

Broads Authority Local Development Framework

## **Examination of the Development Management Policies DPD Submission**

**Statement in Response to the Inspector's Schedule of Matters  
and Issues**

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## **Matter 1 – Legal and procedural matters**

1. Has the DPD been prepared in accordance with the current Local Development Scheme and have the relevant details in the LDS been met?

1. The Local Development Scheme (DM16) includes a profile and timetable for a Generic Development Management Policies Development Plan Document (pages 12-13 and Appendix 1 – page 23). The profile and timetable are valid albeit that the planned dates for publication and submission were delayed by three months; this may consequently result in adoption being delayed by a similar period, depending upon progress, post Examination hearing.

2. Has the DPD been prepared in compliance with the Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

2. Yes. The Statement of Community Involvement (SCI) (DM13) was adopted in March 2008 and includes a profile for the Development Control Policies Development Plan Document (page 19 and Appendix 1 (page 23)). The Authority confirms that the minimum consultation requirements set out in the 2004 Regulations (as amended) have been met or exceeded. This is demonstrated by Consultation Statements prepared under Regulation 30(1)(d) (DM2) and Regulation 30(1)(e) (DM3). This evidence, together with the Soundness Self Assessment (DM14) demonstrates that the DPD has been prepared in compliance with the Authority's SCI.

3. Are there any environmental, economic or social implications arising from the Schedule of Proposed Minor Changes that are not already covered in the SA and the Appropriate Assessment?

3. No. The proposed changes address matters of clarification, consistency and updating; they are considered to be relatively minor and deemed not therefore to be so significant as to require further assessment under the SA or Appropriate Assessment.

4. Is the DPD consistent with national planning policy and is there sufficient local justification for any policies which are not consistent with national planning policy?

4. Yes. The DPD is consistent with national policy. Please also refer to the Soundness Self Assessment (DM14).

5. How does the DPD have regard to the Broads Plan and how do the key planning objectives of the DPD align with the priorities of the Broads Plan?

5. As a Special Statutory Authority established under the Norfolk and Suffolk Broads Act 1988, the Broads Authority does not prepare a Community Strategy of its own. However, it does have a duty to take into account the Broads Plan together with Community Strategies by the adjacent (constituent) Authorities within the boundaries of the Broads Authority Executive Area. The Broads Plan is the key strategic management plan for the Broads, setting out a vision, aims and objectives for the broads and coordinates and integrates a wide range of strategies, plans and policies relevant to the area with the purposes and duties set out in the Broads Acts. Its objectives are developed under three themes: planning for the long-term future of the Broads in response to climate change and sea level rise; working in partnership on the sustainable management of the Broads; encouraging the sustainable use and employment of the Broads. The extant Broads Plan was adopted in 2004. Consultation on the draft Broads Plan (BA3) took place at the same time as the Further Preferred Options consultation on the DPD, and in considering representation on both, care was taken to ensure a consistent approach. The emerging Broads Plan has endeavoured to ensure that it takes accounts of the growth expected in Greater Norwich and that the SA and Appropriate Assessment of both The Broads Plan and DPD have been consistent.

6. How does the DPD relate to other relevant plans and strategies which influence the delivery of its proposals?

This DPD also builds upon the Authority's adopted Core Strategy (September 2007), which itself was prepared under the adopted Broads Plan (BA2). It includes more detailed development management policies that set out the criteria against which proposals for development in the Broads will be assessed, providing clear guidelines on the circumstances in which planning permission will be granted or refused. The policies have been formulated to ensure that development contributes to the delivery of the Core Strategy, which sets out the long-term spatial vision for the Broads.

The preparation of the DPD relates closely with a range of other plans and strategies. There has been a direct link with the review of the Authority's Draft Strategy and Action Plan for Sustainable Tourism in the Broads 2011-2015 (BA21a) and subjected to ongoing work on the impacts of visitor pressure on European designated wildlife sites, an issue which emerged through DPD consultation. The consultants working on that Strategy assessed the emerging DPD and the Broads Plan, and associated responses to consultation, as a basis for their work.

Much of the baseline information used in the SA for the DPD has been used to influence the Authority's Biodiversity Action Plan (BA24a, b and c) and will be used as part of the emerging Integrated Access Strategy. The GHG Reduction Strategy (BA20) has used a similar baseline. All of these are identified as strategies to deliver the emerging Broads Plan; in turn the DPD is intended to put land use planning policies in place to enable these to be delivered.

The relationship between the Broads Plan, DPD and other relevant plans and strategies is graphically illustrated at Appendix 4 (page 50) of Document BA4.

## **Matter 2 – Policy DP1: Natural environment**

### **Is the policy effective?**

7. In the light of the comments from the RSPB, Natural England and Broadland District Council, why is this policy and the other policies referred to by those bodies sound?

7. See response to 8, below.

8. For clarification, the Authority's response to my preliminary questions seems to suggest that the RSPB, Natural England and Broadland District Council consider the DPD to be sound. What evidence is there of this? I would be grateful if the views of these bodies could be clarified.

8. During consultation following proposed submission of the DPD, representations were submitted by RSPB and Natural England relating to the AA and the soundness of a number of policies considered relevant thereto. Broadland District Council informally raised similar concerns. In light of these, the Authority entered into discussions with the three organisations to determine if these issues could be resolved and addressed to their satisfaction (through proposed changes to the DPD and AA).

Prior to the conclusion of the proposed submission consultation period, proposed changes were agreed with Broadland Council in relation to the AA and to a number of policies of the DPD. As a result, Broadland District Council caveated its representations to account for these, stating that its objection would be met if the agreed changes were made. Consequently, the DPD submitted on 31<sup>st</sup> March was accompanied by a Schedule of Proposed Minor Changes (DM6) and an Appropriate Assessment Schedule of Proposed Minor Changes (DM10), including those changes to both, proposed by Broadland District Council.

Discussions with RSPB and Natural England continued after the consultation period and prior to submission. In addition to the proposed minor changes (DM6 and DM10), the Authority confirmed to both organisations its intention to address their concerns regarding impacts of visitor numbers through joint work with the GNDP and via AA work supporting preparation of

the Authority's Site Specific Policies DPD. By email of 15 March 2011, RSPB confirmed that:

*"I therefore do not consider that the RSPB would maintain an objection to the DPD because:*

- 1. Policies have been strengthened to improve protection for designated sites and their features;*
- 2. Work is being progressed to support the AA conclusions in advance of the Site Specific DPD, and will therefore be completed prior to significant development being delivered."*

Also by email of 15 March 2011, Natural England advised:

*"We consider the DPD policies as they stand to be sound and effective, and to offer robust protection of the valued environment of the Broads."*

9. How would Policy DP1 be effective in protecting Natura 2000 sites? In order to ensure effectiveness, is it necessary to amend the policy to make it clear that the assessment process set out in the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) must still be followed?

9. One of the primary objectives of Policy DP1 is to protect Natura 2000 sites. The third paragraph of the policy addresses this in particular, supported by paragraphs 3.9-3.11. In response to representations made at pre submission stage (see response to questions 7 and 8, above), changes are proposed to other policies of the DPD - in the Schedule of Proposed Changes (DM6) - which seek to reinforce this protection through specific reference to the need for a development specific Appropriate Assessment.

Although paragraph 3.9 in particular is explicit in this regard, it may be considered appropriate to replace the third paragraph of Policy DP1 (to make *that* more explicit) with:

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

For clarification, however, the Authority considers the submitted policy in its entirety (including reasoned justification) to be effective.

### **Matter 3 – Policy DP5: Historic environment**

#### **Is the policy effective and consistent with national policy?**

10. What does Policy DP5 add to national policy? If it does not add anything, why has it been included?

10. The policy does reiterate the general principles of PPS5 (N20). However, the purpose of the policy, in part, is to provide a mechanism to underpin local distinctiveness through the recognition of the significance of undesignated heritage (historic, landscape, cultural architectural and archaeological) assets and to record them on a Local List. Without such, there remains the threat that the local distinctiveness and character of the Broads landscape could be eroded.

