions, Energy efficiency, Health, Heritage, Landscape, Land raising, Natural environment, Open space, Renewable energy, Retail and Water efficiency and Water quality. There is also an amended site specific policy for the pubs.
- 1.2 Members' views are requested to inform the draft policy approach in the Preferred Options.
- 1.3 It is important to note that this is not necessarily the final text or approach, but is part of the development of the final text. There could be other considerations that come to light between now and the final version being presented to Planning Committee in November 2016.

2 The Policies

Acle Straight

- 2.1 The policy sets out important considerations that will need to be addressing when planning and delivering any changes to the Acle Straight. The policy is set out at Appendix A.

Climate change

- 2.2 This policy has been developed in conjunction with officers responsible for producing the Authority's Climate Change Adaptation Plan. It seeks to ensure that applicants have considered what could happen in terms of climate change and raises the issue of the level of risk applicants are willing to accept. The policy is set out at Appendix B.

Conversion of Buildings

- 2.3 This is an amended version of policy DP21, and the current policy and the proposed tracked changes are shown at Appendix C.

Design

- 2.4 This is an amended version of policy DP4. The current policy and the proposed tracked changes are shown at Appendix D.

Developer contributions

- 2.5 This is a refreshed policy, and includes the proposed approach to the Community Infrastructure Levy. It is set out at Appendix E.

Energy Demand and Performance

- 2.6 This is a new policy, which develops the content of DP7. It is set out at Appendix F.

Health and Wellbeing

- 2.7 A new policy topic area for the Authority relating to work being carried out across Norfolk led by Norfolk County Council public health. It is set out at Appendix G.

Heritage Policies

- 2.8 This includes strategic and detailed policies as well as an amended policy relating to the Mills, which is shown with tracked changes, at Appendix H.

Landscape and Land Raising

- 2.9 The first part of this section is an amended DP2, with tracked changes shown. The second part is a new specific policy relating to the issue of land raising. Both are set out at Appendix I.

Natural environment

- 2.10 This is essentially an update to policy DP1 and is set out at Appendix J.

Open Space

- 2.11 This is a new policy topic for the Authority. It seeks to protect important areas of open space identified and assessed in our district's open space assessments; it defers to the district's open space policies. It is set out at Appendix K.

Pubs

- 2.12 This updates adopted policy XNS6 and brings in some changes that the Authority would support. It is set out at Appendix L.

Renewable Energy

- 2.13 This is a Topic Paper produced with assistance from George Papworth, the Planning Assistant, who has a background in renewable energy. It brings together research relating to renewable energy and includes an updated policy DP8. The Topic Paper and policy are at Appendix M.

Retail

- 2.14 There is no policy proposed on retail, so this section gives an explanation of the proposed approach which will involve working with North Norfolk District Council and Waveney District Council relating to shared retail centres. It is at Appendix N.

Water Efficiency

- 2.15 This requires new dwellings in the area served by Anglian Water to be built to a standard of 100 litres of water per head per day. It is set out at Appendix O.

Water Quality

- 2.16 This set out the proposed amendments to current policy DP3, and is shown at Appendix P.

3 Financial Implications

- 3.1 Generally officer time in producing these policies and any associated guidance as well as in using the policies to determining planning applications.

Background papers: As stated in the individual Appendices

Author: Natalie Beal
Date of report: 28 July 2016

Appendices:

- APPENDIX A – Acle Straight
- APPENDIX B – Climate Change
- APPENDIX C – Conversion of buildings
- APPENDIX D – Design
- APPENDIX E – Developer contributions
- APPENDIX F – Energy demand and performance
- APPENDIX G – Health and wellbeing
- APPENDIX H – Heritage policies
- APPENDIX I – Landscape and Land raising
- APPENDIX J – Natural environment
- APPENDIX K – Open space
- APPENDIX L – Pubs
- APPENDIX M – Renewable energy
- APPENDIX N – Retail
- APPENDIX O – Water efficiency
- APPENDIX P – Water Quality

Policy x – Changes to the Acle Straight (A47T)

Any improvements to the Acle Straight will need to consider the following – biodiversity mitigation and enhancement, visual impact, setting of the Broads, safety, congestion improvements and driving experience whilst retaining the special qualities of an iconic and highly protected landscape.

The Authority will proactively work with promoters and designers of any proposals for changes to any aspect of the Acle Straight, at an early stage and throughout the process especially the feasibility and design stages.

Any proposed schemes will need to :

- a) Demonstrate clearly the justification for the changes and with any benefits significantly outweighing any negative impacts;
- b) Undertake comprehensive constraint scoping at the earliest stage (particularly in relation to landscape, ecology and habitats, visual amenity, the historic environment, access, either temporary or permanent);
- c) Clearly demonstrate that there is no realistic alternative which would have avoided or had a lesser impact on the Special Qualities of the Broads Authority Executive Area;
- d) Set out clearly, based on robust evidence, the nature and scale of any resultant impacts to include those set out in b above;
- e) Demonstrate how any negative impacts would be mitigated or compensated for as well as opportunities taken to enhance the special qualities of the area, bearing in mind that the Broads Authority is a protected landscape of national importance; and

The following criteria must be addressed through the design and delivery of any changes to the Acle Straight and/or its access points.

- i) Detailed understanding and appropriate mitigation of impacts to designated wildlife areas and species.
- ii) Wildlife crossing points and habitat compensation.
- iii) Impacts on landscape, tranquillity and visual amenity are fully understood, reduced to a minimum and then appropriately mitigated.
- iv) Surface water run-off and pollution risk from spills fully understood and addressed in terms of containment methods, volume, flow and impacts on water quality
- v) Any scheme shall keep lighting to a minimal. Any lighting will need to be thoroughly justified and will be well designed and will not contribute to light pollution.
- vi) Walking, cycling and horse-riding route (or routes) with appropriate entry points and links to nearby urban areas and nearby public rights of way will be provided.
- vii) Interpretation measures and opportunities to safely enjoy and appreciate the iconic views to the mills and over the marshes will be provided.
- viii) Any enhancements to landscape, heritage, biodiversity, water management, recreation and habitat resulting from the Heritage Lottery Funded scheme (Water, Mills and Marshes) will need to be fully understood protected and enhanced.
- ix) Any impacts of the scheme on designated or undesignated heritage assets or their setting including waterlogged archaeology and traditional dyke networks will be thoroughly assessed and mitigated and opportunities taken to conserve and interpret the features that relate to the distinctive cultural landscape of the drained marshland.

- x) Transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, will be carefully designed and maintained to take full account of the valued characteristics of the Broads.
- xi) Balancing accesses onto and from the road against the overall impact of the scheme on the special qualities of the Broads.

CONSTRAINTS & FEATURES

- Entire length of Acle Straight in Flood Zone 3 (EA mapping)
- Western end: Damgate Marshes SSSI and The Broads SAC
- Eastern end: Breydon Water LNR, SSSI,
- Stracey Arms Drainage Mill (listed building) is next to the Acle Straight.
- Other listed buildings with a view towards the Acle Straight which can be viewed from the road.
- Halvergate Marshes Conservation Area
- The Broads is a site identified by Historic England as having exceptional potential for waterlogged Archaeology
- Undesignated Heritage assets which contribute to the Cultural heritage of the area such as the WW2 defences and assets identified on the Norfolk HER and Broads Local List.
- Numerous accesses to tracks to farms for example.
- Numerous level crossings accessed from the Acle Straight.
- Branch Road junction
- Little Whirlpool Ramshorn Snail (*Anisus vorticulus*) is a European protected species
- The Acle Straight runs in between railway line and river
- Open and flat landscape
- Historic dyke networks with associated features
- Rights of Way
- Future changes resulting from the HLF bid

Reasoned justification

The A47 is the main east west connection in northern East Anglia. It links Great Yarmouth in the east with Norwich, King's Lynn and Peterborough to the A1. The A1 provides onward connections to the Midlands and north of England. At Great Yarmouth and Norwich connections to Europe and beyond are available via the port and airport. At Great Yarmouth the trunk road continues south, as the A12, to Lowestoft

The A47 passes through the Broads between Acle and Great Yarmouth – the Acle Straight.

It is important to note that this policy relates to any changes to the Acle Straight. This includes any safety improvements currently programmed for the road as well as any future plans for dualling the road.

There is an ambition promoted by the A47 Alliance to dual the A47 for its full length, including the stretch between Acle and Great Yarmouth. This is a long-term ambition, for post 2021. In the medium term, Highways England plan to undertake safety improvements at key hotspots on the Acle Straight. This could include the installation of safety barriers, junction improvements and road widening or capacity improvements.

In December 2014, funding was announced in the Autumn Statement to deliver improvements along the A47, including safety improvements along the Acle Straight. Two schemes in particular are of relevance:

- A47/A12 Great Yarmouth: junction improvements, including reconstruction of the Vauxhall roundabout.
- Safety improvements at key hotspots and joint working with Natural England to establish environmental impacts and mitigation measures for the medium and long term which could include installation of safety barriers, junction improvements and road widening or capacity improvements.

The dualling of the Acle Straight has the potential to come forward during the Plan Period. The Authority considers that this policy enables the designers of any future scheme to take into account and address in an adequate and appropriate way important issues and considerations.

The Broads Authority is unlikely to determine any future planning application for dualling the Acle Straight. The scheme is likely to be determined as a Nationally Significant Infrastructure Project (NSIP) by the Planning Inspectorate (because the developable area could be over 12.5 Ha and because the scheme could have environmental impacts¹).

In relation to roads in particular, Defra guidance in the English National Parks and the Broads - UK Government Vision and Circular 2010, states: *'there is a strong presumption against any significant road widening or the building of new roads through a (National) Park unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs significantly. Any investment in trunk roads should be directed to developing routes for long distance traffic which avoids the Parks'*.

It should also be noted that the statutory purpose of the Broads Authority is to protect the interests of the Broads. Section 17A of The Norfolk and Suffolk Broads Act 1988 imposes a statutory duty on authorities to have regard to the relevant statutory purposes when exercising their functions that can affect land in the Broads.

For the avoidance of doubt, the special characteristics of the Broads are those set out at section x. Furthermore, of particular importance and relevance in understanding the impacts of any scheme are the Landscape Sensitivity Study² and Landscape Character Assessment³. Areas 19, 24, 25 and 20 of these studies are the relevant areas for consideration.

Fundamentally, because of the potential adverse impacts on the landscape, visual amenity, historic environment, ecology, habitats, access and the special characteristics of the Broads either in a temporary or permanent in nature that highway improvement schemes to the Acle straight may cause, any changes to the Acle Straight need to be thoroughly justified. Any changes need to be designed so as to reduce and avoid impacts on the special qualities of the Broads in the first place. Only then can mitigation be considered. The specific criteria are discussed in detail:

Wildlife and habitats

The Broads is one of the nation's most rich areas for biodiversity, with European designated habitats and species flanking and occupying the habitats close to the existing road.

European Protected species such as water vole, bats and otter are likely to be impacted by any changes. Water voles have suffered drastic declines across the country in recent years, however populations

¹ http://www.legislation.gov.uk/ukxi/2013/1883/pdfs/ukxi_20131883_en.pdf

² <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies>

³ <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments>

in the Broads are still high. Any loss of water vole habitat in the ditches would need to be compensated and water vole populations translocated.

Any increase in lighting could potentially cause adverse impacts on bat populations in the area. Light pollution is known to deter bats from commuting and foraging areas, delay emergence for hunting, and cause disturbance to roosts.

The area is already a significant site for otter mortality. Road widening risks making this worse, so the Authority would expect changes which underline the need to include enhancements such as wildlife crossing points. Other impacts on wildlife would also need to be addressed, such as increased barn owl road fatalities.

Many of the grazing marsh ditches hold conservation designations of European importance, supporting important plant and invertebrate communities. Any impacts to the ditch network need to address this loss, considering alternatives, mitigation (including translocation), compensation, long term conservation and monitoring.

One of the already specified issues which changes to the Acle Straight would need to address is the Little Whirlpool Ramshorn Snail. The dykes around the current road are one of the few habitats of the Little Whirlpool Ramshorn Snail – which is on an international ‘red list’ of endangered species. Little Whirlpool Ramshorn Snail is a small aquatic snail with a flattened spiral shell of approximately 5mm in diameter. It has been declining from the UK since the 1960s, although the reason for decline is not clear. A study investigated the potential to translocate the snail (AECOM, March 2015). It concluded that translocation was a potential option but identified various considerations such as:

- Pathogen transference has been highlighted as an issue and as such receptor and donor sites should derive from the same drainage unit.
- Donor sites must have a robust population and only sites with no current population should be used as receptor site.
- In order to ascertain these sites and to increase knowledge of the target species robust pre translocation survey is a necessity.
- In addition receptor sites will need to be properly assessed to ensure the receiving habitat is suitable.

Large scale changes, such as dualling the Acle Straight, is likely to result in the loss of habitat as the surrounding dykes could be lost and so too could some marshland. The Authority would expect any loss to be avoided and then minimised with compensation likely to be required. Areas requiring compensation include the need to secure land purchase, conservation management or long term covenants for defined enhancements, and monitoring regimes. In the first place a scoring system for compensation should be worked up by independent consultant and agreed by all parties.

Landscape and tranquillity

Another key issue is the impact of a dualled road on the landscape character of the Halvergate Conservation Area. The A47 crosses an area known as the Halvergate marshes or Halvergate triangle. This area forms one of the defining landscapes of the Broads area being a vast panoramic expanse of grazing marsh dotted with windmills and often teeming with wildlife. The sheer scale, inaccessibility and emptiness of much of the marshland means it remains largely quiet and isolated. It is designated as a Conservation area and its biodiversity interest is recognised through national and international designations. The dualling of the Acle straight has the potential to have a very significant impact on both the existing landscape character of the area (including tranquillity through increased traffic noise) and nature conservation interests.

Proposed highway improvement options are likely to range in scale, nature and extent. There are a number of key characteristics that that the potential to be effected through highway improvements. The significance of the effects on the landscape and visual amenity of the area (adverse or beneficial) of any option proposed will need to be assessed in accordance with current guidelines. Reference will need to be made to the current landscape Character assessments for Local Character Areas 19 and 25 and the Conservation Area appraisal⁴.

Duelling of the Acle straight is likely to cause significant adverse effects on the existing landscape character. Mitigation of these affects may be challenging and would need to recognise that common methods – such as screening tree belts – may be highly intrusive in terms of the extensive open landscape character.

Noise is an important aspect of tranquillity. Schemes should seek to address this, but the provision of noise barriers would be detrimental to the iconic landscape viewing potential along this route. There could be scope for low noise surfacing.

Surface water

Put simply, changes to the Acle Straight could result in more impermeable surfaces which will lead to a greater volume of surface run off to wash more pollutants off the road surface. The sensitive habitats nearby could be adversely affected by pollutants.

Any changes to the Acle Straight need to address increased risk of flooding at that point as well as elsewhere by implementing sustainable drainage or SuDS and consider potential hazard to water quality from the surface runoff.

Where any SuDS are proposed it is important to demonstrate that the SuDS hierarchy has been followed both in terms of:

- surface water disposal location, prioritised in the following order: disposal of water to shallow infiltration, to a watercourse, to a surface water sewer, combined sewer / deep infiltration (generally greater than 2m below ground level),
- the SuDS components used within the management train (source, site and regional control)

The CIRIA SuDS Manual C753 (2015) does review how to design sustainable surface water drainage from highways as well as explaining how to design for water quality issues.

Additional measures to address accidental spills will also need to be considered.

The Acle Straight is almost entirely within an IDB area and so the Water Management Alliance should be consulted early. If infiltration is not favourable, they should be consulted to establish if surface water drainage discharge to a managed network would require consent.

The Environment Agency should also be consulted with regard to water quality and any particularly sensitive receptors nearby as well as in relation to strategic flood risk and any mitigation required to compensate for any floodplain affected.

Light pollution

⁴ http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/412893/Area_19_-_Halvergate_Marshes.pdf and http://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/412899/Area_25_-_Fleggburgh_to_Bure_Loop_Arable_Marshlands.pdf

The Authority's Dark Sky Report (2016)⁵ shows that the Acle Straight has good quality dark skies with the western end especially having very good quality dark skies⁶. Any schemes need to be assessed in line with policy x. See Light Pollution Policy.

Walkers, cyclists and horse riders

Changes to the Acle Straight offer the opportunity to improve provision for walkers, cyclists and horse riders as well as provide new facilities. The Integrated Access Strategy identifies an aspiration to have a shared use path along the length of the Acle Straight. This would provide a new link to enable non car journeys between Acle and Great Yarmouth.

Interpretation and appreciation

The route is a tourist route as well as an access route. Changes to the Acle Straight could include provision of parking laybys. These would allow people the opportunity to appreciate the iconic landscape. The Authority would expect these areas to have no impediment to view as well as the provision of interpretation points. This provision would add to the visitor experience of the Broads in this area.

HLF scheme

The Broads Landscape Partnership has received an earmarked grant of £2.6m from the Heritage Lottery Fund (HLF) through its Landscape Partnership (LP) programme for the Water, Mills and Marshes project. The project aims to enrich and promote heritage sites in the area between Norwich, Great Yarmouth, Lowestoft, Acle and Loddon, unlock the benefits of this distinctive landscape for local people and give them the skills to protect it as a legacy for future generations. Iconic drainage mills on Halvergate marshes, an area which boasts one of the greatest concentrations in Europe, will be documented and renovated through a Heritage Construction Skills training scheme.

Delivery of the HLF project is set for 2018 to 2022. At the time of writing the Local Plan, the actual results of the scheme and their impact on the landscape in the Halvergate Marshes area is not known. The changes to the area will be an important consideration for any proposals to change the Acle Straight.

Heritage assets

One listed building is located immediately adjacent to the Acle Straight. This is Stracey Arms Drainage Mill. The impacts of changes on this heritage asset will need to be addressed. There are also numerous other intervisible drainage mill structures both Nationally and Locally listed collectively forming the largest grouping in the UK all of which contribute to the Historic character of the drained marshland. The Norfolk HER⁷ contains many records relating to the area both in terms of archaeology and built form, an example being the World War 2 defences that remain in situ on the marshes.

The special historic interest of Halvergate marshes is particularly significant as a constantly evolving cultural landscape. That evolution is illustrated by numerous remnant structures, landscape and archaeological features which collectively contribute to the historic significance of the area. Historic England has recognised this significance in terms of undiscovered archaeology and identified the Broads as an area of *exceptional potential for waterlogged heritage*. Fundamentally, because of the

⁵ http://www.broads-authority.gov.uk/_data/assets/pdf_file/0007/757402/Broads-Authority-Dark-Skies-Study-March-20161.pdf

⁶ The readings taken along the Acle Straight were all over 20 arc magnitudes per second with those to the western end of the Acle Straight in particular being over 20.5 arc magnitudes per second.

⁷ <http://www.heritage.norfolk.gov.uk/>

soil conditions in the Broads, there is great potential for archaeology to be well preserved giving an insight into the past. See policy x on which relates to archaeology.

Virtually the whole of the Acle straight corridor lays within the Halvergate Marshes Conservation Area a designated Heritage Asset which is characterised by the Cultural landscape and the features within it.

The Authority would expect that the historic significance including potential Archaeological significance of the area is fully assessed and analysed in any proposal for changes to the Acle straight. The Historic environment is a finite resource and once lost cannot be replaced. The Authority therefore expect that any adverse impact on the Historic environment either built, landscape or archaeological is kept to an absolute minimum and any adverse impact resulting from change is fully assessed and can be justified in line with the tests set out in section 12 of the NPPF. Furthermore where justification for harm can be made then any impact or harm should be mitigated including improvements to existing features.

Practicalities

The current route has various pinch points bounded by river on one side and railway on the other. These may mean that any improvements cannot be fitted 'on-line' and a wider route choice corridor has to be considered. This could have immense implications on the landscape, history and ecology and could alter the attitude of the Authority to any proposals. Therefore such constraint scoping needs to be undertaken very early on in the process.

Comments received at the Issues and Options stage

South Norfolk Council supports the dualling of the Acle Straight because, whilst acknowledging that there will be environmental concerns, it has the potential to bring significant economic benefits to the area. A criteria based policy may be best way forward without being too prescriptive about the precise land take needed for the scheme.

Great Yarmouth Borough Council: The dualling of the Acle Straight has long been an ambition of the Borough Council, and is important for the long term health of industries in the Borough which are important to the wider and national economy. Whilst the Borough does not disagree that the dualling has some potential for significant adverse impacts, there are also benefits which could potentially be achieved as part of the development, and the approach to the dualling could be framed in a more positive way. (That there is a rare species in the vicinity of the existing road would seem to indicate that development and the environment are not as incompatible as commonly assumed.) For example, tree or other screening of the vehicles (especially their lights) on the road is now largely absent, but could potentially be included as part of the development of a dual carriageway, achieving a net gain for the landscape and tranquillity. (It is understood that when the Acle Straight was originally constructed it was lined for its entire length with (pollarded) willows, primarily for the consolidation of the road embankment by their roots, but also resulting in significant screening of traffic. Sadly, these trees have now been lost for most of the Straight's length, as has occurred elsewhere in and around the Broads.) As another example, low noise road surface would help reduce traffic noise. Hence the Borough Council considers that it could be appropriate for the Broads to have a policy which supported the development of the dualled road, subject to realistic criteria for appropriate protections and enhancements of the area's special qualities.

Historic England would expect consideration of the historic environment in any policy development for this section.

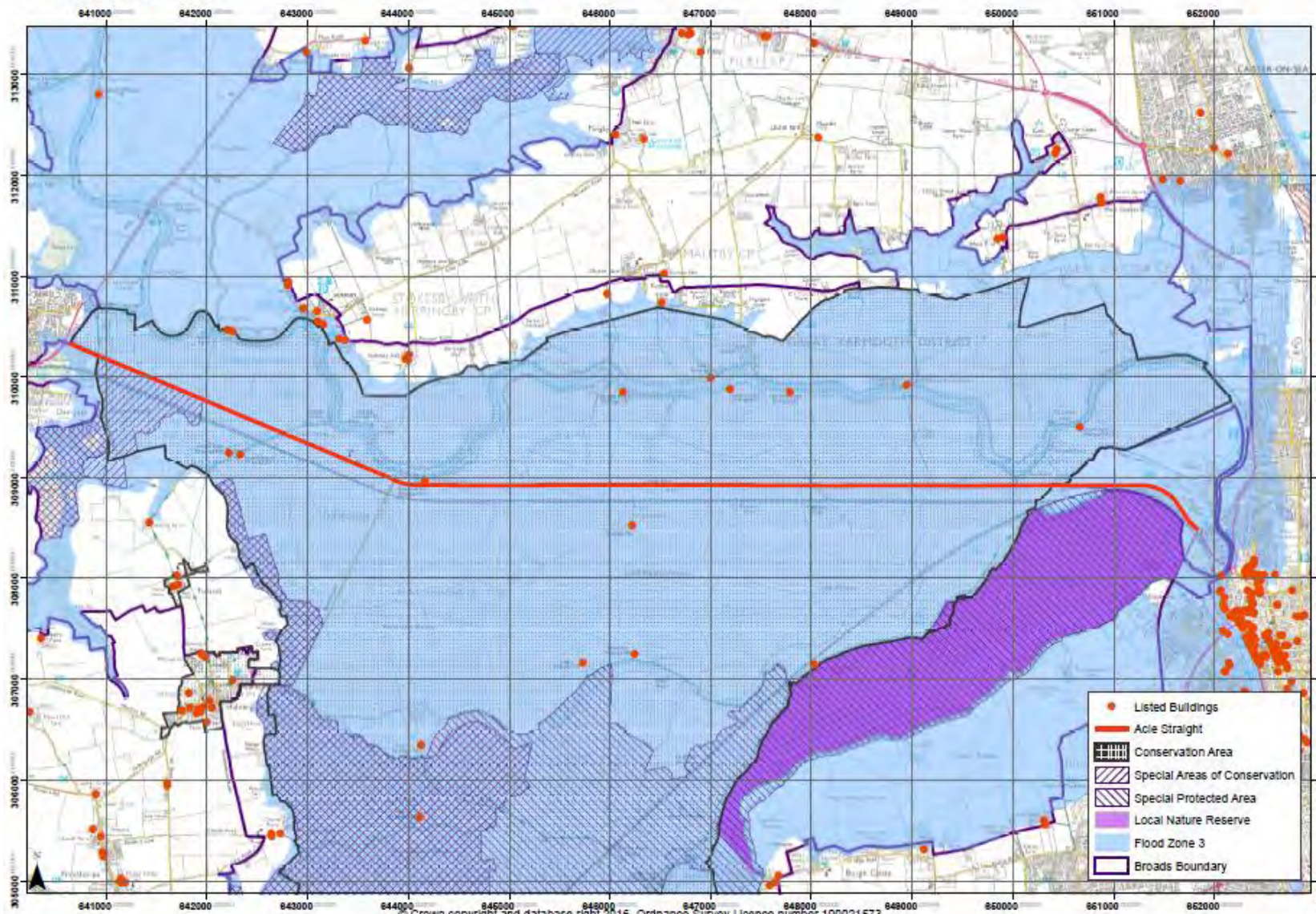
Alternatives

No policy. This option was not taken forward as the Authority wishes to set ours what it thinks are important considerations early on in order to inform any preparatory surveys or design work.

Allocate site for dualling. This was not taken forward as the precise land take for the scheme is not known yet. For example, it is not known where parking laybys will be located and it is not known what kind of junction treatments will be proposed.

DRAFT

ACLE STRAIGHT



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The Broads Authority Boundary dataset is a representation indicating the location of the executive boundary at 1:10000. The definitive paper map is held by the Broads Authority which shows the legal boundary at 1:10000.

Policy X: Climate Change

Development proposals with residential and/or commercial elements (new or increasing space) must demonstrate how climate change has been taken account of in the scheme with the submission of a Climate Smart Checklist.

Reasoned Justification

The low-lying and coastal nature of the Broads and the dominance of water as a feature in the landscape make it particularly vulnerable to the effects of climate change and sea level rise. The current projections are that by mid-century we will start to see significant climate change (UKCIP 2009) and early adaptation planning is likely to save money and better protect property and lives in the long run.

Climate projections for the Broads will depend on how effectively we deal with global greenhouse gas emissions. There will be some inevitable change to the climate due to the gases already in the atmosphere but the more extreme changes should be avoided if there is prompt action to reduce emissions in the short term.

In simple terms, the best current opinion¹ about likely changes which will impact on the Broads include warmer, drier summers, slightly wetter, warmer winters and more extreme events in terms of frequency and severity. The sea level is already rising and this is being increased by a changing climate.

The Broads are therefore very vulnerable to greater flood risk, storms, droughts and heatwaves which could affect how we are able to use land and buildings, how we get around, the wildlife around us and how the environment we enjoy appears and functions.

It is acknowledged that the extent to which climate change happens, and its impact on the Broads, will be affected by actions nationally and globally and Local Plan policies cannot protect the Broads from this. They can, however, contribute to an approach which seeks to reduce climate change where possible through positive action and mitigate its effects.

