

Broads Authority Development Management Policies DPD – Schedule of all duly made representations to the Proposed Submission Consultation

GEN 2.5

SPTC081 Somerton Parish Council Rep No: 001

Part 2.5, page 12 of 75 of the Local Development Framework Development Management Policies DPD Proposed Submission Document, it states 'The Broads will become a naturally functioning floodplain of extensive and connected habitats'. This Council has raised this matter during previous Consultations. In part 3.14, on page 20, it correctly states that, 'The Broads are a man-made landscape of historic and cultural significance'. This statement truly identifies the current position in that we have in the Broads a man-made and man-managed landscape including centuries of land drainage. The Broads ceased being a naturally functioning floodplain centuries ago. The Environment Agency is busy completing a multi-million pound flood alleviation project throughout the Broads, which in itself clearly demonstrates on the ground that the actual reality is to continue to maintain the complete opposite to a natural functioning floodplain.

Part 2.5 is therefore clearly unsound since we have the Broads Authority wishing one thing with the Environment Agency, and doing the complete opposite.

Could we therefore suggest a compromise statement which reflects both what is desired by some and what is being done by others, viz: 'Encouragement will be given for the creation of new or improved wetland habitat sites on the existing low level drained compartments. Such improvements must not create a greater flood risk to existing properties'. We feel this approach would be far more acceptable, particularly to local residents who remain very concerned with the threat of flooding.

Legally compliant: NA Sound: no Element of soundness: NA Intent: AE

DP1

SG04 Natural England Rep No: 002

We would like to take this opportunity to thank the Broads Authority for incorporating most of our proposed amendments to the policies, including the inclusion of County Wildlife Sites in DP1 and its related indicator. We are also pleased to endorse the protective policy DP1, which establishes the centrality of environmental conservation and enhancement to this document.

Legally compliant: NA Sound: NA Element of soundness: NA Intent: WR

DP1

SG05C Environment Agency Rep No: 001

We are supportive of the breadth of this policy which includes protection of internationally and nationally/locally designated sites and protected species, in addition to general protection/restoration/enhancement of the natural environment.

Legally compliant: yes Sound: yes Element of soundness: NA Intent: WR

DP1

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 002

(i, j) It is not clear who decides when public interest is over-riding, and on what basis. Lack of clarity risks unwanted development and litigation.

Legally compliant: NA Sound: no Element of soundness: NA Intent: AE

DP1 3

GWC11 RSPB Rep No: 002

Plans and projects that could adversely affect Natura 2000 sites must be appropriately assessed:

The RSPB is concerned about paragraph 3 of Policy DP1 (p. 17). It appears to suggest that impacts of damaging developments could be offset by the provision of mitigation without first undertaking the relevant assessments in accordance with the Habitats Regulations. All plans and projects must be screened for likely significant effects upon Natura 2000 sites. Where this screening is unable to exclude the risk of a likely significant effect an Appropriate Assessment (AA) must be carried out to determine if the plan or project will avoid an adverse effect upon a Natura 2000 site. The RSPB considers that while avoidance measures can be taken into account at the screening stage, mitigation measures can only be taken into account during appropriate assessment; this is especially so where the character of those mitigation measures is unknown. The DPD is not clear what type of development may come forward, its location or the potential impacts it may give rise to. Given this lack of detail it is not possible to be confident that Policy DP1 will prevent damaging effects. We recommend amending this 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. We consider Policy DP1 is not sound, as it does not provide effective protection of Natura 2000 sites, and it is likely that development proposed under it will not be able to pass the strict tests of the Habitats Regulations, and consequently will be undeliverable.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP1 3.6

SG04 Natural England Rep No: 005

3.6, page 17 – for consistency, this should include the number of Ramsar sites.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP2

GBW15 Norfolk and Suffolk Boating Association Rep No: 001

As expressed, DP2 is not 'the most appropriate strategy when considered against the reasonable alternatives' (to quote the words of Planning Policy Statement 12: Local Spatial Planning: Department of Communities and Local Government: 2008), and is therefore not justified. The reason is that, although the heading to DP2 is 'Landscape and Trees', the terms of DP2 concentrate largely on landscape and provide an inadequate strategy in two respects in relation to trees.

(1) The statement that 'The landscaping of new development should ... (e) Have regard to its impact on navigation.', which the Norfolk and Suffolk Boating Association (NSBA) welcomes, does not address (and neither does any other part of DP2) the deleterious effect which tree planting near to waterways can have on the exercise of the legal right of navigation, particularly by those who are sailing. NSBA considers that this defect could be corrected by a statement that the impact on the exercise of the legal right of navigation by sailing craft or other craft should be taken into account in determining conditions relating to the planting of trees.

(2) There is no reference to the need for development proposals to include a statement as to the ongoing tree-surgery arrangements necessary to ensure that there will continue to be no disturbance of the legal right of navigation by sailing craft or other craft. NSBA considers that this defect could be cured by a requirement to this effect. It may be that item (i) (details of landscaping maintenance arrangements) was intended to have this effect. If so, it is inadequate to make the tree-surgery requirement referred to explicit.

Legally compliant: yes **Sound:** no **Element of soundness:** 1 **Intent:** WR

DP2

SG04 Natural England Rep No: 006

DP2, page 19 – we are still of the opinion that it would be more appropriate to separate trees and landscape into two distinct policies, but we are broadly supportive of the content of this policy.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP2

SG05C Environment Agency Rep No: 002

We are supportive of the requirement within this policy for development proposals to be supported by an ecological survey and for there to be no detrimental effect on, or loss of, a feature of ecological importance.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP2

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 003

Requires strengthening to be effective.

(c) invites suggestions that it is sometimes not appropriate to support geodiversity

(d) offers examples of climate change adaptation, and is flexible enough to be able to drop the 'wherever possible' wording in favour of 'in all circumstances Exceptional circumstances allow the loss of a feature for certain benefits – it needs to be spelt out that the social/economic benefits need to apply to a local community to justify the loss, and not just accrue to one party a small interest group.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP2

SCHL01 English Heritage Rep No: 002

We would like a reference in this policy to the protection of heritage features as an integral part of the distinctiveness of the landscape. Core strategy policy CS1 recognises the cultural heritage dimension and PPS7 Sustainable Development in Rural Areas promotes good quality sustainable development that 'respects and where possible enhances local distinctiveness and the intrinsic qualities of the countryside' .

We recommend that the insertion of 'heritage' after 'landscape' in line 2 of policy DP2 would provide sufficient recognition of the inter-relationship of the natural and historic environment.

Legally compliant: NA **Sound:** no **Element of soundness:** 3 **Intent:** WR

DP2 3.19

SG04 Natural England Rep No: 007

3.19, page 21 – feel the word 'unnecessarily' is superfluous here. Surely the aim of the policy should be to avoid all damage?

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP3

SG04 Natural England Rep No: 004

We did note, however, that our suggestion of incorporating an aspiration to water neutrality into DP3 Water Quality and Resources has not been taken up, which is disappointing given the crucial importance of a good quality water environment to the environmental assets of the area.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP3

GWC11 RSPB Rep No: 006

Policy DP3 (Water Quality and Resources, p. 21) also states that “sufficient water infrastructure capacity to meet the additional requirements arising from a development should be in place before the development is occupied (emphasis added).” The RSPB considers that to ensure sufficient certainty for developers it is essential that the necessary infrastructure to support new development should be in place prior to development. We consider it unlikely that developers will build houses unless they can be confident that they can sell them, and we note that the delivery of this water infrastructure is outside the control of the Broads Authority. In these circumstances it is appropriate to require the necessary infrastructure to be in place before the development is consented. This will ensure that the development will be successfully delivered in the long term.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP3

SG04 Natural England Rep No: 008

DP3, page 21 – should include the Habitats Directive as well as the Water Framework Directive.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP3

SG05C Environment Agency Rep No: 003

Para 3.20-3.24

We are supportive of the inclusion of this policy within the DPD as currently written. The protection of water resources in the Broads is particularly important given the special nature of the Broads area.

In particular, it is important that sufficient water infrastructure capacity is in place in time for development (as required by the first paragraph of the policy and within paragraph 3.22 of the supporting text) and that development should, wherever possible, be connected to a mains foul sewer (as required by the third paragraph of the policy). This is further explained within paragraph 3.23 which highlights the requirement for a foul drainage assessment to be submitted where a development proposes the use of a non-mains drainage system. This, in addition to other measures, should support the requirement within the second paragraph of the policy for development to have no adverse impact on surface and ground water quality/quantity, including the requirements of the Water Framework Directive. We support the inclusion of these aspects of the policy. We note that paragraph 3.23 also references the requirement for a consent to be issued from ourselves for a non-mains drainage proposal. We support the inclusion of this reference which highlights the requirement for early liaison with ourselves. However, we wish to highlight that we no longer use the term ‘consent’. Instead an ‘environmental permit’ or ‘exemption’ would be required depending upon the proposal.

Given water pressures within the region it is particularly important that water efficiency measures are incorporated into the scheme (as required within paragraph 4). We therefore support this requirement. Ideally this policy would have included specific targets for development. However, given that limited growth is planned in the Broads Authority area, we do not consider this to make the policy unsound.

One of the key planning objectives of PPS 25, as set out within paragraph 6, is the reduction of flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS). Furthermore, paragraph F14 states that LPAs should further the use of SUDS by adopting policies for incorporating SUDS requirements in Local Development Documents. We therefore support the requirement for SUDS to be used unless proven unfeasible.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP3

SDC06 Waveney District Council Rep No: 008

Suggest that proposals for new development should demonstrate there is sufficient water infrastructure capacity before permission is granted rather than before occupation.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP3 5

SC001 Norfolk County Council Rep No: 010

Paragraph 5 of the policy which addresses surface water run-off should be expanded to reflect the statutory obligations of the Flood and Water Management Act 2010. The final guidance on the Act is yet to be released but it is likely that for developments of a certain size the developer will be required to agree a sustainable drainage plan with the County Council. If this meets certain requirements the County Council would then adopt, manage and maintain the SUD. Not all of this is in place as yet, and it is likely that adoption will begin in April 2012.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP4

SS02 AG16 Norfolk Constabulary Rep No: 001

Norfolk Constabulary support the reference to crime prevention within the Policy, although consider it could be positively strengthened by making reference to the fact that ALL development should meet 'Secure Design'.