The Authority believes that the policy approach takes the lead from PPS5 about the importance of non-designated assets and the contribution they can make. The policy and reasoned justification enable the Authority to determine how the special character of landmark buildings, structure, historic landscape features, etc. can be protected through consideration of loss or alteration of an asset or its context. Many such assets, including water pumps, mills, waterside buildings (industrial and domestic) and landscape features, are of great importance

and in some instances unique to the Broads and together help create its particular character and importance. In this context the policy is considered to add to national policy.

11. The monitoring framework sets zero as a target for the number of permissions and consents granted contrary to English Heritage and Conservation Officer advice. Is this suitable and measurable? How does it take into account the possibility of conflicting views between those advisors, or a different view being taken by the Authority from those advisors?

11. A zero target is deemed to be both suitable and measurable. Development Management data collection records instances where permissions/consents are given contrary to the advice of internal or external heritage officers. Given the importance of the historic environment to the Broads, the Authority employs two specialist advisors, although a single, relevant recommendation is presented to Members. In practice there are very few occasions when an officer recommendation is overturned by Planning Committee (three instances since March 2009 for all application types) and so the target is considered realistic and achievable. The involvement of English Heritage arises on relatively few occasions; however in the event of a conflicting view then it might be appropriate to alter the wording of the Indicator to read "...English Heritage or Conservation Officer advice".

#### **Matter 4 – Policy DP6: Re-use of historic buildings**

##### **Is the policy consistent with national policy?**

12. What does Policy DP6 add to national policy? If it does not add anything, why has it been included?

12. The policy does reiterate the general principles of national policy. The policies contained in PPS5 regarding information required to support the conversion or change of use of a designated or undesignated heritage asset tend to be generic. PPS7 (paragraph 17) indicates that LPAs should include in their DPDs policy criteria for permitting conversion/change of use of rural buildings and indicates what those criteria should take account of. Policy DP6 addresses these requirements and contains more specific guidance about the type of information required and the reasons for this information, as well as referencing Broads-specific issues, e.g. addressing the potential impacts of development on protected species or habitats.

#### **Matter 5 – Policy DP7: Energy generation and efficiency**

##### **Is the policy justified and effective?**

13. How does the evidence base support the thresholds, Code for Sustainable Homes levels and BREEAM standards set out in Policy DP7? What evidence is there to demonstrate the viability of these targets? What is the justification for requiring these levels and standards in the Broads area?

13. The RSS (RS1) based its adopted Policy ENG1 (Carbon Dioxide Emissions and Energy Performance) on an evidence base. It sets the interim thresholds and targets for securing energy from decentralised and renewable or low-carbon sources: that all development proposals above 10 dwellings or 1,000m<sup>2</sup> (non-residential development) should secure at least 10% of the predicted energy requirements of the building from decentralised and/or on-site renewable sources. Given the nature of the Broads and the more constrained policies towards development in this Plan (particularly for new, residential development), the instances of such major development being proposed will be very limited. Nevertheless, the Authority has no evidence to support the viability of introducing lower thresholds such that more development would be 'captured' by such a policy approach. The Authority considers a 10% requirement reasonable and appropriate for major development but will in the future consider the potential for increasing this figure and/or associated thresholds given that costs of

provision are predicted to fall over time. At this time, however, the Authority considers that there is no justification in spending resources on undertaking new research on this issue.

The Government's 'Building a Greener Future: Policy Statement (N15) sets increments of improved standards under the Building Regulations, ensuring that all new homes are zero carbon by 2016. The current (2010) equivalent level in the Code for Sustainable Homes is Code Level 3. For non-residential development, this broadly equates to a BREEAM 'very good' standard. The Authority has prepared no independent evidence in relation to Policy DP7, relying on the RSS, and national levels and standards promoted through Government policy together with viability assessments in relation thereto (N15 – pages 22-24).

Whilst PPS1 Climate Change Supplement (paragraphs 30-31) allows for standards to be set locally, in light of the above the Authority sees no justification, at this stage, in departing from national targets in applying its planning policy. The Authority is currently preparing a Climate Change Strategy; when completed this will inform the Authority's thinking going forward and in the revision/adaption of planning policies.

14. The monitoring framework identifies an annual decrease in CO<sub>2</sub> emissions per capita as the monitoring target. Why is the target not more specific? How will the Authority and developers monitor this?

14. The Authority has not undertaken any assessment work to gain evidence on which to base a specific target. CO<sub>2</sub> emissions improvement targets are defined across Norfolk (and Suffolk) in adopted Local Area Agreements, broken down by District/Borough/City (CC4). However, the Broads is not identified specifically and so does not have a designated target.

15. The target given for the number of developments that provide 10% of their energy from renewable sources is 'maximise'. Does the Authority have more specific expectations about the outcome of this policy?

15. The target reflects the policy requirement of major development providing at least 10% of predicted energy requirements from decentralised and renewable or low carbon sources. At this stage the Authority does not have more specific expectations; the incidence of major development in the Broads that would trigger that requirement is very limited.

## **Matter 6 – Policy DP8: Renewable energy**

### **Is the policy effective and consistent with national policy? Is it the most appropriate strategy when considered against the reasonable alternatives?**

16. How does this policy reflect paragraphs 11 and 12 of PPS22: Renewable Energy? Paragraph 12 says that care should be taken to identify the scale of renewable energy developments that may be acceptable in particular areas. How is the policy consistent with this?

16. The thrust of Policy DP8 is to seek to accommodate renewable energy developments provided that they are of a scale and design that would not compromise the objectives of the Broads as a nationally designated area. This reflects the approach of PPS22 (paragraph 11). (Note: although the Broads are not mentioned, it can be inferred that reference to National Parks is meant also to include The Broads).

Whilst it would be difficult to list comprehensively the types, sizes and circumstances of renewable energy developments that would be acceptable, Policy DP8 and supporting paragraphs (particularly paragraphs 3.48-3.50) indicate the types and circumstances in which certain types of renewable energy development may or may not be acceptable. Reference is made to criteria including scale, design and impacts upon distinctive landscape, cultural heritage, biodiversity and recreational experience; collectively the protection of which represent the core objectives behind the designation of The Broads. In particular, paragraph 3.48 indicates that large-scale renewable energy developments will generally be inappropriate;

paragraph 3.49 sets out the criteria against which wind turbine proposals would be considered.

The policy is therefore considered to be consistent with national policy.

17. Why was the option of not including a local policy for renewable energy development discounted? Why is the chosen option the most appropriate, and how is it supported by the Sustainability Appraisal?

17. A number of options were considered through the process of preparing the DPD (DM22 – pages 74-75) and DM19 – page 26) including those aimed generally at precluding any large scale renewable energy schemes, or dealing with such as any other application (i.e. without specific policy guidance). The chosen option is considered to be a local policy, or at least one with a local flavour, in that it draws upon the principles of PPS22 but also addresses Broads-specific impact criteria and the Broads statutory purposes. In that context it is deemed to be the most appropriate option.

The SA generally supports this policy (with the exception of its impact on the expansion of the low carbon economy) as it gives additional protection to the sensitivities of the Broads landscape, cultural; heritage, biodiversity and recreation experience in relation to large scale renewable energy development. The SA shows that this policy specifically works to ensure that renewable energy development does not have adverse impacts on the natural and cultural environment of the Broads. Permitting renewable energy development should increase opportunities for sustainable energy resource use and generation and work to reduce CO<sub>2</sub> emissions from the energy use and generation.