There are two general approaches to the issue of climate change, both of which have a role if we wish to retain the special qualities of the Broads and all the services it gives society:

- Climate change mitigation is about reducing greenhouse gas emissions through changing behaviour. For example improving housing insulation to reduce energy demand, installing solar panels so relying less on fossil fuels and using the car less.
- Climate change adaptation and resilience is about being prepared for a changing climate. For example connecting up habitats to allow species to move according to climate conditions or identifying particular areas ready to take excess water in times of flood.

¹ UK CIP (Climate Impacts Programme) 2009 'medium emissions' scenario for the East of England

Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans:

‘policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change’.

The Local Plan includes specific policy approaches that seek to address mitigation and adaptation needs such as through the approach to renewable energy, flood risk management, housing resilience and standards, and transport (See XXX).

Additional to these specific policies, the Authority promotes the use of a ‘climate smart’ approach whereby any proposed development is reviewed against climate projections² to see what resilience and adaptation options should be included to help inform the detail of proposals. This includes identifying changes that will need to be implemented when certain ‘trigger’ conditions are reached and building in sufficient flexibility to cope with differing climate scenarios. It could also suggest seeking revised outcomes if the climate changes cannot be accommodated in the initial ideas. (see XXX for details of the climate smart planning cycle).

² <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Appendix x: Climate Smart ChecklistHow to fill this out

Consider the development as a whole, and in terms of its constituent parts including groundworks, construction (low and high level), height of items, water flow on and off the site, proximity to external risk factors (including sea, rivers, streams, ditches, trees, other construction).

The Authority suggests that you initially consider your development set against current 'average' weather. Then consider what extremes have been happening and what those impacts might do to your development. For example, can it cope with sudden intense rain showers? Would a week of mid 30°C temperatures melt anything?

You should then consider the projections for the climate in the future (related to how long you think your development will last). As they are only projections you are advised to first consider how likely you think something might happen (for example, if you think greenhouse gas emissions will come down quickly the chances of the highest level projections being reached are slim – and vice versa).

You should also consider your attitude about what level of risk you can live with (for example tolerating significant fluctuations in temperature so if you think this is an unacceptable risk, you may incorporate certain features in your development). You may also want to think about potential future occupiers and how attractive climate-smart features would be to them.

Looking at the future will help you consider whether your development needs to be more resilient or be altered (adapted) to better deal with impacts (e.g. moved to a different part of the site where there will be more shade for the house, or tree planting to provide this).

It is particularly important to consider the predicted change in extreme conditions as they may well be more frequent as well as reaching new highs or lows, for example intense burst of rain due to thunderstorms.

Additional information and advice

To support the use of a checklist to get the best from the development proposals the Broads Authority has some additional material

- a. Sustainable Development Guide. Produced in 200X this gives comprehensive advice across a range of development types on incorporating a sustainable approach. This Guide will be reviewed every 3 years to see if /when a revision is required
- b. Broads⁰Community advisory material: The Broads⁰Community material is produced on behalf of the Broads Climate Partnership and gives more detailed suggestions regarding managing change for farmers, businesses and communities. It helps identify adaptation options related to climate projections.
- c. Broads Adaptation Plan: produced in 2015 the Plan puts in context the thinking around Climate Adaptation for the Broads setting out the favoured climate-smart approach.

Explanatory notes

Remember that, just as now, there will be chances of extremes at both ends of the range (e.g. heavy snow fall, winter heatwaves, freak hailstorms, flash flooding) for which you should already be making allowances according to your assessment of risk.

Sea level rise – the current projections range from 37cm to over 1m by the end of the century. A rising sea increases the threat of over-topping defences or stopping heavy rainfall from running out to sea. It is also likely to mean salty water is pushed further up the rivers (altering wildlife distribution and perhaps increasing corrosion) and could mean air draught under bridges at high tide is likely to be reduced. Higher initial levels could also mean worse impacts when surge conditions (strong winds and depressions) combine to push water inland.

Surface water flooding – with more impermeable surfaces due to development, heavy rainfalls can overwhelm drains and ditches and give rise to a higher threat of surface water flooding. By keeping land permeable to rainfall, having overflow areas that can hold excess water or incorporating flood barriers into the building, the risk can be lowered.

Increased water temperature in watercourses – increased temperature alongside high nutrients might increase the probabilities of blue-green algal blooms (which can be toxic) or excessive aquatic vegetation growth. Furthermore the increased river/lake temperature may affect the overall distribution of species with a knock on effect on recreation interests for example.

Heatwaves – periods of high temperature caused by trapping energy in the atmosphere, along with more cloud free days could see the prolonged periods of sunshine melting certain materials or causing human health issues. Developing ways to shade living and working spaces (such as window shutters or tree planting) may provide improved tolerance.

Drought – longer periods of no rainfall could put stress on water levels. This may affect the environment and wildlife (low flow in rivers, ponds drying out for example) but could also decrease the amount available for people to use

What will happen to the development and/or the users or occupiers if there is...?

		Impact level. Put a x to indicate impact.				Why do you think this? What can you do to reduce this impact level? How have you designed the development to address this?
		Small	Medium	Significant	Extreme	
Higher summer temperatures (average and maximum)						
Longer periods of drought during the summer						
Longer periods of cloud free days						
Water (River, stream and lake) temperatures increased through year especially the summer						
Rainfall coming in more intense bursts.	Greater potential for surface water flooding					
	More potential for higher ditch, stream and river levels					
Fewer frosty days						
More frequent storms – the effect of rain and wind						
More extreme / intense storms – the effect of rain and wind						
Rise of sea level						
Increase in salinity of the rivers						
Surge conditions in the North Sea						

Next steps

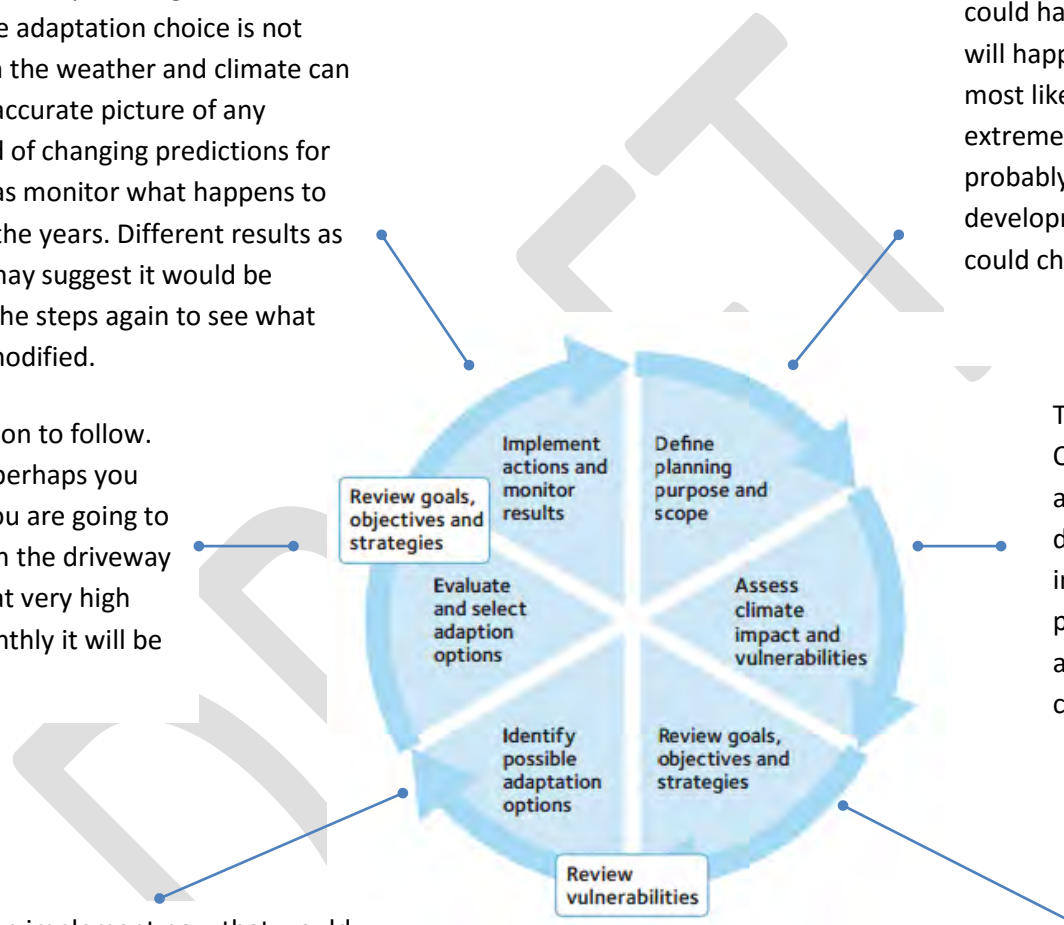
According to your acceptance of risk, you may wish to make more detailed exploration and assessment when your self-assessment reaches a certain level (e.g. for all significant and above impacts).

It may be sensible to keep an accurate record of your options and decisions so that you can go back to the assumptions made if the adaptation choice is not working. The changes in the weather and climate can be recorded to give an accurate picture of any changes. Keep informed of changing predictions for climate change as well as monitor what happens to you development over the years. Different results as to what was expected may suggest it would be sensible to go through the steps again to see what needs to, or could, be modified.

Make the choice about which option to follow. This may be immediate action of perhaps you can identify triggers as to when you are going to act (e.g. you are willing to live with the driveway being flooded a few times a year at very high tides but when it's happening monthly it will be time to act).

Are there actions that you can implement now that would help you cope with a new climate regime? Can you alter construction or management choices that minimise any risks? Perhaps what you construct can be altered easily in the future if predictions and/or on site experience is worse than you planned for? Are there different technologies that could be applied that would lessen risks? If no options seem possible you may wish to go back through the steps and modify your goals or objectives.

Climate smart planning cycle



Climate change predictions are based on what could happen, rather than people knowing what will happen. As such, do you want to consider the most likely changes or be prepared for the most extreme conditions just in case they arise? You probably need to understand the lifetime of your development (see section xx) and how things could change over the timescale.

Taking the preferred projections (See the Met Office/UKCIP09 projections website for more detail and explanation) consider what the climate differences are likely to be and how they may impact on the proposed development. List, and possibly rank, the likely things that could create an adverse impact as well as any opportunities a changing climate might offer for your development

What do you want to achieve? What will you have at the end of the timescale being considered? For example, how often will you use the development and at what time of year? Perhaps the flood impacts will be negligible or not manifesting themselves in the short-term. Be clear about what you would prefer to have in the future – a development that never floods or one that floods a few times a year for example.

Policy x: Conversion of Buildings

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

- a) The building makes a positive contribution to the landscape of the Broads to make it worthy of retention;
- ~~a)~~b) The building can be redeveloped without an adverse effect on the character of the Broads landscape or its setting and the redevelopment takes the opportunity to make a positive contribution to the appearance of the locality;
- ~~b)~~c) A structural survey demonstrates that the building is structurally sound and capable of conversion without major rebuilding and/or substantial extension;
- ~~c)~~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).
- ~~d)~~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 highway network is able to accommodate safely the demands resulting from the proposed use;
- ~~e)~~g) The design and details of conversion will maintain, and enhance, restore or add to biodiversity; and-
- h) it incorporates measures to enhance the environmental performance of the building, where appropriate.

For proposals outside development boundaries the above criteria will apply as well as:

- i) The building is in a sustainable location with adequate access to services and facilities.

The conversion of a building or structure to a residential use outside a development boundary, 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.~~

Reasoned Justification

The re-use of buildings in the countryside can support the vitality of rural communities and help minimise the need for new built development which has the potential to detract from the special landscape character of the Broads. The Authority is therefore generally supportive of the re-use of appropriately located and suitably constructed buildings in the countryside. Nevertheless, certain buildings may not be suitable for conversion and re-use.

The building must be of a sufficient quality to warrant retention. Large, modern agricultural and industrial buildings will generally be considered to be unsuitable for conversion. Generally, the Authority will consider the appearance and architectural value of the building as well as how it contributes to the Broads' landscape as well as the streetscene both prior to and following conversion.

The term 'holiday accommodation' means that which is permitted by policy x i.e. short term holiday lets.

The conversion and re-use of buildings in the countryside will only be acceptable where a structural survey undertaken by an independent Structural Engineer demonstrates that the building is structurally sound and capable of conversion without major rebuilding or reconstruction. ~~The building must be of a sufficient quality to warrant retention. Large, modern agricultural and industrial buildings will generally be considered to be unsuitable for conversion.~~

To protect the character of the building and the surrounding landscape, all conversion works must be undertaken sensitively, utilising a high standard of design and good quality materials. The erection of substantial extensions can have a detrimental impact on the original form of a building or group of buildings and on the openness and special character of the landscape, while the removal of external features, including original openings and materials, can erode the character of the building. It is expected that such conversion works should involve minimal intervention to the original form and fabric of the building (e.g. new openings).

Applicants should be aware that buildings in the countryside have the potential to provide important breeding and resting places for a number of species protected under a range of legislative provisions, including bats, barn owls or nesting birds. In accordance with policy x, if the presence of a protected species is suspected, the applicant will be required to submit an appropriate protected species surveys. The policy also seeks to ensure that conversion works should aim to maintain, and enhance, restore or add to biodiversity. If a proposal is considered in the context of this policy to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Proposals within a development boundary are deemed to have very good access to services and facilities. While it will not always be possible to apply the same standards of accessibility that would be applied in established settlements to proposals in the countryside, when assessing proposals to convert a building in the countryside regard will be given to the sustainability of the location and the impact the proposed use would have on the local highway network.

Residential conversions may be appropriate for some types of buildings and in certain locations, providing that it has been demonstrated that a commercial or community use of the building is unviable and that the building is of sufficient quality to merit retention by conversion. Applications to convert a building outside of a development boundary to residential use should be accompanied by a report undertaken by an independent Chartered Surveyor that demonstrates why employment, recreation, tourism and community uses would not be viable due to inherent issues with the building. This should include details of conversion costs, the estimated yield of the commercial uses and evidence of the efforts that have been made to secure economic, leisure and tourism re-use during the previous 12-month period. The Authority will need to verify the content of such a report and may need to employ external expertise to do so (The applicant will need to meet the cost of this).

Where a building is of historic or architectural merit, regard must be had to Policy DPx Re-use of Historic Buildings.

There are permitted development rights to change the use of existing buildings. These are however less permissive in the Broads than in other undesignated areas. Your proposal may not require planning permission, but you are advised to check with Development Management Officers at the Broads Authority for advice.

Alternative Options

Comments received as part of the Issues and Options:

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x - 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 ~~sh~~all~~ould~~ respond to surrounding buildings and the distinctive features or qualities that ~~con~~tribute to the landscape, streetscape and waterscape quality of the local area. Design ~~sh~~all~~ould~~ also promote permeability and accessibility by ~~making places connect with each other and~~ ensur~~ing~~ ease of movement between homes, jobs and services and creating links to public transport 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 ~~sh~~all~~ould~~ incorporate appropriate waste management and storage facilities, provision for the storage of bicycles and 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 antisocial behaviour must however not be at the expense of overall design quality.
- h) **Adaptability:** Developments ~~sh~~all~~ould~~ 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 in accordance with 'Lifetime Homes' standards and commercial premises should be able to respond to changes in industry or the economic base.
- i) **Flood Risk and Resilience:** Development ~~sh~~all~~ould~~ 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 ~~sh~~all~~ould~~ aim to ~~maintain~~protect, provide for, and enhance, restore~~restore and enhance or add to~~ biodiversity.
- k) **Accessibility:** Applicants are required to consider if it is appropriate for their proposed dwelling/some of the dwellings they propose to be built so they are accessible and adaptable and meet Building Regulation standard M4(2) and M4(3). If applicants do not consider it appropriate, they need to justify this.

l) High quality landscaping. **Planning Committee please note that this criterion will come to Planning Committee in September**

Reasoned Justification

Good design is vital for protecting and enhancing the special character of the Broads. It is also essential for achieving truly sustainable development. The design principles set out in this policy provide a high-level design framework for new development that supports the diverse nature of good design. All development proposals should demonstrate compliance with the design principles in the policy. Where development proposals are required to be accompanied by a Design and Access Statement, it should be used to explain how the principles of good design, including the issues criteria set out in this policy, have been incorporated into the development.

Development proposals are not designed in isolation from their context. Although there is considerable variation in local architectural styles, buildings in the Broads are typically of simple construction, often from lightweight materials, and of a scale which blends with their natural surroundings. New development should take account of the characteristics of the site, as well as the distinctiveness of the wider Broads' setting, and make a positive contribution to the surrounding area. The density, scale and mix should be compatible with the character of the local area and avoid adverse impacts of development on views, vistas and skylines. In accordance with PPS1, the NPPF and NPPG, the Authority considers design to be of great importance and -development will not be acceptable if its design is inappropriate in its context, or fails to take opportunities available for improving the character and quality of an area and the way it functions. In the interests of sustainability and good design, it is also important to promote ease of movement, ensuring places are easy to move within and between, and to facilitate ease of movement between places where people live, work and use services and recreation.

Particular aAttention should be given to details in regard to the appearance of development in the Broads landscape. This should take into account the form, mass and scale the decoration of a building or structure, reference broads vernacular and local detailing and the texture, colour, pattern and durability of materials used. To improve the sustainability and local distinctiveness of new development, the use of locally sourced materials will be encouraged and materials recovered from demolished structures on site maybe re-used will be encouraged where it is feasible and appropriate and appropriate. However, it is acknowledged that there will be instances when modern construction methods and sustainable design solutions maywill necessitate the use of other sustainable materials.

Appropriate facilities for users of new development should be integrated effectively into its design and layout to ensure that they can be accessed in a safe and convenient manner and do not detract from the overall appearance of the development. The nature of the facilities will vary depending on the development proposed, but should include waste management and storage facilities to aid recycling, provision for the safe, secure and user friendly storage of bicycles in locations convenient to the cyclist, with good natural or CCTV surveillance to help reduce cycle theft, and connection to virtual-communication networks (telephone and broadband). and, if feasible, off-site provision for a bus shelter and/or a bus service serving the development.

The safety and security of the users of new development is an important consideration at an early stage in the design process. The attributes of good design include safer places; well-designed development will create safe, sustainable and attractive places to live and work. It is therefore important that new development is designed to minimise both the opportunity for crime and the perception or fear of crime, while ensuring that other planning and design objectives are not compromised.

With regards to adaptable dwellings, the Authority refers to the 16 criteria relating to Lifetime Homes¹. The Authority encourages new housing to be built to the Lifetime Homes standard, which makes it easier for people to remain in their own homes as their mobility needs change, through encouraging homes to be built in a way in which rooms can be used flexibly over time. The criteria in policy x also contribute towards the creation of safe, functional and well-designed communities as aspired to by the Government's Lifetime Neighbourhoods² ambitions.

Assessment of design quality for major applications for residential development will be made using the Building for Life 12³ criteria and applicants will be expected to demonstrate that the scheme positively addresses relevant categories. The Building for Life criteria (see Appendix x) are reflected in policy x design and therefore addressing the specific requirements of Building for Life will contribute towards meeting the requirements of policy x.

The Authority also encourages the provision of some dwellings, in appropriate locations, to be designed to be accessible and accommodate wheelchairs. The details are set out in the Building Regulations part M⁴. The Census 2011 shows that the Broads Authority Executive Area has an ageing population and older people could benefit from more accessible dwellings. The NPPG⁵ is clear, however, in saying that '*Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied*'. The Authority acknowledges that this standard may not be appropriate in some locations or for some schemes, but applicants are required to justify reasons for not including dwellings that are accessible and adaptable.

In relation to the layout of the development, it is important that proposals are able to accommodate access by emergency service vehicles and waste disposal vehicles.

¹ Lifetime Homes Standards Homes that are accessible to everybody and where the layout can be easily adapted to meet the needs of future occupants. <http://www.lifetimehomes.org.uk/>

² <https://www.gov.uk/government/publications/lifetime-neighbourhoods--2>

³ <http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>

⁴

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506503/BR_PDF_AD_M1_2_015_with_2016_amendments_V3.pdf

⁵ <http://planningguidance.communities.gov.uk/blog/guidance/housing-optional-technical-standards/accessibility-and-wheelchair-housing-standards/>

When designing new development, consideration should also be given to the design implications set out in other policies in this plan. Of particular relevance are the policies on: ~~DP2:~~ Landscape and Trees; ~~DP3:~~ Water Quality and Resources; ~~DP5:~~ Historic Environment; ~~DP7:~~ Energy Generation and Efficiency; ~~DP11:~~ Accessibility on Land; ~~DP12:~~ Accessibility to Water; ~~DP28:~~ Amenity and ~~DP29:~~ Development on Sites with a High Probability of Flooding. Regard should also be had to the ~~guidance contained within the Broads Authority's Sustainability Guide.~~ Biodiversity Enhancements Guide and the Planning for Waterside Properties Guide.

Appendix x: Building for Life 12 – assessment criteria

Integrating into the neighbourhood

1 Connections: Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site?

2 Facilities and services: Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

3 Public transport: Does the scheme have good access to public transport to help reduce car dependency?

4 Meeting local housing requirements: Does the development have a mix of housing types and tenures that suit local requirements?

Creating a place

5 Character: Does the scheme create a place with a locally inspired or otherwise distinctive character?

6 Working with the site and its context: Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?

7 Creating well defined streets and spaces: Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

8 Easy to find your way around: Is the scheme designed to make it easy to find your way around?

Street & home

9 Streets for all: Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

10 Car parking: Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

11 Public and private spaces: Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

12 External storage and amenity space: Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

Policy x: Developer Contributions

Planning Committee please note that we will investigate the element of the current policy that relates to dredging in further detail

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 for permanent moorings, contributions will be sought towards the appropriate provision of social facilities and benefits including 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 x);
- b) Community infrastructure (including police and fire service provision, community halls, sports facilities, education facilities and libraries);
- c) Green infrastructure and biodiversity/geodiversity on-site mitigation, management, off-site compensation 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;
- l) Visitor or de-masting moorings; and
- m) Conservation or enhancement of heritage assets.

Other contributions may be sought in appropriate circumstances. Where appropriate, the standards and thresholds adopted by the relevant authority will apply, including Housing Authorities. 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.

Reasoned Justification

Development can place additional pressure upon physical infrastructure, social facilities and green infrastructure, and it is a well-established principle that new development should contribute towards the cost of meeting these additional demands. Developer contributions (also referred to as

Planning Obligations) are a means of funding works to mitigate the impact of development and provide benefits to local communities and support the provision of local infrastructure.

S106 contributions are private agreements negotiated between local planning authorities and developers to mitigate the impact of development. For example, planning obligations might be used to prescribe the nature of development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development's impact (e.g. through increased public transport provision).

Where existing infrastructure is inadequate to meet the needs of new development, the Authority will use conditions or planning obligations to ensure that proposals are made acceptable through securing the provision of necessary improvements to facilities, infrastructure and services.

The nature and scale of any contribution sought for this purpose will be related to the development proposed and its potential impact upon the surrounding area. It is important to consider the following in relation to Developer Contributions:

- Developer contributions need to be necessary to make the development acceptable in planning terms, directly related to the development and be fairly and reasonably related in scale and kind to the development.
- The combined total impact of contributions should not threaten the viability of the scheme.
- There are pooling restrictions on S106 contributions whereby only five contributions can be sought towards generic types of infrastructure.

The Authority will seek contributions towards transport, police and fire service provision, education facilities, libraries and social service provision where appropriate, utilising Planning Obligations standards prepared by Norfolk and Suffolk County Councils. The Authority will also apply the standards and thresholds adopted by the relevant constituent District Council to calculate the contributions to be sought. Contributions to affordable housing will be sought in accordance with the approach set out in policy x and Open Space as per policy x.

In relation to the protection of the waterways and navigation, contributions will be sought from development, where appropriate, towards dredging. The dredging and proper disposal of sediment from the bed of the rivers and broads is the largest cost in the maintenance of the navigation area. The required level of contribution will be calculated on a site-by-site basis using the Authority's latest available dredging costings. Additionally, the Authority will seek an administrative contribution to cover the cost of arranging and monitoring developer obligations.

Any monies falling due as a result of planning obligations will be held by the Authority until agreement is reached with the providing body for the relevant facilities to be provided. In the event that agreement is not reached or the infrastructure is not constructed, those moneys will be returned to the developer after a period of 10 years. Maintenance sums will be sought for the first ten years of the life of a facility where relevant (15 years for highways maintenance in relation to bridges or other highway structures, for lifetime replacement – 120 years).

The Broads Authority and CIL

The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008. It is a discretionary charge which can be used as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. The Broads Authority has not introduced a CIL, due to the low levels of development, difficulties involved in identifying specific Broads' infrastructure and the costs of collecting and monitoring CIL when balanced against the sums likely to be generated.

Alternative Options

Comments received as part of the Issues and Options:

Suffolk County Council: The Broads Authority may wish to explore the potential for contributions towards heritage presentation and archiving. No objections to rolling forward DP30 as it refers to pooling with resources from other authorities to fund wider community infrastructure projects and historically this seems to have worked well in securing funding for infrastructure projects. Much of the infrastructure required to support communities and their growth in the Broads will be located in the adjoining planning authority areas, such as schools or transport infrastructure. Our priorities would be for infrastructure that supports growth both in the Broads and South Norfolk – for example addressing any school capacity issues which include catchment in the Broads or road junction improvements along the A146.

Environment Agency: We would recommend that discussions should be held with partner organisations who are seeking to deliver actions across the area. This might include for example us and the Broadland Catchment Partnership. Through a coordinated approach, there may be opportunities for the measures required to make the development acceptable to also make a contribution to those actions.

Inland Waterways Association: S106 and CIL do have a role to play in building and maintaining a community rather than just a group of houses. IWA believes these should be used in part to provide and maintain moorings and staithe, including provision of power and similar services. This should also include commuted sums for maintenance, unless the BA considers that these would not be eligible. These would form part of the 'greater good' facilities which normally come with roads, footpaths and similar which in the Broads are in part replaced by water navigations.

Norfolk County Council: welcomes the inclusion of the references to developer contributions from new development and the different mechanisms which will be used to secure funding. Public Health welcomes the inclusion of provision for health infrastructure under the priorities for developer contributions and would advise consultation with healthcare commissioners (Clinical Commissioning Groups and NHS England) in this regard.

RSPB: The Authority needs to ensure that it receives sufficient funds from development to manage pressures on Natura 2000 and other designated sites. This includes monitoring the level of increased recreational use against predicted levels, monitoring to assess adverse impacts on the ecology of the sites and their designated features, and, if it becomes apparent that an LSE may occur on a Natura 2000 site, funding appropriate visitor control and management actions in order to prevent that LSE from occurring.

Suggestions on how to spend Developer Contributions (from the public):

Parish	Suggestions from the public
Potter Heigham	Footpaths along Weavers Way, enhancing the surface of the footpath. Roundabout at the Post Office. Enhancement works within the area of Potter Heigham Bridge.
Gillingham/Beccles	Improving Beccles Quay Maintaining the flat valves in the Beccles Quay area
Chedgrave	Public access - the restoration of Hardley Flood footpath. Public launching facilities Enhancing wildlife sites
Ludham	Refuse service More parking Better car access Better bus service.
Beccles	Geldeston locks river bank moorings Schools Car parking
Thorpe	Affordable housing Moorings in and around villages
South Walsham	Transport e.g. buses Medical facilities Moorings
Somerton	Village Halls Safety issues - paths alongside roads especially for local school children. Environmental improvements in general.
Wroxham	Toilets Improve the moorings at Gt Yarmouth, add moorings that are less dangerous
Claxton	Slipways Boardwalks/footpaths

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x: Energy demand and performance

Development is required to take a ‘fabric first’ approach and reduce overall energy demand through its design, layout and orientation. Then proposals are also required to maximise the use of energy efficiency and energy conservation measures.

