

**Local Development Framework:
Analysis of Development Control Policies after
Preferred Options Consultation**
Report by Planning Policy Officer

Summary: This report summarises the latest stage of consultation in developing the Development Control Policies Development Plan Document. The Preferred Options stage for the Development Control Policies was published for consultation over a six-week period between 31 December 2007 and 11 February 2008.

Recommendations:

- (i) To endorse the proposals made by Planning Committee members at the Planning Policy workshop on 11 April with amendments if necessary.
- (ii) To agree the response to the Preferred Options as set out in the appendices, with amendments if necessary.

1 Introduction

- 1.1 The Development Control Policies Development Plan Document (DPD) will ultimately contain the detailed policies to deal with planning applications. It should reflect the overarching themes in the adopted Core Strategy DPD and not conflict with this approach. At this stage of DPD production, the Authority has consulted on the *preferred options* for future policies. Although not the finalised policies themselves the wording was drafted to be close to finalised policies.
- 1.2 The outcome of the Supplementary Planning Document on Development and Flood Risk will be the subject of a separate report to the June Broads Authority meeting.
- 1.3 Members may find it helpful to refer to their copy of the Preferred Options for Development Control Policies while discussing this item.

2 Developing a Development Plan Document (DPD)

- 2.1 Building on the Issues and Options consultation carried out in Summer 2007, the preferred options were developed and consulted on and agreed, after delegation from Broads Authority, by the Chairman and Chairman of Planning Committee in consultation with the Chief Executive. The regulations on this consultation required that it could be for no more than six weeks. The consultation ran from 31 December 2007 until 11 February 2008.

2.2 Following consultation on the preferred policy direction, finalised policies need to be prepared for submission to the Secretary of State for independent examination. This step also triggers a final six week consultation and any representations received suggesting the document is unsound have the right to be heard by an independent Planning Inspector at an examination.

3 Feedback from consultation Development Control DPD

3.1 The purpose of the consultation on the Development Control Policies DPD was to consult on the 'preferred options' proposed to resolve the issues arising, including those raised through earlier consultation with key partners and other stakeholders. In the new principle of front loading all outstanding issues should be dealt with before the document is submitted and consultees are asked to raise issues at the earliest opportunity.

3.2 Comments were received from 94 organisations or individuals in response to the consultation on the Development Control Preferred Options. This has been split into 556 individual comments against the separate Preferred Options and related descriptive text. Comments were also received from 18 individuals or organisations on the draft proposal maps. A full set of the consultation responses to the preferred options are available on the Broads Authority website: <http://www.broads-authority.gov.uk/planning/planning-policy/local-development-framework.html>.

3.3 Four responses were received after the close of the deadline. The rules in respect of late representations are strict in the 2004 regulations, in that at the formal stages of LDF production, representations must be made within six weeks of the publication of the Development Plan Document. The Authority has no discretion under the new regulations to accept late responses.

4 Issues arising

4.1 The preliminary analysis of the key issues raised during the consultation exercise was reported to Planning Committee on 4 April. At this meeting it was proposed and agreed that the four main issues should be explored in more detail at a planning policy workshop held for planning committee members on 11 April, to which two officers from the Environment Agency were also invited. The workshop was very successful and members in attendance informally agreed the approaches below to the key issues arising out of the consultation responses. Section five below sets out the issues discussed at the workshop and the conclusions reached.

4.2 Appendix 1 outlines the officer recommendations for redrafting all the preferred options into submission policies following analysis of the consultation responses received.

5 House Boats/ Live-Aboards and residential moorings – PO31

- 5.1 This was the first issue discussed at the planning members' workshop and picked up the issue from the public meeting which was held for live-aboards from Thorpe Island in January. The invited audience meeting was chaired by the Authority's Vice-Chairman and this facilitated an initial response to PO31, in terms of their views which were written up as notes of the meeting. Several individuals also submitted their own responses to the consultation. The residential boaters opposed the draft Preferred Option and the meeting itself offered an insight into their reasoning and views.
- 5.2 The consensus reached by members at the workshop was that officers should research a criteria-based policy for permanent residential moorings and consider combining policies PO30 and PO31.