Legally compliant: yes **Sound:** no **Element of soundness:** 3 **Intent:** WR

DP4

SCC01 Norfolk County Council Rep No: 011

While reference is made to climate change under (h) Adaptability this should be expanded to include that developments should adopt features that reduce the risks posed by changes in water levels etc.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP4

SPTC006 Aldeby Parish Council Rep No: 001

The criteria relate to larger scale developments and not smaller developments in largely rural areas.

Legally compliant: NA **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP4 3.3

SDC06 Waveney District Council Rep No: 001

Cross-reference policy DP28: Amenity could be useful for guidance purposes.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP5

SCHL01 English Heritage Rep No: 003

We support this policy in principle. However, historic environment policies would, preferably, be more distinctive than this and, as practical application of PPS5 evolves, we would suggest a much more proactive approach is appropriate. It would be helpful to refer to historic environment characterisation work, such as conservation area appraisals, and the Cultural Heritage Strategy (referred to in the Core Strategy) within policy DP5.

Policy HE 3.1 of PPS5 Planning for the Historic Environment recommends that local development frameworks promote a positive, proactive strategy for the conservation and enjoyment of the historic environment. Policies HE2.1 and HE3.4 recommend that evidence for the historic environment is documented, and used in development plans to promote a sense of place, and inform investment in, and enhancement of, historic places. We consider further additions to policy DP5 would be beneficial to ensure it fully reflects the latest national policy guidance, and is effective.

Legally compliant: NA **Sound:** no **Element of soundness:** 3 **Intent:** WR

DP5

SDC04 Norwich City Council Rep No: 002

We strongly support Policy DP5. We consider that the policy as amended is more obviously aligned with the provisions of PPS5 and is sufficiently clear and robust to remain effective in the event of national policy changes.

Although the omission of such a reference would not significantly affect the general soundness of the policy, it would be helpful to include recognition in the text that in urban areas (in Norwich in particular) there are also many heritage assets adjoining the Broads area which make a highly significant contribution to its special character. For example, the historic riverside townscape and river bridges within Norwich are integral to the character and setting of the River Wensum running through it.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP7

SCC01 Norfolk County Council Rep No: 001

Generally welcome this policy. However, it is felt that the policy ought to give greater clarity on the targets to be reached in terms of the Code for Sustainable Homes. Therefore it would be helpful if Policy DP7 was consistent with the targets set out in Policy 3 (Energy and Water) of the emerging Greater Norwich Joint Core Strategy, which indicates that all new housing developments must reach Code Level 4 on adoption of the Plan and Level 6 by 2015.

Also welcome reference in the policy to decentralised and renewable energy sources, which is consistent with Policy ENG.1 of the East of England Plan. However, in light of the Secretary of State's decision to abolish Regional Spatial Strategies it is unclear whether this part of Policy DP7 needs further justification and evidence in order to take forward.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP7

GBW40 Residential Boat Owners Association Rep No: 001

The RBOA submitted comments date 15th July 201 to the previous consultation regarding your Development Management Policies. We note your subsequent confirmation that these had been considered and the policies amended where appropriate. We consider therefore that [this policy], noted below for reference, [is] sound within the definition. DP7 Energy Generation and Efficiency.

Legally compliant: NA **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP7**GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 004**

(a) and (b) need to be much more ambitious to be effective in promoting sustainable development.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP7**SDC06 Waveney District Council Rep No: 004**

A sentence could be included in the supporting text referring to energy efficiency and the application of the Government's Energy Hierarchy. This would further justify the approach taken in policy DP7 to energy efficiency.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP7**SDC06 Waveney District Council Rep No: 002**

Para 2(a)

Does policy DP7 require new development to meet full CfSH compliance or just particular aspects of the Code – clarification might be useful? A cost review of the CfSH over 2006 Building Regulations was issued by the Government in 2010. Further issues relating to the cost of CfSH (and BREEAM Schools and Office development) can be found in the WDC Sustainable Construction and Renewable Energy Study (Nov 2009). These costs are more generic (rather than locally specific) and the evidence was used to underpin Development Management policies which have been adopted.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP7 3.42**SDC06 Waveney District Council Rep No: 003**

Paragraph 3.42 states the Broads Authority has no evidence to support viability. Given the geographical nature of the Broads and its spatial relationship to neighbouring districts, evidence found in the WDC Sustainable Construction and Renewable Energy Study (Nov 2009) may provide support for policies in some parts of the Broads Authority area which is adjacent to Waveney. Other neighbouring authorities may have supporting evidence where studies have been undertaken.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP8**SCC01 Norfolk County Council Rep No: 002**

Generally welcome this policy which provides an over-arching approach to all renewable projects. However, given the environmental sensitivities in the Broads Authority area it is felt that there ought to be separate more detailed policy advice on wind farms and other types of renewable energy (e.g. bio-fuels, short rotation crops etc). Wind farms particularly raise a number of issues.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP8**GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 005**

DP8 appears to see the threat but not the potential for windpower. As a traditional feature of the Norfolk landscape. With good design and appropriate scale, wind could play a significant part in meeting regional energy needs, while being visually and economically attractive.

Biodiversity is seriously threatened by the monoculture of many biofuel crops, and this should be explicitly rejected.

The Broads Authority will be aware that if the National Policy Statements on Energy Infrastructure are adopted, (<https://www.energynpsconsultation.decc.gov.uk/>) any local considerations can be over-ridden by the Secretary of State at DECC. Strong local plans may help to keep more control locally, and is consistent with stated national policy.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP8

GBW40 Residential Boat Owners Association Rep No: 002

The RBOA submitted comments date 15th July 2011 to the previous consultation regarding your Development Management Policies. We note your subsequent confirmation that these had been considered and the policies amended where appropriate. We consider therefore that [this policy], noted below for reference, [is] sound within the definition. DP8 Renewable Energy.

Legally compliant: NA **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP8 3.47

SCC01 Norfolk County Council Rep No: 003

Paragraph 3.47 of the justification text should reflect the UK Renewable Energy Strategy 2009 which includes the UK's legal binding renewable energy target of 15% by 2020. This is also part of a wider suite of strategies within the UK Low Carbon Transition Plan, and it would be useful to mention this.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP9

SPTC006 Aldeby Parish Council Rep No: 002

The policy should clarify/specify what would constitute an unacceptable impact on the wider landscape and amenities of neighbours.

Legally compliant: NA **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP11 4.6

SCC01 Norfolk County Council Rep No: 004

Paragraph 4.6 of the justification text should refer to NCC/DfT guidance on Travel Plans and linked to the requirement for the submission of both the Transport Assessment and the Travel Plan. This should be scoped by the LPA/NCC prior to any formal consultation.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP12

SDC04 Norwich City Council Rep No: 003

The Council submitted comments on the previous version of this policy. We consider that the requirement for freight wharf proposals to be consistent with the Broads Core Strategy and other development plan policies should ensure that such development is sustainably and accessibly located. This change is welcome and improves the effectiveness of the policy. Although we welcome the changes made, there is still no explicit reference to the impact of proposals on adjoining sites and uses..

To improve its effectiveness (and to be consistent with other DPD policies (e.g. DP16) where this requirement is included, we would request an additional clause stating that proposals will be permitted provided that they:

(d) Are compatible with existing and proposed development and uses on neighbouring sites and would not prejudice the beneficial regeneration or re-use of adjoining land or buildings.

Legally compliant: yes **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP12

GWC11 RSPB Rep No: 003

The RSPB disagrees that all policies can be concluded to have no Likely Significant Effect.

The Appropriate Assessment (AA) has concluded that none of the policies in the DPD will result in a likely significant effect to Natura 2000 sites. Although many policies state that projects will only be permitted where they will not adversely affect the integrity of Natura 2000 sites no specific measures are provided to indicate how this effect can be avoided and that projects can be delivered. For example:

- Policy DP12 (Access to Waterways, p. 35) states that permitted development will be “consistent with the objectives of protecting and conserving the Broads landscape and ecology, including the objectives of the Water Framework.” However, it does not explain how development will be made consistent with the Broad’s environmental sensitivities. The policy does not identify any specific mechanisms that can be put in place to ensure that increased use of watercraft does not adversely affect Natura 2000 sites, and it is unclear how increased use of the waterways be managed to ensure that visitors avoid harming sensitive locations.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP12

GBW15 Norfolk and Suffolk Boating Association Rep No: 002

Notwithstanding the opening words of DP12, the drafting of DP12 is liable to operate prejudicially to the enjoyment of the legal right of navigation and is therefore not justified within the terms of PPS 12. NSBA considers that the defect could be cured by adding after (c): ‘(d) Would not interfere with the exercise of the legal right of navigation.’ Such a provision would be consistent with the navigation-orientated provision in item (a) (‘Would not result in hazardous boat movements’).

Legally compliant: yes **Sound:** no **Element of soundness:** 1 **Intent:** WR

DP12 4.11

SG05C Environment Agency Rep No: 004

We welcome the reference to the Water Framework Directive within policy D12 and paragraph 4.11. However, it should be noted that developments such as those referred to within this policy may, under the terms of the Water Resources Act 1991 and Anglian Region Land Drainage and Sea Defence Byelaws, require the prior written consent of the Environment Agency, if any proposed works/structures are carried out in, under, over or within 9 metres of the top of the bank of a designated main river. For clarity, you may wish to refer to this requirement within the supporting text. The granting of planning permission must not be taken to imply that consent will be granted. We therefore recommend that any applicant proposing such works participates in early liaison with the Environment Agency.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP13

SG05C Environment Agency Rep No: 005

We welcome the reference to the Water Framework Directive within policy D13. However, it should be noted that developments such as those referred to within this policy may, under the terms of the Water Resources Act 1991 and Anglian Region Land Drainage and Sea Defence Byelaws, require the prior written consent of the Environment Agency, if any proposed works/structures are carried out in, under, over or within 9 metres of the top of the bank of a designated main river. For clarity, you may wish to refer to this requirement within the supporting text. The granting of planning permission must not be taken to imply that consent will be granted. We therefore recommend that any applicant proposing such works participates in early liaison with the Environment Agency.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP14

GWC11 RSPB Rep No: 004

The RSPB disagrees that all policies can be concluded to have no Likely Significant Effect.