Developments of over 10 residential dwellings are required to meet at least 10% of their predicted energy requirements using the following hierarchy:

- a) Reduce the overall energy demand in the first place, then
- b) Energy efficient and conservation measures, then
- c) Decentralised and renewable or low-carbon sources for any residual amount.

Developments of non-housing development over 1,000m² are encouraged to achieve at least the BREEAM ‘Very Good’ standard or equivalent and are required to provide at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

Planning permission and, where relevant, listed building consent will be granted for works required to improve the energy performance of heritage assets where it complies with other relevant policies and can be clearly demonstrated that this is consistent with all of the following:

- a) The heritage asset’s character and appearance,
- b) The heritage asset’s special architectural or historic interest,
- c) The long-term conservation of the built fabric; and
- d) The wider setting of the heritage asset.

An energy statement which demonstrates the approach is required to accompany planning applications.

Reasoned Justification

In July 2015, the Government announced in ‘Fixing the Foundations: Creating a more prosperous nation’¹ that ‘*The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established*’. Linked to this, the Deregulation Act 2015² amends the Planning and Energy Act 2008³ to say that Local Plans cannot set requirements that go beyond the building regulations.

¹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443897/Productivity_Plan_print.pdf

² http://www.legislation.gov.uk/ukpga/2015/20/pdfs/ukpga_20150020_en.pdf

³ http://www.legislation.gov.uk/ukpga/2008/21/pdfs/ukpga_20080021_en.pdf

However, there is still the potential for Local Plans to ensure that buildings are designed as sustainably as possible and to require that a reasonable proportion of energy demand is met from renewable or low carbon solutions.

The Climate Change Act legislates for a 34% reduction in greenhouse gas emissions against 1990 levels by 2020, and an 80% reduction by 2050. The incorporation of renewable energy generation technologies and energy efficiency measures into the design of new development can make a significant contribution to achieving these targets.

The Authority currently has a policy on energy efficiency in new buildings. The current Development Management Policy DP7 refers to 10% of a development's predicted energy requirements being delivered from decentralised, renewable or low carbon resources for major developments and this is carried forward. However, experience gained whilst working with the promoters of two large-scale sites in the Broads (Pegasus in Waveney and Ditchingham Maltings in South Norfolk) indicates that it is preferable to take a Fabric First approach. That is to say that the development is designed to reduce energy demand in the first place, then use energy efficient improvements and finally to use renewable energy technologies where appropriate.

On-site provision will normally be the preferred mechanism for renewable energy generation; however, off-site schemes will be permitted where it would result in the generation of a greater amount of energy or would have a lesser visual/environmental impact. Planning conditions and/or obligations will be used to ensure that the energy infrastructure comes on-line before the development is occupied.

Addressing climate change is also about making improvements to resource and energy efficiency. Building Research Establishment Environmental Assessment Method (BREEAM) building standards are nationally recognised levels which require building design and construction to address these challenging issues.

The retro-fit of historic buildings to enhance their energy efficiency has the potential to become an issue. The Authority will assess the impact of the adaptations taking due regard of the significance of the historic asset and the character, historic interest and integrity of those elements of the asset likely to be affected.

Further guidance on designing new development to minimise energy consumption is provided in the Broads Authority's Sustainability Guide⁴.

Comments received as part of the Issues and Options:

Historic England: Energy Efficiency and Historic Buildings- Application of Part L of the Building Regulations to historically and traditionally constructed buildings
<https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/>.

⁴ <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports>

It should be noted that listed buildings, buildings in conservation areas and scheduled monuments are exempted from the need to comply with energy efficiency requirements of the Regulations where compliance would unacceptably alter their character and appearance. Special considerations under Part L are also given to locally listed buildings, buildings of architectural and historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture. These considerations need to be taken into account when considering how best to mitigate against climate change in historic buildings and areas. Therefore, any policy coming forward should take into account its effect on such buildings and areas.

DRAFT

Policy x - Designing Places for Healthy Lives

Development proposals that support healthy choices, healthy behaviours and reduce health inequalities will be supported.

All new housing, commercial and recreational development) will be expected to demonstrate that appropriate steps have been taken through design, construction and implementation to avoid or mitigate potential negative effects on the health of the population.

New or replacement homes and non-residential development of less than 1,000m² are required to explain how their development facilitates enhanced health and well-being through the provision of conditions supportive of good physical and mental health.

Developments of more than 10 dwellings or 1,000m² non-residential development are required to complete and submit alongside planning applications the Norfolk designing places for healthy lives checklist.

Reasoned Justification

The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. The Health Map shows how individual determinants including a person’s age, sex and hereditary factors are nested within the wider determinants of health which include lifestyle factors, social and community influences, living and working conditions and general socio-economic cultural and environmental conditions.

The Government are clear in the role of health and wellbeing in planning stating that *‘local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making’* (NPPG).

There are six themes which planning applications for new or replacement homes are expected to address which provide *‘conditions supportive of good physical and mental health’*. Developments of ten dwellings or fewer are required to produce a statement saying how their proposal addresses these themes:

- i. Partnership and inclusion, including engagement and integration.
- ii. Vibrant neighbourhoods, including access to social infrastructure, access to local food shops and the public realm.
- iii. Active lifestyles, including access to green space and active travel.



- iv. Healthy environment, including construction, equality, noise, open space, renewable energy, biodiversity, local food growing, flood risk and overheating.
- v. Healthy housing, including accessible housing, healthy living, and housing mix and affordability.
- vi. Economic activity, including local employment and healthy workspaces.

The Norfolk checklist is to be completed for development of more than ten dwellings. It has been developed to provide a practical tool to assist developers and agents in preparing development proposals: to assist local planning authorities in planning policy-making and as part of planning application process; and to assist public health service when considering health and well-being impact of development plans and planning application. The Norfolk Checklist seeks to answer two questions:

- 1) What are the health effects of the urban development policy, plan or proposal?
- 2) How can the policy, plan or proposal be improved to provide better health outcomes?

Whilst the checklist is used by Norfolk Local Planning authorities and has been produced by the Norfolk Public Health Team, it also applies to proposals within the Waveney/Suffolk part of the Broads Authority Executive Area.

It is important to note that other sections of this Preferred Options document are all relevant to a healthy community. For example tranquillity, amenity, sport and recreation, pollution and housing need all have an impact on an individual's health and wellbeing.

Alternative Options:

Comments

South Norfolk Council

Issue 33: How can we design places for healthy lives? The Health and Wellbeing agenda is currently being heavily promoted and should be encouraged through planning policies. Is there any issue with the Broads having a list as set out in option 2 and making it more onerous than South Norfolk Council requirements? If the idea of a checklist was to be pursued we would be keen to work with the Broads Authority to ensure there are no adverse impacts from a South Norfolk Council perspective.

Q. Do you have any thoughts on our position on this matter (health facilities)? Some Broads communities depend on facilities within the South Norfolk Council area (e.g. Loddon surgery etc.) and should this be reflected in the Broads Local Plan. We will need to work together with the Broads Authority under the Duty to Cooperate to ensure that the distribution of growth across the Greater Norwich area, including the Broads Authority does not have an adverse impact on the provision of health facilities.

Inland Waterways Association

How can we design places for healthy lives? Option 2 providing a checklist for design, ideally one which is common across the UK. Work by NHS and others seems likely to produce the basis of such a checklist at some point in the future, and until then there is little to be gained by trying to create one without any evidence.

Norfolk County Council

Public Health

Response to question 2 – Public Health would like to see reference to the Broads as a health promoting environment in this section.

Health and Wellbeing (Section 27)

Public Health welcomes the consideration to the health status and well-being of the residents of the Broads Authority area and the inclusion of information on the wider determinants of health, such as the index of multiple deprivation in the opening statements. Public Health also welcome the inclusion of well-being within the three key themes and the attention to health and wellbeing in section 27.

In section 7 it is felt that there is an opportunity to promote the health and well-being benefits of the Broads and the connection to the natural environment, as evidenced by Newton (2007)

Wellbeing and the Natural Environment, and by the RSPB report 'Natural Thinking (Bird 2007).

Response to Issue 33 – Public Health

Strongly support option two: designing places for healthy lives checklist. Norfolk County Council Public Health in collaboration with planning colleagues are continuing work on the shared engagement protocol and checklist for designing places for healthy lives. The commitment under 23.8, health assessment of the local plan, reflects this draft protocol.

Reference is made under 23.7 to the Norfolk 'HUDU' model. The draft shared engagement protocol includes a Norfolk model for estimating health infrastructure need.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Strategic Policy x Heritage assets

Key buildings, structures and features which contribute to the Broads' character and distinctiveness will be protected from inappropriate development or change.

Proposals which maintain, enhance and provide better understanding of the significance of the overall cultural heritage value of the Broads will be sought through:

- i) Supporting 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; and
- ii) Requiring the highest standard of design which will protect existing assets and add to the future cultural heritage value of the locality.

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

- iii) Protecting archaeology from inappropriate development or change; and
- iv) Ensuring proposals take account of the area's status as having 'exceptional waterlogged heritage'

Appropriate development proposals that bring into use or remove an asset from the heritage at risk register will be supported.

Reasoned Justification

The historic environment makes a significant contribution to sustainable communities through sustaining economic vitality, providing social and cultural links to the past and ensuring a dynamic and varied built environment.

The Broads has a rich and varied historic environment recognised by 15 Scheduled Monuments, 25 Conservation Areas and 272 listed buildings (which collectively constitute the Designated Heritage Assets of the Broads), together with over 1000 sites or structures worthy of inclusion on the Historic Environment Record. In addition, there are many other landmark buildings, structures, historic landscape or landscape features that contribute to local character and heritage but are not statutorily protected and instead will be assessed for inclusion on a local list of assets, depending upon their significance. The Broads also contains a wealth of important archaeological sites, many of which owe their preservation to waterlogged conditions that enable the conservation of organic material; this material source also requires consideration as a significant heritage asset. Indeed, much of the landscape of the Broads is a product of historic and cultural practices and is of itself an historic landscape, providing the context for individual sites of archaeological interest.

Policies aim to set new standards to complement the current character and to create buildings that will be valued in future. The design quality of new structures in the Broads will potentially impact on identified features; by requiring a high quality of design, it is hoped that the cultural heritage value of the area will be enhanced.

Heritage assets are defined by the NPPF as '*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)*'. The following provides more detail:

- Designated heritage asset. The NPPF defines these as: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

- Non Designated Heritage Assets. The NPPG says '*local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets*'.

Some non-designated heritage assets can be found on the Authority's Local List which identifies buildings and structures that significantly contribute to the local character but may not meet the strict criteria for nationally listed assets.

With regards to archaeology, there will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

Heritage at Risk is a collective term applied to 'designated' heritage assets that are at risk as a result of neglect, decay or inappropriate development, or are vulnerable to becoming so. Whilst the Authority generally supports improvements to the at risk assets that will enable them to be taken off the register, changes must be in conformity with the other adopted policies of the Local Plan as well as with national planning policies.

Alternative Options

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x Historic Environment

Planning Committee please note that this is based on DP5

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.

a. Designated heritage assets

Development that would affect a Designated Heritage Asset or its setting will be considered in the context of national policy having regard to the significance of the asset.

b. Non-designated heritage assets

In assessing development proposals that would directly or indirectly affect a non-designated heritage asset a balanced judgement will be made between:

- i) Scale of any harm or loss
- ii) Significance of the heritage asset
- iii) Public benefits

c. Archaeology

Sites of archaeological interest and their settings will be protected, enhanced and preserved; development which has an unacceptable impact on a site of archaeological interest will not be permitted.

Where it is considered appropriate in cases where development coincides with the location of a known or suspected archaeological interest, an archaeological field evaluation will be required.

There will be a presumption in favour of preservation in-situ for Scheduled Monuments and other archaeological heritage assets of significance.

Development proposals that will result in unavoidable harm to, or loss of, an archaeological heritage asset's significance, will only be permitted where there is a clear justification in terms of public benefits arising from the development which outweigh that harm and, in the case of substantial harm/loss, also meet the following requirements:

- i) there is no less harmful viable option; and
- ii) the amount of harm has been reduced to the minimum possible.
- iii) satisfactory provision is made for the evaluation, excavation, recording and interpretation of the remains before the commencement of development.

d. The unknowns

Consideration will be given to the protection of heritage assets which have not been previously identified or designated but which are subsequently identified through the process of decision making, or during development. Any such heritage assets, including artefacts, building elements or historical associations which would increase the significance of sites and/or adjoining or containing buildings, will be assessed for their potential local heritage significance before development proceeds.

Where heritage assets newly identified through this process are demonstrated by evidence and independent assessment to have more than local (i.e. national or international) significance, there will be a presumption in favour of their retention, protection and enhancement.

Where heritage assets newly identified through this process are demonstrated to have local significance, development proposals affecting them will be determined in accordance with the criteria for existing locally identified heritage assets as set out in this policy. Any assessment of local significance should be made in accordance with the criteria set out in the reasoned justification to this policy.

e. Linking to the past

Where the Authority considers it appropriate, proposals will be required to recognise the importance of the historic environment through heritage interpretation measures.

Reasoned Justification

The Authority recognises the importance of protecting and preserving heritage and cultural assets, but new development may in some cases be appropriate to enable historic buildings and areas to react to the changing circumstances. Development proposals will, however, be judged against their effect on the significance of the asset and its setting. Policy xx should be read in conjunction with the policy principles and information set out in the NPPG.

Development that would affect a Heritage Asset (designated or non-designated), including a Listed Building, Conservation Area, Registered Park and Garden or Scheduled Monument or its setting must be accompanied by a Heritage Statement. This statement should provide a schedule of works and analyse the impact of the proposal on the form, fabric and setting of the asset and any features of historic or architectural interest, together with an assessment of the significance of the heritage asset to be affected. The statement should provide justification for the proposed works and their impact on the special character of the asset. When a Design and Access Statement is required, the Heritage Statement can form part of this.

In assessing the effect of development proposals on a Heritage Asset, consideration will be given to the significance of the asset and its setting, its intrinsic historic interest and rarity, the contribution it makes to the character of the area and this will be weighed against the social and economic benefits of the proposal. Development that would cause less than substantial harm to the significance of a Listed Building, Conservation Area or Scheduled Monument will only be permitted where the harm is outweighed by substantial public benefits of the proposal.. ('Significance' can be defined as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting¹).

Non-designated heritage assets include those on the Historic Environment record of Norfolk and Suffolk County Councils as well as the Broads Local List. There are also assets not on either of these lists that we know, reflecting local knowledge and expertise of staff, have potential historic importance. Indeed the Authority assesses one topic area at a time to understand potential for other features or buildings to form part of the Local List. At the time of writing, the Authority had assessed the mills and waterside chalets and is intending to assess boatyards next.

Archaeological remains are a finite resource, often highly fragile and vulnerable to damage and destruction. Compared to other wetland, or former wetland, and areas of the East of England the archaeology of the Broads is comparatively under-investigated. Additionally, the lakes, dykes and in some cases the rivers in the Broads area are themselves archaeological features. It is highly likely that undiscovered archaeology exists owing to the largely

¹ Further guidance can be found in the NPPG: <http://planningguidance.communities.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/why-is-significance-important-in-decision-taking/>

undeveloped nature of the area. The Broads is a low-lying wetland area where the landscape has been shaped over centuries by a combination of physical, ecological, cultural and historic factors.

The Broads contains important archaeological sites, many of which owe their preservation to water logged conditions that promote conservation of organic material. Large areas of the grazing marshes have never been investigated or developed and there is the likelihood that they represent a reserve of significant archaeological artefacts and interest, given the rich archaeology in the immediate vicinity. The great importance of the palaeo-environmental remains likely to be preserved in the wetland environment is recognised.

Historic England has identified the Broads as an area of *exceptional waterlogged heritage*. Fundamentally, because of the soil conditions in the Broads, there is great potential for archaeology to be well preserved.

Development proposals should be located and designed to avoid damage to archaeological remains and should enable these remains to be preserved in situ. Norfolk Historic Environment Service and Suffolk County Council Archaeology Service will be consulted on development proposals with the potential to have an adverse impact on a site of known or suspected archaeological interest. When a proposal has a potential adverse effect on a site of known or suspected archaeological interest, the development must be accompanied by archaeological field evaluations that detail the impact the proposal would have on these remains. In these cases, preservation by record secured through an agreed Written Scheme of Archaeological Investigation will be required. All archaeological works will be required to be undertaken to proper professional standards, as defined by the Chartered Institute for Archaeologists (CIfA).

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.

Heritage assets also include currently undesignated and unidentified assets which may be identified as being of significance during pre-application discussions, the process of decision making or may be revealed in the course of development. These may include assets of established community value and assets which contribute towards giving areas their sense of place and neighbourhood feel.

As part of the planning application process, consideration should be given to whether a heritage asset whose significance is not recognised or appreciated currently but becomes apparent through the application process merits formal protection. Where, following assessment, such an asset is judged to be worthy of protection, the principle to be followed is that any proposals resulting in harm to or loss of significance will be assessed according to the degree of significance the asset is agreed to possess, in the same way as would apply if it had already been recognised.

An independent assessment of heritage significance would normally be undertaken by Historic England (or any equivalent successor body that becomes responsible for heritage asset protection during the currency of this plan). Where the significance of newly discovered assets is adjudged not to be so great as to merit national protection, there may be a case for some form of local recognition, typically by including the asset, or the building or structure in which it has been discovered or of which it forms part, on the Authority's Local List. Assessments of local significance should use the criteria currently used to assess locally identified heritage assets and take account of the views of the community, local and national heritage bodies and conservation and design professionals in reaching a balanced judgement on the significance of the asset. The Local Heritage Listing guide from Historic England is also of relevance². The local criteria are:

² <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

- a. Age & integrity
- b. Historic interest – historic association (people or events), social importance, ‘lost ‘ lifestyle (e.g. drainage pumps & marsh cottage settlements)
- c. Architectural interest or merit
- d. Technological innovation or excellence
- e. Visual/scenic/artistic or group value

The Authority considers that appropriate interpretation of the historic and cultural environment is an important aspect to development or change in the area. Such interpretation could range from street names that reflect the heritage of the site, retention of a particular feature, art or interpretation boards. The aim being to provide the link to the past and ensure that visitors and the community are aware of what the site was previously used for or what happened on the site.

Alternative Options

Sustainability Appraisal Summary

Evidence used to inform this section

Policy x Re-use of Historic Buildings

Planning Committee please note that this is based on DP6

The re-use, conversion or change of use of a building or structure which is a heritage asset (designated and-or non-designated) will only be permitted where:

- a) ~~A structural survey demonstrates that the conversion, re-use or change of use can be undertaken without extensive building works, alterations or extensions that would lead to substantial harm to or loss of the asset's significance. In the case of non-designated heritage assets, the public benefits of the proposal will be weighed against the harm or loss; A structural survey demonstrates that the conversion or change of use can be undertaken without extensive building works, alterations or extensions that would lead to substantial harm to or total loss of significance on the structure's character and appearance;~~
- b) a) The proposal can be achieved in a way that preserves the structure's historic, cultural and architectural features and its character;
- c) b) 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) c) 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.

Reasoned Justification

The Broads contains a wealth of Designated (listed buildings, Conservation Areas, Scheduled Monuments and registered parks and gardens) and non-Designated Heritage Assets, making a significant contribution to the special character of the area. The Authority recognises that, in the majority of instances, the most effective way of protecting and preserving these buildings will be to retain them in their original use. However, where these buildings can no longer sustain the use for which they were originally designed, finding an appropriate alternative use for the building often represents the best way of protecting the building. The sensitive re-use of historic buildings is also good sustainable practice, both in terms of making the optimum use of the embodied energy of the building and also in relation to maintaining a local skill base in the restoration of historic buildings and traditional construction techniques.

Nevertheless, when considering proposals for the re-use of historic buildings, close attention must be paid to the design of any such conversion to ensure that it is appropriate for the character and appearance of the building and would not adversely affect its context or setting. In particular, the loss of the primary fabric of the building and internal or external features that contribute to its character can devalue its significance. Some buildings will therefore not be suitable for re-use. Accordingly, development proposals should be accompanied by a structural survey undertaken by a suitably qualified independent Structural Engineer to assist determination of whether the building is capable of conversion without works that would have a significant detrimental effect on its character. In accordance with Policy x, a Heritage Statement (included within the Design and Access Statement where this is required) should also be submitted to provide a schedule of the proposed works, analyse the impact of the proposal on any important features of historic interest, and provide justification for the proposal. Policy x, including information requirements for, and the determination of such applications should be read in conjunction with the NPPG. Applicants are encouraged to discuss their proposals at an early stage with appropriate officers of the Authority and, when appropriate, with Historic England.

Where it is not possible for the building or structure to remain in the use for which it was originally designed, preference will be given to re-using historic buildings for alternative employment, leisure or tourism uses that will have social and economic benefits for the Broads. Conversion of an historic building to a residential use can often have an adverse impact on its character, given the scale and nature of work required to meet the expectations for a permanent residence. For this reason, such residential conversions tend to be considered as a last resort. Applications to convert a historic building to residential use will be expected to be accompanied by a report undertaken by an independent Chartered Surveyor that demonstrates why economic, leisure and tourism uses would not be suitable or viable as a result of inherent issues with the building. Issues relating to the personal circumstances of the applicant or as a result of a price paid for the building will not be taken into consideration. Details should be provided of conversion costs and the estimated yield of the commercial uses, and evidence provided on the efforts that have been made to secure economic, leisure and tourism re-use during the previous 12-month period.

Significance is discussed in the reasoned justification to policy x on the Historic Environment.

Criterion C relates to amenity and tranquillity impacts of proposals. Please refer to policies x and x that cover these topic areas.

Applicants should be aware that historic buildings, particularly those in rural areas, have the potential to provide important breeding and resting places for a number of species protected under a range of legislative provisions, including bats, barn owls or other nesting birds. If the presence of a protected species is suspected, the applicant will normally be required to submit a survey undertaken by a ~~competent~~ suitably qualified ecologist to establish whether the species is present, whether the development would harm the species and what measures are proposed to avoid potential harm. There could be the requirement to provide compensatory features although such features should not impact adversely on the structure and also that they should not preclude appropriate development where it might bring a redundant asset or Building at Risk into use.

Alternative Options

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x: Drainage Mills

Main Map (NE, NW, & S), and various Inset Maps

Planning Committee please note that this is based on XNS5

The area's heritage of traditional drainage mills, and drainage mill remains, will be conserved.

Proposals that will maintain, restore and, in appropriate cases re-use standing mills will be judged against the following criteria: historic significance, survival of historically significant fabric eg machinery, location, group value, fragility and vulnerability of structure.

Any works to mills will be assessed for impacts on heritage, water (such as resource, quality and flow) and biodiversity. Works will, if necessary, be required to be timed to ensure no disturbance to breeding or wintering birds.

CONSTRAINTS & FEATURES

Many of the mills are listed buildings, Grades II and II*.

Some are in Conservation Areas.

Many of the mills are in SAC, SPA, Ramsar, CWS, etc.

Most of the mills are at high risk of flooding.

Reasoned Justification

Drainage mills are a defining feature of the historic landscape of the Broads and significantly contribute to the landscape scene of the Broads, viewed from the land and from water. The mills vary in size and design but all had the fundamental purpose of draining water from the land to enable the fields to be grazed and then latterly to be used for other agricultural uses.

Of the 74 standing mills in the Broads, approximately 50 are listed, the rest are locally listed. Approximately 30 structures are currently neglected and require active conservation of fabric. Change of use is often a solution to the problem of neglect and can result in repair work being implemented, funded and enable a structure to have a sustainable future going forwards. Work, however, which will outweigh the benefit of bringing a structure into use by the amount of harm caused to historic fabric cannot be justified.

Redundancy, exposure to elements and vulnerability to vandalism mean a number of the mills are recorded locally as being 'at risk' and this is why Halvergate Marshes Conservation Area is currently the only Conservation Area in the Broads that is at risk and is included on Historic England's Heritage at Risk Register.

The policy encourages restoration of standing mills. In cases where there are archaeological remains only, the relevant local and national policies will apply.

The mills are in varying conditions (according to the Drainage Mill Action Plan, Broads Authority). Hardley Mill for example has been restored and now has cap, sails and a full working mechanism. Black Mill has a temporary cap on to make it weather-tight and protect the internal mechanism. Stone's Mill in Freethorpe is rated as being very fragile, vulnerable and highly at risk due to lack of maintenance since it became redundant.

There is an action plan for the mills. This discusses improvements to each mill in the short, medium and long term. In the Short and medium, the changes aim to make the mill safe and prevent any further loss or damage to the

structure. The long term actions seek betterment such as restoring any missing elements such as masts. Owners of mills may refer to this Action Plan in developing proposals for repair, maintenance, restoration or re-use.

Due to their isolated location, usually in areas at risk of flooding as well as the extent of works required to restore some of the mills, proposals for restoration are not easy to develop and can be costly. The mills tend to be the largest and most obvious structures in the landscape which is very flat and open. The Broads Authority supports the restoration of the Mills or in some cases works which enable their neglect to be arrested subject to the historic interest of the structure not being compromised.

The Environment Agency highlights the potential need for a range of consents, and to avoid adverse impacts on fish, flooding and water flows.

The Authority is progressing its bid for Heritage Lottery Funds. A key aim of the project as a whole is to remove Halvergate Marshes Conservation Area from the Historic England “At Risk” register. Specific projects will include works to a number of Broads’ drainage mills, from weatherproofing and fabricating new caps and sails to halting their further decline as well as developing a model for future management and maintenance of Broads drainage mills. The Heritage Construction Skills Training project seeks to embed heritage skills training into existing construction skills curricula at colleges and provide opportunities for students to specialise in heritage construction skills and achieve industry-recognised standards and qualifications.



Picture Hardley Mill³. This windmill⁴ was capable of raising twelve tons of water per minute via a twelve foot high vertical shaft, five feet in diameter. The mill was built in 1874. It operated until around 1950 when it was tail winded and badly damaged. It was abandoned by the Internal Drainage Board and, like most other drainage windmills, replaced by an electric drainage pump.

Many mills are intrinsically historically significant and contain machinery which can represent innovation or be the last example of technology surviving. Many are remote and located in groups which are of significant visual amenity to and epitomise the cultural landscape of the Broads. It is recognised however that some Mills are mainly of landscape value and are in particularly vulnerable or fragile condition and could potentially be lost to the Broads landscape. It is recognised that in some cases it may be acceptable to seek alternative uses for those Mills which are more accessible are of less historic and greater landscape importance and contain little or no significant machinery. In such cases re-use may be appropriate as long as the positive landscape contribution of such mills is retained and enhanced through their creative conservation.