Development and Flood Risk – PO10

- 5.3 PO10 on Development and Flood Risk received a great deal of responses. The spread of responses to the consultation fell distinctly in two camps. Firstly those opposed to the Authority's local interpretation of National Flood Risk Policy, notably voiced by the Environment Agency. Secondly are those who have businesses reliant on a Broads locality or those who live or have businesses in the Broads, who largely supported the approach of PO10.
- 5.4 Taking forward PO10, with DPD status, will need careful attention. While many businesses supported this approach, some felt that the restriction over redevelopment only to the exiting building's footprint was unfeasible given the pressure to improve the quality of the tourism offer. The Environment Agency's concern really focused on their interpretation that the approach was incompatible with PPS25. Helpful advice was offered in discussion with one adjoining LPA, that if the policy was clearer that it was not seeking to challenge national policy but merely setting out the relevant material considerations to any planning application, the final policy wording may not be so elusive. Indeed following discussion with members and EA officers at the workshop on 11 April minor changes were proposed and seemed to reach agreement. Following this PO10 has been redrafted and circulated to the EA for a response. An extract of this redraft to PO10 is in Appendix 2.

Residential development, affordable housing and local needs – PO43 and PO25

- 5.5 The approach to restrict residential development only within established settlements (PO43) proved not as controversial to consultees as anticipated. One respondent questioned it in respect that development would be allowed under the policy in inappropriate areas. Some also questioned the approach and particularly whether this worked with PO25 which seeks contributions to affordable housing. PO43 allows new build residential development in established settlements in small groups (typically defined as 5 units or less).

Whereas contributions to affordable housing would only be sought on sites of five or more dwellings, under PO25.

- 5.6 At the workshop, members discussed how well PO1 – Character, in conjunction with PO25 would work with regard to two potential development sites. At issue here is whether the policy judgements that can be made on landscape grounds are drawn in the form of the development boundary at the plan making stage or whether it is robust enough to make those judgements on a site by site basis at the planning application stage. No overall consensus was reached and officers propose that the approach in PO25 (not to have boundaries) is kept at this stage and consideration is given to producing Area Action Plan/site allocations in the future if deemed necessary.

Proposed wetland opportunities

- 5.7 The draft proposal maps help to illustrate the Preferred Options and more detailed elements of the Core Strategy and its associated Key Diagram. The Core Strategy policy CS4 along with PO14 – New Landscapes seek to offer a supportive policy context for the creation of new landscapes that meet Broads purposes. This general policy context would in principle support the proposed wetland opportunities shown on the draft proposal maps. These areas are those identified by the Wetland Task Group made up of representatives from Natural England (then English Nature), the Environment Agency, Broadland Environmental Services Ltd, RSPB, Norfolk Wildlife Trust as well as officers from the Broads Authority, specifically to deal with water quality issues. Implementation of such a scheme could have benefits for habitat creation and recreation as well as meeting the vision in the Broads Plan.
- 5.8 Identifying these areas proved controversial with landowners, several of whom responded to the consultation exercise stating they were against the loss of their land in this way without any compensation identified and that it was anomalous when efforts had recently been made by BESL to protect the land. One Parish Council also found the proposals unacceptable, and one respondent pointed out that as the wetland enhancement areas were not solely deliverable by the Broads LDF they should not be allocated as such on the proposal maps.
- 5.9 Given that these sites are only at the early stages of development and are to be considered in more detail as part of the flood alleviation scheme, it is perhaps more appropriate to have a general supporting policy rather than identifying them in detail on any future proposal maps. At the workshop this issue was briefly discussed and given the detail offered in the Core Strategy policy and the reasoning not to identify the specific areas, it was considered that PO14 should be deleted and decisions would be reliant on the strategic policy CS4. For reference, policy CS4 is set out in Appendix 3.