The SA also shows that the policy will specifically work to protect recreational experiences for Broads users from unacceptable impacts that may result from renewable energy developments. It will help to protect the Broads environmental assets from renewable energy development, and these play a major role in the Broads tourist economy.

18. The monitoring framework identifies an annual increase in the amount of energy from renewable sources as the target. Why is the target not more specific? How will the Authority and developers monitor this?

18. The Authority has not undertaken any assessment work to gain evidence on which to base a specific target. Monitoring is undertaken by the Authority to record the type and levels of renewable energy for each development proposal (application) and published in the AMR.

## **Matter 7 – Policy DP9: Telecommunications development**

### **Is the policy effective and consistent with national policy?**

19. What does this add to national policy? If it does not add anything, why has it been included?

19. The policy does reiterate the general principles of PPG8 (N22), in particular those expressed in paragraphs 37-40 and 64. However, it is included in order to place emphasis on the Authority's general support for essential telecommunications infrastructure except where it would have an adverse impact upon the special characteristics of the Broads, in particular: protected landscapes, wildlife and habitats.

20. Why is there no monitoring indicator for this policy?

20. No monitoring indicator is proposed as the success of the policy's objectives is considered to be essentially qualitative and therefore difficult to set meaningful monitoring objectives/targets.

## **Matter 8 – Policy DP10: Advertisements and signs**

### **Is the policy effective and consistent with national policy?**

21. What does this add to national Regulations and policy? Why is there no monitoring indicator for this policy?

21. The policy does reiterate the general principles of PPG19 (N28) and Circular 03/07 (N36). However, it is included because the impact and proliferation of signs/advertisements is particularly acute given their potential impact upon nationally protected landscapes. The nature of the Broads has and can lead to a proliferation of inappropriate signage – tourism, road signs and especially navigation signs – which can all have a single or cumulative impact upon the character of the Broads. No monitoring indicator is proposed because it is considered to be essentially qualitative and difficult to set meaningful objectives/targets.

## **The use and enjoyment of water and land**

### **Matter 9 – Policy DP11: Access on land**

#### **Is the policy justified and effective?**

22. What are the ‘relevant adopted standards’ applying to car parking referred to in Policy DP11? Are they set out in a DPD? How are they underpinned by evidence to justify them?

22. The adopted standards referred to are those of Norfolk County Council (CC2a) and Suffolk County Council (CC3a), superseded as appropriate by relevant District/Borough Council standards as they are adopted in DPDs of those LPAs; it also refers to Annex D of PPS13 (N26). In the interests of creating a concise Plan these have not been reproduced in the DPD, but also for the following reasons. It is acknowledged that the County Council standards and even Policy T14 of the RSS (RS1) are, in the context of current national policy, superseded in a number of respects. PPS3 (N18a) and PPS13 (N26) in particular have altered the emphasis away from the setting of maximum standards (for housing and small scale development) towards a more flexible approach to take account of local circumstances and community needs.

The constituent LPAs covering the Broads have reached different stages in the preparation and adoption of up-to-date parking standards and policies, insofar as they reflect current national policy. It is with the need for flexibility and an effective policy in mind that DP11 has, in part, been formulated. As individual LPAs adopt up-to-date standards that reflect current national policy, then these will be applied in the context of Policy DP11.

23. This policy sets out a number of requirements ‘where appropriate’. How would this give applicants certainty about what is likely to be required of any proposed development? How is this sufficiently specific so as to be effective?

23. It is acknowledged that the phrasing “as appropriate” or “where appropriate” lacks specificity. However, much will depend upon the nature of the proposed development, its location, opportunities for access and in particular its scale. National policy and related guidance provides guidance on issues relating to managing travel demand (in particular PPS13 (N26 – paragraphs 40-44 and 63-79) and Delivering Travel Plans Through The Planning System (N13)). Of necessity, it is more difficult to be specific about the need for waterside pedestrian access; such will need to be assessed in the context of the particular development or site but the principal is nevertheless a key component of the Broads Authority’s objectives.

24. Why is the monitoring indicator for this policy not more specific?

24. The indicators/targets for policy DP11 are considered to be sufficient for the purpose of monitoring access on the land. Given the anticipated types and level of development in this area of constraint, further monitoring or monitoring of greater specificity is not considered necessary.

### **Matter 10 – Policy DP12: Access to the water**

#### **Is the policy justified and effective?**

25. Is this policy intended to prevent freight wharves on sites that have not been previously developed? If so:

- a. what is the justification for this; and
- b. should the policy wording be more explicit to make it effective?

25. Yes. It is intended that the policy makes provision for the development of freight wharves on previously developed land but not green field sites. This is justified in that this type of development would, by its very nature, involve larger scale development to facilitate the transfer of freight from generally larger vessels to site, or via alternative (road) transport. The type and scale of development that would be associated with freight wharves is not generally appropriate on green field sites. In the interests of sustainability, being accessibly located, and to reduce the potential for impacts on landscape and protected sites, such development ought generally to be located on previously developed land and in practice, within or adjacent to development boundaries. The Authority considers this approach to be consistent with national policy and the Core Strategy (Policy CS18).

The Authority considers the final paragraph of policy DP12 to be sufficiently explicit to make it effective. It directs such development to brownfield sites only, subject to other policies of the Development Plan.

26. Why is there no monitoring indicator for this policy?

26. The policy is designed to deal with specific circumstances in the provision of access to the water and criteria based considerations in relation thereto. No monitoring indicator is proposed as the success of the policy's objectives is considered to be essentially qualitative and therefore difficult to set meaningful monitoring objectives/targets.

### **Matter 11 – Policy DP13: Bank protection**

#### **Is the policy justified and effective? Is it the most appropriate strategy when considered against the reasonable alternatives?**

27. The problem that Policy DP13 seeks to address is bank erosion and consequent effects. The policy allows proposals that include bank protection measures. But should it also require bank protection measures to be included as part of some development proposals?

27. Applications for bank protection works normally come about as a result of the proposed replacement of existing piling or projects being undertaken by the Broads Authority or Environment Agency in the implementation of flood alleviation works, improvements to the navigation or the provision of moorings. Residential or commercial development tends to be located where there is existing piling and will sometimes require replacement but it is not the Authority's intention to promote or require new bank protection in conjunction with other development proposals.

28. In the December 2007 Preferred Options document, Policy PO36 (page 65) said 'the use of natural or soft engineering techniques is favoured'. In Policy DP13 of the June 2010 Further Consultation on Preferred Options document, that approach was deleted. The submission version of Policy DP13 says that 'soft engineering techniques should be used as a first preference where appropriate'.

28. In response to consultation on Preferred Options, it was considered that the phrase used therein ("natural or soft engineering") was "meaningless" (DM2, page 86); it was consequently deleted entirely from the Further Consultation on Preferred Options.

It is acknowledged that given the variation in depth, width, boating activity, tidal ranges, bank construction and landscape/riverscape across the Broads, no one bank protection solution should be applied universally and that decisions on the suitability of protection methods should be taken within the context of the locality. However, the general approach adopted by the Broads Authority, gained from experience, is consistent in favouring soft engineering solutions for bank protection in that this is generally more sensitive towards habitat, landscape and the rural character of the Broads, and requires less maintenance. It also supports the move towards a more naturally functioning wetland. Soft engineering approaches include faggots (live willow bundles), willow spiling and bitumen matting/reeded edges. Further information can be found in Document BA14.

Consultation on Further Preferred Options led to the Environment Agency recommending the phrase subsequently used in the submission DPD (first sentence of second paragraph).

29. Why is the option ultimately decided on the most appropriate, considering the other alternatives previously preferred? Does the Sustainability Appraisal show how these different options perform? How does it support the chosen approach?