The Appropriate Assessment (AA) has concluded that none of the policies in the DPD will result in a likely significant effect to Natura 2000 sites. Although many policies state that projects will only be permitted where they will not adversely affect the integrity of Natura 2000 sites no specific measures are provided to indicate how this effect can be avoided and that projects can be delivered. For example:

- Policy DP14 (General Location of Sustainable Tourism and Recreation Development, p. 37) states that tourist and recreation facilities will be developed where they “do not result in an adverse effect on the integrity of a protected site or protected species.” However, the DPD does not consider whether the number of visitors will increase or how this increase can be managed to avoid harm to Natura 2000 sites, including consideration of control measures that could be put in place to attract or direct visitors away from sensitive locations.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP14

GBW15 Norfolk and Suffolk Boating Association Rep No: 003

DP14 is not justified within the terms of PPS 12. Despite the title of DP14, it is not the most appropriate response in respect of recreational development. There are two reasons:

(1) DP14 refers (in line 4) to an established sailing club. The limitation of clubs to sailing clubs is not justified. Reference should also be made to other watercraft clubs, e.g. a motor boat club.

(2) DP14 ignores the existence of organisations similar to sailing clubs, such as a sail training centre or a waterborne activities centre, of which there are a number on the Broads. Reference should be made in line 4 to such organisations.

Legally compliant: yes **Sound:** no **Element of soundness:** 1 **Intent:** WR

DP15

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 006

(d) While a register of bookings is desirable, it may be considered by some to be intrusive, for example for someone seeking time out from their family for whatever reason. However my main concern with this clause is the risk of housing being left empty if tourism turns out to be unviable. This would apply to an entire site, rather than just one property. If residential use were to be permitted on a whole settlement basis, this would allow communities to develop, meet part of the considerable local housing need, and keep properties maintained. I see no place for second homes in such a case, as these would contribute little to the economy, community or public access.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP15

SDC06 Waveney District Council Rep No: 005

Final paragraph states that conversion of accommodation resulting in the loss of more than five beds will be resisted. Throughout the document there is a strong emphasis on tourism development, should tourist accommodation not be protected in general?

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP15 4.22

SDC06 Waveney District Council Rep No: 009

"...chartered surveyor..." (x2) should be changed to "...independent chartered surveyor..." to ensure evidence is not biased - this will also be consistent with other parts of the document.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP16

GBW40 Residential Boat Owners Association Rep No: 006

We wish to add one further point for consideration. The LDF appears to deal with the following as stand alone policies: DP16 Visitor and Short Term Moorings, DP20 Waterside Sites in Commercial Use, DP25 New Residential Moorings. We submit that the LDF should contain a reference linking these policies. The viability of waterside sites may rely on the multiple use of boatyard and related businesses, visitor and short term moorings, and residential moorings. Residential moorings will provide security, accommodation for boatyard staff and economic benefits particularly out of the cruising season. We suggest that the long term viability of such sites is essential to the future leisure industry on the Broads.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP16

SG05C Environment Agency Rep No: 006

We welcome the reference to the Water Framework Directive within points (b) and (g) of policy D14. We are also pleased to note that definitions of different types of non-residential moorings have been included within the supporting text. This is a useful addition.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP16

GBW15 Norfolk and Suffolk Boating Association Rep No: 005

DP16 is not justified within the terms of PPS 12 on the following grounds:

(1) As drafted, (c) is unnecessarily restrictive. In particular, it would significantly and unnecessarily prejudice the development of new moorings by non-commercial organisations. This defect could be removed (subject to (2) below) by the substitution of 'or' for 'and' in line 2 of (c). 'Or' is used in the corresponding provision in DP 25.

(2) On the Broads, the relevant services and ancillary facilities are often on or adjacent to the waterside. The shortest distance between them and moorings elsewhere is often by water and not by land. It is therefore inappropriate for (c) and (k) to speak in terms of 'access to local facilities within walking distance'. Consistency with (k) suggests that it would be better to refer to 'facilities in the vicinity'.

Legally compliant: yes **Sound:** no **Element of soundness:** 1 **Intent:** WR

DP16

GBW40 Residential Boat Owners Association Rep No: 003

The RBOA submitted comments date 15th July 201 to the previous consultation regarding your Development Management Policies. We note your subsequent confirmation that these had been considered and the policies amended where appropriate. We consider therefore that [this policy], noted below for reference, [is] sound within the definition. DP16 Visitor and Short Term Moorings.

Legally compliant: NA **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP16

SDC04 Norwich City Council Rep No: 004

We made comments on a number of detailed points in the previous version of Policy DP16. Whilst generally supporting the policy changes made, we consider that its effectiveness and soundness would be further improved by the omission of Clause (g), which is redundant and merely repeats clause (b).

Insofar as Policy DP16 is now headed "Moorings" (and not "Visitor and Short-Stay Moorings", as previously) the policy may benefit from a more prominent reference to the fact that permanent residential moorings are not covered within it, but are considered under separate Policy DP25. (At the moment this is mentioned briefly in the supporting text at the end of para 4.25 and may not be especially obvious to plan users).

Note on DP25. Although we do not consider this is a critical issue which would justify our making a further formal objection or suggesting a specific amendment, you may wish to consider the possible overlap between the policy criteria in DP16 and DP25. Some planning considerations will clearly apply to all types of moorings. There may be scope to improve the soundness of the plan by streamlining and simplifying the two policies, reducing repetition and perhaps cross-referring DP25 to DP16.

Legally compliant: yes **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP16 4.25

GBW15 Norfolk and Suffolk Boating Association Rep No: 004

For clarity, DP16 should state expressly that it does not apply to residential moorings and that they are governed by DP25; it is insufficient to leave this matter to the note to para 4.25.

Legally compliant: yes **Sound:** no **Element of soundness:** 1 **Intent:** WR

DP17

GBW04 AG3 British Marine Federation Rep No: 001

Generally this policy is supported but the final sentence of the policy is too restrictive in preventing the erection of any other buildings or structures. This will prevent the building of a small boathouse or wetshed which is a traditional feature of such plots. These should be permitted by the policy and until this is done the policy is UNSOUND. Proposal: add words “ other than a small boathouse or wetshed”.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** WR

GEN 5.4

SG05C Environment Agency Rep No: 007

Given the special nature of the Broads area, and the level of flood risk associated with the Broads Authority area, we support the requirement for development to be carefully considered in the context of this plan’s policies, in particular policies DP1, DP3 and DP29.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

GEN 5.4

GBW28 Norwich Frostbite Sailing Club Rep No: 003

Character of the urban fringe:

Paragraph 5.4 of the document now contains an appropriate reference to different landscape character of the urban fringe of major settlements. We support this text.

However, we also believe that recognising this difference needs to translate through properly to other parts of the LDF process. We consider that a reference should be made to the LDF Proposal Map that will eventually complete the LDF process. We would recommend the following additional text:

“Consideration of the landscape character of the urban fringe will be a significant consideration in the drafting of the LDF Proposals Map.”

Legally compliant: NA **Sound:** no **Element of soundness:** 2-3 **Intent:** AE

GEN 5.6

SG05C Environment Agency Rep No: 008

Given the level of flood risk associated with the Broads Authority area, we support the inclusion of the reference to flood risk within this paragraph which requires that the impact of flooding is carefully considered when assessing development proposals.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP18

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 007

Employment use is the clear priority for existing employment sites. However in second instance, community facilities, and the possibility of social housing have at least as strong a case as second option for effectively building and sustaining communities, compared with leisure and tourism.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP18

GBW04 AG3 British Marine Federation Rep No: 002

Policies 18, 19 and 20 are a continuation of policies within the local plan; they provide the main policies for employment generating development and for meeting the needs of firms. The policies have been modified so that only DP20 concerns the waterside sites and boatyards, which are the key premises. BMF considers firstly that further evidence is required as to whether these policies have been working satisfactorily over the 10 years or so that the local plan has

been in operation. If the policy has not worked, then some investigation is to be required as to why not. It is also necessary to see whether the policy has been applied in all cases and, again, whether consents for departments undermined its effectiveness. There are 4 elements which need to be examined:

- The total loss of site from employment use
- Diversification
- Changes of ownership
- Retention of facilities

A further strand of evidence is required on how the following types of uses have been affected by these policies. In particular:

- Boat building
- Repair
- Hire
- Marina

The study of the Broads Marine Industries of 2008 is admirable in many ways but does not consider the importance of the yards and marine industries to the regional economy i.e. its significance is considered in local terms not strategic. It would appear from information in BMF's possession that the Broads marine firms have a combined turnover of £106 and support 1700 jobs; this accounts for 25% of the total for the marine sector in East Anglia; as a cluster within the marine sector it is of regional significance. It should be noted that a significant element of the marine industry of East Anglia is in the Broads and not on the adjoining district, for the obvious reason of geography. The study illustrates very well the interconnections and interdependence between the firms within this cluster and also discusses the importance of critical mass, particularly in relation to the southern area which is in less robust health in comparison to the northern Broads.

The potential of the sector for growth and how the growth is to be provided for another element missing from the evidence base. Marine industries have particular requirements: these have to be met generally on sites adjacent to the water to support the need for expansion of yards in certain circumstances. Again needs to be studied and an addition to the policies justified. The aggregate importance of yards appears to be established by the evidence base but only on a local basis and not a regional one.