6 Next steps

- 6.1 If agreement is reached over the way forward, officers will draft the submission policies to be considered by members for final agreement at the June meeting. This timetable will ensure the document can be submitted to the Secretary of State this July in accordance with the current Local Development Scheme.
- 6.2 The Authority is still working to an ambitious timetable to carry out outstanding research, to redraft the policies and supporting text, to undertake Sustainability Appraisal/Strategic Environmental Assessment, to commission an Appropriate Assessment and prepare the documentation for publication by July. A suitable consultant will be commissioned to support the in-house team in researching and redrafting policies. As the contract will be below £5,000 member approval is not required.

7 Financial Implications

- 7.1 Provision has been made in the LDF budget for the Sustainability Appraisal/Strategic Environmental Assessment and the Appropriate Assessment. Any addition costs could be covered from the remaining Planning Delivery Grant fund.

Background papers:

1. Consultation responses to Development Control Preferred Options
2. Town and Country Planning (Local Development) (England) Regulations, 2004. Planning Policy Statement 12 – Local Development Frameworks
3. LDF Statement of Community Involvement

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Appendices:

APPENDIX 1: Development Control Policies DPD – Preferred Options Reponses Analysis Table and Recommendations
APPENDIX 2: Recommendations for changes to PO10 – Development and Flood Risk
APPENDIX 3: Adopted policy CS4 – creation of new resources, extracted from the Core Strategy (Adopted September 2007).

APPENDIX 1

Development Control Policies DPD – Preferred Options
Reponses Analysis Table and Recommendations

Preferred Option No.	Preferred Option Title	Analysis and Recommendation
PO 1	Character	Insert last line of Policy PO10 which is Local Plan Policy C19 carried forward and relates more to landscape than flood risk.
PO 2	Biodiversity and Geodiversity	Change ecology to biodiversity in first point; minor edit to last point, for clarification, to <i>require</i> surveys/assessments where there is potential ecological or <i>geodiversity</i> impact.
PO 3	Trees and Hedgerows	Insert <i>public safety</i> after navigation
PO 4	Landscaping schemes	After “enhances” include “its surroundings and the wider”; minor edit to 1 st point to clarify trees to be retained to be protected; minor edit to 2 nd & 3 rd points to reword as policy; insert criteria on land-raising and disposal of excavated material.
PO 5	Design	Minor editing to turn the points into criteria; delete last sentence; consider restructuring PO5 – 8 as a group
PO 6	Sustainable Design	Revise in line with current government policy; consider restructuring PO5 – 8 as a group
PO 7	Climate change and energy efficiency	Revise in line with current government policy.
PO 8	Amenity	Consider amalgamation with PO5, 6 and 7 for clarity; no major change.
PO 9	Water Resources	No change
PO 10	Development and Flood Risk	Amend and move last line to PO1 (See appendix 2)
PO 11	Location	Reconsider reference to agricultural land (e) Take forward alongside PO1 & 2. Consider broadening the range of proposals travel plans would apply to. Define major development, as PS2 definition.
PO 12	Access and Highways	Add reference to protect corridors of movement and requirement for parking standards.
PO 13	Rights of way	Consider further criterion seeking provision under CROW access land in line RoW Improvement Plan.
PO 14	Creation of new landscapes	Policy repeats CS4 delete PO14 and washland opportunities on the proposal maps. Overall landscape policies apply.
PO15	Waterways and Navigation	Minor editing to layout; insert criteria on hydrological impact.
PO16	Increased sediment input	Support welcomed. Add reference to having no adverse hydrological impact.
PO 17	Reuse & disposal of dredgings	Support welcomed - no change
PO 18	Listed Buildings	No change
PO 19	Historic and Cultural assets	No change