Alternative Options

Sustainability Appraisal Summary

Evidence used to inform this section

³ http://www.broads-society.org.uk/?page_id=2330

⁴ http://www.hardley-windmill.org.uk/index_files/about.htm

Monitoring Indicators

Heritage related comments received as part of the Issues and Options consultation:

Suffolk County Council

A recommendation is that reference to the Norfolk and Suffolk Historic Environment Records should be added, as active databases of the archaeological resource.

Issue 8 Non-designated assets – SCC preferred option would be Option 3: to develop a stronger policy on undesignated heritage assets. This will give greater clarity to applicants.

A stronger policy CS5/DP5 (as above, Issue 8, Option 3) would mean that there is a policy to which a guide could relate.

The approach to archaeology. The approach as set out, which involves improved policies CS5/DP5 as well as a strategy led by Historic England, is one that we would support and encourage.

Interpretation and presentation of cultural heritage. An observation is that to overcome potential difficulties with option 2, Option 3, to develop guidance for cultural and heritage interpretation, could work best in combination with clauses in Policies CS5 and DP5 that require outreach and presentation (as proportionate to significance/impacts of development where related to planning). This might give greater clarity to developers. However, as the majority of the Broads area is in Norfolk, we would encourage further discussion with NCC on this issue.

South Norfolk Council

Issue 8: How do we give further weight to the Local List and undesignated heritage assets (that we know about and those we do not know about)? South Norfolk Council would support Option 3 (A stronger policy on undesignated heritage assets) on the basis that this would strengthen existing policy and align better with the NPPF.

South Norfolk Council would support the improvement of existing policies to reflect the identification of the Broads as an area of exceptional waterlogged heritage.

Historic England

We note that this section is primarily about the historic environment, although wider heritage issues are contained within it. As before, consistency with the NPPF in respect of the terms "historic environment" and "heritage assets" would improve clarity. If you wish to keep elements of the cultural aspects of the Broads in this section in the next iteration, we would suggest renaming the section "Historic Environment and Cultural Heritage", however, we recommend that the cultural elements are separated from the historic environment and that this chapter is renamed "historic environment".

We would recommend this specific textual change: "The Broads has a rich and varied historic environment recognised by the statutory..." We would recommend deleting the word "landmark" from the second paragraph as not all buildings, structures, historic landscapes or features that contribute to local character will be landmarks.

We would welcome development of a policy on the Local List and undesignated heritage assets given the significance and uniqueness of the Broads and the vulnerability to various types of heritage assets from a variety of factors as outlined in the issues and options consultation.

We would recommend this textual amendment: "drainage mills are a defining feature of the historic landscape of the Broads...." We would welcome the development of a policy on drainage mills in principle, however, we note that these buildings and their locations pose particular difficulties and that the options suggested in the consultation document all have significant issues attached. We would recommend that further work and discussion, following the consultation, is undertaken to see if a realistic local policy is achievable.

We welcome the recognition of the Broads as an area of exceptional waterlogged heritage.

In addition to the documents already referred to, we would also direct you to:

HE Advice Note 1- conservation area designation, appraisal and management: <https://historicengland.org.uk/images-books/publications/conservation-area-designation-appraisal-management-advice-note-1/>

HE Advice Note 2- making changes to heritage assets: <https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

HE Advice Note 3- site allocations in local plans: <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

HE Advice Note 4- tall buildings: <https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>

HE Advice Note 5- setting up a listed building heritage partnership agreement:

<https://historicengland.org.uk/images-books/publications/eh-good-practice-advice-note-drawing-up-listed-building-heritage-partnership-agreement/>

HE Advice Note 6- drawing up a local listed building consent order: <https://historicengland.org.uk/images-books/publications/eh-good-practice-advice-note-drawing-up-local-listed-building-consent-order>

Inland Waterways Association

The introduction mentions many of the Broads heritage assets but none relating to those around boats and navigation- a significant omission given how many there are, and how they impact the landscape. How do we give further weight to the Local List and undesignated heritage assets

Option 3 a stronger policy to help manage changes to undesignated assets is needed.

On drainage mills, Option 2 an additional generic policy on reuse of historic and heritage assets will improve the focus on how these can be kept or brought into useful existence, and demonstrate a more flexible response to innovative ideas and good design. This would also avoid the cost and ‘big brother’ approach of listing which might put people off investing.

Broads as an area of exceptional waterlogged heritage: This proposal by Historic England seems an unhelpful ‘blunderbuss’ approach to anyone who wants to conduct any development. Simply saying the whole area is involved merely means increased costs will be incurred by everyone, often unnecessarily. A more focused approach is needed, to help identify smaller areas or sites which have a high likelihood of needing investigation or protection. How can the Local Plan address interpretation of the historic environment and culture in the Broads? Option 2 using a policy or criteria relating to interpretation seems a low key but useful route to follow.

River Thurne Tenants Association

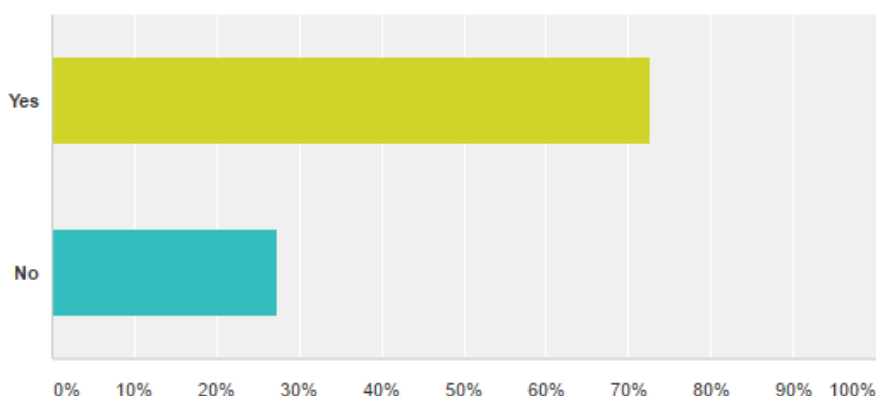
Do you think linking to the past use of a site is important? YES

Why do you think this?

The merits of sites vary from area to area, and the previous uses that they had. The Broads Authority could develop a heritage trail around redundant Broads sites with suitable signage or interpretation to pinpoint the former use of these sites. Where, for instance, can you still find a working traditional Staithe?

Survey Monkey responses: Do you think linking to the past is important?

Answered: 33 Skipped: 8



Why do you think this?

- Historical references are a good way of educating people to past times
- We need a strong policy to protect heritage, historical and cultural sites within the Broads. They are an important part of our past and need to be preserved.
- For tourist reasons.
- Gives a tangible link to the past
- But depends on the historic use as to whether it is worth retaining.

- It depends how significant it was
- We should be aware of our history.
- Move on
- We don't live in the past. History is important but don't overemphasise this by holding things back.
- I don't think it is particularly interesting
- History needs to be discover, we DONT need interpretation board, it is up to the individual to read up about a place.
- difficult to say overall
- As long as in simple form not over the top restrictions
- adds to the tourist attractiveness
- Evolution - like the nose on your face
- Subtlety is important with plaques and signs and so on
- The history of the Broads is very important and should be preserved and not lost.
- It is easy enough these days to do your own research online.
- Or try not to over develop in the first place
- Please spare us from more plaques & signs.
- If it is not preserved in some form part of the heritage of the Broads is lost forever.

Policy X – Land Raising

Schemes that intend to raise land are required to justify this approach as well as explaining what other options to address the issue that land raising seeks to resolve have been discounted and why.

Proposals that involve land raising will not be permitted if they have unacceptable adverse impacts on:

- flood risk on site and elsewhere;
- visual appearance and landscape character;
- existing habitats and mature trees; and
- archaeology.

The application needs to demonstrate how the difference in height between adjacent plots/land holdings will be satisfactorily designed.

Reasoned Justification

Land or buildings are often raised above the existing ground level, usually to reduce the risk of the site flooding (although results are not guaranteed). Dredgings or material imported or won on site (for example resulting from a new mooring basin) may be disposed on a site and the land raised. Such land management to maintain land levels is a historic practice in the Broads. However the impact of land-raising can have negative impacts:

- (i) It can serve to divert flood water onto neighbouring land, particularly in areas primarily affected by fluvial flooding.
- (ii) Land in the Broads area is often wet and of poor load bearing capacity. Surcharging of land with soil or other material may lead to the site sinking over a period of time.
- (iii) On sites which are in close proximity to each other, it affects the relationship of the site to surrounding plots, and to access roads. On waterside sites, the relationship to the river or broad is changed, often leading to the need for higher piling and quay heading, potentially affecting the visual amenity of views from the water.
- (iv) It can be damaging to ecology, geomorphology, trees and other vegetation on the site.
- (v) It can change the character of the landscape. Land raising can increase the height and prominence of new buildings.
- (vi) It can affect the ability to provide alternative flood storage capacity in the drainage compartment.
- (vii) Material being placed on top of other material can impact interrogation to understand archaeology and past human interaction with the environment.

Where land raising could be part of a scheme, applicants are required to explain what issue land raising seeks to resolve, which other options have been considered and the reasons for their being discounted as well as justifying the raising of land.

The disposal of excavated material policy is of relevance.

Alternative Options

Comments received as part of the Issues and Options:

Environment Agency: Land raising has the potential to increase flood risk, which would be contrary to national planning policy. Therefore, any such proposals would need to assess and manage this impact appropriately. Flood Defence Consent be required. Additionally, the disposal of material must be in accordance with the requirements of the Environmental Permitting Regulations 2010.

Norfolk County Council: Important to provide an adaptive approach which could respond to climate change and any other advances in knowledge or technology. The NPPF (Para. 61) requires planning policies to “...address the

connections between people and places and the integration of new development into the natural, built and historic environment”.

RSPB emphasise importance of protected sites

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

DRAFT

Policy x: Landscape

Development proposals which conserve and enhance the key landscape characteristics of the Broads and comply with other relevant policies, in particular, Policy xx (Design) will be permitted.

It should be clearly demonstrated that development proposals are informed by:

- the Broads Landscape Character Assessment (2012 and 2016 supplement); and
- appropriate site based investigations

The design, layout and scale of proposals should both conserve and enhance those landscape features which are worthy of retention and which contribute positively to landscape character including topography, vegetation, natural and other historically typical drainage systems and existing trees which typify the traditional characteristics of the area and safeguard the positive experiential and visual amenity qualities of the landscape.

Where proposals are within designated landscapes (including the AONB and historic park and gardens) they should be based on an understanding of the design principles of the landscape and should be complementary to it. This needs to be demonstrated as part of an application.

The restoration of landscapes where either natural or cultural heritage features of importance have been lost or degraded will be sought.

Development proposals that would have an unacceptable adverse impact on either the character of the immediate or the wider landscape or the special qualities of the Broads will not be permitted.

In exceptional circumstances, where the landscape, biodiversity, navigation, social or economic benefits of a proposal are considered to outweigh the loss of a feature, or the impact on landscape character or existing habitat, the 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.

Reasoned Justification

Landscape means an area as perceived by people, whose character is the result of the action and interaction of natural and/or human factors (definition from the European Landscape Convention).

The Broads is a landscape greatly modified by people over time and it is of international historic and cultural significance. The quality and uniqueness of the landscape, both visually and historically, are central to the attractiveness, distinctiveness and diversity of the Broads. It has high economic and cultural value and is a major draw for visitors to the area. Accordingly, having been awarded status equivalent to a national park, the highest status of protection has been conferred upon the landscape and natural beauty of the Broads. While acknowledging this duty to protect the special landscape quality of the Broads, the Authority recognises the need for a 'living landscape', with development necessary to support local communities and the economy being permitted, subject to criteria to protect and enhance the essential qualities of the landscape.

Despite its distinctiveness, the landscape of the Broads is not homogeneous and there are areas better able to accommodate change than others. The Authority has undertaken a Landscape Character Assessment which identifies 31 distinctive local character areas. The key characteristics which combine to give a particular area its unique sense of place can be found, incorporating information on topography, land cover and important landscape features.

Where appropriate, development proposals will be expected to be accompanied by a landscape statement that assesses the impact of the proposal on the landscape and details the measures that will be implemented to mitigate any adverse impact. To ensure development proposals do not have a detrimental effect on the distinctive character, condition, features and sensitivities which include amenity and experiential qualities, of the landscape. The Landscape Character Assessment should be considered by applicants and will be used by the Authority to assess the impact of development proposals and the suitability of any proposed mitigation measures. The Broads BAP and County species and habitat action plans will also be used when assessing the appropriateness of landscaping schemes, together with the potential for enhancements for wet and dry woodlands, hedgerows and associated species.

The Broads is principally an open and low-lying environment. However, there are areas where trees and other natural features form essential features of the Broads landscape, providing vital habitats for a range of species as well as having potential historic/cultural significance in demonstrating traditional land management. Where a development would involve works that could affect any tree or landscape feature, detailed site plans showing the species, spread, roots and position of these features must be submitted alongside the proposal. This plan should be accompanied by an arboriculture assessment carried out in accordance with the relevant British Standard that explains which features, if any, will be removed or cut back, and how any of these features will be protected during the course of the development. Details of replacement trees or hedges, including measures for maintenance and aftercare should also be included.

Alternative Options

Comments received as part of the Issues and Options:

South Norfolk Council would support the inclusion of a general landscape policy in the Broads Local Plan although it would be important for any such assessment to be consistent across Local Planning Authority boundaries.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x Natural Environment

All development shall:

- 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.

Proposals on previously developed/brownfield land may require surveys to determine if the site has open mosaic habitat on previously developed land¹. If the assessment then concludes that the site is of high environmental value, the design of the scheme is required to protect and enhance these areas and/or design appropriate compensation and off site mitigation measures.

Development proposals where the principal objective is to restore or create new habitat will be supported.

Any proposal which would adversely impact a European site, or cause significant harm to a SSSI will not normally be granted permission. Development should firstly avoid, then mitigate and, as a last resort compensate for adverse impacts on biodiversity and geodiversity.

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, a Habitat Regulation Assessment under the Habitats Regulations, 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 satisfactorily for adverse effects, the development will not be permitted. If there is no alternative solution, the consideration of imperative reasons of overriding public interest, despite a potentially negative effect on site integrity can be considered.

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) There is no significant harm to the features of the site
- f) The benefits of the development clearly outweigh the impact of the development on the features of the designated site and the contribution that the designated site makes to the network of habitats and/or geological features in England; and
- g) 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 section 41 priority habitat identified under the Natural Environment and Rural Communities (NERC) Act 2006, or a local site of geodiversity, including peat soils, will only be permitted in exceptional circumstances, having regard to the international, national, regional and local importance of the site

¹ For more information go here

<https://www.buglife.org.uk/sites/default/files/Identifying%20open%20mosaic%20habitat.pdf> and here http://jncc.defra.gov.uk/pdf/UKBAP_BAPHabitats-40-OMH-2010.pdf.

in terms of its contribution to biodiversity, scientific and educational interest, geodiversity, visual amenity and recreational value.

Development that would be likely to have an adverse impact on a legally Protected Species or Priority 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 required... Where the proposed development would impact upon European Protected Species or habitats it must also be demonstrated that:

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

Reasoned Justification

The Broads is a biodiversity resource of international importance, recognised by various national and international conservation designations. Despite these designations, the ecosystem of the Broads is under considerable pressure. Climate change, water quality, habitat fragmentation, non-native species and scrub encroachment all pose threats to biodiversity in the Broads, while demands for higher levels of food production, waste disposal, infrastructure and small-scale developments are also placing strains on the natural environment. As a result, the proportion of SSSIs considered to be in an 'unfavourable condition' (44.1%) is significantly above the national average.

Protected sites and species

Protecting and enhancing the natural environment is a statutory purpose of the Broads Authority. The Authority also has a legal duty under the Natural Environment and Rural Communities Act 2006² and the Wildlife and Countryside Act 1981³ to protect and enhance biodiversity. Development proposals will therefore be expected to consider the protection and enhancement of biodiversity from the outset. In particular, proposals should take opportunities for the restoration and enhancement of priority habitats and species identified in the Broads BAP and the Norfolk Ecological Network Mapping Report (under preparation at the time of writing) and incorporate appropriate beneficial biodiversity conservation features.

Sites of nature conservation value will be strongly protected from development that is likely to damage the features that provide their special value. A Habitat Regulation Assessment will be

² **Natural Environment and Rural Communities Act, 2006.** Section 40 places a duty on public authorities to conserve biodiversity - for the first time. This section states that (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity, and (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat. This places a duty on all Local Authorities to conserve wider biodiversity in addition to the statutory protection given to certain sites and species. Also Section 55 changes the situation regarding the Local Authority role and SSSI protection. Guidance for Local Authorities on Implementing the Biodiversity Duty has been produced by Defra. Section 41 refers to the list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity.

³ The legislative provisions in Great Britain for the protection of wild animals are contained primarily in the **Wildlife and Countryside Act, 1981**, Sections 9-12, the wild animals which are protected are listed in Schedules 5-7 of the Act and the provisions for the granting of licenses and enforcement are set out in Sections 16-27. In England and Wales, enforcement provisions were extended and some amendments for protection made by the Countryside Rights of Access Act 2000 (CRoW act) Section 81 and Schedule 12.

required for all proposals that are likely to have an effect on a SPA, SAC or Ramsar site. Proposals will only be permitted if they do not adversely affect the integrity of the site. Development that may have a damaging or negative impact upon a SSSI, National Nature Reserve, Local Nature Reserve, habitat identified in the UK, Norfolk or Suffolk Biodiversity Action Plan or local site of geodiversity must be accompanied by a suitable environmental assessment that identifies the impact of the development on the site and proposes mitigation measures that would be incorporated to minimise any impact. Natural England must provide approval for any unconsented operations within SSSI and NNRS.

Where protected species are likely to occur, development proposals should be accompanied by a protected species survey undertaken by a competent and suitably qualified ecologist and submitted with an application. The survey should include an appraisal and appropriate survey evidence of the likelihood and level of presence of the protected species and provide sufficient information to assess the effects of the development on the species, together with any proposed prevention, mitigation or compensation measures. A key test will be whether the viability of the species or habitat would be maintained at this site for the foreseeable future. Where the species is protected under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations)⁴ it will also be necessary to demonstrate that any harm to the species is justified by reasons of overriding public interest. This public interest may relate to public health, public safety, beneficial consequence of primary importance to the environment, or other reasons of a social or economic nature.

Where development is likely to have an adverse impact upon a species not protected by the Habitats Regulations, and in particular where that species is identified on the UK priority species list (section 41 of the Natural Environment and Rural Communities Act 2006), there will still be an expectation that the development proposal will be accompanied by an impact study commensurate with the scale of the impact and the importance of the species and that mitigation and compensation measures are considered under an appropriate decision making hierarchy.

The Authority has produced a Biodiversity Enhancements guide which will help applicants in providing beneficial biodiversity features <<link>>.

Geodiversity

'Geodiversity' is the variety of rocks, fossils, minerals, landforms and soils, along with the natural processes that shape the landscape that forms the earth heritage resource. Although there are currently no designated Regionally Important Geological or Geomorphological Sites (RIGS) in the Broads, there is one SSSI designated for its geological interest, Bramerton Pits. Local geodiversity interest is 'Holocene peatland and marine alluvium giving rise to open water, fen and carr habitats; broads developed in former early Mediaeval peat diggings; rivers including lower reaches of Bure, Waveney and Yare and their tributaries including Ant, Chet and Thurne⁵.' New development has the potential to result in the loss of geodiversity, including the valuable biodiversity and carbon stores

⁴ These animal and plant species are listed on Annex IV of the **Habitat Directive**. The animals (not birds) are protected under Regulation 41 of the Habitats and Species Regulations 2010 and are listed on Schedule 2 of these Regulations; plants are protected under Regulation 45 of the Habitats and Species Regulations 2010 and are listed on Schedule 5. The European Protected Species Guidance note advises developers and planners of their responsibilities towards European Protected species.

⁵ <https://sites.google.com/site/norfolkgeodiversity/action-ngap/3-protecting/protected/parks-nnrs>

supported by peat soils, through operations such as landfill, destruction of geomorphology (landform) and mineral extraction. However, there is also potential to enhance geodiversity by recording sediments exposed during development and by the retention of geological sections. The Authority will therefore ensure development is managed to protect this important asset.

Brownfield Sites Brownfield sites can be havens for wildlife, supporting some of the UK's most threatened species. Brownfield sites are any piece of land which has been altered by human activity. Brownfield Sites are now listed as a Priority Habitat in Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act) under the name of 'Open mosaic habitat on previously developed land'. These habitats can be extremely diverse, supporting a wide range of terrestrial and aquatic habitats.

The NPPF says:

111. *'Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.'*

The NPPG expands on this by saying:

'This means that planning needs to take account of issues such as the biodiversity value which may be present on a brownfield site before decisions are taken.'

The Wildlife and Countryside Link discuss what 'high environmental value' means:

'A site should be considered of 'high environmental value' in biodiversity terms if:

- *It contains priority habitat(s) listed under section 41 Natural Environment and Rural Communities Act 2006*
- *The site holds a nature conservation designation such as Site of Special Scientific Interest, or is defined as a Local Wildlife Site (or equivalent) in local planning policy.'*

The policy's requirement for a survey in relation to brownfield/previously developed land needs to be undertaken by a competent ecologist and submitted with an application. This is not about preventing development on brownfield land, but it is about ensuring development considers the potential habitat and taking this into consideration in its design and delivery. This is not at the expense of other habitats. This recognises that the majority of development in the Broads tends to occur on brownfield land.

Planning conditions

Wherever a proposed development may have a detrimental impact upon a designated site or protected species, conditions and/or planning obligations will be used to ensure that appropriate mitigation measures are implemented.

Alternative Options

Comments received as part of the Issues and Options:

IWA: It needs to be born in mind that providing off-site compensation is not always possible for small private developers.

Natural England: advise that the Plan should ensure protection and enhancement of biodiversity and geodiversity. Distinction should be made between the protected sites hierarchy of European (i.e. Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites), national (i.e. Sites of Special Scientific Interest (SSSIs)) and local (e.g. Local Wildlife Sites (LWS)) sites. The Plan should also make clear that any proposal which would adversely affect a European site, or cause significant harm to a SSSI will not normally be granted permission. Criteria should also be set out to firstly avoid, then mitigate and, as a last resort compensate for adverse impacts on biodiversity and geodiversity.

NCC: There are clearly opportunities likely to arise for development to occur on brownfield sites within the lifespan of the emerging plan. This may reduce pressure on other sites within the LPA boundary, the brownfield sites can have significant biodiversity value in themselves.

RSPB: The Local Plan should acknowledge the possibility that brownfield sites could be of 'High Environmental Value' and should require the developer to establish whether that is the case as part of the application process.

SWT: support protecting the biodiversity value of brownfield sites.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy x – Open Space on land, play, sports fields and allotments

- Existing Provision. See map x

Development that would result in the loss of existing sport, recreational, allotment or amenity open space will only be permitted if it can be demonstrated (through a local assessment):

- that there is an excess of recreational or amenity open space in the entire settlement (in and out of the Broads) and the proposed loss will not result in a current or likely shortfall during the plan period; and
- recreational facilities within the open space will be enhanced by the proposed development on an appropriate portion of the open space; or
- the community would gain greater benefit from the developer providing a suitable alternative recreational or amenity open space of an equivalent quality in an equally accessible and convenient location.

The development of existing open space with an ecological value (a known biodiversity or nature conservation interest) will not be permitted.

- New Provision

All new residential development (other than householder development) is expected to provide a contribution towards outdoor playing space. There will be a presumption that open space, play, sport and recreation facilities will be provided on the development site.

Where on-site provision is provided, the space should be of the appropriate type to serve the needs of the development, and well related to the proposed residential properties in accordance with relevant standards.

It is recognised that there may be scenarios where the direct provision of open space on-site is not the preferred option. Contributions in lieu of on-site provision will be the exception and will need to be supported by robust evidence from the applicant that on-site provision is not preferable. Any contribution will need to be to a specific deliverable scheme in consultation with the relevant parish council and the developer contributions policy in this document. The contribution will be required to name a specific scheme (site and type of provision).

In addition to the on-site and off-site contributions, a contribution will be required for maintenance of the facility. The contribution will be proportional to the type of facility provided.

- Standards

The Broads Authority will defer to the standards set by the relevant constituent district council.

- Cemeteries and burial grounds

Development proposals for new cemeteries and burial grounds that comply with other relevant policies will be permitted where they are:

- appropriately sited in a sustainable location.
- designed to make the most of opportunities to improve and/or create new biodiversity, habitats and green infrastructure; and
- will have no adverse impact on controlled waters including groundwater and surface water.

Reasoned Justification

The provision of public open space, sports fields, play space and allotments are essential in promoting active living and providing important physical, psychological and social health benefits for the community. They can also contribute to mental health and community wellbeing. The Authority therefore considers it important to retain open spaces, including children's play space and sports facilities, which are valued by local communities and/or add to the local character, unless a suitable alternative can be provided and to create new open spaces that are located within or close to housing developments, that are safe and accessible for all members of the community. This policy sets out criteria for assessing proposals relating to these land uses.

Because our constituent districts assess the entire district in relation to need for these uses, including that part which is the Broads, it is appropriate and reasonable to defer to the standards set in their Local Plans. To do

otherwise could skew open space need and does not reflect that these facilities are beneficial to and used by the entire community/settlement regardless of Local Planning Authority boundary.

Some of the Authority's constituent councils have adopted the Community Infrastructure Levy (CIL) and play, allotments and open space are part of the charging schedule. There is no CIL in the Broads Authority and therefore the Authority relies on S106 agreements (to which there are pooling restrictions now in place) to provide these.

With regards to off-site provision in the policy, the Authority acknowledges that open space may not represent an efficient use of land in the context of a particular site location or that there could be a deliverable opportunity to secure a more meaningful area of open space that better serves the whole community in close proximity to the application site.

The Authority will defer to standards and/or policies of constituent councils. Furthermore the Authority will liaise with the constituent councils regarding ongoing management of the space.

Regarding requiring off-site contribution, applications will be assessed on an individual basis in liaison with the relevant council and the Authority will use planning obligations where appropriate and viable to secure contributions.

If a proposal is below the threshold for on-site contributions and if the relevant council has CIL in place, the Authority will base off-site commuted sum on that Council's commuted sum rates which could be pre-CIL and adjusted for inflation.

With regards to the local assessment, this would be undertaken by the applicant and then assessed by the Authority in liaison with the relevant district council. The assessment must look at the entire settlement, including that part of the settlement outside of the Broads. The assessment will also assess whether alternative provision is available in the vicinity without causing an unreasonable reduction or shortfall in meeting the local need.

Cemeteries and burial grounds are a much valued and sensitive type of green infrastructure asset. All proposals for new cemeteries and burial grounds should be in a sustainable location with good links to suitable access networks. The development proposals should have due regard to the character of the surrounding area especially those relating to the special qualities and retain any existing landscape features such as hedges and trees. Any opportunities to improve and/or create new biodiversity, habitats and green infrastructure should also be taken. It will be necessary to demonstrate that the proposed cemetery will not have an adverse impact on ground or surface water.