29. In light of the above (answer to question 28.), the policy approach to 'prefer' soft engineering approaches is included in the submitted DPD and considered the most appropriate. This provides a clear indication of preference, but retains flexibility in adapting solutions to bank protection to the circumstances that prevail. The option of imposing soft engineering in all situations or, alternatively, not at all would be inflexible and ultimately adversely impact upon the Broads.

PO36 from the preferred options stage was assessed through SA. The results of this assessment are shown in the Sustainability Appraisal Report (DM23 – pages 186-187). The policy was then revised and consulted upon during the further consultation on preferred options and was duly assessed through SA (DP13). The results of this assessment are shown in the relevant Sustainability Appraisal Report (DM20 – page 100). The policy was again revised in light of consultation responses and presented in the proposed submission document and again assessed through SA. The results of this assessment are shown in DM7 – page 101.

The benefits of 'soft' engineering techniques were recognised for its landscape benefits in the SA under SA1 in the description of effects (DM23). The removal of this during the next stage (DM20) changed the description of the effect, but did not materially change the overall assessment score, as protecting banks from erosion, whether hard or soft, was likely to bring about benefits in terms of landscape character and ecological benefits from reduced erosion.

The SA on the proposed submission policy generally shows positive effects, with one exception. This policy protects waterways from bank erosion, which can have a significant impact on the appearance and ecological value of the waterways in the Broads. It allows for piling of banks for compliance with the Water Framework Directive, which requires that all inland water reach good status by 2010 and therefore may work to improve water quality. Additionally, prevention of soil erosion will work to protect water quality. This option allows for piling and quay heading of banks for flood defence requirements, which will reduce vulnerability to flooding. Allowing bank protection to prevent bank erosion will help maintain the navigation of the waterway and the policy also requires that proposals take account of safe navigation of the waterway.

Protecting the waterways from bank erosion will also help to support the Broads-based tourist

economy. However, this option may restrict mooring on banks that have been piled and may therefore limit access by water to facilities, services and sites of interest.

30. If there is evidence to support soft engineering techniques, should the wording be stronger to make the policy effective?

30. As indicated in the response to question 28, above, knowledge gained from trials and from general experience gained by the Broads Authority, Environment Agency and Broadland Environmental Services Ltd supports the approach of favouring a soft engineering in bank protection.

The wording of the policy, in promoting soft engineering as a first preference, is considered the most effective. For the reasons indicated above it is the most sensitive and sustainable but in certain circumstances (e.g. the creation of moorings/quay headings and in the harsher downstream environments where ground conditions are poor), piling is the most effective means to achieve this. The policy wording expresses a preference but acknowledges the need for flexibility and adaptability to the prevailing circumstances.

31. Why is there no monitoring indicator for this policy?

31. No monitoring indicator is proposed as the success of the policy's objectives is considered to be essentially qualitative and therefore difficult to set meaningful monitoring objectives/targets.

## **Matter 12 – Policy DP14: General location of sustainable tourism and recreation development**

### **Is the policy effective? Is it the most appropriate strategy when considered against the reasonable alternatives?**

32. How does this policy resolve the challenge of aiming to protect the landscape character and setting of the Broads with the aim of creating a buoyant and thriving tourist economy? What is the balance sought, and how would the operation of the policy be effective in achieving that?

32. The Broads Authority recognises the potential dichotomy between encouraging and facilitating new tourism and the need to protect the qualities and characteristics of the Broads that generate that tourism. The statutory purposes of the Broads are: to conserve and enhance natural beauty, wildlife and cultural heritage; to promote opportunities for the understanding and enjoyment of the special qualities of the Broads; to protect the interests of navigation and maintain the navigation area. It should also be noted that one of the duties that sits below the statutory purposes is consider the social and economic interests of the local population, which itself relates directly to tourism.

The fact that none of these purposes takes precedent, under statute, highlights the importance of seeking to strike that balance through the Authority's various strategies and its planning policies. Policy DP14 seeks to locate new tourism/recreational development in sustainable locations (in or adjacent to development boundaries or closely associated with existing development). Only where such development can demonstrate a clear need to be in the open countryside will this be permitted and only then when landscape, ecological and other factors are addressed satisfactorily.

It is considered that the policy strikes the appropriate balance, when taken together with other policies of the Plan, in protecting, inter alia, the economic, landscape and wildlife interests of the Broads. The LDF is part of the wider strategy of the Broads that seeks to achieve a balanced approach to meeting the three statutory purposes; related strategies include: The Broads Plan (BA2 and BA4); Sustainable Tourism Strategy (BA21a); Broads Mooring Strategy (BA19) and Broads Biodiversity Action Plans (BA24a, BA24b and BA24c).

33. What alternatives have been considered? Why is this the most appropriate approach? How does the Sustainability Appraisal support the chosen option?

33. Options ST1-5 and ST7 from the Issues and Options stage (DM25) were brought together and consolidated into the Preferred Option (DM22). ST6 was considered inappropriate as it would encourage development in some areas rather than others, without considering other issues and constraints as set out in other preferred options, and this could be misleading.

The SA of Issues and Options (DM26) shows only positive benefits for options ST1-5 and ST7. ST6 however, was identified as having one negative effect as this option would have restricted particular areas from holiday uses, which may have impacted negatively on the tourist economy. Therefore the preferred option was considered the most appropriate in terms of SA and was also assessed favourably, identifying no adverse effects.

The SA supports the proposed submission policy as it will protect the open countryside and greenfield land from tourism and recreational development. This policy will also work to encourage the sustainable and efficient use of land by restricting tourism and recreational development away from greenfield sites and towards brownfield land in need of enhancement and regeneration. Additionally, this policy should ensure access to new tourism and recreational development is good by encouraging such development to take place within an existing settlement or where it is closely associated with an existing tourism site, group of holiday dwellings or boatyard. It will allow recreational facilities in the open countryside through criteria that protect that landscape and ecology of the Broads, ensuring that such facilities are in keeping with the area and its economy. Permitting new recreational and tourism development should support the local tourist economy and increase visitor spend and the number of visitor days. Encouraging new tourism and recreational development in or near to existing settlements may also reduce the need to travel to facilities and services, or may lead to increases in walking, cycling and public transport use.

34. Given the importance of tourism to the Broads, why is the target for the estimated visitor spend not more specific and why has no target for the estimated number of visitor days been identified? Does the Authority have more explicit aspirations in mind than the monitoring framework would suggest?

34. The Broads strategies identify a general desire to grow both visitor numbers/days and spend, although they do not identify numerical targets. This is reflected in the DPD monitoring. Records for 2009 indicate that there were 7.2 million visitors to the Broads and a visitor spend of £419 million.

The 'informal' objective is to see 5% growth, for both, per annum but not in blanket terms as the Authority's aspirations vary with season and location. For example: July and August are close to capacity with aspirations for growth focussed on the 'shoulder' months, particularly April and May. Need for growth is also greater in the southern parts of the Broads than elsewhere.

In light of this, the proposed indicators and targets reflect the non specific nature of the Authority's (overall) aspirations for visitors and spend.

**Matter 13 – Policy DP15: Holiday accommodation – new provision and retention and Policy DP16: Moorings**

**Are these policies justified, effective and consistent with national policy? Do they offer the most appropriate strategy when considered against the reasonable alternatives?**

35. Taken together, Policies DP15 and DP16 represent the primary means of managing tourist accommodation development. How do they support the Core Strategy's objectives in relation to tourism and Policy CS9? How do they take the strategy forward? How would they deliver the outcome sought?

35. The Core Strategy policies addressing the Authority's strategic planning vision for policies relating to tourism and tourist accommodation are set out principally in CS9, CS11 and CS12. These promote sustainable tourism, diversification and the protection of existing accommodation/facilities, and provide broad locational and environmental criteria against which proposals can be considered. Policies DP15 and DP16 set out more detailed policies addressing the promotion and facilitation of new visitor accommodation on, respectively, land and water. Supporting strategies of the Authority, specifically the Strategy and Action Plan for Sustainable Tourism (BA21a) and the Mooring Strategy (BA19) post date the Core Strategy but build upon its planning Strategy in a consistent and positive way, as does the submitted DPD.