PO 20	Conservation areas	No change
PO 21	Sensitive areas	Minor edit to expand Policy CS10; consider merging with PO1 and identifying gateways and entrances on proposals map.
PO 22	Open space	No change; consider merging with PO1
PO 23	Archaeology	Insert "overriding" in second para, second sentence between "no" and "case"; consider extending to cover geodiversity
PO 24	Protection of existing facilities and Services	Support welcomed. Consider changing 'or' in '...local needs or network of facilities..' to 'and' Might help economic viability concerns. Add 'community or visitor' before facilities in last line.
PO25	Affordable Housing	Consider relationship with PO43. Make reference to site viability and availability to reflect PPS3. Noted that RSS target of 35% is the total of all completions, local needs and targets maybe higher in LPAs within the region. Reconsider using riparian local authority standards. Add reference to exception sites and the needs of potential occupants to live locally. In Criterion a) change 'low rent' to 'affordable rent'.
PO26	Standards Planning Obligations and Community Infrastructure	Note new implications of the Government's new Community Infrastructure Levy and likely standard transport charge. Note Suffolk CC threshold for such county contributions is 15 units. Consider better phrasing to a policy format. Note no references to contributions to sports, highway, Rights of Way and adult social services.
PO 27	The General Location of Sustainable Tourism and Recreation Development	Add minor change to ensure that countryside locations are fully justified. Note Natural England's comments on the difficulties of new fishing or flight ponds in the floodplain and the potential implications in times of flood but suggest that this is covered in a generic way CS1 and CS2 in the Core Strategy and in the emerging PO2 on Biodiversity and Geodiversity.
PO 28	New Community Facilities	No change
PO 29	Holiday Dwellings	Minor editing to affirm the control possible through the precise controls possible through the planning system using the comments made during the consultation.
PO 30	New Permanent Moorings	Develop holistically with PO31 and PO32, by editing into one policy to deal with all types of mooring applications. Delete criterion a) as covered by criterion g).
PO 31	New Residential Moorings	Develop into a criteria based policy allowing this use in certain circumstances with strict controls.

		Develop holistically with PO30 and PO32, by editing into one policy to deal with all types of mooring applications – as above.
PO 32	New Visitor Moorings	Develop holistically with PO30 and PO31, by editing into one policy to deal with all types of mooring applications – as above.
PO 33	Mooring Plots	Support welcomed, minor editing required.
PO 34	Waterside Sites in Commercial Use and Boat Yards	Support noted. Add reference to retaining yards under a unified management unit where possible.
PO 35	Access to the water	Support welcomed. Minor editing with regard to slipway differences. Note omission of staithe on the draft proposal maps and the proposed caveat that the map notation cannot be used to refute the existence staithe or staithe rights.
PO 36	Bank Protection, Piling and Quay heading	Comments noted. Minor editing of second paragraph required to define soft engineering and rephrase third paragraph for clarity.
PO 37	Protecting General Employment	Support noted. No change.
PO 38	Employment diversification	Support noted. Expand to cover farm diversification in response to comments made under PO40.
PO 39	Reuse of historic buildings	Minor editing to clarify application to scheduled and unscheduled structures; delete reference to “preferred option”.
PO 40	Buildings in the Countryside without historic or architectural merit.	Minor editing and redrafting to paragraph 1. Add note that this policy would apply to buildings only and not areas of hard standing. Make reference to functional/industrial type development that may not be suitable to conversion to other uses and that should be taken down at the end of its useful life. Make it clear that the sustainability argument is not the only reason for employment reuse of buildings.
PO 41	Telecommunications and Renewable energy developments	Strengthen policy and reconsider whether policy should be subdivided and take into consideration more recent government changes to planning policy.
PO 42	Winter water storage	Minor editing to ensure decisions consider that such water storage can contribute to the traditional Broads landscape.
PO45	Dwellings for Staff at Boatyards or other Tourist Accommodation	Add reference to ‘sustainable economic viability’ as PO47. Emphasise the strict tests required by national policy and that the business or tourism use must be acceptable in planning terms in the first instance. (Annex1 to PPS7)
PO 46	New Agricultural and Forestry Dwellings	Add reference mention ‘sustainable economic viability’ as PO47 Emphasise the strict needs tests required by national policy and that the use must be acceptable in planning terms in the first instance. (Annex1 to PPS7) Include

		reference that this policy would apply to employees in reed and sedge industry.
PO 47	Temporary Mobile Homes	No change.
PO 48	Advertisements	Extend to cover signage