The design of any open space and its integration into a proposed scheme, streetscape and landscape is an important consideration. Design standards as well as experience of the relevant council will be applied.

The maps at appendix x show areas of open space that were assessed as part of open space assessments which have been completed by our constituent districts. Whilst the districts assessed the entire district, including that which is the Broads, they only allocated open space in their Local Planning Authority area. Working with our districts we have allocated the open space assessed as part of their assessments, which falls within the Broads Authority Executive Area. It is important to note that this is a snap shot in time and reflects the open space at the time of writing. Many of our districts intend to update their assessments as part of their Local Plan production. The Authority will defer to the most up to date open space assessment.

Alternative Options:

Comments received as part of the Issues and Options:

South Norfolk Council would support Option 3 to include a policy in the new Local Plan that refers/defers to existing and future play and open space policies in constituent districts policy documents. South Norfolk is planning to review its current open space standards in the near future and some early dialogue has taken place with the Broads Authority about being involved in this process. The issue of management of open space and play areas needs to be carefully considered and it should not be assumed that South Norfolk will automatically take on responsibility for management.

Norfolk County Council: Public Health welcome the acknowledgements given to the value of open spaces, play etc. to public health and the consideration given to approaches to address land-based open space, allotments and play requirements in the Broads.

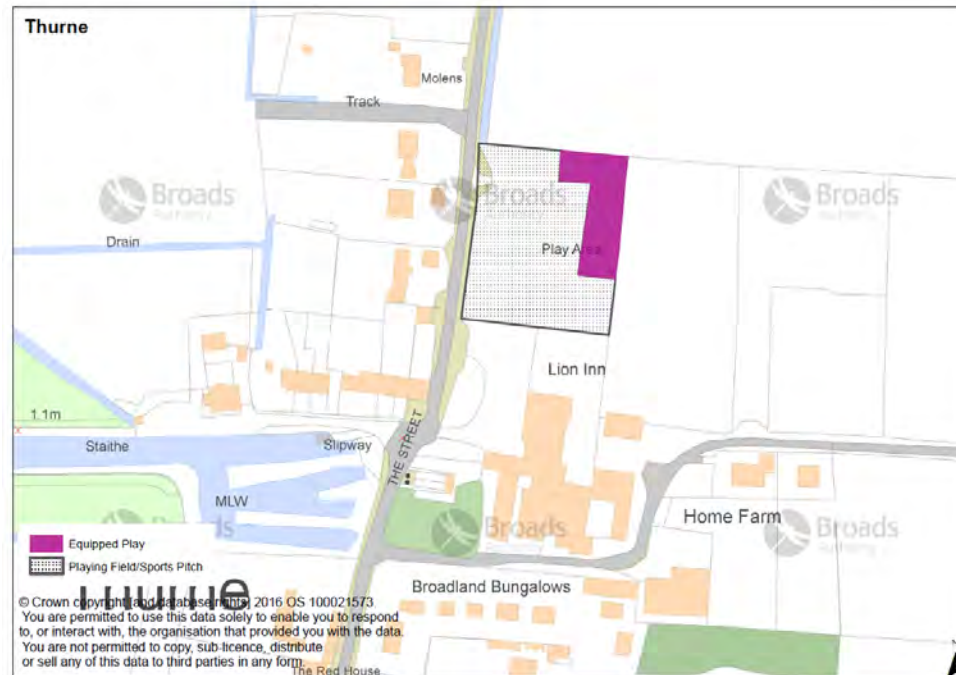
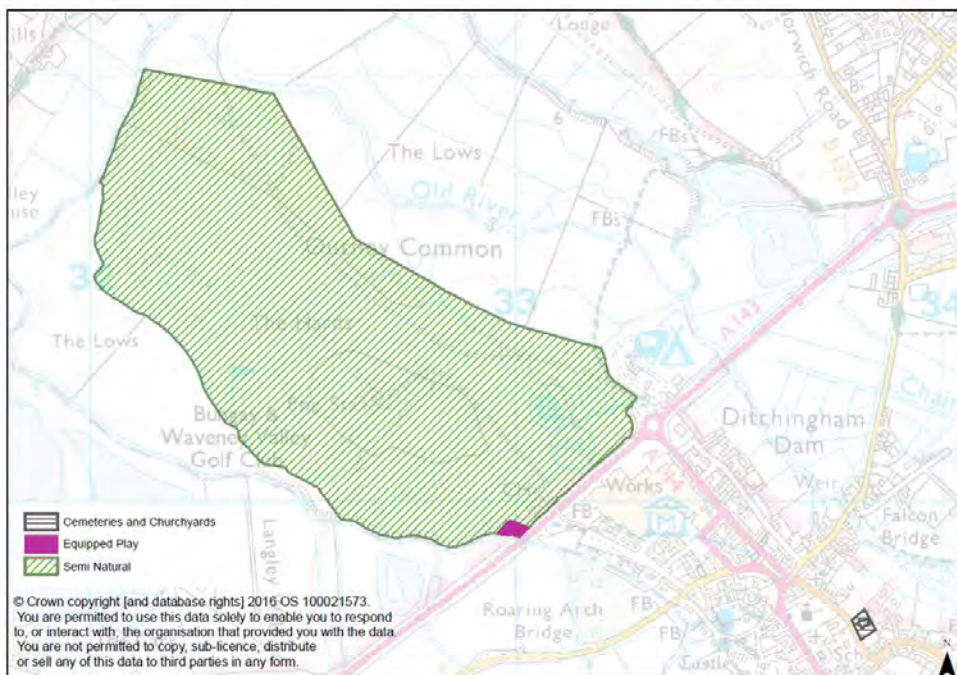
The **RSPB** considers that there does need to be a guiding principle established as to the requirement for open space and play areas to be included in the design of developments. It should be clear what would be expected to be provided, although the scale of provision could be determined by the planning process.

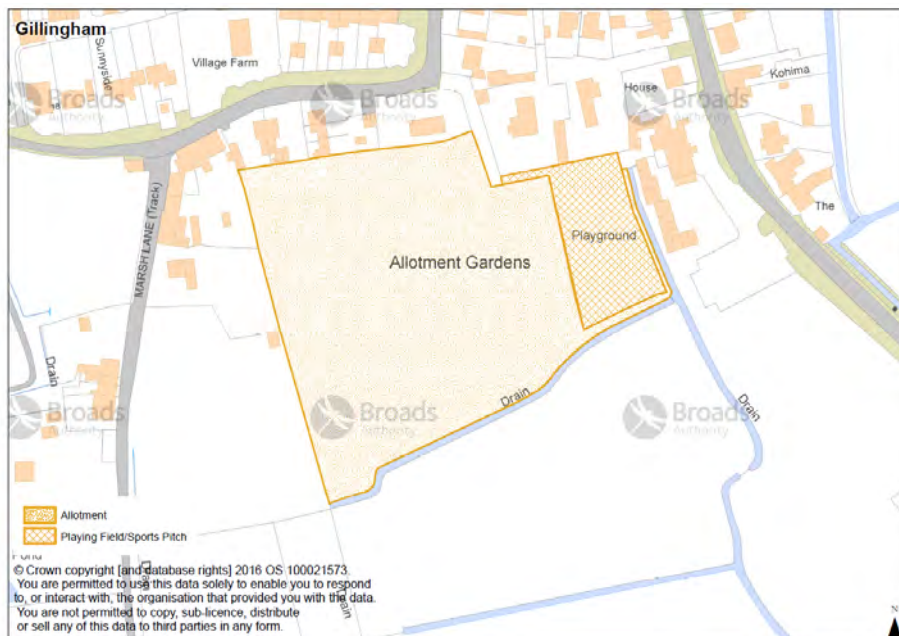
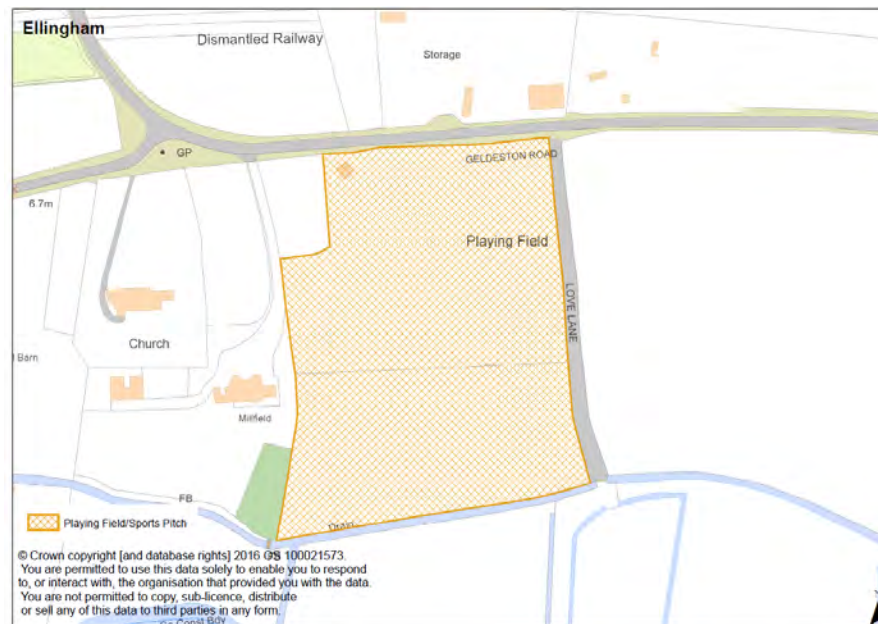
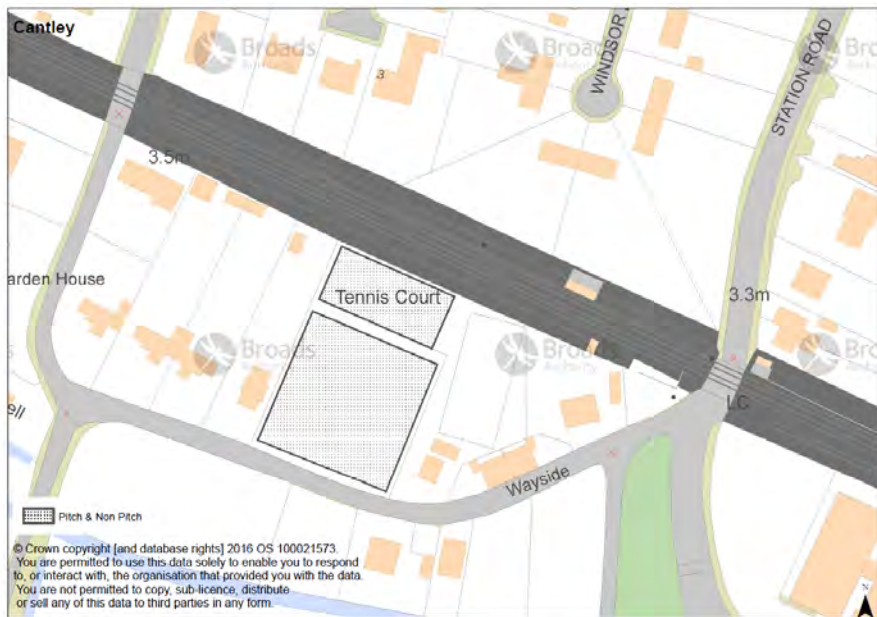
Sustainability Appraisal Summary

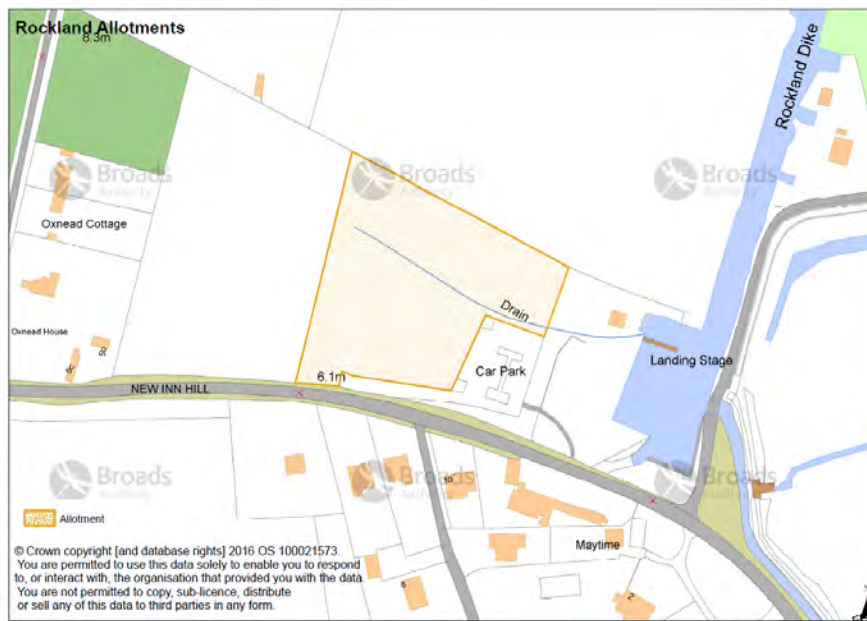
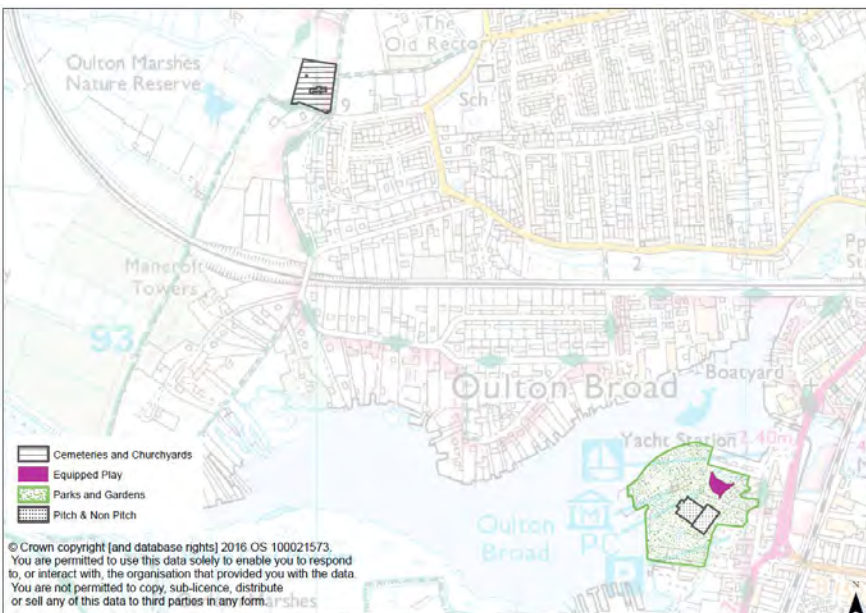
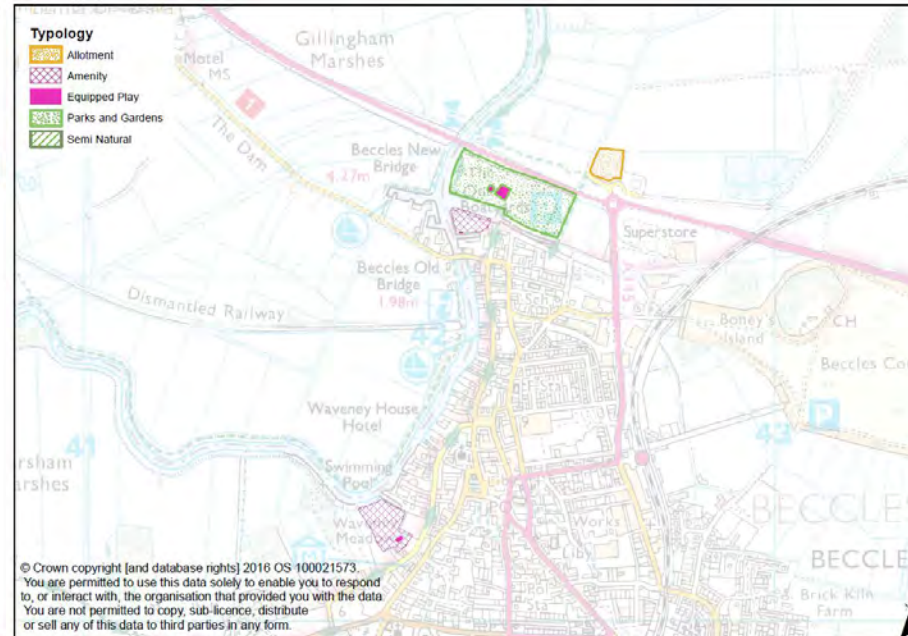
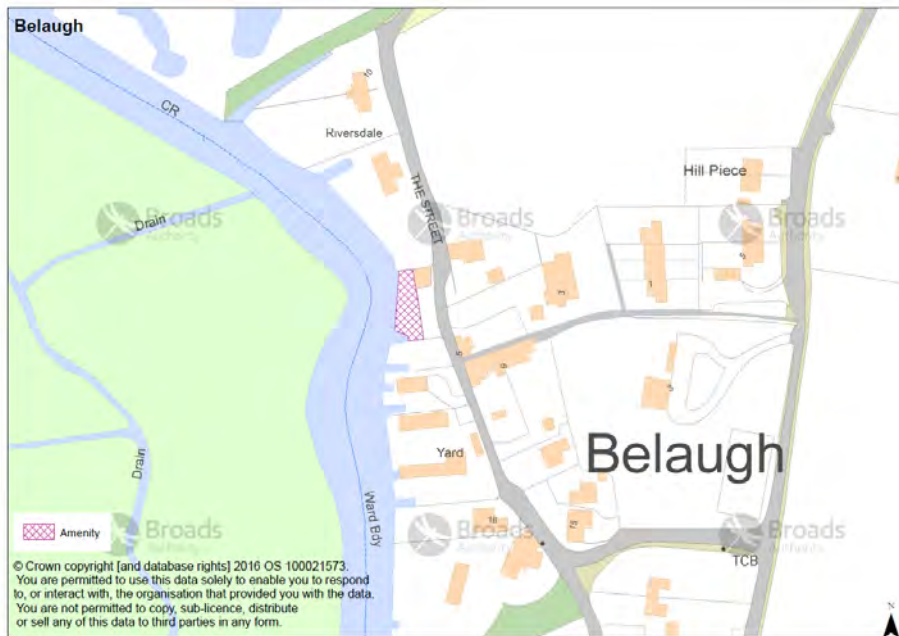
Evidence used to inform this section

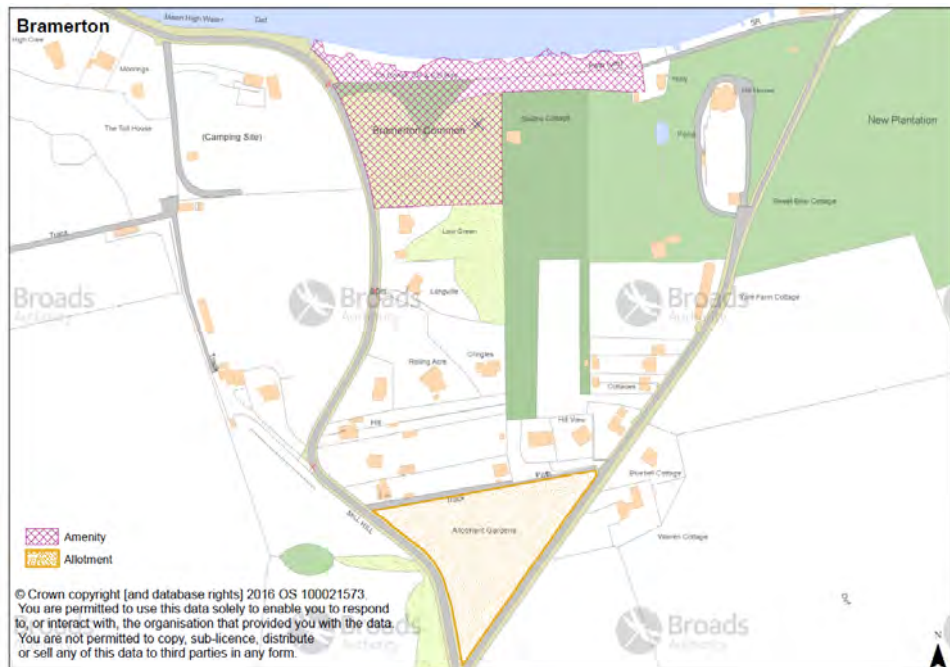
Monitoring Indicators

Appendix x: Open Space maps. Note that these are draft maps and the symbols will be amended to make consistent.









Policy XNS 6: Waterside Pubs Network

Main Map (NE, NW and S), and Inset Maps 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13

The following establishments, identified on the Adopted Policies Map, will be protected in their public house use as key parts of a network of community, visitor and boating facilities, as well as for their individual contribution to such facilities.

The Authority will support appropriate proposals which

- contribute to the viability of these businesses;
- improve the visual impact;
- provide benefits to river/water users (such as canoe slipways and electric charging points);
- provide well designed cycle parking facilities;
- upgrade/improve foul drainage arrangements;
- improve resilience to flood risk; and
- address light pollution.

~~Environmental improvements at such premises will be encouraged for their visual impact and contribution to the viability of these businesses. Opportunities to upgrade/improve foul drainage arrangements and also improve resilience to flood risk should be taken.~~

YARE

Rushcutters, Thorpe Green
 River Garden, Thorpe Green
 Town House, Thorpe Green
~~Woods End~~ Water's Edge, Bramerton
 Ferry House, Surlingham
 Coldham Hall, Surlingham
 Yare, Brundall Riverside
 New Inn, Rockland
 Beauchamp Arms, Claxton
 Reedcutters, Cantley
 Reedham Ferry Inn, Reedham
 Lord Nelson, Reedham
 Berney Arms, Berney Arms
 The Ship, Reedham

BURE

Norfolk Mead Hotel, Coltishall
 King's Head, Coltishall
 Rising Sun, Coltishall
 King's Head, Hoveton
 Hotel Wroxham, Hoveton
 Swan, Horning
 New Inn, Horning
 Ferry Inn, Horning
 Bridge Inn, Acle

ANT

Cross Keys Inn, Dilham
 Wayford Bridge Hotel, Wayford Bridge
 Sutton Staithe Hotel, Sutton Staithe
 White Horse, Neatishead
 Dog, Johnson Street (Ludham Bridge)

THURNE

Pleasure Boat, Hickling
 Broadshaven Hotel, Potter Heigham Bridge
 Lion, Thurne

TRINITY

~~Eels Foot Inn~~ The Boathouse, Ormesby
 Filby Bridge Inn, Filby

WAVENEY

Locks Inn, Geldeston
 Waveney House Hotel, Beccles
 Waveney Inn, Burgh St. Peter
 Duke's Head, Somerleyton
 Bell Inn, St Olaves
 Fisherman's Bar, Burgh Castle

OULTON BROAD

Wherry Hotel, Oulton Broad

Hermitage, Acle
Ferry Inn, Stokesby
~~*Pontiac Roadhouse, Stracey Arms*~~
Maltsters, Ranworth

Commodore, Oulton Broad
Ivy House Hotel, Oulton Broad

PARISHES AFFECTED

Acle CP, Beccles CP, Bramerton CP, Brundall CP, Burgh Castle CP, Burgh St. Peter CP, Cantley CP, Carleton St. Peter CP, Coltishall CP, Dilham CP, Fritton and St. Olaves CP, Geldeston CP, Halvergate CP, Hickling CP, Horning CP, Hoveton CP, Ludham CP, Ormesby St. Michael CP, Potter Heigham CP, Reedham CP, Rockland St. Mary CP, Rollesby CP, Somerleyton, Ashby and Herringfleet CP, Stalham CP, Stokesby with Herringby CP, Surlingham CP, Sutton CP, Thorpe St. Andrew CP, Thurne CP, Woodbastwick CP, (and also Oulton Broad, not parished).

CONSTRAINTS & FEATURES

Almost all these premises are in zones of high flood risk.

Some are in conservation areas, or areas of archaeological interest. Some themselves are of historic interest, including listed buildings.

Some are within or close to SAC, SPA, SSSI, Ramsar, CWS, etc.

SUSTAINABILITY APPRAISAL CONCLUSION

To follow

PLANNING SUMMARY ASSESSMENT

The waterside pub network is very important especially for recreational boating, but also to local communities and non-boating visitors. Whilst this can be said about a very wide range of establishments and locations, public houses have, for a variety of reasons, been especially vulnerable to closure in recent years.

~~*Core Strategy policy CS9 and CS23 seek to support a network of tourism, recreational and community facilities throughout the Broads system (CS23 specifically in relation to waterside sites) and protect against loss of existing services.*~~

The loss of any particular pub (or other establishment) can sometimes be difficult to resist. By specifying in the ~~development~~ Local plan that these are part of a defined network will strengthen the planning case against any individual closure. Importantly, it will also signal the planning stance and help ensure consistent messages are received by owners and prospective developers of the identified establishments to guide their own plans.

The policy seeks the retention of the pubs as public houses and gives support to appropriate improvements to the pub that will ensure the pub stays viable. Such improvements could include the appearance of the pub as well as provision of specific facilities for water and road users (such as canoe slipways and well-designed and located Sheffield Stand cycle parking).

Due to the seasonality, proximity to the watercourse and the nature of the effluent which can pose a significant local risk to the water environment, drainage is an issue which this policy seeks to address. Ensuring that there is no deterioration in water quality is an

important requirement under the Water Framework Directive which applies to all surface water bodies and groundwater bodies.

As set out in policy x, addressing light pollution in the Broads is an important aspect of the Local Plan. These establishments can be in rural areas, sometimes away from or on the edge of settlements and any external lighting can have a significant impact on the tranquillity of the area. Proposals need to address light pollution.

In cases where owners wish to pursue other forms of use of the public houses, they will be required to submit a report undertaken by an independent Chartered Surveyor that meets the tests as set out in the CAMRA Public House Viability Test¹ with any planning application.

MONITORING INDICATORS

To follow

¹ <http://www.camra.org.uk/documents/10180/36197/PHVT/725c3a01-9c07-4b2b-b263-a1842bef09b7>



Renewable & Low Carbon Energy Topic Paper
Broads Authority Local Plan
July 2016

1. Introduction

The NPPG says that:

'When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation.'

Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon developments over 50 megawatts capacity are currently considered by the Secretary of State for Energy under the Planning Act 2008, and the local planning authority is a statutory consultee.

Microgeneration is often permitted development and may not require an application for planning permission.

In considering that potential, the matters local planning authorities should think about include:

- *The range of technologies that could be accommodated and the policies needed to encourage their development in the right places;*
- *The costs of many renewable energy technologies are falling, potentially increasing their attractiveness and the number of proposals;*
- *Different technologies have different impacts and the impacts can vary by place;*
- *The UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources.*

Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.

This Topic Paper brings together literature on renewable energy in general as well as relating specifically to the Broads Authority Executive Area.

2. Renewable Energy Demands of the Broads

The Broads Authority commissioned a study to review renewable energy solutions in the Broads (Hickey, 2013). The study concluded that:

'The most efficient and immediate solution for renewable energy generation in the Broads is a combination of GSHP (Ground Source Heat Pumps), ASHP (Air Source Heat Pumps), SG (Solar Greenhouses) and AD-CHP (Anaerobic Digestion Combined Heat and Power). SG or integrated amorphous technology (thin film a-Si) or Solar Slates offer the best form of domestic electricity generation taking the aesthetic constraints of the Broads into consideration.'