36. Why is this the most appropriate policy response? What alternatives have been rejected, and how does the Sustainability Appraisal support the chosen option over those?

36. The main alternative from the issues and options stage for DP15 was placing no restriction on holiday homes becoming second homes (ST18). This option had a negative SA assessment as second homes are unlikely to benefit the local economy as much as holiday homes. The preferred option (ST17) proposed restricting holiday accommodation so it remains as such in perpetuity and not sold off as second homes. It was assessed favourably through SA, as this option would protect holiday accommodation from becoming second homes, which would protect this aspect of the tourist economy.

From preferred options through to submission, the content of this policy has not generally changed and therefore the SA has remained consistent throughout in terms of its effects being generally beneficial, with the exception that restricting the sale of holiday or second homes to the open market will work to keep the supply of permanent housing low and the demand high, which is likely to restrict overall affordability of housing in the area.

The SA is generally supportive of this policy, albeit with one exception. Restricting the sale of holiday or second homes to the open market will work to keep the supply of permanent housing low and the demand high, which is likely to restrict the overall affordability of housing in the area. However, the provision of holiday letting accommodation is essential infrastructure in support of tourist business activity in the Broads area. Permitting new holiday lettings whilst limiting the development of holiday homes will work to maintain and develop tourism infrastructure and the local economy as it will increase the visitor capacity of the area. Restricting the conversion of visitor accommodation into permanent residential accommodation should work to maintain availability of holiday accommodation and support the local economy.

All options from the issues and options stage for DP16 (WM6-WM10) were taken forward into the preferred options stage. The SA generally supports the proposed submission policy DP16. This policy explicitly protects European habitats and species from the potential adverse effects of mooring basins developments and ensures that new moorings must give consideration to the requirements of the Water Framework Directive, and the prevention of pollution from entering the waterway. Permitting new moorings will work to increase the length of frontage provided for visitor/temporary mooring, increasing access by water to services, facilities, sites of interest and recreational facilities for Broads users and residents. Moorings are an essential element of infrastructure in the Broads that support waterside business activity, facilitates visitor use and enhances the local economy.

However, the policy requires the adequate provision of car parking at new moorings rather than requiring that new moorings are accessible via public transport, walking and cycling. Additional car parking in the Broads and increased mooring availability may lead to increases in traffic growth and CO<sub>2</sub> emissions from transport in the Broads area.

37. Is it intended that Policy DP15 should allow farm diversification projects for holiday accommodation? If so, would the need to comply with the spatial approach in Policy DP14 cause problems for the effectiveness of the policy? If not, why not?

37. Yes. It is intended that Policy DP15 facilitates farm diversification projects for holiday accommodation. It is not considered that Policy DP14 would undermine the effectiveness of Policy DP15; it is intended that these policies be complementary. Policy DP14's spatial approach is based upon the sustainability objectives of seeking to ensure that, in the main, new development is located in or close to settlements or existing development. Where farms do not meet these criteria then Policy DP14 makes provision for development in the open countryside, subject to it not involving significant amounts of new building. However, farm diversification will tend to require the re-use of existing buildings with limited new build and this is addressed through Policy DP21 in combination with DP14 and DP15, as appropriate. This is considered to be consistent with the Core Strategy and PS4.

38. How does Policy DP15 support farm diversification for holiday accommodation that is consistent in its scale and environmental impact with the rural location, as set out in PPS4? Policy DP19 addresses this in relation to farm diversification to provide employment uses, but paragraph 5.14 says that this excludes tourist accommodation.

38. Policy DP15 is cross referenced with Policy DP14, which specifically addresses locational criteria together with landscape and ecological factors, in considering proposals. These, together with Policy CS12 of the Core Strategy provide an effective basis for considering such proposals, consistent with Policies EC6 and EC7 of PPS4.

39. The monitoring framework identifies a target of 'no loss' in the number of tourist accommodation units. Given the importance of the tourism sector to the local economy, and bearing in mind that this policy deals with the provision of new accommodation, is this target sufficiently ambitious? How does this reflect the 'need to adopt a more proactive approach to shaping accommodation development' referred to in paragraph 4.20? If the target is met, would the policy objective have been achieved?

39. There is a difficult balance as tourist accommodation continues to come under pressure and the policy approach has tended to focus on the retention of - rather than the creation of - bed spaces, with the objective of the overall level, quality and diversity being maintained. However, in light of this and the proactive approach set out in the Sustainable Tourism Strategy, then on reflection it would be appropriate to include an indicator to record the number of additional bed spaces created and a target to maximise this.

#### **Matter 14 – Policy DP18: Protecting general employment**

**Is the policy effective? Is it the most appropriate strategy when considered against the reasonable alternatives?**

40. Would it help the effectiveness of this policy to specifically refer not only to sites but also to properties, as Core Strategy Policy CS22 does?

40. Yes. On reflection it would be more effective if the policy were to include reference to "property" or "properties" (as appropriate) in addition to "sites", in all instances in the policy and reasoned justification. See Appendix 1 for proposed revised wording.

41. For clarification, in paragraph 5.8, is the reference to alternative uses meant to exclude the uses listed in (b) of the policy? Or is a statement assessing future demand and demonstrating marketing attempts also required for a change to the uses listed in (b)?

41. To clarify, it is intended that the policy expresses the position that category (a) is the preferred position (uses within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010) and that where those are unviable, uses in category (b) are acceptable. Alternative uses will then be considered if uses in (a) and (b) are demonstrated to be economically unviable.

On reflection, it is apparent that the policy and reasoned justification as drafted in the submission DPD do not make that position clear. It is therefore proposed that appropriate amendments are made to Policy DP18. A revised policy is therefore set out in Appendix 1 to this Statement.

42. How was the marketing period of 12 months in paragraph 5.8 (and 5.21) arrived at? Were alternative periods considered? Is 12 months sufficient to be able to conclude that the re-use of the site or property for employment is an unrealistic proposition? Is it expected that marketing should include for those uses listed in (b)? If so, would it help the effectiveness of the policy to be more explicit?

42. A twelve month period for marketing is considered to be a fair and appropriate period. It is considered to strike a balance between a shorter period, say six months, which might not be sufficient to properly demonstrate that re-use for employment is unrealistic. Also, such a period would not necessarily include a full tourism season, which could influence results. Whilst a 24 month period would better gauge the local market and seasonal fluctuations, it would be onerous. It is also noted that where a use is unviable, such a longer period would potentially result in an empty site for longer, which would not be in the interests of the Broads.

It is anticipated that the need for marketing the site or property should apply to those uses listed in (b). See response to question 41, above.

### **Matter 15 – Policy DP22: Residential development within defined settlement boundaries**

#### **Is the policy justified and effective? Is it the most appropriate strategy when considered against the reasonable alternatives?**

43. Did the Authority give consideration to any alternatives to limiting new residential development to within the defined settlements? If not, why not?

43. No. The approach is consistent with Core Strategy policy CS24, which seeks to promote sustainable patterns of development and protect the rural nature of the Broads by restricting new residential development to within settlements. The Broads Authority does not have a strategic housing function and does not have a role in identifying sites for new housing development. The boundaries of the Broads are drawn tightly around its constituent river valleys, excluding large parts of the settlements in which most new housing development can be accommodated. Although exceptions are facilitated in Policy DP23 (Affordable Housing), restricting market housing to those areas within defined settlement boundaries is considered to be consistent with national policy and effective.