Legally compliant: NA **Sound:** no **Element of soundness:** 1 **Intent:** AE

DP18 5.8

SDC06 Waveney District Council Rep No: 010

"...chartered surveyor..." (x2) should be changed to "...independent chartered surveyor..." to ensure evidence is not biased - this will also be consistent with other parts of the document.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP18 5.8

SC001 Norfolk County Council Rep No: 009

The justification text (paragraph 5.8) should be more explicit about what it expects an applicant to provide in order to demonstrate that a redundant/commercial property has been properly marketed over a 12 month period. Advertisement for a year may not constitute sufficient effort, and it would be expected that clear attempts to market the property should be demonstrated including liaison with the District or County Council.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP19

GBW04 AG3 British Marine Federation Rep No: 003

Policies 18, 19 and 20 are a continuation of policies within the local plan; they provide the main policies for employment generating development and for meeting the needs of firms. The policies have been modified so that only DP20 concerns the waterside sites and boatyards, which are the key premises. BMF considers firstly that further evidence is required as to whether these policies have been working satisfactorily over the 10 years or so that the local plan has been in operation. If the policy has not worked, then some investigation is to be required as to why not. It is also necessary to see whether the policy has been applied in all cases and, again, whether consents for departments undermined its effectiveness. There are 4 elements which need to be examined:

- The total loss of site from employment use
- Diversification
- Changes of ownership
- Retention of facilities

A further strand of evidence is required on how the following types of uses have been affected by these policies. In particular:

- Boat building
- Repair
- Hire
- Marina

The study of the Broads Marine Industries of 2008 is admirable in many ways but does not consider the importance of the yards and marine industries to the regional economy i.e. its significance is considered in local terms not strategic. It would appear from information in BMF's possession that the Broads marine firms have a combined turnover of £106 and support 1700 jobs; this accounts for 25% of the total for the marine sector in East Anglia; as a cluster within the marine sector it is of regional significance. It should be noted that a significant element of the marine industry of East Anglia is in the Broads and not on the adjoining district, for the obvious reason of geography. The study illustrates very well the interconnections and interdependence between the firms within this cluster and also discusses the importance of critical mass, particularly in relation to the southern area which is in less robust health in comparison to the northern Broads.

The potential of the sector for growth and how the growth is to be provided for another element missing from the evidence base. Marine industries have particular requirements: these have to be met generally on sites adjacent to the water to support the need for expansion of yards in certain circumstances. Again needs to be studied and an addition to the policies justified. The aggregate importance of yards appears to be established by the evidence base but only on a local basis and not a regional one.

Legally compliant: NA Sound: no Element of soundness: 1 Intent: AE

DP19 5.12

SCC01 Norfolk County Council Rep No: 005

In bullet point (c) "nature or volume of traffic" should be replaced with the more generic term 'local transport network' as the former are not the sole issues to be considered. In addition paragraph 5.12 needs to reflect the change in wording suggested in DP19 (c) as the third sentence only mentions "unacceptable increase in traffic". It should not be limited to considering vehicle numbers when assessing the impact of development.

Adequate provision must be made within the site for the parking and manoeuvring of associated vehicles.

Where permission is granted for the re-use of an agricultural building for a non agricultural use, conditions may be imposed withdrawing the permitted development rights of that particular agricultural unit to erect additional farm buildings in the vicinity of that building where it is considered that intensification of vehicle use would be likely to have serious adverse effect upon the highway network.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP20

GBW04 AG3 British Marine Federation Rep No: 004

Policies 18, 19 and 20 are a continuation of policies within the local plan; they provide the main policies for employment generating development and for meeting the needs of firms. The policies have been modified so that only DP20 concerns the waterside sites and boatyards, which are the key premises. BMF considers firstly that further evidence is required as to whether these policies have been working satisfactorily over the 10 years or so that the local plan has been in operation. If the policy has not worked, then some investigation is to be required as to why not. It is also necessary to see whether the policy has been applied in all cases and, again, whether consents for departments undermined its effectiveness. There are 4 elements which need to be examined:

- The total loss of site from employment use
- Diversification
- Changes of ownership
- Retention of facilities

A further strand of evidence is required on how the following types of uses have been affected by these policies. In particular:

- Boat building
- Repair
- Hire
- Marina

The study of the Broads Marine Industries of 2008 is admirable in many ways but does not consider the importance of the yards and marine industries to the regional economy i.e. its significance is considered in local terms not strategic. It would appear from information in BMF's possession that the Broads marine firms have a combined turnover of £106 and support 1700 jobs; this accounts for 25% of the total for the marine sector in East Anglia; as a cluster within the marine sector it is of regional significance. It should be noted that a significant element of the marine industry of East Anglia is in the Broads and not on the adjoining district, for the obvious reason of geography. The study illustrates very well the interconnections and interdependence between the firms within this cluster and also discusses the importance of critical mass, particularly in relation to the southern area which is in less robust health in comparison to the northern Broads.

The potential of the sector for growth and how the growth is to be provided for another element missing from the evidence base. Marine industries have particular requirements: these have to be met generally on sites adjacent to the water to support the need for expansion of yards in certain circumstances. Again needs to be studied and an addition to the policies justified. The aggregate importance of yards appears to be established by the evidence base but only on a local basis and not a regional one.

Legally compliant: NA **Sound:** no **Element of soundness:** 1 **Intent:** AE

DP20

GBW04 AG3 British Marine Federation Rep No: 005

This policy is a continuation of earlier policies in the local plan and is generally supported, but it is deficient in respect of:

- Evidence base
- Clarity in the wording
- Omission of key considerations

It is UNSOUND.

- Evidence Base: The need for additional evidence base to test whether it has been effective and the market consequences applies in particular to this.
- Lack of Clarity: There is also some confusion between boatyards and waterside sites. BMF's view is that this policy should apply to all waterside uses whether in boat related use or not. Sites which give access to navigable water are always valuable and to be protected in the longer term. (PPG20)

Consequently the policy needs to distinguish between boatyards and other waterside sites.

Proposal: BMF propose that the boatyards are dealt first, with the permissive policies for new facilities for existing boatyards at its head. This policy would read better as follows:-

A: Proposals for boatyards

1. New development for boatyard purposes
2. New development for other employment purposes on part of site
3. Change of use of boatyard or redevelopment of whole site.
4. Expansion of existing boatyard (this is an addition to policy DP20 see below)

B: Proposals for other waterside sites in commercial use but not boatyards.

- Omission of key considerations
- There are three points of substance missing from DP20:
 1. Lack of evidence base.
 2. To indicate that holiday accommodation is to be considered as a commercial development and appropriate for inclusion within DP20. This is supported by e.g. the Broads Marine Industry Study of March 2008.
 3. The proposal that the expansion of boatyards will be permitted subject to the normal constraints.

Propose: extend Evidence base, redraft Policy: Add points 2 and 3 above.

Legally compliant: NA **Sound:** no **Element of soundness:** 1 **Intent:** AE

DP20

GBW40 Residential Boat Owners Association Rep No: 007

We wish to add one further point for consideration. The LDF appears to deal with the following as stand alone policies: DP16 Visitor and Short Term Moorings, DP20 Waterside Sites in Commercial Use, DP25 New Residential Moorings. We submit that the LDF should contain a reference linking these policies. The viability of waterside sites may rely on the multiple use of boatyard and related businesses, visitor and short term moorings, and residential moorings.

Residential moorings will provide security, accommodation for boatyard staff and economic benefits particularly out of the cruising season. We suggest that the long term viability of such sites is essential to the future leisure industry on the Broads.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP21

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 008

(g) could be strengthened by adding 'energy/water efficiency and resilience to climate change'. The following paragraph implies, as do several others within the document, implies that second home use has higher priority than residential use, and this is unacceptable in a time of increasing housing need.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP22

GBW28 Norwich Frostbite Sailing Club Rep No: 002

Para 5.25 - 5.28

Residential development policy:

The document does now contain a policy on conventional residential development and addresses a major omission. However, we do not consider that the policy, as worded, properly addresses the issues of brownfield development and the nature of the urban fringe that are contained elsewhere in the document.

We wish to propose the following wording for policy DP22 that we believe respects the special nature of the majority of the Broads area but recognises that limited local development based on existing settlements has a role to play. This policy is based on the Broads Authority's own Core Strategy policy from 2008:

"New build residential development will only be permitted in small groups of up to five dwellings within established settlements and must be compatible with other policies in the Development Plan, the spatial strategy and the strategic objectives.

Where sites lie within the urban fringe of Norwich (inc Thorpe St Andrew), or constitute brownfield sites, the development of medium sized groups of up to 25 dwellings may be permitted where compatible with other policies in the Development Plan, the spatial strategy and the strategic objectives.

An established settlement is an established community with a good range of facilities (local shops, employment, schools) and good public transport access (a bus stop or train station with several services a day to a larger centre and allowing access to employment".

Legally compliant: NA **Sound:** no **Element of soundness:** 2-3 **Intent:** AE

DP22

SDC04 Norwich City Council Rep No: 006

We strongly support and welcome the inclusion of a specific policy on residential development and consider Policy DP22 to be generally effective. Our only concern here is that the reference to settlement boundaries being "as defined on the Local Plan Proposals Map" may give scope for ambiguity and possible legal challenge. The term "settlement boundary" does not in fact appear to be used in the adopted Local Plan ("development boundary" or "inset boundary" is used instead), neither does it appear in the Core Strategy. For that reason it was not immediately apparent to us whether the Utilities site in Norwich, as an urban edge development site, should be taken as falling within a settlement boundary or not. Some clarification in the supporting text would remove this ambiguity and improve the effectiveness of the policy.

Legally compliant: yes **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP22

GBW28 Norwich Frostbite Sailing Club Rep No: 001

Para 5.25-5.28

Brownfield land:

There is now a reference in DP22 stating that 'Priority will be given to the development of previously developed land ... etc'. However, there is no clear mechanism to show how this 'priority' will actually influence policy. Some clear mechanism is needed within the LDF to develop policy CS18 of the Core Strategy.

To rectify this we propose that the following text be added to the supporting text of Policy DP22:

"Policy PO18 of the Core Strategy establishes that priority should be given to the development of brownfield sites ahead of greenfield sites. In order to create a mechanism for this priority to operate in practice it is proposed that the policy on residential development should be significantly less restrictive when applied to brownfield sites. The drafting of the LDF Proposals Map will also favourably consider the inclusion of brownfield sites within settlement boundaries where this is consistent with other areas of the LDF"

The following should then be added to Policy DP22:

"Where sites lie within the urban fringe of Norwich (inc Thorpe St Andrew), or constitute brownfield sites, the development of medium sized groups of up to 25 dwellings may be permitted where compatible with other policies in the Development Plan, the spatial strategy and the strategic objectives."

Legally compliant: NA Sound: no Element of soundness: 2-3 Intent: AE

DP22 5

SPTC081 Somerton Parish Council Rep No: 002

Residential Development within Defined Settlement Boundaries. We again note 5.1 on page 43 states 'the Core Strategy acknowledges the need for a 'living landscape', with development necessary to support local Communities and the Economy...'. 5 Fostering Communities also states 'the Authority is required to have regard to the economic and social interests of those who live and work in the Broads'. It also mentions 'to support local Communities'. 5.2 Recognises that 'an element of new development is essential to maintain the social and economic vitality and character of the Broads'. 5.3 Reference to 'key challenges in meeting the residential needs of the local Community'. It is Somerton Parish Council's opinion, based upon what we have experienced in this part of the Broads, that the reality on the ground is the complete opposite to that stated in the various relevant section. On the one hand the policies are sound, however, we find that the policies are not applied in practice.