3. Solar panels and solar farms

The Broads Landscape Sensitivity Study assessed the impact of solar photovoltaics on roofs (panels) as well as in fields (farms). The maps have been copied into this report:

- Figure 4.11: Solar PV – overall landscape sensitivity
- Figure 4.12: Sensitivity to roof mounted solar PV requiring planning permission
- Figure 4.13: Sensitivity to roof mounted solar PV of up to 1 hectare area
- Figure 4.14: Sensitivity to small scale field mounted solar PV of up to 1 hectare area
- Figure 4.15: Sensitivity to medium scale field mounted solar PV of 1-5 hectares area

i) Solar PV

It can be seen from the assessment on the maps that the Broads landscape’s sensitivity to solar PV tends to be fairly high, both in terms of landscape character and representation of special qualities. Reflecting these attributes, the assessment has found that there are no landscapes in the Broads which score low or moderate-low to the development of solar PV schemes.

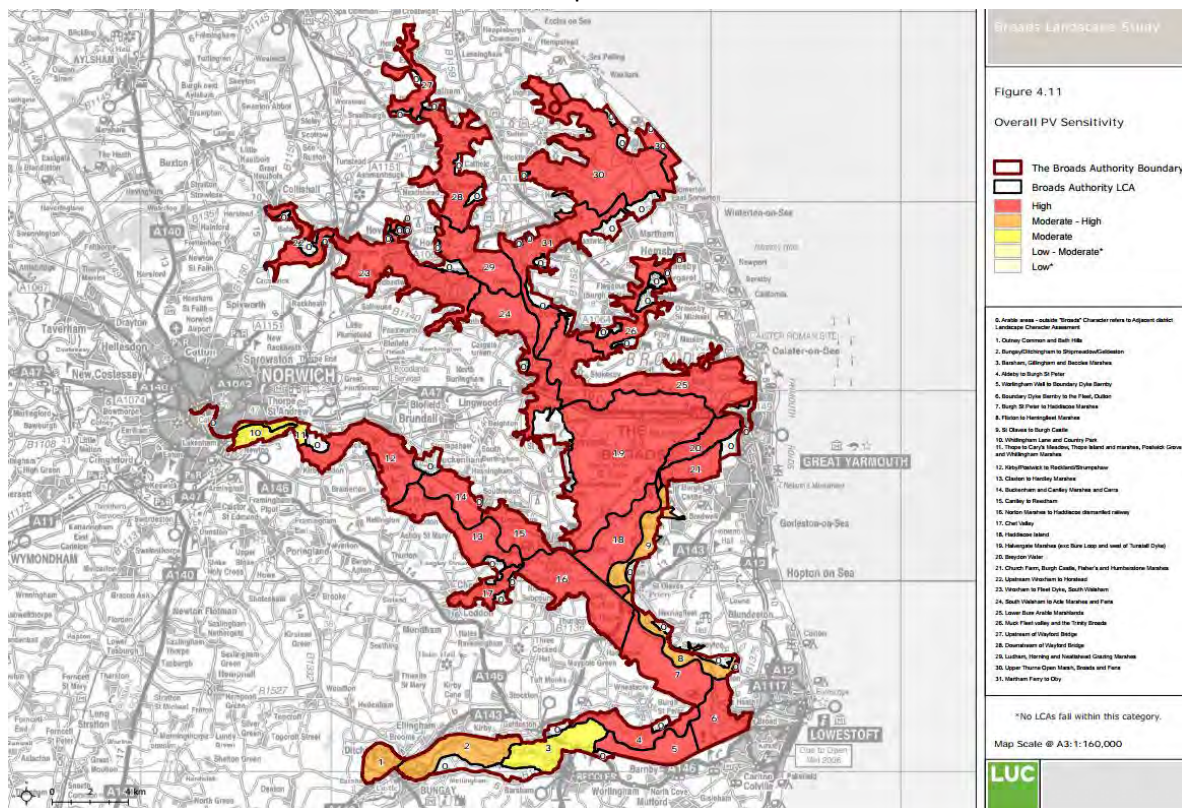


Figure 4.11: Solar PV – overall landscape sensitivity

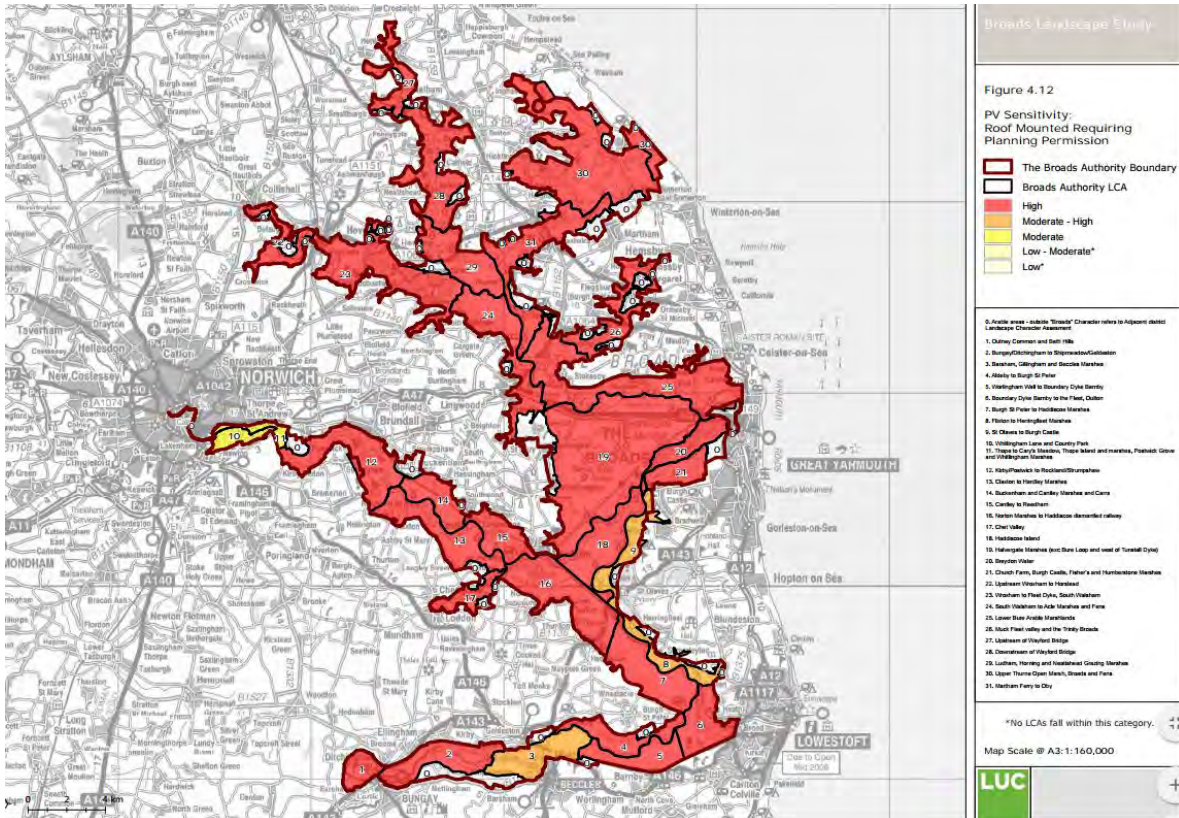


Figure 4.12: Sensitivity to roof mounted solar PV requiring planning permission

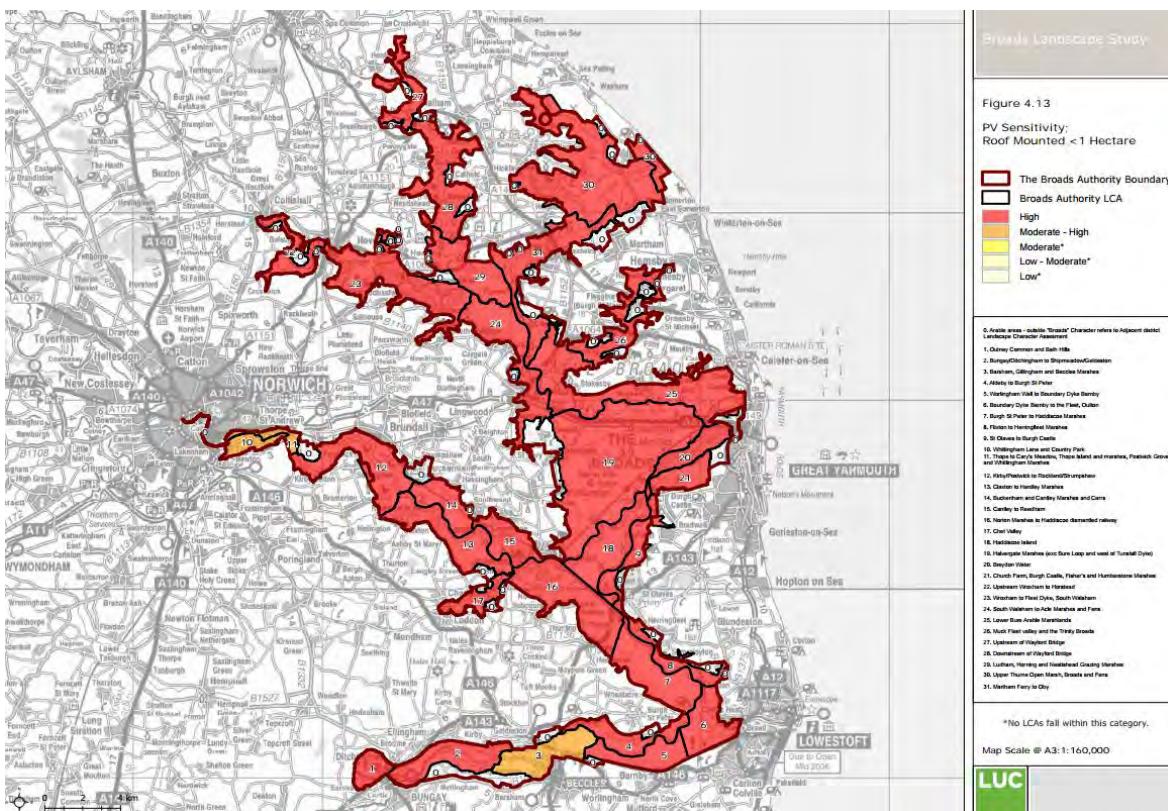


Figure 4.13: Sensitivity to roof mounted solar PV of up to 1 hectare area

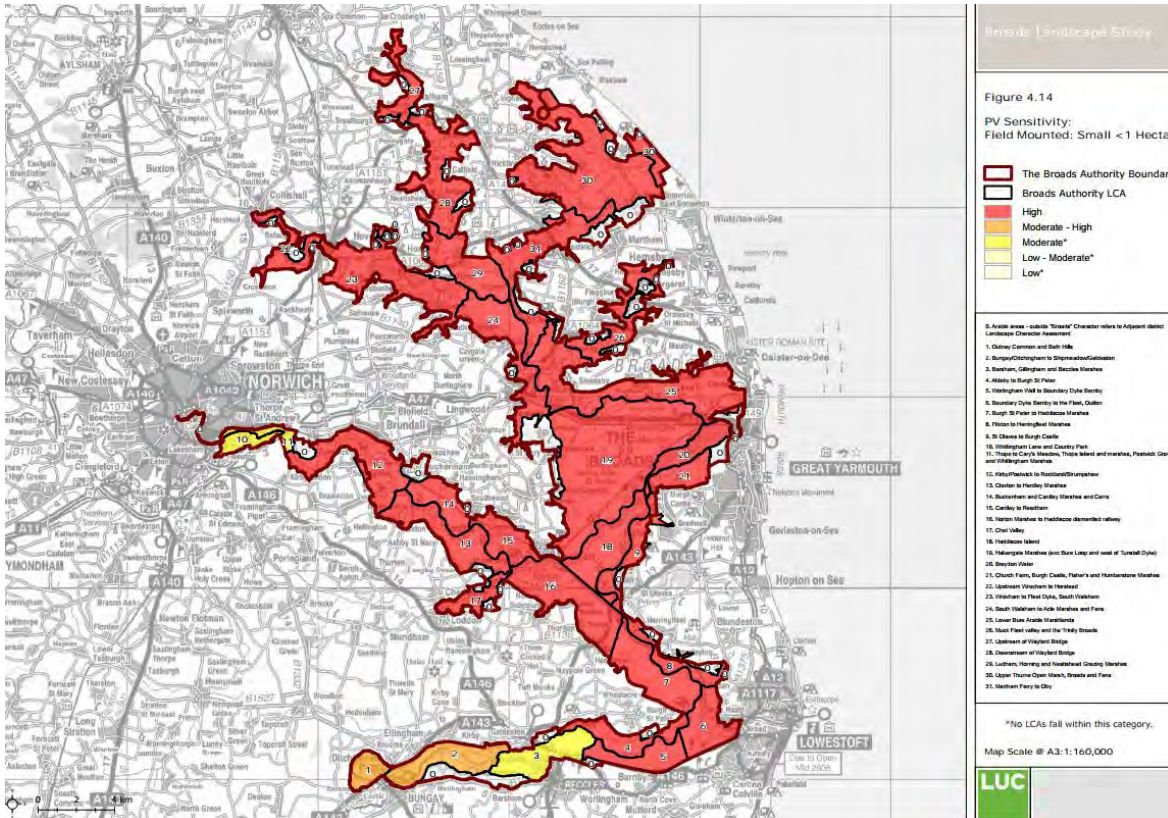


Figure 4.14: Sensitivity to small scale field mounted solar PV of up to 1 hectare area

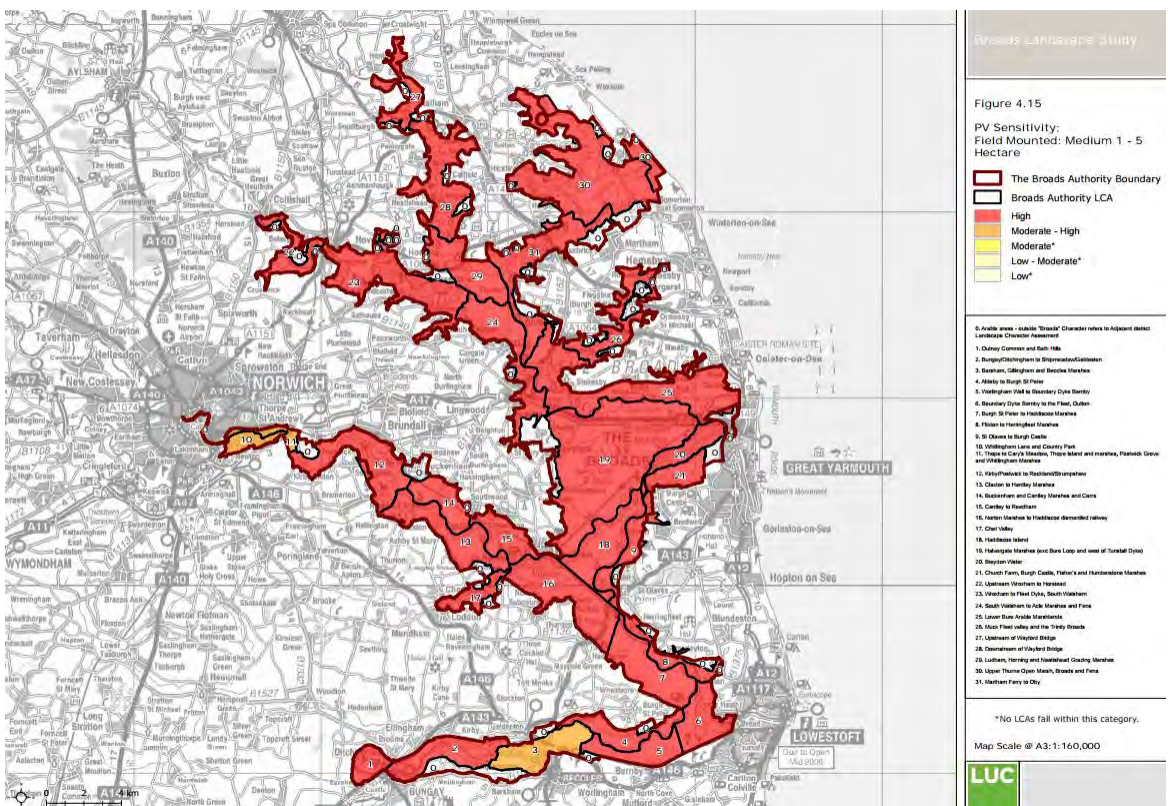


Figure 4.15: Sensitivity to medium scale field mounted solar PV of 1-5 hectares area

ii) Solar panels in the Broads

Solar tiles or solar slates are mounted on the roof, in place of the roof tiles. Being integrated into the roof of buildings, as well as potentially of a similar colour to the roof tiles, they can have less of an impact on the street scene and landscape than larger panels which are mounted on the roof tiles. In comparison to solar panels they may be considered appropriate on Listed Buildings or in Conservation Areas. Solar tiles or solar slates are however less economically viable than solar panels and this could inhibit their use.

4. Battery storage capacity¹

The application areas discussed here were determined by examining the applications of battery storage most directly related to wind and solar PV power integration. Batteries can be deployed to aid the integration of renewable energy, especially solar and wind power. These are variable renewable energy sources as the energy produced fluctuates depending on the availability of the resource.

Any deployment of battery storage is highly likely to be closely associated with either solar energy systems or wind energy, and therefore the suitability would be restricted to where these technologies would be considered appropriate, please see sections 3 and 7.

5. Heat pumps

There are three types of heat pumps currently available, Air Source Heat Pumps (ASHP), Ground Source Heat Pumps (GSHP) and Water Source Heat Pumps (WSHP).

Air Source Heat Pumps

An ASHP can offer a full central heating solution and domestic hot water up to 60 degrees. They are significantly easier to install than a GSHP, given no excavation or heavy machinery is required. The installation of a microgeneration ASHP benefits from permitted development rights within the curtilage of a dwellinghouse or a block of flats (subject to conditions).

Ground Source Heat Pumps

They utilise the same principle methods as ASHP but require a degree of ground works to lay the necessary cables. The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or a block of flats benefits from permitted development rights.

Water source heat pumps

Water source heat pumps at a microgeneration scale would benefit from permitted development rights if they are located within the curtilage of a dwellinghouse. As the required water source is unlikely to be considered as part of the curtilage of a dwelling there would be limited opportunities for permitted development rights to be implemented. It is highly likely that planning permission would be required for WSHP.

¹ Go here for more information: http://www.irena.org/documentdownloads/publications/irena_battery_storage_report_2015.pdf

Water source heat pumps have not been widely adopted and are relatively new form of renewable energy in comparison to solar and wind. Further research would be required into the potential impacts that the required network of piping would have on navigation, dredging and biodiversity.

The Authority is aware that Norwich City Council has recently commissioned a study relating to water source heat pumps and will seek to understand its findings and any potential implications for the Broads.

6. Anaerobic digestion combined heat and power

Constructing an AD-CHP plant would require a 2-3 acre site, which needs to balance minimizing transmission losses to domestic units, and ease of access to raw organic waste. These would be best sited on existing agricultural units.

Biomass renewable energy generation in the Broads can be used in conjunction with the findings of the GHG (Greenhouse Gas) reduction strategy as presented by the University of East Anglia (University of East Anglia, Broads Authority. Towards a GHG Reduction Strategy for the Broads – Identifying and Prioritising Actions - May 2010). This report has highlighted that the primary asset for both electricity generation and GHG reduction is farm waste (N2O). Renewable energy generation reduces the net GHG of the region by displacing emissions that would be produced buy fossil fuel sources. By using the waste assets of the land, GHG is offset and electricity is generated. Biomass assets of the land include –

- Fen, Wetland Vegetation
- Reed Beds
- Scrub
- Mixed Organic Waste
- Slurry
- Woodland

7. Reed as biomass

A 2010 study² investigated options for use of harvested fen. The aim of this report was to identify how fen harvesting could be made sustainable by finding a productive and hopefully commercial end-use for the arisings. Two of the most viable options are:

- The products of pyrolysis include biodiesel and biochar. The latter is an almost pure form of carbon with a wide range of uses. All fen products can be pyrolysed, although the technology is currently at an early stage of development.
- Combustion fuels. These include woodchips, bales of scrub, and reed pellets. The first two are well established processes. Consideration of reed pellets formed the majority of the report.

8. Hydro

Although the Broads is largely characterized by low-lying wetland and flood plains, there is a potential to extract energy from hydroelectricity. Some of the hydrodynamic assets of the Broads include –

² New Opportunities For The Sustainable Management Of Fens: Reed Pelleting, Composting And The roductive Use Of Fen Harvests.

- Tidal - (River Yare)
- Weirs

The River Yare provides a tidal current, which could accommodate a tidal barrier / energy harvester. As regards potential weirs for small-scale hydro electricity, three potential sites have been identified:

- Bungay - 52°27'23.25"N 1°26'36.95"E
- Pirnhow - 52°27'29.82"N 1°27'26.39"E
- Mill Pool Lane - 52°28'16.95"N 1°28'46.97"E

9. Wind Energy in the Broads

The NPPG says:

'The Written Ministerial Statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.'*

9.1. Broads Landscape Sensitivity Study (2012)

The Broads Authority has a landscape sensitivity study relating to wind power (and solar farms). This study has identified the sensitivity of the Broads landscape to wind turbines and provides guidance for new development. It concludes that few areas will easily accommodate large turbines.

It is landscape areas 10 and 11 which are assessed as having moderate sensitivity to small and medium single turbines in the Broads Executive Area. All other areas are rated as moderate to high or high sensitivity. Area 10 is Whitlingham Lane and County Park and area 11 is Thorpe to Cary's Meadow, Thorpe Island and Marshes, Postwick Grove and Whitlingham Marshes. The study concludes for these areas:

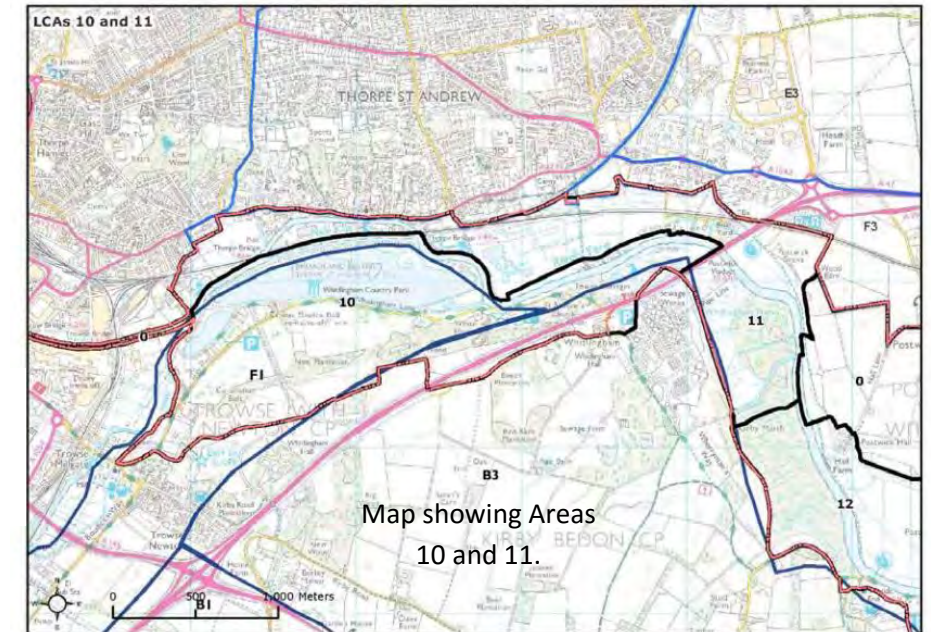
Overall landscape sensitivity of this area group to wind turbines is moderate. This is due to the disjointed landscape pattern and historic character (severances created by large scale settlement edges and by transport corridors such as the Norwich Bypass), the degree of visual containment created by valley sides and woodlands and the presence of large scale settlement edge influences to area 10 in particular. Against this are balanced sensitive features such as relict historic landscape patterns created by parkland as at Whitlingham and Trowse Newton, and the sense of tranquillity within Whitlingham Country Park and the Great Broad.

The following maps show the Landscape Sensitivity Assessment for Wind Turbines for Area 10 and Area 11.