Changes to Policy DP22 are addressed by Norwich Frostbite Sailing Club, Somerton Parish Council and Sir M. Harrison, seeking greater flexibility in its provision for residential development. Frostbite seeks changes to the policy to allow for groups of up to 25 dwellings within the urban fringe of Norwich. The Authority believes that to make provision for development of this scale via a development management policy, in an area of constraint and in which no strategic housing is required, would be inappropriate. If provision for this level of housing development were to be considered, then it should be via an appropriate Site Allocations process, consultation and SA.

Finally, it is noted that Policy DP25 is omitted from the list of policies in the third paragraph of submitted Policy DP22. Policy DP25 is relevant insofar as it makes provision for development (new residential moorings) outside (adjacent to) a defined development boundary. It is proposed that this be rectified by adding an appropriate reference.

44. What does this policy add to Core Strategy Policy CS24? How was the figure of five dwellings arrived at? Why is this the most appropriate figure?

44. The policy does reiterate the general principles of Core Strategy Policy CS24 but it also elaborates on the specific circumstances in which residential development might be acceptable. It also indicates that whilst such development will normally comprise groups of up to five dwellings, exceptionally (subject to stated criteria) larger development could be appropriate (paragraph 5.27).

The intention is that the policy facilitates the development of small groups. However, rather than use that phrase, it was considered desirable to specify, by number, what that might be. The figure of five dwellings was selected to clarify the scale of development addressed by the policy. However, this is pre-empted by use of the word normally, in order to provide some flexibility.

45. Why has no target been identified for this policy? Is the aim not to ensure that no new houses are allowed outside the defined settlements (save for those given exception by other policies)?

45. It is recognised by the policy that there may be opportunities where housing is appropriate and desirable. However, the Broads Authority has no strategic housing allocation and therefore no target for the provision of new housing. Other than targeting all market housing to be within the development boundaries, it is not considered necessary to provide a monitoring target.

## **Matter 16 – Policy DP23: Affordable housing**

### **Is the policy justified, effective and consistent with national policy? Is it the most appropriate strategy when considered against the reasonable alternatives?**

46. Has the need for affordable housing in the Broads area been quantified through any study or assessment? If so, where and what is the scale and nature of the problem involved? What size and type of affordable homes are needed?
47. Paragraph 29 of PPS3 says that “*in Local Development Documents, Local Planning Authorities should set an overall (ie plan-wide) **target** for the amount of affordable housing to be provided*”. Is there any plan-wide target for the Broads? If not, why not, and in this absence how would the Authority measure the success or otherwise of the policy?

47. Please refer to separate Affordable Housing Topic Paper.

48. Assuming that the Authority could judge the effectiveness of the policy in addressing the problem, how could the Authority respond if the policy were found to be failing or falling short in some way? Is the DPD sufficiently flexible to deal with changes to the affordable housing policies of the other local planning authorities involved?

48. Please refer to separate Affordable Housing Topic Paper.

49. Paragraph 29 of PPS3 also says that LDDs should “*set out the range of circumstances in which affordable housing will be required. The national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities can set lower minimum*

*thresholds, where viable and practicable, including in rural areas. This could include setting different proportions of affordable housing to be sought for a series of site-size thresholds over the plan area. Local Planning Authorities will need to undertake an informed assessment of the economic viability of any thresholds and proportions of affordable housing proposed, including their likely impact upon overall levels of housing delivery and creating mixed communities. In particular, as the new definition of affordable housing excludes low-cost market housing, in deciding proportions of affordable housing to be sought in different circumstances, Local Planning Authorities should take account of the need to deliver low cost market housing as part of the overall housing mix”.*

49. Please refer to separate Affordable Housing Topic Paper.

50. From Policy DP23, the range of site size thresholds would include thresholds below the national indicative minimum. What evidence is there before me to show that these lower thresholds are viable and practicable in the Broads, and how does the evidence demonstrate this?

50. Please refer to separate Affordable Housing Topic Paper.

51. In specific terms:

- a. How does the viability assessment undertaken for the Greater Norwich Development Partnership Joint Core Strategy show that the sliding scale of site size thresholds and associated proportions of affordable housing are economically viable in the Broads? As that assessment was based on the previous definition of affordable housing, how can it be valid for the purposes of assessing the viability of these proportions of affordable housing as now defined in PPS3? How might the legal challenge to that Joint Core Strategy affect all this?
- b. How does the North Norfolk Core Strategy meet the requirements of PPS3 set out above? Did the North Norfolk Core Strategy examination take account of the judgement in the Blyth Valley Case<sup>1</sup>, or did the timing of the two events prevent this?
- c. How would applying the approach currently followed by Great Yarmouth Borough Council meet paragraph 29 of PPS3?
- d. How does Waveney District Council’s Affordable Housing Viability Study demonstrate the viability of the site size thresholds and associated proportions of affordable housing in the Broads?

51. Please refer to separate Affordable Housing Topic Paper.

52. The outcome of this policy would be to apply different standards in different parts of the Broads. Why is this the most appropriate option? What others were considered and why were they rejected? How does the Sustainability Appraisal support the chosen approach?

52. Please refer to separate Affordable Housing Topic Paper.

53. Would applying the standards of other local planning authorities lead to practical complications or otherwise threaten the effectiveness of the policy? If not, what are the potential problems and how would they be overcome?

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<sup>1</sup> Blyth Valley Borough Council v Persimmon Homes (North East) Limited, Barratt Homes Limited and Millhouse Development Limited

53. Please refer to separate Affordable Housing Topic Paper.

54. Given the issues involved here, I would be grateful if the Authority would produce a concise topic paper explaining the affordable housing position in relation to the Broads. This should directly address the questions listed above, set out a full justification for Policy DP23, and clearly explain how the evidence base demonstrates viability in the Broads. It would also be helpful to know how the policy would be applied in practical terms – for example, would the Authority or the relevant District Council negotiate on the affordable housing element of submitted schemes?

54. Please refer to separate Affordable Housing Topic Paper.

### **Matter 17 – Policy DP24: Replacement dwellings**

#### **Is the policy justified and effective? Is it the most appropriate strategy when considered against the reasonable alternatives?**

55. For clarification, does criteria (b) seek to restrict the floor area of the new dwelling to that of the original?

55. No. The policy criteria does not seek to restrict the floor area of the new dwelling to that of the original.

56. How will this policy make sure that the aim of protecting and enhancing the landscape quality of the Broads is met?

56. This policy approach is designed to facilitate and indeed encourage contextually appropriate development (based upon design, scale, mass and height criteria) rather than strictly limit their size/floorspace to match the existing. The policy also allows for the relocation of a replacement dwelling which would be less visually prominent and/or at lower risk of flooding. Criteria of the policy address the need to respect and protect the landscape character, as do other policies of the Plan (DP2 and DP4).

57. Why is it the most appropriate option? Would the alternative option considered at the Further Preferred Options stage be more likely to successfully protect the landscape? Why was it considered that restricting the volume of the replacement dwelling to that of the original together with permitted development rights would stifle innovative design? What evidence is there to suggest this? What level of support did the two options receive through the participation exercises? How does the Sustainability Appraisal support the chosen option over the rejected one?

57. This is considered to be the most appropriate option in that it creates opportunities for innovation, for the repositioning of a dwelling to better protect or harmonise with the landscape or setting, and/or reduce flood risk. The policy as proposed, in allowing the principle of a replacement in a different form, size or location, does not inherently undermine the objective or ability to protect the Broads landscape. Indeed, the converse will be true in its correct application. For example, limiting the replacement of a very small dwelling to another very small dwelling of the same size/form would not create as many opportunities for innovation in design, adaptability, sustainability and flood resilience. A number of Broads waterside chalets are very small, with outside toilets, and would not if replaced like for like, provide an adequate standard of accommodation or facilitate innovation/enhancement. It is conceded that in some instances a larger dwelling may not be appropriate but the Authority considers that this and other policies of the Plan are sufficiently robust and flexible to respond to each proposal on its merits, in their context.