The current situation with development within defined settlement boundaries has resulted in considerable upset in Somerton. Despite a meeting on the 10th May 1995 with Authority staff to discuss original development boundaries, numerous exchange of correspondence over several years, our wishes continue to be ignored. Sadly this has demonstrated that persons residing within the Broads Authority executive area are at a disadvantage compared to those whose planning matters are dealt with by our local District Council, Great Yarmouth Borough Council.

Again we feel that a compromise statement or addition to DP22 would make the section more sound and inclusive to the local Communities and further strengthen the commitments made in part 5 Fostering Communities, 5.1, 5.2 and 5.3.

Somerton Parish Council suggests that DP22 Residential Developments within Defined Settlement Boundaries be modified to include the following, viz: Defined Settlement Boundaries should be determined by due process, which gives an individual Parish's residents and landowners an opportunity to participate in the

establishment of their own village's development boundaries. This process could be undertaken by Parish Councils working on a 'Parish Plan' basis and in close consultation with the Authority's Planning Department. Residential needs of the local community can be considered together with maintaining the social and economic vitality of the individual Parishes.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

DP22 5.26

GIND216 Harrison, Sir M Rep No: 001

I object to Policy DP22 on the basis that it is too prescriptive and contrary to recent government policy that local communities should have more control over, and a greater participation in, matters which directly affect their community.

As I understand it, the next stage of this process will be to define the boundaries of the settlements to which Policy DP22 will apply. Under Policy DP22, limited residential development will be allowed in those settlements. In order to be a settlement to which Policy DP22 applies, the settlement should have most, if not all, of the following facilities - a primary school, a convenience store, employment, public transport provision and a village hall. If a settlement is not a defined settlement within paragraph 5.26 and Policy DP22, no residential development will be allowed in that settlement, save for affordable housing in the circumstances specified in Policy 23 (and replacement buildings and agricultural buildings under Policies DP24 and 26).

In my view, that policy is too restrictive and does not give adequate flexibility to meet the particular circumstances of individual communities. Furthermore, it is contrary to the whole thrust of recent national policy that local communities should be given more control over whether or not a particular development within its area is acceptable. Policy DP22 was, no doubt, devised at a time before the promulgation of the government's recent 'localism' policy. The Broads Authority should now re-appraise Policy DP22 and bring forward a revised policy which adequately reflects national policy, and a further opportunity should be given for representations to be made about such a revised policy.

An example of an inflexible attitude contrary to the wishes of the community has occurred in West Somerton, a village I have known for over 50 years, where permission was refused on policy grounds for a small harmless development within the village to which the Parish Council did not object.

Legally compliant: yes **Sound:** no **Element of soundness:** 1-2-3 **Intent:** WR

DP23

GBW40 Residential Boat Owners Association Rep No: 004

The RBOA submitted comments date 15th July 201 to the previous consultation regarding your Development Management Policies. We note your subsequent confirmation that these had been considered and the policies amended where appropriate. We consider therefore that [this policy], noted below for reference, [is] sound within the definition. DP23 Affordable Housing.

Legally compliant: NA **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP23

SDC06 Waveney District Council Rep No: 006

The Broads Authority has a difficult task when considering housing development in the fact it must work alongside other local authorities to deliver housing in the area. It may be useful to develop further planning guidance (such as a supplementary planning document) in the future to support policy DP23 'Affordable Housing'. This would provide clarity for developers as to what the requirements are in different parts of the Broads Authority area and provide links to the evidence these requirements are based on.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP23

SDC04 Norwich City Council Rep No: 006

We strongly support the Authority's approach on affordable housing as set out in Policy DP23. In particular the changes to include more detail on housing delivery mechanisms will improve its effectiveness. The intention to apply the requirement for affordable housing contributions by reference to "the standards of the relevant District Council" appears to be a commonsense approach and is also strongly supported.

However, since the "relevant District Council" is not the LPA (the Broads Authority is), there may be the possibility of legal challenge as to whether one LPA can legitimately apply the planning requirements of another. Consideration should be given to including individual Districts' standards and requirements for affordable housing (or a summary of them) within an updatable Appendix to the DPD which is explicitly stated to form part of the plan. This will maximise the effectiveness of the plan in delivering its policy objectives for affordable housing.

Legally compliant: NA **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP23 5.29

SDC06 Waveney District Council Rep No: 007

References are made to housing in Norfolk areas, it might be useful to make reference to Suffolk to show the Broads area straddles both counties.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP25

GBW04 British Marine Federation Rep No: 006

BMF generally support this policy, but have concerns as set out below:

BMF propose that applications for permanent residential moorings should also be permitted if it is for the better management of a boatyard and is in a marina or boatyard. This would allow flexibility for residential use which forms a subsidiary part of a whole yard and is needed to assist its function.

There are two further points. This is the requirement that any boatyard in which residential mooring may be permitted must be within or adjacent to a defined settlement boundary.

BMF would suggest the additional wording as follows:

1. after "adjacent" add " or well related to". In many cases boatyards or marinas may be close to the settlement boundary but not adjacent to it. The tests for the proximity of the new residential use should be those of sustainability, the safety and convenience for the new residents to access the village. The settlement boundaries are not drawn with residential boats in mind, but to permit redevelopment within them.
2. after defined settlement boundary add "or settlement with a good range of facilities". Again the issue is one of proximity to existing facilities such as a shop and bus service and possibly school and doctor, not the settlement boundary. This would be a more sustainable approach.

Note these are additional points BMF did not raise in July. Unless the policy is amended.

Legally compliant: NA **Sound:** no **Element of soundness:** 1-2-3 **Intent:** WR

DP25

SDC04 Norwich City Council Rep No: 005

Insofar as Policy DP16 is now headed “Moorings” (and not “Visitor and Short-Stay Moorings”, as previously) the policy may benefit from a more prominent reference to the fact that permanent residential moorings are not covered within it, but are considered under separate Policy DP25. (At the moment this is mentioned briefly in the supporting text at the end of para 4.25 and may not be especially obvious to plan users).

Note on DP25. Although we do not consider this is a critical issue which would justify our making a further formal objection or suggesting a specific amendment, you may wish to consider the possible overlap between the policy criteria in DP16 and DP25. Some planning considerations will clearly apply to all types of moorings. There may be scope to improve the soundness of the plan by streamlining and simplifying the two policies, reducing repetition and perhaps cross-referring DP25 to DP16.

Legally compliant: yes **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP25

GIND210 Clarke, Mr J Rep No: 001

The proposed policy is a considerable shift from current policies which 'do not currently permit any further houseboats or the use of craft for residential purposes'. Whilst the criteria in DP25 offer a potential solution to the current issue of residential moorings, I am concerned that once approved, the future visual appearance of residential mooring sites will be difficult for the Broads Authority to control. As demonstrated where residential craft already moor, often in breach of planning, the use and visual appearance of the river banks quickly deteriorate. I therefore fail to see how any residential moorings can add to the special character of the broads, which the vast majority of local people and visitors enjoy for its open spaces and natural setting.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** OR

DP25

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 009

I strongly welcome the permission for residential mooring sites. I would not wish to unnecessarily restrict their site allocation quite so closely as proposed, as there may be some occasions where more flexibility is helpful to all concerned. I can see the need for good standards for houseboats, but not for their exclusion.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** AE

DP25

SG05C Environment Agency Rep No: 009

We welcome the reference to the Water Framework Directive within this policy in addition to the reference to sewage disposal and pollution prevention.

We are pleased to note that definitions of both a residential mooring and a 'houseboat' have been included within paragraph 5.43 of the supporting text. This is a helpful addition. We understand that the inclusion of this policy highlights the requirement for planning permission to be obtained for both a residential mooring and a 'houseboat'. We therefore understand that such applications would be required to be in compliance with other policies within the DPD such as DP29 (development on sites with a high probability of flooding), in particular, this would require a consideration of flood risk and the safety of the occupants of the associated residential vessel/houseboat.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP25

GBW40 Residential Boat Owners Association Rep No: 008

We wish to add one further point for consideration. The LDF appears to deal with the following as stand alone policies: DP16 Visitor and Short Term Moorings, DP20 Waterside Sites in Commercial Use, DP25 New Residential Moorings. We submit that the LDF should contain a reference linking these policies. The viability of waterside sites may rely on the multiple use of boatyard and related businesses, visitor and short term moorings, and residential moorings. Residential moorings will provide security, accommodation for boatyard staff and economic benefits particularly out of the cruising season. We suggest that the long term viability of such sites is essential to the future leisure industry on the Broads.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP25

GIN224 Hallam, Mr T Rep No: 001

I wish to make known my support for section DP 25 regarding residential moorings. Permitting residential moorings will I believe allow wishing to dwell on boats the opportunity to invest in modern 'fit for purpose' vessels, thus improving the quality and aesthetic value of boats used for permanent residence.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP25

GBW40 Residential Boat Owners Association Rep No: 005

The RBOA submitted comments date 15th July 201 to the previous consultation regarding your Development Management Policies. We note your subsequent confirmation that these had been considered and the policies amended where appropriate. We consider therefore that [this policy], noted below for reference, [is] sound within the definition. DP25 New Residential Moorings (previously DP24).

Legally compliant: NA **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP25 5.39

GBW15 Norfolk and Suffolk Boating Association Rep No: 006

DP25 is not justified within the terms of PPS 12 because unlike DP16 and inconsistently with para 5.39, it fails to make explicit that proposals for new residential moorings should not result in the loss of moorings available for visitor/short stay use. This defect could be rectified by making this point explicit.

Legally compliant: yes **Sound:** no **Element of soundness:** 1 **Intent:** WR

DP26

GBW04 British Marine Federation Rep No: 007

BMF welcomes and strongly supports this policy, which appears to add much needed flexibility for workers in boatyards.