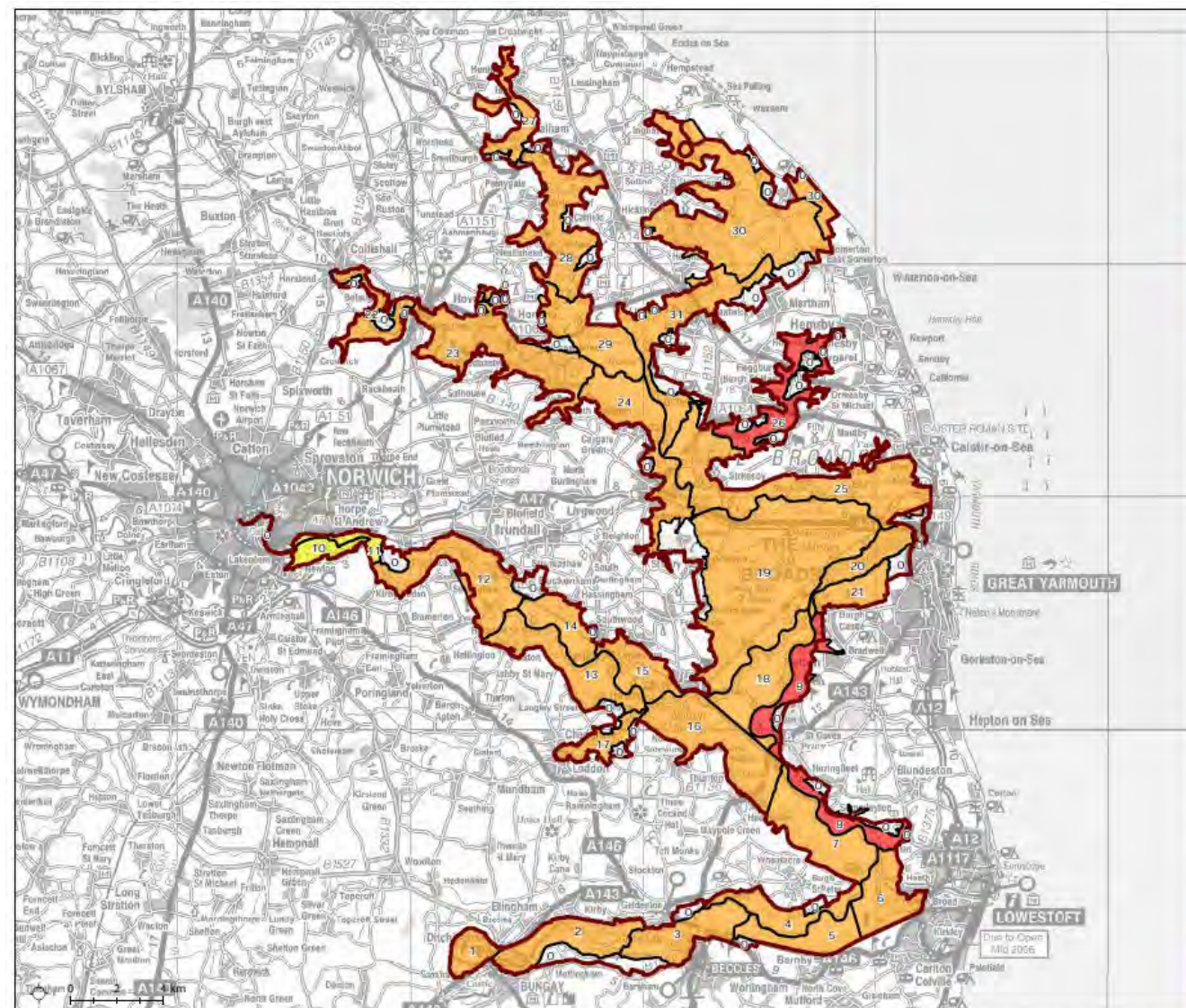
Sensitivity Level	Definition
High	The key characteristics and qualities of the landscape are highly sensitive to change from the type and scale of renewable energy being assessed.
Moderate – High	The key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Moderate	Some of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Low – Moderate	Few of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed
Low	Key characteristics and qualities of the landscape are robust and are less likely to be adversely affected by the type and scale of renewable energy development being assessed

The Landscape Sensitivity Study defines turbine size as

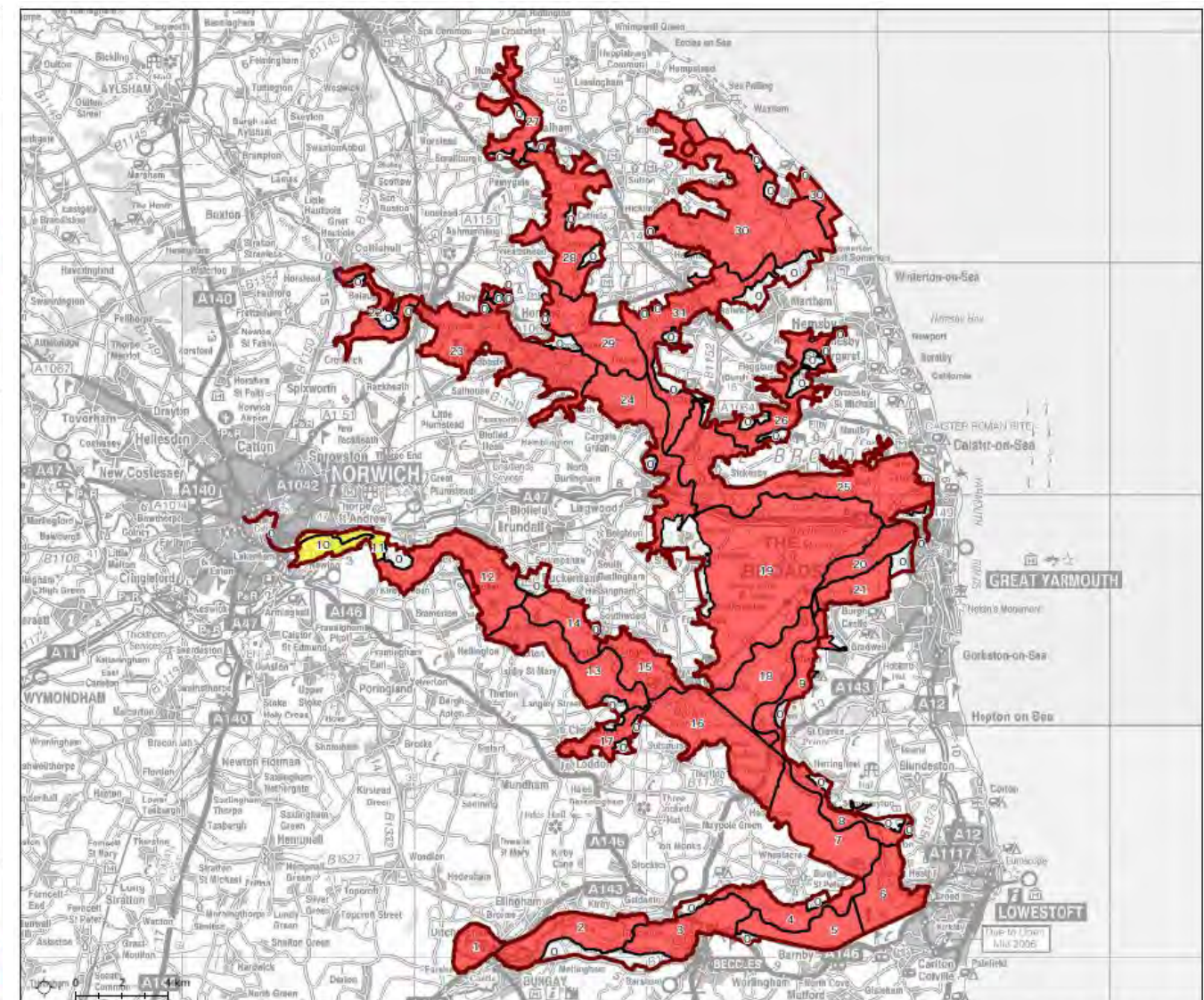
- small turbines - 0-20m height
- medium turbines - 20-50m height



Landscape Sensitivity to Small Turbines



Landscape Sensitivity to Medium Turbines

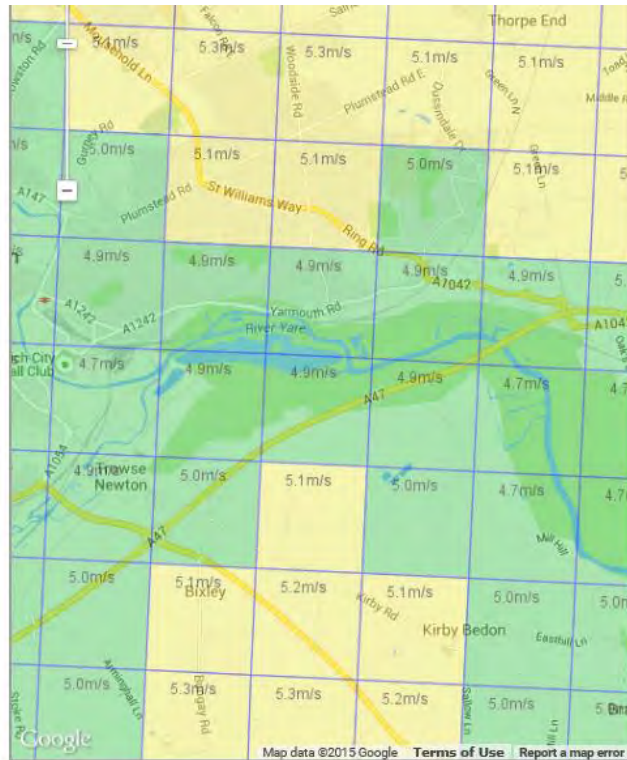


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9.2. Wind Speed

No specific work has been completed to assess wind speed to inform this topic paper. The Rensmart website³ gives an indication of wind speed. Typical wind speeds for the Whitlingham area (areas 10 and 11 of the landscape sensitivity study) are set out in the table below. The screenshot (from Rensmart website and map data from Google) also shows wind speeds.

Height Above Ground	Wind Speed
At 10 meters	4.9 m/s 11 mph
At 25 meters	5.6 m/s 12.5 mph



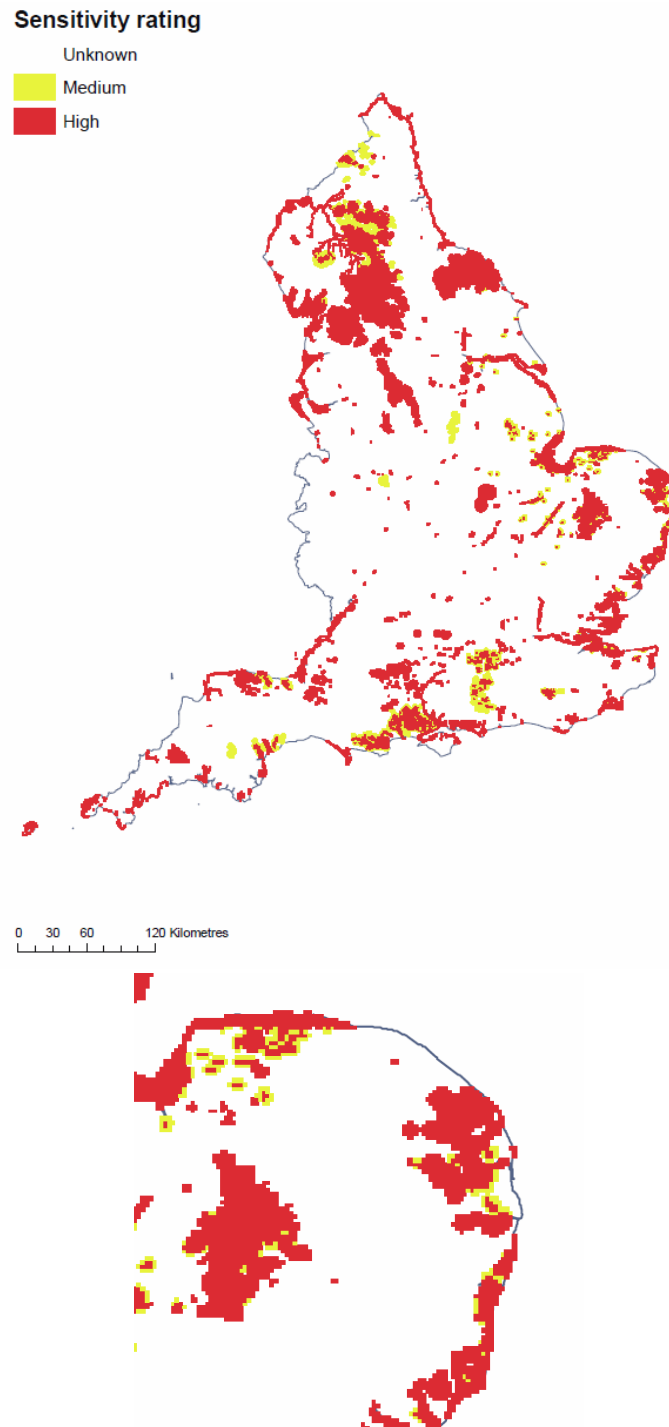
It is important to note that a site’s suitability for wind turbines reflects the specifics of the site (for example a tree to the south west of the site is likely to impact efficient energy generation) as well as the economics (for example the announcement in July 2015 that the Government intends to cease onshore windfarm subsidies).

9.3. RSPB and Natural England work relating to birds

In 2009 RSPB and Natural England commissioned a GIS map and written guidance to aid the planning process for onshore wind energy development in England. The map is based on distributional data for twelve sensitive bird species, plus statutory SPAs (Special Protection Areas), and sites containing nationally important populations of breeding waders and seabirds, or wintering waders or wildfowl.

The map indicates a greater incidence of bird sensitivities in coastal and estuarine areas and upland areas in the north of England. The Broads Executive Area is generally rated as having a high sensitivity with some areas of medium sensitivity (see inset map, zoomed into the Broads area).

³ This interactive map gives estimated wind speed for each square kilometre of the UK. The data is taken from the NOABL wind database. The BERR Wind Speed Database is the result of an air flow model that estimates the effect of topography on wind speed. There is no allowance for the effect of local thermally driven winds such as sea breezes or mountain/valley breezes. The model was applied with 1km square resolution and takes no account of topography on a small scale or local surface roughness (such as tall crops, stone walls or trees), both of which may have a considerable effect on the wind speed. The data can only be used as a guide and should be followed by on-site measurements for a proper assessment.



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 © Crown Copyright and database right [2009]. Ordnance Survey licence number 100022021.

Figure 1. Map of sensitive bird areas in relation to onshore wind farms in England.
 Based on the highest sensitivity rating, for any of the species or sites included, in each constituent 1-km square.

9.4. Using the Existing Mills in the Broads

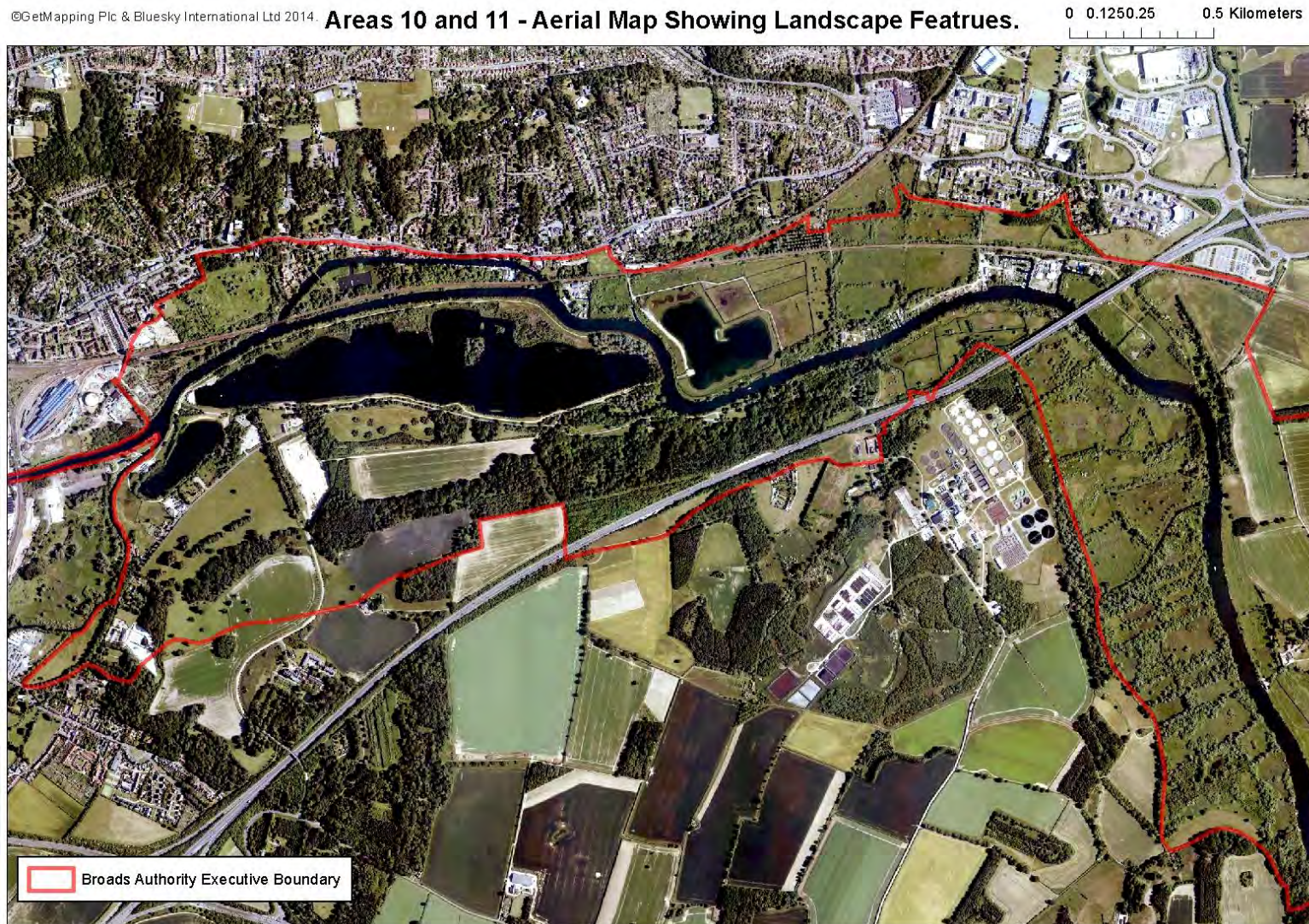
The restoration and re-use of disused mills is likely to be more acceptable in the Broads than modern wind turbines. These features are part of the cultural landscape already and some are redundant and in need of repair. So by improving these mills such heritage assets will be maintained in working

order and will generate renewable energy. That being said, the traditional design of mills is not the most effective for requirements of electricity generation. The existing building would need to be remodelled and adapted. Many buildings do not have electricity near to them thus requiring much infrastructure work to facilitate electricity transfer and the ongoing maintenance is likely to be onerous. Finally many mills would have to be renovated to extract enough electricity to feed a populated area.

Studies conclude that it is approximately 93% more expensive to restore each kWh of wind energy in comparison to generating each kWh of energy from a new anaerobic digestion plant. (Watson, Thomson, Clayton, Scott May 2014).

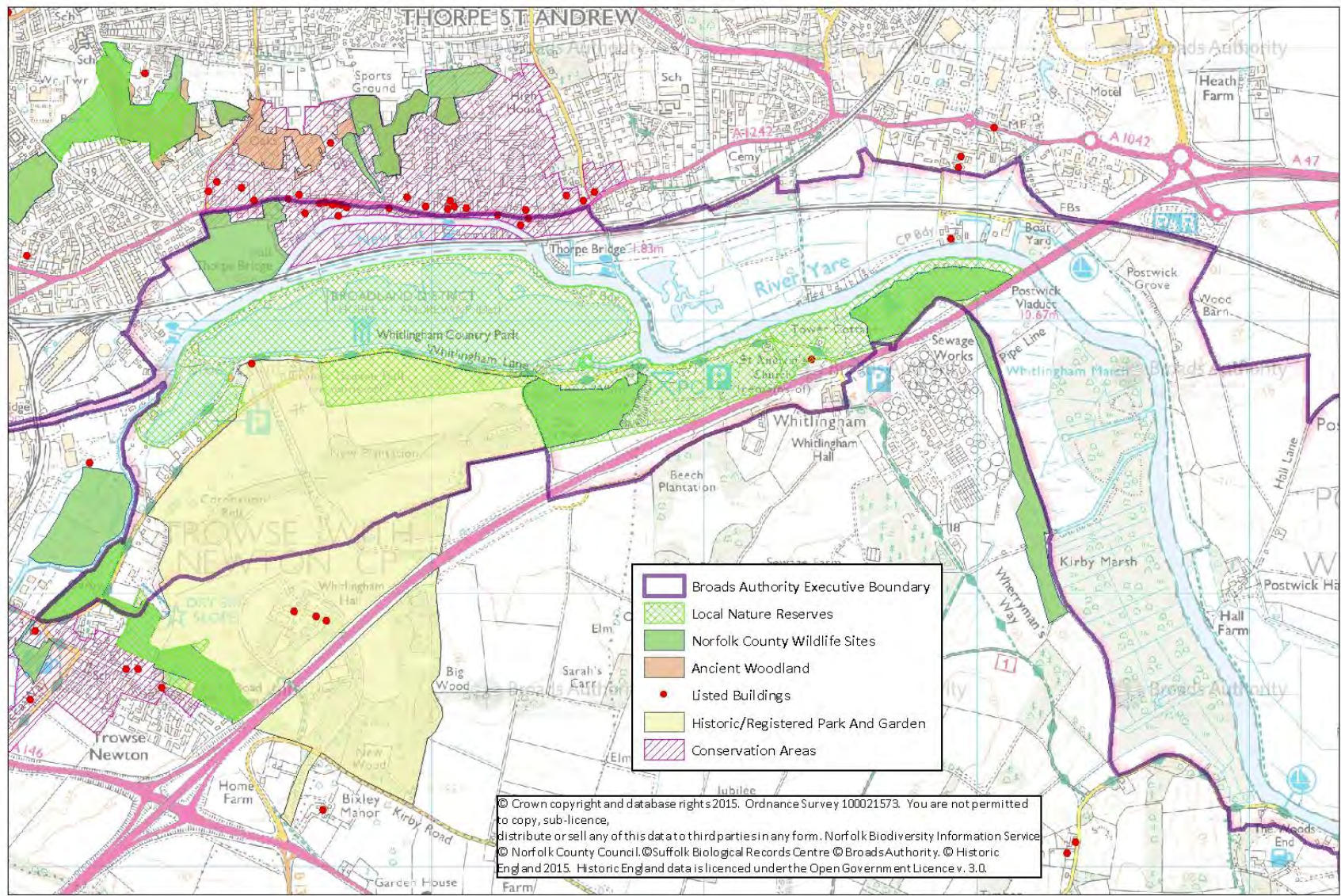
9.5. Constraints in Areas 10 and 11

The following maps show landscape features and designations in Areas 10 and 11.



Areas 10 and 11 - Showing Constraints

0 0.1250.25 0.5 Kilometers



9.6 Conclusions

If single small and medium wind turbines were placed in the Trowse/Thorpe St Andrew area on the outskirts of Norwich, there would be a moderate impact on **landscape sensitivity**. This means that some of the key characteristics and qualities of the landscape are sensitive to change from this scale of wind energy.

Wind speeds in the Trowse/Thorpe St Andrew area could be suitable for wind turbines.

In the Trowse/Thorpe St Andrew area, there are many **existing constraints**. The trees could impact on wind speeds and other constraints, such as the conservation area, nature reserves, water bodies and listed buildings could impact on where wind turbines could be placed in the ground.

The **existing mills** of the Broads theoretically provide an ideal location for generating energy from wind. They are already accepted and treasured features of the landscape, they can be in areas with few objects to impact wind speeds and such a use could bring some mills into a better state of repair. That being said, it could be costly to generate electricity from these mills due to isolation from transmission infrastructure and the cost related to enabling the mills to generate electricity.

In conclusion, whilst being rated as having a moderate sensitivity to single small or medium wind turbines, there will still be an impact on key characteristics and qualities of areas 10 and 11. Coupled with the constraints in the area, allocating area 10 and 11 for wind turbines in the Local Plan is not appropriate.

10. Draft Local Plan Policies

DP8-Policy x – 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.

Reasoned justification

The NPPG says that ‘When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation.’

It is widely acknowledged that tackling the challenges posed by climate change will necessitate a radical increase in the proportion of energy we use that is generated from renewable sources. The UK Renewable Energy Strategy (2009) includes the UK’s legally binding renewable energy target of 15% by 2020. This is part of a wider suite of strategies within the UK Low Carbon Transition Plan. The Authority must ensure that the causes of climate change are addressed at the local level. This will however need to be undertaken within the context of the special circumstances pertaining to the Broads.

A range of renewable energy technologies may be suitable for the Broads, including solar photovoltaic cells, ground and air source heat pumps and wind turbines. However, the sensitivity of the Broads landscape means that large-scale renewable energy developments will generally be inappropriate. In accordance with the NPPF paragraph 97 local planning authorities should ‘design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts’. The NPPF also states that ‘great weight should be given to conserving landscape and scenic beauty in...the Broads...which have the highest status of protection in relation to landscape and scenic beauty.’

Wind turbine developments in particular have the potential to impact significantly on the special character of the Broads. Wind turbines are tall structures that have the potential to detract from the mainly open and low-lying character of the Broads landscape, particularly when they are in large groups or sited in prominent locations. Proposals for wind turbines must therefore be accompanied by a landscape and visual impact assessment, which assesses the impact of the development from a full range of viewpoints, including from the waterways. When considering such proposals, the Authority will take into account: the scale of the wind farm (in terms of turbine groupings and heights); the condition of the landscape; the extent to which topography and/or trees screen the lower part of turbines; the degree of human influence on the landscape; and the presence of strong visual features and focal points. The Authority’s Landscape Character Assessment will be used to assist in assessing the impact of individual proposals.

The operation of the turbines can also adversely affect ecological interests, particularly birds and bats. If a proposal is considered likely to have an effect on internationally designated sites, it will need to be considered in the context of the Conservation of Habitats and Species Regulations 2010 (the Habitats Directive) and a project level Appropriate Assessment undertaken. Development that could affect the integrity of a European site would not be in accordance with Policy CS2 of the Core Strategy.

The Authority will not support proposals for renewable energy development sited outside but close to the Broads boundaries that would have a significant adverse impact on the Broads environment and the special landscape setting and character.

11. Evidence that has informed this topic paper

Broads Landscape Sensitivity Study (2012)	http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies
Mapped and written guidance in relation to birds and onshore wind energy development in England, Bright et al (2009)	http://www.rspb.org.uk/Images/EnglishSensitivityMap_tcm9-237359.pdf
New Opportunities For The Sustainable Management Of Fens: Reed Pelleting, Composting And The Productive Use Of Fen Harvests.	http://www.broads-authority.gov.uk/_data/assets/pdf_file/0017/416411/New_Opportunities_For_The_Sustainable_Management_Of_Fens_Reed_Pelleting_Composting_And_The_Productive_Use_Of_Fen_Harvests.pdf
Ren Smart website	http://www.rensmart.com/Weather/BERR.
Broads Landscape Sensitivity Study (2012)	http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-sensitivity-studies
Areas 10 and 11 summary of Landscape Sensitivity Study	http://www.broads-authority.gov.uk/_data/assets/pdf_file/0005/423797/WindTurbines10,-11-App-3-Part-1.pdf
Watson, S., Thomson, M., CREST, Loughborough University. Feasibility Study: Generating Electricity from Traditional Windmills Final Report – May 2005	
Clayton, K. The Possibility of Converting Unmanned former Wind-Pumps to Produce Electricity with Computer Control: potential visitor interest and income - May 2005	http://www.docstoc.com/docs/28114802/The-possibility-of-converting-unmanned-former-wind-pumps-to
Scott, M. Conserving the Drainage Mills of the Norfolk Broads – Assessing the Appropriateness of Adapting the Historic Machinery to Generate Electricity – May 2005	http://www.docstoc.com/docs/74914883/C_-_Conserving-the-Drainage-Mills-of-the-Norfolk-Broads---Assessing-

Retail

Whilst the Broads Authority Executive Area may not include town centres, there are some important shopping areas in the larger villages. Five areas have been identified as having a degree of retail provision:

Location	Description
The Bridge area of Wroxham/Hoveton	Contains tourist related shops, restaurants, banks and some of the Roy's complex of shops. Contains a good range and number of shops capable of meeting most of the day-to-day needs of residents. This centre is of more than purely neighbourhood significance and draws in some shoppers from outside of the immediate community as well as catering for visitors in this important tourist hub. To the north east of this area, North Norfolk District Council allocates the area as a Town Centre.
Potter Heigham Bridge	QD (formerly Latham's) is the largest retail outlet in this area selling every day goods as well as clothes and electrical appliances. There are restaurants, an arcade and tourist/recreation related shops. Contains a good range and number of shops capable of meeting most of the day-to-day needs of residents. This centre is of more than purely neighbourhood significance and draws in some shoppers from outside of the immediate community as well as catering for visitors in this important tourist hub. There are no North Norfolk retail related policies at Potter Heigham Bridge.
Lower Street, Horning	Restaurants, a newsagent, post office, deli and tourist related shops (no supermarket, but a large village). There are no North Norfolk retail related policies in Horning.
Bridge Road, Oulton Broad	Restaurants, newsagents, takeaways (no supermarket, but a large village). The area to the east of this road is classed as a District Shopping Area by Waveney District Council in the Development Management DPD.

Following discussions with Waveney and North Norfolk District Councils, it has been proposed that the authorities will work together with the Broads Authority to produce a consistent retail policy approach between the authorities in relation to the areas listed above.