A replacement dwelling policy was considered at Preferred Options (DM22) and Further Preferred Options (DM19) consultation stages. At Preferred Options stage, there were four responses: none opposed to the preferred option and one seeking greater flexibility in its

application. At Further Preferred Options stage, there were three responses: only one of which supported the alternative option.

The SA is generally supportive of the chosen policy option as the policy protects the countryside character of the Broads by requiring that replacement dwellings in the countryside use design and external materials that are appropriate to the setting and landscape character. It also works to ensure that historic and culturally significant residences are not unduly replaced. It also allows for replacement dwellings in the countryside provided previously developed land is used. This will work to increase the proportion of new development on previously developed land and encourage the efficient use of land in a sustainable way. Finally, the policy allows for replacement dwellings to be relocated to an alternative location with a lower risk of flooding. However, the policy does limit the replacement of dwellings in the countryside, which may restrict housing supply and may adversely affect affordability. The proposed submission policy performed better than the alternative, which had no significant effect upon reducing vulnerability to climate change and flooding.

## **Matter 18 – Policy DP26: Dwellings for agricultural, forestry and other workers**

### **Is the policy justified, effective and consistent with national policy?**

58. What does this policy add to PPS7? If it does not add anything, why has it been included? Why does the Authority consider that reliance on PPS7 would not adequately recognise the contribution made by boatyard workers to the Broads economy or that there can be an operational need for them to live close to their place of work?

58. The policy does reiterate the general principles of PPS7 (N21), in particular those expressed in Annex A. The Authority recognises that PPS7 addresses adequately a number of aspects covered under Policy DP26. However, it is keen that the policy should reflect the specific needs of Broads workers, e.g. boatyard workers, which can be of a temporary or seasonal nature and are often accommodated in a range of accommodation – caravans, boatshed conversions, holiday accommodation, etc.

59. Paragraph 3 (i) of Annex A to PPS7 emphasises that the functional need for the full-time worker is an *existing* need, rather than a future need. Why does criterion (a) not reflect this? Why does criterion (c) not reflect the requirements in Annex A to PPS7 for the business to have been profitable for at least one of the three years it has been established and to be currently financially sound?

60. Criterion (c) suggests that the business should be “*capable of being sustained for a reasonable period of time*”. How is that consistent with the strength of wording in PPS7, which says that the dwelling will only be allowed if the business is currently financially sound and has a clear prospect of remaining so? What is the justification for the difference?

59 and 60. It was considered to be implicit in the phrasing of criterion (a) that the need should be existing. However, on reflection it would be helpful to clarify this by being more explicit by adding “existing” after “demonstrable” in criterion (a).

Criterion (c) has been adapted from the version in PPS7 in order to reflect the circumstances of the Broads, specifically in relation to boatyard workers. This type of employment can be seasonally reliant and change quite quickly over time. The Authority wishes to avoid the situation whereby the need for a dwelling is established in one successful season when in practice there will be barriers (e.g. funding, marketing or navigational factors) to that enterprise continuing to be profitable beyond the short term.

61. Is the policy consistent with paragraph 12 of Annex A to PPS7 in relation to temporary dwellings? Does it reflect the requirement of providing clear evidence that the proposed enterprise has been planned on a sound financial basis? If not, why not?

61. Criterion (j) of the policy refers to the need to develop sustainable economic viability. This is considered to allude to the requirements expressed under Annex 2, paragraph 12 (iii). However, on reflection it is perhaps more appropriate to make more direct reference and to extend criterion (j) by adding the phrasing used in paragraph 2 (iii) of PPS7.

### **Matter 19 – Policy DP27: Visitor and community facilities and service**

#### **Is the policy effective? Is it the most appropriate strategy when considered against the reasonable alternatives?**

62. The final sentence of this policy says that facilities which are educational in nature or relate to the promotion of the conservation of the Broads environment will be supported. Should such support be subject to meeting one or more of the criteria listed in the policy? If not, how would this part of the policy be effective in protecting the landscape quality of the Broads?

62. The intention is that such facilities should meet criteria (c) - (f).

63. What alternatives to the chosen approach have been considered? Was the option of not protecting visitor and community facilities and services a reasonable one? Are there any other reasonable options that should have been considered but have not been?

63. The Further Preferred Strategy consultation considered the option of not protecting such facilities from redevelopment. It was reasonable to *consider* such an alternative but in the context of the Broads' statutory purposes not appropriate to pursue as a policy. The Authority did not believe that there were any other reasonable options for consideration.

### **Matter 20 – Policy DP29: Development on sites with a high probability of flooding**

#### **Is the policy justified and consistent with national policy?**

64. Is this policy wholly consistent with PPS25? If not, what are the differences and what is the justification for them?

64. The policy is wholly consistent with PPS25.

65. If it is wholly consistent and simply repeats parts of Annex D to PPS25, why has it been included? Why does the Authority consider that omitting this policy may weaken the gravity of the issue of flooding at the local level, or omit the potential to set out local priorities in flood risk management? What local priorities in flood risk management does this policy set out?

65. The issue of flood risk is one regularly encountered when considering development proposals within the Broads. The low lying topography and proximity to rivers means the majority of Broads area, some 95% by area, has been identified as being at some risk of flooding, with a large portion of this land being identified as being at high risk of flooding. In addition to this, the lightweight nature of traditional Broads buildings, soft ground conditions and high plot values result in a relatively high number of applications for replacement dwellings within the floodplain. The predominant commercial land uses within the Broads – tourism and boatyards – also tend to be concentrated at the water's edge and within the floodplain. Consequently, Policy DP29 seeks to ensure that appropriate new development (including

replacement of existing buildings) can occur where there would be no risk to occupants or users of the site and the development would not increase the risk of flooding either on or off site.

DP29 sets out the policy situation for sites identified as being at high risk of flooding, detailing the factors which will be considered in the determination of planning applications on such sites. In doing this, the policy draws together a number of considerations which extend across a range of documents (see below). The policy position taken in DP29 supports the adopted Supplementary Planning Document (SPD) (BA10) and, in doing so, reflects the local priority in flood risk management of permitting appropriate and sustainable development in the context of increasing flood risk associated with climate change. Specifically, Policy D29 together with the SPD would permit replacement dwellings in the flood plain and allow for the limited redevelopment of boat yard sites in accordance with Core Strategy Policies CS20, CS18 and CS23.

The policy highlights the importance for applicants to refer to the Authority's Strategic Flood Risk Assessment maps (SFRA) as well as the Environment Agency (EA) Flood Maps. PPS25 indicates that local planning authorities should prepare a Strategic Flood Risk Assessments as appropriate (BA9, para 6, p2).

At para D9, Annex D of PPS25 states that in order for the Exceptions Test to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one had been prepared. Policy DP29 explicitly confirms that there are SFRA maps for the Broads area and they should be consulted in addition to the EA Flood Maps and that proposals will be considered on the basis of these documents and site specific flood risk assessments.

Policy DP29 also further expands on requirement 'c' of the 'Exception Test' as detailed in PPS25, breaking the requirement down into 4 distinct sub-categories. In doing this, the policy does not simply repeat parts of Annex D, but draws together a range of different measures which should be considered when development is proposed on land identified as being at risk of flooding. The policy identifies measures drawn from an evidence base including PPS25 Annexes D, E and G, Key Planning Objectives of PPS25, PPS 1 and EA/CLG guidance.