In the case of residential moorings for boatyard workers the boatyards themselves would normally wish to have a residential boat as part of the yard but as a subsidiary to the principle use and only part of a planning unit. Even if the use is be long term. Being tied to the yard itself, it would form part of it and a separate consent might not be needed unless it in some way extends a yard or breaches a condition or is considered to have changed the character of the yard / marina. However, only short term (3 years) residential use of a boat for boatyard purpose is permitted by DP25 in its present form. Boatyard uses are not comparable to agricultural dwellings. The three year period of consent should be extendable if there is a continuing need for low cost affordable housing. Temporary moorings for boatyards workers outside yards also appear to be covered by this policy and are a sensible means of adding to supply of affordable accommodation on the Broads.

Legally compliant: NA **Sound:** no **Element of soundness:** 1-2 **Intent:** WR

DP26 5.48

SG05C Environment Agency Rep No: 010

We support the requirement for mobile homes to be located outside of flood zone 3. As stated within paragraph 5.48 of the supporting text, mobile homes intended for permanent occupation are classified as a 'highly vulnerable' land use due to the fact that they give rise to special problems in relation to flooding (PPS 25, paragraph D19). As such, PPS 25 does not consider such development to be appropriate within flood zone 3.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP28

SPTC006 Aldeby Parish Council Rep No: 003

Consideration should also be given to access issues including shared access with neighbours and existing communities.

Legally compliant: NA **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP29

SCC01 Norfolk County Council Rep No: 012

This policy should also make the link to the Flood and Water Management Act 2010, and should mention adaptation of developments to climate change.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP29

SG05C Environment Agency Rep No: 011

As highlighted within paragraph 5.53, the majority of the Broads Authority area is at risk of flooding. This is likely to worsen when considering the impacts of climate change. We therefore support the inclusion of this policy (and supporting text) which considers flood risk, is in accordance with PPS 25 and provides some useful guidance to developers for consideration when developing sites with a high probability of flooding. It is our understanding that this policy will be applied to all future development where applicable. We therefore understand that this will include the types of development discussed within policies DP6, DP12, DP13, DP14, DP15, DP16, DP18, DP19, DP20, DP21, DP22, DP23, DP24, DP25, DP26, and DP27.

We would however be supportive of further amendments which could provide additional clarity. The second paragraph highlights a number of issues which will require consideration through the application of the Exception Test. However, it should be noted that some developments on sites with a high probability of flooding will not require the Exception Test but will still require consideration of the points raised. An example of this may be the development of a 'water-compatible' or 'less vulnerable' land use within flood zone 3a. Both uses would not be subject to the application of the Exception Test, but may require consideration of, for example, the impact of the proposal on flood risk elsewhere and flood resilient construction. Although we understand that this would be necessary through the requirement for a site specific Flood Risk Assessment (as stated within paragraph 1 of the policy), we feel that further clarity could be provided within the policy by amending the initial wording of paragraph 2 from "In addition to parts (a), (b) and (c) of the Exception Test, the following will be taken into account in consideration of that Test" to "The FRA will need to meet the requirements of PPS 25 and give consideration to the following:..."

Furthermore, for consistency it may also be appropriate to include specific reference to the safety of the future users of the development and flood warning/evacuation as an additional points within paragraph 2 of the policy.

Finally, as referenced within our comments under DP12 and DP13, it should be noted that any proposed works/structures to be carried out in, under, over or within 9 metres of the top of the bank of a designated main river would require the prior written consent of the Environment Agency under the terms of the

Water Resources Act 1991 and Anglian Region Land Drainage and Sea Defence Byelaws. This may particularly apply to the type of works proposed within DP12 and DP13, however, it may also apply to the type of development discussed within other policies such as DP11, DP16, DP20 and DP25. We would therefore suggest that it may be helpful to highlight this requirement to developers within the supporting text to DP29. The granting of planning permission must not be taken to imply that consent will be granted. We therefore recommend that any applicant proposing such works participates in early liaison with the Environment Agency.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** WR

DP29

GBW04 **British Marine Federation** **Rep No: 008**

This policy is of the highest importance to the Broads as:

- a. The majority of the boatyards are in flood zones 2 and 3
- b. The boatyards comprise the major industry and source of employment and skills within the Broads, and are cumulatively and as a cluster of regional and possible national significance.
- c. The policy is a major constraint on the modernisation and adaptation of the marine industry and has the potential to block all development in flood zones 2 and 3.
- d. The boatyards have been made unmarketable as a direct result of this policy.

The strict application of PPS25 by the planning authority on advice from the Environment Agency has had a severe effect upon the ability of boatyards in the broads to improve, modernise, redevelop and adapt to changes in circumstances; it has resulted in a paralysis of normal market conditions. These effects are contrary to a range of objectives, including those in the Core Strategy in the wider objectives for the Broads e.g. those of national parks, and those of the Government for economic development. There is potential that the whole economy of the Broads would be undermined by the continuing strict application of this policy. The reason is that even if the LPA is satisfied that the sequential test can be satisfied, it (or the Environment Agency) can then judge that the exception test has not been passed.

The policy as drafted includes a series of considerations, which the LPA is to take account of. For instance the like for like replacement of an existing building is included here but even this it is not adequate to meet the needs for the yards of redevelopment and modernisation etc. It is in any case only an advisory note and does not permit any increase in footprint for modest upgrades and dilapidated properties, such as are allowed for in Policy DP20.

There is a very useful treatment of the flooding risks and types within the Broads Authority SPG. The experience of the Broads community in building flood resilient buildings is of long standing, people have been living and working with the regular rise and fall of the water levels within the Broads. This periodic flooding is of short duration. The Broads' experience of building for flood resilience should be recognised as of special value and as a model for sound new build. This would appear to be in accordance with the new Governments stress on localism and responding to local needs, circumstance and wishes. Local solutions for local circumstances must also apply to the particular type of flooding with which the Broads community have lived with so long so successfully.

What is required, is a clear statement that development for boat related uses in boatyards will be considered to satisfy the Sequential test as this type of development cannot be located elsewhere.

In addition, a clear statement is required that for all these classes of development on boatyards, the Exception test is also passed, the justification being:

1. The economic importance of the boatyards in local, regional and national terms.

2. The national importance of the Broads as a National Park in which navigation is a prime consideration of the Broads Act and the role of the boatyards in supporting navigation.
 3. The importance of the marine industry and its boatyards as an essential component of the character of the National Park.
 4. The importance of marine employment in boatyards for social economic cultural and skills of the Broads National Park.
- These needed to be stated as part of the policy.

This same approach should apply to the residential use of boats whether for holiday accommodation or as normal residential if it complies with DP24 or 25. It should be made clear that the boats themselves are considered places of safety, in the special circumstances of the flooding characteristics of the Broads.

Legally compliant: NA **Sound:** no **Element of soundness:** 1-3 **Intent:** WR

DP30

SS02 AG16 Norfolk Constabulary Rep No: 002

Norfolk Constabulary objects to this policy as presently drafted as there is no specific reference to the Police within the range of community facilities listed under criterion (b). Norfolk Constabulary has successfully made representations to a number of LDF Core Strategies seeking specific reference to the Police, which includes the Adopted North Norfolk Core Strategy and the Breckland Core Strategy. Representations have also been made to the Submission Version Joint Core Strategy for Broadland, South Norfolk and Norwich.

It is considered that the approach accepted by North Norfolk District Council and Breckland District Council Planning Inspectors should be taken into account, including as part of the future CIL.

The justification for seeking specific reference to the Police is detailed below:

The Government's Sustainable Development and Sustainable Communities Strategies (2005), to be delivered via the spatial planning system identify policing and issues of community safety as important factors in the creation of safe environments and sustainable, inclusive communities.

Planning Policy Statement 1 describes the Government's overarching objectives for the planning system and sets out how planning should play a key role in delivering safe, secure, sustainable communities. In preparing their development plans Local Planning Authorities have a duty to promote communities which are 'inclusive, healthy, safe and crime free' (para.27 iii).

A companion good practice guide, Safer Places - The Planning System and Crime Prevention, provides guidance on creating safe and secure places and refers to the scope for S106 agreements to be used to create safer environments within the area of a proposed development. Local Authorities are themselves under a statutory duty (Section 17 of the Crime and Disorder Act 1998) to consider crime and disorder reduction in the exercise of all their duties.

Section 19 (2) (f) and (g) of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities in preparation of their Local Development Frameworks to have regard to the provisions of the Community Strategy, which includes community safety as a key theme. Planning Policy Statement 12 requires the LDF Core Strategy to be aligned with Sustainable Community Strategy (SCS) and to actively enable delivery of the spatial elements of the SCS.

The Green Paper - Homes for the Future: More Affordable, Sustainable is extremely clear in defining the role of the Police in the planning of future communities.

In outlining objectives for implementation of the measures described in the Green Paper the text states:

'We want to see local authorities engaging the police and police authorities at the earliest opportunity to ensure safety and security are an integral part of the planning process' (Ch. 12 para. 12).

Circular 05/2005 states that the aim of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Any contributions should be directly related to the development proposal and fairly and reasonably related in scale and kind. It further states that planning obligations can be used to mitigate a development's impact, for example through the need for increased public transport provision.

The policy tests for financial contributions are now enshrined in law by the Community Infrastructure Levy Regulations 2010, which provide that contributions can only be required by way of Section 106 Agreements if what is being sought is:

- necessary to make the development acceptable;
- directly related to the development; and
- fairly and reasonably related in kind and scale to the development.

Paragraph B25 of Circular 05/2005 states local authorities should seek to include as much information as possible in their published documents in the Local Development Framework. In line with previous advice in Circular 1/97, Local Planning Authorities should include in their new style Development Plan Documents general policies about the principles of and use of planning obligations - i.e. Matters to be covered by planning obligations and factors to be taken into account when considering the scale and form of contributions. . . ' Paragraph B26 states that more detailed policies applying the principles set out in Development Plan Documents (e.g. application to specific localities and likely quantum of contributions) ought then to be included in Supplementary Planning Documents.

The Police are recognised nationally as key stakeholders in determining the type and quantum of social infrastructure needed to support development (Planning Policy Statement 12, paragraph 4.29). During the Lords debate on the 2008 Planning Act, Baroness Andrews confirmed that Policing infrastructure is included within the definition of infrastructure for the purposes of the Community Infrastructure Levy (CIL). Consequently, there is clear acceptance within Government that the Police is a key stakeholder when it comes to determining what infrastructure is necessary in order to ensure development can be delivered in a sustainable way.

Norfolk Constabulary has a statutory duty to secure the maintenance of an efficient and effective Police force for its area under the direction and control of its Chief Constable.