At the time of writing the Preferred Options version of the Local Plan, Waveney District Council had completed their retail evidence base but were not in a position to draft a policy and North Norfolk District Council had not yet commissioned retail evidence, but were intending to do so in the near future.

As such, there is no draft policy included in the Preferred Options relating to retail. Instead, this policy will be part of the publication version of the Local Plan.

Comments received as part of the Issues and Options consultation.

Waveney District Council: The document identifies the Bridge Road shopping area in Oulton Broad as a district shopping centre. With both the Waveney Local Plan and Broads Local Plan being

reviewed at the same time there is an opportunity to ensure a consistent approach is delivered to protect the wider shopping area which straddles both sides of Bridge Road. While it is a single shopping area it is split between two planning authorities.

South Norfolk Council: Issue 34: How to address retail issues in the Broads Local Plan: A retail policy is necessary to accord with national policy which directs retail development to defined centres. The absence of a policy would be of concern to South Norfolk Council because of the potential impact unplanned retail development could have on town centres in South Norfolk such as Loddon where we are working hard to retain retail activity, through the Market Town Initiative. South Norfolk Council would support a combination of Options 2, 3, 4, 5 to fulfil the requirements of the NPPF. The policy needs to protect town centres outside the Broads Local Plan Area such as Loddon and engagement with the Loddon and District Business Association on this matter may be beneficial and allow them to represent the feelings of businesses in the area.

Broadland District Council:As the NPPF supports a prosperous rural economy it is recommended that a combination of the following options be considered further:

[Agree] Option 2: set primary and secondary frontages

[Agree] Option 3: Retail hierarchy

[Agree] Option 5: Safeguard existing retail units

It is understood that this could involve a retail study. This approach is in line with the NPPF which suggests using a proportionate evidence base.

Inland Waterways Association: How to address retail issues in the Broads Local Plan: Option 4 Retail impact assessment requirement. What account is BA going to take of demand- such as hire boaters, outside the area? How is BA going to provide for retail changes through the plan period such as more home delivery of on-line shopping from outside the area which makes existing retail unsustainable, and how might BA try to encourage outlets such as service providers like pubs and restaurants, linked to tourism/ boating?

Residential Boat Owners Association: RBOA policy identifies residential moorings in appropriate locations as supporting the local retail centres, particularly out-of-centre developments away from the main tourist areas and outside the main tourist seasons.

Policy x - Water Efficiency

All new/replacement/converted dwellings served by Anglian Water Services will be designed to have a water demand equivalent to 110 litres per head per day.

Reasoned Justification

All new homes already have to meet the mandatory national standard set out in the Building Regulations (125 litres/person/day). The NPPG says:

Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day¹.

The NPPG goes on to say that the following sources of information could inform changes to policy relating to water resources:

Document	What it says about the Broads Executive Area
The Water Stressed Areas Classification (Environment Agency, 2013).	The summary table shows that the area of Essex and Suffolk Water and Anglian Water are water stressed.
Essex and Suffolk Water Resource Management plan (2014)	Some of the Broads are in the Northern and Central Water Resource Zone. Demand in the WRZ is heavily influenced by the large population centres of Lowestoft and Great Yarmouth. Essex and Suffolk Water were contacted to clarify the following. No Water Resource Zones in Essex and Suffolk Water’s area are in deficit. Currently, they are not supportive of 110 l/h/d mainly because of the area not being in deficit but also customer experience of using water facilities and the customer could become frustrated and replace the efficient water fittings. They consider 125 l/h/d to be reasonable
Anglian Water Services Water Resource Management Plan	North Norfolk Coast and Norwich and the Broads Water Resource Zone. North Norfolk Coast: No deficits are forecast in the North Norfolk Coast RZ. No significant climate change or levels of service sensitivities have been identified. One likely sustainability reduction has been included for a maximum quantity of 1.3Ml/d in 2024/25. Norwich and the Broads: Large AMP6 deficits are forecast in the Norwich and

¹ The ‘optional’ enhanced national standard is defined within the 2015 Approved Document G, Building Regulations ‘Sanitation, hot water safety and water efficiency’ March 2015, page 15, G2(3). At 2015 this is defined as consumption 110 litres per person per day to be demonstrated
http://www.planningportal.gov.uk/uploads/br/BR_PDF_AD_G_2015.pdf

Document	What it says about the Broads Executive Area
	<p>the Broads RZ. These result from a sustainability reduction and at the end of the forecast period are equivalent to 51.9MI/d under dry year annual average conditions and 57.6MI/d under critical period conditions.</p> <p>Excluding the WFD no-deterioration and worst case climate change risks, the plan for maintaining the supply-demand balance combines source relocation with water efficiency, enhanced metering and additional leakage control. In the long-term, additional supplies will also be required.</p>
Anglia District River Basin Management Plan.	<p>According to some maps, the status of the Broads area varies generally, depending on type of assessment:</p> <ul style="list-style-type: none"> • Groundwater quantitative status – poor. • Abstraction and other artificial flow pressures (rivers) – varies from ‘not at risk’ to ‘probably at risk’. • Abstraction and Flow Regulation - Impact on surface water (groundwater) – at risk. • Abstraction and Flow Regulation - Impact on water balance (groundwater) – probably at risk.

Another source of information is existing water cycle studies completed by our districts. Further work is likely to be commissioned during 2016.

District	Evidence	Policy
Broadland	WCS (2007) was produced for Norwich, SN, BDC, Norfolk County Council and the Broads Authority. 2015 version of the GNGB Water Efficiency Guidance Note	The study resulted in JCS policy 3 being produced, which set more demanding standards for water efficiency in new development than the Building Regulations. However the government has recently required that the most demanding standards be dropped (former code level 6 i.e. 80 litres per person per day for development as of 500 dwellings+) on the grounds that this approach is too expensive. The policy is still valid for developments of less than 500 dwellings and for all of its other aspects.
Norwich		
South Norfolk		
North Norfolk	Not aware of any evidence.	Core Strategy and Development Management DPD policy relates to Code for Sustainable Homes.
GYBC	The Water Cycle Scoping Study was a stage 1 report and was completed in 2009. This was not taken any further as the issues raised in the Scoping study were not significant to development plans at the time. This did include the Broads Authority Executive Area.	No policy on reducing water usage to 110 l/h/d. General reference to using water wisely.
Waveney		Following the changes to National Policy, Waveney DC have produced a position statement: http://www.waveney.gov.uk/site/scripts/download_info.php?fileID=6779

Following discussions with Essex and Suffolk Water, it is apparent that they do not consider a need for reducing water consumption to 100 l/h/d. Anglian Water Services however do support this proposed policy.

The policy therefore seeks 110 l/h/d in areas served by Anglian Water Services as shown on map x. New development in the Anglian Water Services area should therefore 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.

The Authority will consider site constraints, technical restrictions, financial viability and the delivery of additional benefits to the Broads where requirements of the policy cannot be met. The Authority will expect developers to make a case on a site by site basis.

Alternative Options:

Comments

At this stage **South Norfolk Council** is happy to support the Broads Authorities desire to explore the potential to reduce water usage in new development beyond Building Regulations with the caveat that water issues are likely to be considered through the Norfolk Strategic Framework. South Norfolk Council would support the consideration of water consumption of non-residential development through the Broads Local Plan as all types of development should be seeking to maximise water efficiency.

Anglian Water: It is considered that the New Local Plan should include a revised version of Policy DP3 or a new policy which includes reference to water efficiency standards, sewage treatment, the foul sewerage network and the surface water hierarchy. Please see more detailed comments relating to these issues as set out below. It is noted that the Broads Authority is considering whether to require the optional higher water efficiency standard (110 litres per person per day) for new dwellings. We would support the inclusion of the optional higher water efficiency standard subject to an assessment of financial viability of the whole Local Plan by the Broads Authority. Anglian Water would welcome water efficiency measures being included as a requirement for non-residential development subject to an assessment of financial viability of the whole Local Plan by the Broads Authority

EA: As a contribution to securing sustainable development, we would be supportive of the Local Plan seeking the higher water efficiency standard for new residential development. We would also suggest that the promotion of water efficiency for non- residential development should also be considered.

IWA: This seems a good idea, and standards for equivalent industries, premises or processes may be suitable for using as 'good practice' which BA might expect to be achieved. Equally, BA could contact local or national water companies to see whether they have standards which could be applied. Care will be needed to ensure the effect is not to simply accelerate the closure of businesses.

Sustainability Appraisal Summary

Evidence used to inform this section

Monitoring Indicators

Policy X: Water Quality

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

Applicants are required to demonstrate there is adequate sewage treatment provision to serve the development or that this can be made available in time for the commencement of the development and demonstrate that there is available capacity within the foul sewerage network or that capacity could be made available.

Development is required to be connected to a foul sewer unless proven not to be appropriate. If connection to a foul sewer is proven to be inappropriate, only then will other arrangements of package sewerage treatment works and septic tanks be considered and only in that order. These will only be permitted if the Authority is satisfied that these systems will work for the expected use and there would be no harmful effects on the environment.

The Authority encourages proposals to consider the use of reed beds as a filtration system to remove nutrients before the waste water from small sewage treatment plants, package treatment works and septic tanks enters waterbodies.

All new development and replacement buildings generating foul water and extensions increasing occupancy are required to submit a foul drainage assessment with applications.

Extensions that increase occupancy are required to improve the existing method of drainage of the entire property if appropriate.

To ensure the protection of designated sites, no new development requiring connection to the public foul drainage system within the Horning Knackers Wood Catchment, is allowed to take place until it is confirmed capacity is available within the foul sewerage network and at the Water Recycling Centre to serve the proposed development.

Reasoned Justification

The water bodies and wetland environments of the Broads are particularly sensitive to water pollution. Diffuse pollution, including from sewage treatment, is an increasing problem for the Broads. This has the potential to have a detrimental impact on water quality and biodiversity and thereby adversely affect the Authority's ability to meet its obligations under the Water Framework Directive and Natural Environment and Rural Communities Act 2006.

This policy applies to new build as well as replacement dwellings and extensions. In the case of replacement dwellings, the current foul water drainage system is expected to be improved in line with Government Guidance, with the ultimate aim being to connect to the public sewer. The policy

also requires betterment for an entire property as a result of an extension that will increase the occupancy of the building. By increasing the occupancy it is likely that there will be more foul water generated. The works associated with an extension or replacement to a building provides an opportunity to improve the foul water drainage system.

Government guidance contained within the National Planning Practice Guidance¹ sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant
3. Septic Tank

Due to the low lying nature of the area and remoteness of some settlements connection to a public sewer is not always possible in the Broads. The alternative non-mains drainage proposals, including the use of septic tanks, can have an adverse effect on the quality of controlled waters, the environment and amenity, particularly if the dwelling is close to watercourses, there is a high water table at any point of the year or if the site is susceptible to flooding.

To minimise the likelihood of development having an adverse impact on water resources, new development will only be permitted if it can be properly serviced. If an application proposes to connect a development to the existing drainage system, details of the existing system are expected to be provided and confirmation provided that sufficient capacity exists. If the development would necessitate any alterations to the system or the creation of a new system, detailed plans of the new foul drainage arrangements must also be provided. The costs of providing these systems will, where appropriate, fall on the developer. Anglian Water will have the responsibility for the provision and adoption of any new foul sewers provided as part of a new development.

Where development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, a foul drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and to provide details of the method of effluent storage, treatment and disposal. The statement should include a thorough examination of the impact of disposal of the final effluent, whether it is discharged to a watercourse or disposed of by soakage into the ground. An Environmental Permit or exemption will be required from the Environment Agency if it is proposed to discharge treated sewage effluent to controlled waters or ground. Further guidance on the information that should be incorporated into this statement is available on the EA website². Where development proposes non-mains drainage, early liaison with the Environment Agency is expected.

With regards to reed bed filtration systems, this is a more natural way of treating sewerage which provides habitat as landscape benefits as well as being a low energy and low carbon option. Whilst it may take more space than other treatment options, the end discharge from a reed bed system could be similar and when combined with other methods, could be even better quality than other methods on their own.

¹ <http://planningguidance.communities.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/water-supply-wastewater-and-water-quality-considerations-for-planning-applications/>

² <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Horning Knackers Wood Water Recycling Centre discharges to the River Bure and contributes nutrient loads to the downstream watercourses as well as the Bure Broads and Marshes Site of Special Scientific Interest (SSSI), a component of the Broads Special Area of Conservation (SAC)/ Broadland Special Protection Area (SPA). Restrictions on development without benefit of adequate mains sewerage are added on the advice of the Environment Agency in light of the potential for harm to nearby environmentally designated sites and the current shortcoming of the mains sewerage in the locality.

Both Anglian Water and the Environment Agency agree that the Horning Knackers Wood Water Recycling Centre (WRC) does not currently have capacity to accommodate further foul flows. Anglian Water Services (AWS) have undertaken investigations to identify why the WRC is receiving excessive flows. This work has indicated infiltration from groundwater into the sewer network as the main reason. AWS have developed a scheme to address the infiltration, and by relaying and relining sewers should resolve the issue and provide modest capacity for further foul flows. This scheme was completed in March 2015 and was monitored for a subsequent period of 12 months to assess the efficacy of the scheme and whether there is capacity to accept additional flows.

Comments received as part of the Issues and Options:

AWS: Policy DP3 – Water Quality and Resources refers to a connection to a foul sewer being the preferred option for new development unless it is proven that this is not appropriate. Where there are no public foul sewers within the area it is open to residents to make a ‘Section 101A’ application to Anglian Water which is for the provision of a new public sewer. This is typically done at the village scale. There is an application process for this which can take up to four months³.

Where it is proposed that a connection will be made to a public sewer the New Local Plan should include a requirement to demonstrate there is adequate sewage treatment to serve the development or that this can be made available in time for the development. It would also be helpful if the New Local Plan included a policy which required applicants to demonstrate that there is available capacity within the foul sewerage network or that capacity could be made available.

EA: While many of the activities mentioned such as abstractions and discharges into waters may need permits from the Environment Agency, other activities or those of a smaller scale will not. It is important that the Plan includes an appropriately robust framework to ensure that these issues are appropriately addressed through planning.

The Water Framework Directive (WFD) is mentioned here, but there are also other relevant directives that will need to be taken into account, such as the Habitats directive protecting sensitive areas such as SACs and SPAs.

As the Plan preparation progresses, all opportunities to protect and improve water quality should be considered.

³ Further information is available here:

[www.anglianwater.co.uk/assets/media/your_guide_to_first_time_sewerage_v4\(1\).pdf](http://www.anglianwater.co.uk/assets/media/your_guide_to_first_time_sewerage_v4(1).pdf).

Diffuse water pollution plans have been written. These address those Broads that are not in 'favourable condition', as defined by Natural England, where this is thought to be due to diffuse pollution. The plans attribute actions to help improve water quality and habitats. The Local Plan should also acknowledge these and seek to contribute to the actions within them where appropriate.

We would also highlight that addressing rural runoff from verge erosion can help in reducing diffuse pollution. Soil pulled off fields onto roads by inappropriate passing places contributes sediment and often phosphate (a nutrient) to the local watercourses. These can have a negative impact on the water quality. Working with the highways departments of local councils and developers to identify and resolve these issues as part of development proposals would help improve water quality. For example, there may be an opportunity to require the construction of metalled passing places if traffic will increase as a result of development.

We would support an approach that highlighted the hierarchy of preferred treatment methods and also gave advice on the suitability and maintenance of non-mains systems. We do have some concerns over the inclusion of reed bed filtration systems. Whilst they can provide a very useful polishing for treatment plant effluent, we are less certain that they can always clean effluent adequately on their own. Given the sensitivity of the Broads, the role of such systems should be carefully considered.

RSPB: Tertiary treatment of waste water has been a long standing discussion in The Broads. It is the RSPB's understanding that there are current technological limitations to improving effluent discharge to the rivers and reedbeds as an additional filtration system may provide a solution to helping meet Water Framework Directive, Natura 2000 and SSSI targets. The development of additional reedbed habitat could deliver multiple benefits, especially helping to maintain and enhance ecological networks and landscape character.

Sustainability Appraisal Summary

Preferred Option: xx

No policy: xx

More detailed and prescriptive policy: xx

Evidence used to inform this section

Monitoring Indicators

Enforcement Update
Report by Head of Planning

Summary: This table shows the monthly updates on enforcement matters.

Recommendation: That the report be noted.

1 Introduction

1.1 This table shows the monthly update report on enforcement matters.

Committee Date	Location	Infringement	Action taken and current situation
5 December 2008	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> • Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 • Appeal lodged 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • Decision received 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings • Challenge to decision filed in High Court 12 July 2012 • High Court date 26 June 2013

Committee Date	Location	Infringement	Action taken and current situation
21 August 2015			<ul style="list-style-type: none"> • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order “has been lodged with the Courts by Inspectorate • Appeal to be reconsidered (see appeals update for latest) • Planning Inspector’s site visit 28 January 2014 • Hearing held on 8 July 2014 • Awaiting decision from Inspector • Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers) • Planning Contravention Notices issued to investigate outstanding breaches on site • Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge) • Acknowledgment of Service filed 16 December 2014. Court date awaited • Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate • Appeal submitted to PINS in respect of Section 73 Application for non-determination • Section 288 challenge submitted in February 2015 • Court date of 19 May 2015 • Awaiting High Court decision • Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to

Committee Date	Location	Infringement	Action taken and current situation
5 February 2016	Horning	<p>fencing, importation of material and land-raising and the standing of a storage container</p> <p>Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised development of a portacabin, static caravan, signage and lighting.</p>	<p>September 2013</p> <ul style="list-style-type: none"> • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway <ul style="list-style-type: none"> • Report taken to Planning Committee in February 2016 • Authority given to instigate prosecution proceedings re refrigerated trailer, suspended for three months to seek a resolution • Authority given to serve Enforcement Notices in respect of portacabin and static caravan • Negotiations to take place with the landlord and tenant landlord on other elements • Meeting took place in March 2016 • Tenant landlord to detail intentions by 20 April 2016 • Following negotiations, some agreement had been reached. No further information had been received within the timescale given and this had been extended • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date (22 July 2016) • Application for retention of structures validated 27 July 2016 and under consideration

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016 and under consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required.
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on

Committee Date	Location	Infringement	Action taken and current situation
			<p>grounds there has been no breach (see Appeals Schedule)</p>
9 October 2015	Grey's Ices and Confectionary, Norwich Road, Hoveton	Unauthorised erection of canopies and Alterations to Shop Front.	<ul style="list-style-type: none"> • Authority given for the issuing of an Enforcement Notice seeking removal of the canopies and alterations and authority given for prosecution, in consultation with the Solicitor in the event that the Enforcement Notice is not complied with • Negotiations underway • Enforcement Notice Issued on 5 January 2016 • Compliance date 11 March 2016 • Full Compliance awaited by 22 April 2016 • Meeting with landowner scheduled 19 May • Retrospective application for shutters, plus new canopy, submitted on 17 June and under consideration • Application approved 4 August 2016
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised installation of metal roller shutter door	<ul style="list-style-type: none"> • Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with. • Period of 4 weeks given for landowner to consider position • Negotiations underway • Application for lattice work door as mitigation submitted • Planning permission granted 4 April 2016. Site to be inspected • Compliance not achieved. Enforcement Notices to be served • Enforcement Notice served 18 May and take effect 17 June 2016 • Appeal against Enforcement Notice submitted, but

Committee Date	Location	Infringement	Action taken and current situation
			awaiting notification from Planning Inspectorate <ul style="list-style-type: none"> • Start date 2 August 2016

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith
Date of report: 2 August 2016

Appendices: Nil

Appeals to the Secretary of State: Update
Report by Administrative Officer

Summary: This report sets out the position regarding appeals against the Authority since July 2016.

Recommendation: That the report be noted.

1 Introduction

1.1 The attached table at Appendix 1 shows an update of the position on appeals to the Secretary of State against the Authority since April 2016.

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files

Author: Sandra A Beckett
Date of report: 4 August 2016

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since July 2016

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State
since April 2016

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
31 March 2016	Appeal Reference: APP/E9505/C/16/314 5873 Staithe n Willow, Horning Mrs J Self	Appeal against Enforcement Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016 Questionnaire submitted 21 April 2016 LPAs Statement of case submitted 12 May 2016 Final documents exchanged 14 June 2016
10 May 2016	Appeal Reference: APP/E9505/W/16/314 7689 BA/2015/0403/FUL Anchor Cottage, Mill Road, Stokesby Mrs Wanphen Martin	Appeal against Refusal Proposed change of use of annexe to separate unit for holiday accommodation	Delegated Decision 1 April 2016 Questionnaire submitted 17 May 2016 LPAs Statement of case submitted 14 June 2016 Appeal dismissed 29 July 2016
Awaiting validation by Planning Inspector	Appeal Reference: APP/39505W/16/3154 806 Hall Common Farm, Hall Common, Ludham	Appeal against Enforcement Breach of conditions 2 and 3 of BA/2014/0408/COND Unauthorised installation of metal roller shutter door	Committee Decision 4 December 2015 Start date 2 August 2016 Supporting documents to be

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
			submitted by 16 August 2016 LPAs Statement of case to be submitted by 13 September 2016

Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

Agenda Item No. 13

Summary:	This report sets out the delegated decisions made by officers on planning applications from 04 July 2016	to 03 August 2016
Recommendation:	That the report be noted.	

Application	Site	Applicant	Proposal	Decision
Coltishall Parish Council				
BA/2016/0204/FUL	The Norfolk Mead Hotel Church Loke Coltishall Norwich Norfolk NR12 7DN	Mr James Holliday	Installation of wastewater treatment system	Approve Subject to Conditions
Dilham Parish Council				
BA/2016/0224/NONMAT	9 The Street Dilham Norfolk NR28 9PS	Mr And Mrs Cavill	Non-material amendment to BA/2015/0343/HOUSEH for the installation of an additional rooflight to south elevation	Approve
Ditchingham Parish Council				
BA/2016/0230/NONMAT	The Maltings Pirnow Street Ditchingham Bungay Norfolk NR35 2RT	Mr Andrew McMurtrie	Porch over entrance to plot 23 on Block A, removal of smoke vent on roof of Block A. Additional balconies on plots 105 & 109 of Block L. Non-material amendment to permission BA/2014/0400/COND.	Approve
BA/2016/0193/HOUSEH	4 Waterside Drive Ditchingham Norfolk NR35 2SH	Mr Graham Smith	Erection of summer house	Approve Subject to Conditions
BA/2016/0201/HOUSEH	8 Waterside Drive Ditchingham Norfolk NR35 2SH	Mr Mark Sampson	Garden shed.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Fleggburgh Parish Council				
BA/2016/0226/HOUSEH	Hilre Marsh Road Fleggburgh NR29 3DE	Ms Annette Clarke	Raise roof and install rear balcony.	Approve Subject to Conditions
Geldeston Parish Council				
BA/2016/0152/FUL	Three Rivers Camp Site Station Road Geldeston Norfolk	Mr James Bromley	Boathouse for canoe and cycle storage, landing stage and retrospective permission for three service buildings	Approve Subject to Conditions
Horning Parish Council				
BA/2016/0215/FUL	Quay West Ropes Hill Horning Norfolk NR12 8PB	Mr Ivan Smith	Replacement Quayheading.	Approve Subject to Conditions
BA/2016/0203/HOUSEH	Oakmead Cottage Lower Street Horning Norfolk NR12 8PF	Mr E Wilson	Two storey side extension	Approve Subject to Conditions
BA/2016/0174/FUL	Richardsons Boatyard Ferry View Estate Horning Norfolk NR12 8PT	Richardsons Leisure Ltd	Additional moorings, quayheading, public moorings and slipway.	Refuse
Loddon Parish Council				
BA/2016/0141/LBC	Hall Green Barn 29A Norton Road Loddon Norfolk NR14 6DT	Dr Richard Wharton	Alterations to existing outbuildings to provide a games room and a garden room.	Approve Subject to Conditions
BA/2016/0127/HOUSEH				Approve Subject to Conditions
Ludham Parish Council				
BA/2016/0202/FUL	Swallow Tail Boatyard Horsefen Road Ludham NR29 5QG	Mr Colin Buttifant	Extension to workshop to provide timber store	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Mautby Parish Council				
BA/2015/0362/HOUSEH	Providence House School Road Runham Mautby Norfolk NR29 3EG	Mr A Nichols	Garage/workshop and annexe at first floor level.	Refuse
Norton Subcourse PC				
BA/2016/0190/FUL	Compartment 22 Adjacent To Norton Mill Ferry Road Reedham	Mr Mitchelmore	The excavation of a scrape to provide material for adjacent flood defence improvements.	Approve Subject to Conditions
Oulton Broad				
BA/2016/0242/NONMAT	Wherry Hotel Bridge Road Lowestoft Suffolk NR32 3LN	Anglia Restaurants Ltd	Adjustment to spacings of glass panels, non-material amendment to permission BA/2016/0054/FUL.	Approve
Potter Heigham Parish Council				
BA/2016/0246/NONMAT	Willow North East Riverbank Bridge Road Potter Heigham Great Yarmouth NR29 5NE	Mr Reg Coxsey	Alterations to colour of horizontal TVG, non-material amendment to permission BA/2015/0150/HOUSEH.	Approve
Reedham Parish Council				
BA/2016/0245/NONMAT	Brit House 19 Station Road Reedham Norwich Norfolk NR13 3TA	Mr Michael Fiske	Addition of shed, non-material amendment to permission BA/2015/0006/HOUSEH.	Approve
Somerton Parish Council				
BA/2016/0186/HOUSEH	Sunways Staithe Road West Somerton Somerton Norfolk NR29 4AB	Mr Michael Ives	Replace existing extensions with one and a half storey extension to rear.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
Thorpe St Andrew Town Council				
BA/2016/0183/COND	Norfolk Garden Supplies 54B Yarmouth Road Thorpe St Andrew Norwich NR7 0HE	Mr Peter Hales	Amendment to Conditions 2 and 3 of pp BA/2015/0372/CU to allow for the retention of the existing portacabin and to clad it in timber cladding to match existing office.	Approve Subject to Conditions
Trowse With Newton Parish Council				
BA/2016/0205/COND	Whitlingham Broad Camp Site Whitlingham Lane Trowse NR14 8TR	Ms Linda Robey	Variation of conditions 1- drawings, 2- vehicle access, 3- external materials, 8- timetable for delivery of protected species enhancements and 12- foul water strategy of permission BA/2015/0223/FUL.	Approve Subject to Conditions
Upton With Fishley Parish Council				
BA/2016/0034/HOUSEH	Dyke End 53 Boat Dyke Road Upton Norwich Norfolk NR13 6BL	Mr William Leonard-Morgan	Proposed replacement of shallow lean-to roof on existing detached double-garage with pitched thatched roof and replacement pitched metal sheet roof over remainder. Change of use of existing stables to incidental accommodation with erection of single-storey extension to the South-East elevation. Erection of timber-framed, glazed green house to the South-West elevation. (Amended proposal).	Approve Subject to Conditions
Wroxham Parish Council				
BA/2016/0189/HOUSEH	Cobwebs Beech Road Wroxham Norwich Norfolk NR12 8TP	Mr Eric Plane	Demolish existing brick garage and wooden lean-to and replace with a wooden garage	Approve Subject to Conditions