Specifically:

- Part 'c' of policy DP29 recognises the importance of incorporating flood resilient design into buildings, as required by PPS25 Annex G and further advised in CLG/EA guidance document 'Improving the Flood Performance of New Buildings: Flood resilient construction (N31c)';
- Part 'd' reflects the requirement for Local Authorities to promote the use of Sustainable Drainage Systems (SUDS) in controlling surface water as recognised in PPS1 at para 22;
- Part 'e' restates part of the minimum requirements for a Flood Risk Assessment (FRA) identified in Annex E of PPS25 at para E3, by requiring an FRA to consider the risk of flooding arising from the development in addition of flooding to the development;

Part 'f' emphasises the key planning objective of PPS25 that, where new development is, exceptionally, necessary in such areas, policy seeks to make it safe without increasing flood risk and where possible, reducing flood risk overall.

## **Matter 21 – Policy DP30: Developer contributions**

### **Is the policy justified, effective and consistent with national policy?**

66. This policy lists a number of things for which contributions may be sought. It further says that *“Other contributions may be sought in appropriate circumstances. The standards and thresholds adopted by the relevant authority will apply.”*

66. See responses below.

67. How does this meet the paragraphs under the heading ‘A Plan-Led System’ in Annex B of Circular 05/2005: *Planning Obligations*? Specifically, does the policy and its supporting paragraphs include as much information as possible? Does it set out clearly the matters to be covered and factors to be taken into account when considering the scale and form of contributions?

67. It is considered that the policy broadly meets the requirements of Circular 05/2005 (N34), in particular paragraphs B25-B30. In accordance with paragraph B25 it identifies the general circumstances in which developer contributions will be sought and gives information about the types of matters towards which contributions may be sought.

68. The policy does not set out the type or scale of developments to which it would apply. How would it allow developers to predict as accurately as possible the likely contributions they will be asked to make?

68. The policy does not set out the type or scale of developments to which it would apply, instead indicating that the standards and thresholds adopted by the relevant (local) authority will apply. Identifying the source of the standards and thresholds which would be applied the policy enables developers to refer to the relevant authority’s adopted policies on developer contributions, thereby allowing developers to use this standard to predict the possible contributions they will be asked to make.

In referring developers to a source outside the main Development Management DPD the policy is in accordance with the approach identified in para B26 of the Circular, where it is suggested that the Development Plan sets out the general principles for application of contributions, whilst more detailed policies applying the principles set out in the Development Plan are set out in Supplementary Planning Documents. The local authority standards may not always be contained within a SPD; however, they are adopted standards and the principle of referring developers to adopted documents outside the DPD is in accordance with the Circular.

69. In relation to the paragraph in the policy quoted above, what are the standards and thresholds referred to? What do they relate to? Are they set out in DPDs? How have they been arrived at?

69. The standards and thresholds referred to in DM30 relate to the provision of affordable housing, open space, County Council infrastructure contributions (primarily for Education, Library, Fire Hydrant and Social Service Provision) and other infrastructure requirements. Table1, ‘Identifying the circumstances and quantum of developer contributions, and evidence base for those standards’ at Appendix 2 details the standards and thresholds, identifies their source and what the evidence base for the requirement is.

In general, the District Council standards that would be applied by Policy DP30 require developers to make contributions in accordance with the adopted County Standards for infrastructure provision – within the Broads area this relates to the emerging (and soon to be adopted, see Table 1,) Suffolk County Council Developers Guide CCC3b) and the Norfolk County Council Planning Obligation Standards (CC2b) – and highlight a range of other areas towards which a contribution may be sought. In most cases contributions over and above those required by the County Standards are negotiated on a site by site basis, having regard to

representations from all relevant parties (for example utilities providers, water companies etc.).

Consequently, following the policy direction of Circular 05/2005, Policy DP30 would apply District Authority developer contribution standards that give an indication of the level of contribution likely to be sought and sets out the types of circumstances in which they will be sought. However, in accordance with paragraph B35 of the Circular, the Policy would not result in the application of a blanket tariff of charges which applies to all sites irrespective of the actual impacts of the proposed development.

70. Paragraphs 5.61 and 5.62 seek administrative costs and 'maintenance sums'. What is meant by the latter? Why are these provisions not included within the policy? Should they be, to ensure effectiveness? How do these provisions meet the Community Infrastructure Levy Regulations and Circular 05/2005?

70. 'Maintenance sums' refers to monies required to ensure the physical upkeep of facilities, or maintenance of mitigation areas required to make a facility acceptable in planning terms.

In accordance with paragraph B18 of Circular 05/2005, it is the Authority's position that where an asset secured by a planning obligation is intended for wider public use the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contributions will be borne by the body or authority in which the asset is to be vested.

However, in the situation where the asset secured by planning obligation provides facilities which are predominantly for the benefit of the users of the associated development the Circular indicates that it can be appropriate for developers to make provision for such maintenance payments. Paragraph 5.62 of the submitted DPD confirms that Policy DP30 is intended to allow for this situation.

At (k) the policy does include reference to the potential for contributions to be sought towards administrative costs and, on reflection, it would be more effective and transparent if (k) was amended to read "maintenance sums/administrative costs".

71. Are all of the mitigation or compensation measures sought by the policy based on a clear and up to date assessment of the impacts likely to be created by development? How is the policy consistent with paragraph B28 of Circular 05/2005 in this respect? What evidence is before me to demonstrate all of this?

71. It is considered that all of the mitigation and compensation measures sought by the policy are based on clear and up to date assessments of development impact. At a District level, the evidence base for the requirements of when a contribution will be sought and the quantum of this contribution (where this is set) is detailed in Table 1, Appendix 2 in the answer to question 69.

With regard to the requirement for development affecting the waterways and navigation the decision as to whether a contribution will be sought would be made on a site by site basis; this would enable a clear and up to date assessment of the impacts based on the best available information at the time of the application. Where a contribution is sought the level will be calculated on a site by site basis using the Authority's latest available dredging costings.

Having regard to the above, it is considered that the policy is consistent with paragraph B28 of the Circular.

72. What stage has been reached in the Authority's consideration of introducing a Community Infrastructure Levy? How would this or the Community Infrastructure Levy Regulations affect the period for which the provisions of Policy DP30 would remain in operation?

72. The Broads Authority considered the CIL and Regulations applicable at the time, in March 2010. The Authority's position was that whilst it did not want to miss the opportunity to utilise levy contributions that could be pooled to provide certain facilities (especially those relating to navigation – moorings, pump out facilities, etc.), this was tempered by the fact that the number

of eligible developments would be so limited that the cost of evidencing and developing a charging schedule, and collecting the levy, could exceed the income received. Subsequently the Authority has been working with the Greater Norwich Development Partnership as a member of its CIL Focus Group. It became clear, through Regulations, that each LPA would have its own charging schedule and that it was unlikely that development outside the Broads would contribute to improved facilities within it, with the possible exception of green infrastructure, which is mainly about relieving pressure on green infrastructure in the Broads and providing alternatives outside it. CLG was asked for advice about the Broads' situation and CIL and has been advised, as it is understood have other National Park Authorities, that maintaining S.106 obligations rather than CIL is the better option. There is therefore a consensus that the nature and scale of development in the Broads (and National Parks) is such that the continued use of S.106 obligations would better secure requisite contributions than the use of the CIL. No formal decision has been made by the Authority on this, however.

With regard to other impacts of the CIL Regulations it is the case that Policy DP30 would apply the developer contribution standards of the constituent district authorities. It is recognised that, in some cases (principally those authorities within the GNDP area), it is anticipated that CIL charges will be adopted within the life of the Broads Development Management DPD. It would not be appropriate, nor consistent with CIL Regulations, for the Broads Authority to apply another Authority's CIL charges. In such cases, the Broads Authority will apply the appropriate County standards (which will continue to be published and updated throughout the life of the Development Management DPD and are cited in the 'Reasoned Justification' text beneath the policy) and such further contributions as are identified through consultations with third parties (utilities companies etc), provided the particular circumstances of the application satisfy the five tests set out in Circular 05/2005.