Norfolk Constabulary is responsible for delivering services that address community safety. Crime reduction and tackling fear of crime are key issues at all levels of society and government. Addressing community safety, whether from crime or in its widest sense, is seen as a crucial aspect of achieving sustainable communities.

Recognising that Local Authorities have a greater leadership role in delivering growth, it is relevant to high light that the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder. Section 17 (as amended by Schedule 9 of the Police and Justice Act 2006), imposes an obligation on every local authority (which includes Planning Authorities) and other specified bodies to consider crime and disorder reduction in the exercise of ALL their duties. It states:

'17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substance in its area.'

This duty extends to spatial planning and 'place shaping'.

Planning Authorities should therefore facilitate the objectives of other legislation where land use considerations arise. Any omission or under-emphasis of community safety throughout LDF documents, development control functions and creation of local infrastructure strategies would clearly be contrary to this duty, and the emphasis given in Sustainable Community Strategies and other guidance in the form of Planning Policy Statement 1 and Planning Policy Statement 12. If growth takes place without fully taking account of community safety requirements, and unless the appropriate policy statements are in local documents to try and prevent this, Local Authorities put at risk their Council's high level objective of creating sustainable and safe communities.

Inevitably as growth generates additional pressure on the Police service, with more incidents as population and general growth occurs, unless funds are secured to provide a level of infrastructure and resourcing commensurate with that growth, the service provided will suffer and key policy objectives at the national and local level, and local expectations, will not be met.

Unless Norfolk Constabulary can seek appropriate infrastructure contributions as part of developer funded planning obligations or any future CIL mechanism, it cannot guarantee maintaining the same level of policing as growth takes place.

There is a misconceived view that the Police force is funded from the Home Office/Central Government through its capital grant programme.

The funding allocated to Police Authorities via Home Office grants, the Council Tax precept and other specific limited grants is generally insufficient to fund in full requests for capital expenditure. Capital programmes are funded generally from a mixture of asset disposal (a finite option), redirection of revenue funding (with implications for operational policing) and prudential borrowing. Prudential borrowing is not a nil cost option, with any borrowing required to be repaid from revenue/income.

The Government continues to provide annual capital grant to forces which typically funds 20% of a force's capital programme in any one year. The majority of forces fund the balance of their capital expenditure either through PFI arrangements or prudential borrowing.

Borrowing to fund capital projects requires repayment of loans to be made from revenue budgets, which has an impact on the ability of the Police to provide an efficient and effective service. If capital projects are funded through borrowing, the net effect is to divert spending from revenue budgets thereby reducing spending on the operational service. Therefore, less funding for Officers and support staff and consequently a less visible profile for the Police within communities undermines policing objective of reducing both the incidence and fear of crime and disorder.

Funding new Police infrastructure through developer contributions, whether through the S106 or possible CIL mechanism is therefore key to future fulfilment of the Police's statutory obligation to provide an efficient and effective service.

The Police force does not receive sufficient funding either from the Home Office or the Council Tax precepts to fund capital projects. A key requirement to support Core Strategies is the identification of infrastructure requirements to support the levels of strategic growth planned. Without adequate funding streams

to deliver infrastructure to support growth, the objective of delivering sustainable communities, which are safer and where crime and fear of crime are reduced will not be achieved.

Given the above, it is reasonable for the Police to seek contributions from developers to mitigate the impact of development. Policy DP30 of the Broads Authority Development Management Policies DPD should therefore be amended to add reference to the Police in order to make it effective in what it conveys as the infrastructure necessary for its successful implementation and where developer contributions are sought where it is demonstrated that the proposed development would have an impact on existing police resources for that area, in order to make the development acceptable in planning terms.

This approach has already been accepted by the North Norfolk District Council and Breckland District Council Planning Inspectors. Extracts from both the Inspector's reports, which make specific reference to the Police are attached.

Documents: Report to North Norfolk District Council by Philip A Goodman (15th July 2008) and Report to Breckland District Council by Philip A Goodman (13th October 2009).

Legally compliant: yes **Sound:** no **Element of soundness:** 3 **Intent:** WR

DP30

SPTC006 Aldeby Parish Council Rep No: 004

Developer Contributions considerations shall not override the other planning criteria.

Legally compliant: NA **Sound:** no **Element of soundness:** 2 **Intent:** WR

DP30

GBW04 British Marine Federation Rep No: 009

The BMF view this policy with concern because of the very wide range of contributions sought, and the numbers of bodies, which may require developer contributions. The concern is compounded because of the impact of the restrictions on development as a result of flooding (DP29) and the effect of those policies upon the marketability of sites. This has a knock-on effect upon the investment value of any scheme. There is also the high cost of good design, flood resilience and maintaining banks, piling and moorings facilities. The combined financial effect should be assessed before this policy is confirmed.

In BMF's view the effect of this will be to reduce the amount of development so that the contributions policy will not be effective. It is UNSOUND both for its ineffectiveness and because it is not justified.

The policy should also make it clear that this does not apply to replacement of like for like but only to increases in development.

BMF supports that part of the policy where the financial viability of a scheme can result in reduced contributions.

Legally compliant: NA **Sound:** no **Element of soundness:** 1-2 **Intent:** AE

DP30

SCC01 Norfolk County Council Rep No: 008

Corridors of movement should be mentioned in the document. This is aim 7 in the Highways Development Management aims and guidance document.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP30**SCHL01 English Heritage Rep No: 004**

We recommend that this policy should include a reference to contributions to conserving or enhancing heritage assets. Such contributions can be critical to achieving repair and re-use of heritage assets, particularly assets identified as at risk. Policy HE3.4 of PPS5 recommends that plans should include consideration of how best to conserve heritage assets that are most at risk of loss. We therefore suggest that the list in policy DP30 should include: '(l) conservation or enhancement of heritage assets'.

Legally compliant: NA **Sound:** no **Element of soundness:** 3 **Intent:** WR

DP30**SG04 Natural England Rep No: 003**

We would like to take this opportunity to thank the Broads Authority for incorporating most of our proposed amendments to the policies, including the explicit reference to green infrastructure in the developer contributions policy, DP30.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP30**SG04 Natural England Rep No: 009**

DP30, page 59 – we very much support the introduction of a Community Infrastructure Levy as the most equitable way of addressing deficiencies in strategic infrastructure provision.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP30 5.6**SCC01 Norfolk County Council Rep No: 006**

Paragraph 5.60 should make reference to transport contributions.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

DP30 5.62**SCC01 Norfolk County Council Rep No: 007**

Paragraph 5.62: NCC seeks highways maintenance sums for 15 years for bridges or other highway structures for lifetime replacement (120 years).

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

GEN 6**SCHL01 English Heritage Rep No: 005**

Table 2 Performance monitoring indicators:

Policies DP5 and DP6: The targets against these policies of a decrease of 1% per annum in number of heritage assets at risk is unlikely to make a significant difference to securing the preservation of these assets. In view of the high number of listed buildings at risk in the Broads area, a more ambitious target in the DPD should be referenced to a positive strategy for decreasing the figure. PPS5 Policies HE3.1, HE3.4 and HE5.1 promote such an approach in plans.

Legally compliant: NA **Sound:** no **Element of soundness:** 3 **Intent:** WR

GEN 6

SG04 Natural England Rep No: 010

Table 2, page 62 – believe that the indicator: Number of BAP habitats created as part of new developments should be under DP1, rather than DP2.

Legally compliant: NA Sound: NA Element of soundness: NA Intent: WR

GEN

GWC11 RSPB Rep No: 005

We are profoundly concerned by the failure of the DPD to grapple with the deliverability of these crucial elements. By this stage in the production of the LDF the Broads Authority should have robust and credible evidence demonstrating a clear understanding of current land use patterns, anticipated changes arising from development (particularly), and a clear understanding of the measures needed to prevent harm. Neither the DPD nor its supporting documents currently contain measures to address all these areas, notably, an assessment of the impact that large-scale housing development within the Greater Norwich area and measures to manage the potentially higher visitor numbers as a result of a significantly larger local population.

Legally compliant: NA Sound: no Element of soundness: NA Intent: AE

GEN

SDC04 Norwich City Council Rep No: 001

In general we welcome and support the changes made following our previous representations on the Revised Preferred Options. We consider this suite of policies to be generally effective and appropriate in managing development in the Broads and we have no fundamental concerns on the content which would directly affect the City or justify our formal participation at the public examination. However there are a small number of matters where we consider further changes to policy wording are necessary and would benefit the overall effectiveness, clarity and soundness of the plan.

Legally compliant: NA Sound: NA Element of soundness: NA Intent: WR

GEN

SG02A East of England Development Agency Rep No: 001

EEDA previously made comments on the Revised Preferred Options consultation in our letter dated 16th July 2010 where we supported a number of the Council's proposed policies. Since then, we note the legal status of Regional Strategies is 'fluid' and we would suggest that the position is monitored carefully. The Local Democracy, Economic Development and Construction Bill brought the East of England Plan and the Regional Economic Strategy under the umbrella of a single Regional Strategy. It is clear that the RES is not a development plan but it will help in providing the economic context for the DPD if appropriate links are made. The RES advocates a region that is internationally competitive with a global reputation for innovation and business growth that harnesses and develops the talents and creativity of all and is at the forefront of a low carbon and resource efficient economy.

In this context, our previous comments in relation to the RES remain relevant. In particular, the sub regional ambitions for Greater Norwich and the role of rural economies as set out in the RES, may be relevant in assessing if the DPD will help maintain the prosperity of the East of England, enhancing its regional competitiveness and giving support to business growth.

Legally compliant: NA Sound: NA Element of soundness: NA Intent: WR

GEN

SEG07 British Pipeline Agency Rep No: 001

British Pipeline Agency request that the rights of statutory consultation on all planning matters are maintained within our pipeline Area of Interest or easement.

Legally compliant: yes **Sound:** yes **Element of soundness:** NA **Intent:** OR

GEN

GCHL09 Suffolk County Council Archaeological Service Rep No: 001

Our comments relating to the previous version of the document have been incorporated in the current document. I can confirm, in terms of Heritage Assets and the Historic Environment, we are satisfied that the Proposed Submission document is sound.