Draft Proposals Maps

PO 14	Creation of new landscapes	Delete washland opportunities on the proposal maps.
PO 21	Sensitive areas	Consider identifying gateways to Broads and entrances at settlements on proposals map. Advise against detailed identification of sensitive sites on proposals map as it is unlikely to be comprehensive and would leave unidentified sites vulnerable.
PO 35	Access to the water	Note omission of staithes on the draft proposal maps and the proposed caveat that the map notation cannot be used to refute the existence staithes or staithe rights.

Recommended revisions to PO10 – Development and Flood Risk

5.96

PO 10 - Development and Flood Risk Policy

Development will only be acceptable when it is compatible with the principles of national policy and when the sequential test and the exception test, where applicable, ~~as set out in PPS25~~ are applied. ~~Where it is demonstrated that a sequentially preferable site is not available without causing significant harm to the Broads, the following criteria must be met:~~

~~and applied to the nature of flooding in the Broads have been satisfied.~~

~~For the Exceptions Test in PPS25 to be passed development will:~~

- ~~The proposed development will~~ make a significant contribution to the achievement of the Broads strategic objectives
- ~~It will~~ not increase flood risk elsewhere;
- ~~The development will~~ avoid compromising future flood alleviation or flood defence schemes; and, ~~in addition,~~
- ~~will be designed not to detract from the locality, and to be applicable to compatible with~~ the nature of flooding in the Broads ~~taking into account climate change.~~

In Zone 3a and Zone 3b development will be permitted ~~subject to the findings of a site specific Flood Risk Assessment~~ where:

- ~~the proposal is for uses including water compatible or certain types of less vulnerable and more vulnerable uses where all other policy criteria can be met.~~
- ~~A use classified as more vulnerable or less vulnerable development~~ it is on previously developed land ~~or is the reuse of an existing building;~~ and,
- it incorporates resilience to flooding, demonstrates that the risk of flooding (on and off-site) is decreased and that it is safe;
- ~~the replacement of a residential property is~~ on a like for like basis with no increase in the number of bedrooms on the same ~~sized~~ footprint ~~will be permitted~~ ~~potentially being relocated in a less vulnerable part of the site~~ ;

The relocation of existing development out of Flood Zone 3b to an undeveloped site with a lower probability of flooding may be permitted where the vacated site is reinstated as naturally functioning flood plain, and where the benefits to flood-risk outweigh the benefits of leaving the new site undeveloped.

~~Development will not be permitted in the coastal zone identified on the Proposals Map.~~

Adopted policy CS4 – Creation of new resources, as extracted from the adopted Core Strategy (September 2007).

Policy

CS4 The Broads landscape is partly man-made and is constantly changing. There will continue to be opportunities to create new environmental and cultural assets on any scale of development and these will be sought where they:

- (i) Create new high quality land and water-based landscapes which reflect the essential Broads characteristics, offering biodiversity gains through habitat creation and opportunities to improve facilities for navigation and recreation;
- (ii) Improve the quality of the built environment;
- (iii) Involve, for all new developments, good quality design, the use of sustainable construction methods and the use of locally sourced materials;
- (iv) Incorporate crime reduction measures in line with “Secured by Design”;
- (v) Protect, maintain and enhance the nature conservation value of the Broads, paying attention to habitats and species;
- (vi) Contribute to ecological networks and create habitat corridors, especially linking fragmented habitats of high wildlife value; and
- (vii) Encourage and facilitate the development of alternative and more sustainable solutions to flood risk and alleviation, taking into account the likely changes as a consequence of climate change.