Legally compliant: NA **Sound:** yes **Element of soundness:** NA **Intent:** OR

GEN

SG04 Natural England Rep No: 001

Thank you for consulting Natural England regarding the above public consultation. As we have provided detailed comments on earlier iterations of this document (most recently in our letter dated 13 July 2010), we have very little substantive to add at this submission stage.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

GEN

SDC01 Broadland District Council Rep No: 001

The District Council is of the opinion that the DPD is not legally compliant and sound because of deficiencies in the Habitat Regulations Appropriate Assessment (and related to this the Sustainability Appraisal).

A Task 1 assessment has been undertaken by the Broads Authority, as set out in section 5 of the Appropriate Assessment Report, and it is concluded in section 6 that any potential impacts have been “satisfactorily avoided by modifying the relevant policies” and “there is therefore no requirement to undertake Task 2 or Task 3”. However, section 5, in setting out the “considered effects”, refers to the “Effects from Increased Recreation and Leisure Pressures”. The first paragraph makes reference to the Greater Norwich Housing strategy and the aim to deliver 2000 new homes per year, and specifically states that “this will inevitably lead to increased use of the Broads area for recreational activity and tourism”. It is also suggested that “this will increase the usage of sites for informal recreation and leisure” including from walkers, dog walkers, horse riders, cyclists, joggers, and navigational matters. It does not seem that any evidence has been provided for the assertion that housing growth in the greater Norwich area will inevitably result in increased recreational activity and tourism, but it is clear that the Broads Authority regard this as a potential effect. The report does not refer to proposed housing growth in other areas adjoining or which may give rise to visitors to the Broads, such as North Norfolk, Great Yarmouth, Waveney, and elsewhere further afield. No explanation is given as to why housing growth elsewhere is not referred to.

Section 5 also refers to possible “cumulative” effects and the need to consider effects “in combination” with other plans and projects, and this is explained in more detailed in section 4.3 “Other relevant plans or projects”, where reference is also made to the Local Development Frameworks of neighbouring districts as having potential effects and having been included in the assessment.

Many of the proposed policies in the Development Management DPD encourage or would allow more residents in and visitors to the Broads, including policies DP11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27. Therefore, under the statement in section 5 on recreational pressure (referred to above) the inference is that there must be potential effects from these policies, and a Task 2 and possibly Task 3 assessment should have been undertaken. Although some

of the policies contain a criteria to “avoid any adverse effect on protected species or habitat” this would not sufficiently address the requirement for Appropriate Assessment under the Habitat Regulations unless the Broads Authority are proposing to undertake an Appropriate Assessment for every application for planning permission under those policies. In addition, under the need to consider effects “in combination”, such increased usage should be considered together with housing growth elsewhere, given the statement on new homes in the Report (as referred to above).

Consequently, there is a significant ambiguity in the Appropriate Assessment report. If the Broads Authority are of the view that increased residents and visitors, arising both from its own policies and “in combination” with the policies for the adjoining areas (which is implicit from the overall conclusion but not specifically stated), will not have any potential adverse effect on any European site, then this should be made explicit in the report in section 5 and the conclusion at section 6. If this is not the case then clearly there could be potential effects, including “in combination” ones, from the policies relating to residential and visitor use. And, as such, more detailed Task 2 and possibly Task 3 assessments should have been undertaken for the policies related to these topics.

Without the clarification, or further detailed Assessment of the policies, then the Appropriate Assessment is deficient and therefore the Development Management DPD is not legally compliant and sound.

However, in the light of discussions with Broads Authority officers, the Council’s objection would be met if the following changes are made:

1. The Appropriate Assessment,

In section 5, under “Effects from Increased Recreation and Leisure Pressures” (page 23) is amended to refer to housing growth in the area, and not solely the Greater Norwich Area; and to state that housing growth “may give rise to increased use of the Broads Area” and “may increase the usage of sites”; and additions are made to make clear that impacts of the policies are uncertain and so appropriate assessment will need to be considered at the project / planning application stage.

2. Development Management Policies DPD – reference is made in the supporting text to the policies, as appropriate, to the effect of: “If a proposal is considered in the context of Policy ?? to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Directive and a project level Appropriate Assessment undertaken”.

Legally compliant: no **Sound:** no **Element of soundness:** 1 **Intent:** WR

GEN

GWC09B Norfolk Wildlife Trust Rep No: 001

We have no comments on the submission document, as we are pleased to see that the suggestions that we made in response to the Revised Preferred Options document in June 2010, regarding County Wildlife Sites and developer contributions have now been included in the submission document.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** OR

GEN

GWC11 RSPB Rep No: 007

We consider it impossible to conclude on a precautionary basis on the evidence available that the DPD would not result in an adverse effect to Natura 2000 sites. The RSPB considers that the AA has not supplied enough evidence and given a sufficiently detailed consideration to justify its conclusions and fails to show that the policies in the DPD will not harm Natura 2000 sites, and consequently that they will be deliverable.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

GEN

SG04 Natural England Rep No: 012

Appropriate Assessment Report:

- Page 3, introduction – it is incorrect to state that there are no offshore marine sites designated at present. 10 marine SACs and two marine SPAs in England were submitted to Defra in June 2010 and now have full European legal protection.
- Page 6 – the list of sites should include Ramsar sites which, according to the Government guidance, should be treated in the same way as European sites for the Appropriate Assessment process.
- Page 7 – surprised by the inclusion of this map, which is out of date (has the Broads SAC as a candidate site) and does not indicate either Great Yarmouth North Denes SPA or Winterton to Horsey Dunes SAC.
- Page 8 - the list of component SSSIs is incomplete and should include Trinity Broads SSSI.
- Page 11 – you correctly note that the qualifying SPA bird species are vulnerable to disturbance from increased visitor pressure, especially when SPA populations are making use of areas where visitor numbers are not so carefully policed. Given this, and the potential for the in-combination impact with the additional large-scale population growth anticipated by the Joint Core Strategy, it appears that a likely significant effect cannot be ruled out, and a Task 2 assessment should be undertaken in relation to the Broadland SPA and all policies which would lead to an increase in visitor numbers, i.e. DP15, DP21, DP22, DP23, DP25 and DP27.
- Page 13 – you state that the Breydon Water estuary is a robust ecosystem, but this does not necessarily mean that it is not vulnerable – there are still risks of disturbance to SPA populations from inappropriate recreational use of the open water element of the site.
- Page 14, first paragraph – please update to Conservation of Habitats and Species Regulations 2010.
- Page 22 – proximity effects: add increased traffic effects from operational (as much as construction) activities.

Legally compliant: NA Sound: NA Element of soundness: NA Intent: WR

GEN

SPTC084 Stokesby Parish Council Rep No: 001

At a Parish Council meeting at Stokesby it was agreed they do not have any comments to pass on the documentation.

Legally compliant: NA Sound: NA Element of soundness: NA Intent: OR

GEN

GWC11 RSPB Rep No: 001

The RSPB welcomes the opportunity to comment on the proposed submission Development Management Policies DPD and associated documents. There are a number of deficiencies in the way that the DPD and the Appropriate Assessment deal with potential impacts upon the area's Natura 2000 sites: Broadland Special Protection Area (SPA), The Broads Special Area of Conservation (SAC), Breydon Water SPA, Great Yarmouth North Denes SPA, and Winterton – Horsey Dunes SAC. We therefore consider the DPD to be unsound. We set out our reasons below.

Legally compliant: NA Sound: no Element of soundness: NA Intent: AE

GEN

SPTC05 Hemsby Parish Council Rep No: 001

At a Parish Council meeting at Hemsby it was agreed they do not have any comments to pass on the documentation.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** OR

GEN

SG04 Natural England Rep No: 011

Sustainability Appraisal Report:

- 3.2, Sustainability Baseline Summary, Page 15 – the baseline column is misaligned so the indicators and baseline numbers don't match up.
- The SSSI condition figures are out of date. Please refer to our website for more up-to-date percentages.
- Appendix A, page 62 – replace 'conversation' in second column with 'conservation'.
- Appendix B, page 76 – please update our website address to: www.naturalengland.org.uk
- Appendix C, page 79 – as well as the designated nature conservation sites, there is an opportunity here to consider adverse and beneficial effects on the intervening, functionally linked habitat between sites, which often supports SPA populations, and acts as a buffer zone against damage to the sites themselves.
- Page 80, first box in table – needs rewording for clarity.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

GEN

SPTC093 Winterton Parish Council Rep No: 001

1. No mention of light pollution.
2. Encourage more use of electric craft.
3. There should be Parish Council representation on the Broads Authority panel.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** WR

GEN

SCHL01 English Heritage Rep No: 001

The Development Management Policies DPD build on the strategic policies set out in the Broads Core Strategy. Policies CS1, CS5 and CS6 of the Core Strategy are especially relevant to the historic environment and provide a firm foundation for the policies in this DPD. While welcoming the commitment to the historic environment in the DPD we would recommend certain minor changes to ensure consistency with national advice in PPS5.

Legally compliant: NA **Sound:** no **Element of soundness:** 3 **Intent:** WR

GEN

SEG08 The Coal Authority Rep No: 001

Having reviewed your document, I confirm that we have no specific comments to make on this document at this stage.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** OR

GEN

GIND223 Grahame, L (Norwich City Councillor - Thorpe Hamlet) Rep No: 001

I commend the Authority's success in the number of responses previously received. However I would like to raise an issue of equality of access to the process. The volume and complexity of the documents make it difficult for lay people to respond. Executive and accessible summaries would be most helpful in future consultations to maximise participation.

Due to time restraints, breadth, depth and the complexity of documents of this nature I must acknowledge, and can only apologise if some of my points are covered elsewhere, for example in building regulations, and for the fact that my comments are considerably less well referenced and specific than I would like. However I assert my right to comment despite time poverty, and on behalf of the many potential respondents who have an interest in the Broads, but were unable to respond. I do not have a lawyer to tell me whether this complies with Equality legislation, but suspect it may not. I find much to commend in the DPD, with a few reservations.

Legally compliant: NA **Sound:** no **Element of soundness:** NA **Intent:** AE

GEN

SPTC078 **Salhouse Parish Council Rep No: 001**

Following your letter of 24th November, LDF - Development Management Policy Plan Development Plan Document - Proposed Submission document, Salhouse Parish Council having checked this have no further comments to make.

Legally compliant: NA **Sound:** NA **Element of soundness:** NA **Intent:** OR