



The Planning
Inspectorate

Report to the Broads Authority

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE BROADS AUTHORITY DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 31 March 2011

Examination hearings held on 12 and 13 July 2011

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Abbreviations Used in this Report

AA	Appropriate Assessment
BREEAM	Building Research Establishment Environmental Assessment Method
CS	Core Strategy
DPD	Development Plan Document
LDS	Local Development Scheme
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RS	Regional Strategy
RSPB	Royal Society for the Protection of Birds
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment

Non-Technical Summary

This report concludes that the Development Management Policies Development Plan Document provides an appropriate basis for the planning of the Broads area over the next ten years. The Council has sufficient evidence to support the policies and can show that they have a reasonable chance of being effective.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as:

- reflecting the evidence on energy generation and efficiency;
- giving wider protection to existing employment uses; and
- ensuring consistency with national policy in respect of dwellings for agricultural, forestry and other workers.

All but one of the changes recommended in this report are based on proposals put forward by the Authority in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Authority’s overall strategy.

Introduction

1. This report assesses the Development Management Policies Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Broads Authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted draft DPD which is the same as the document published for consultation in December 2010.
3. This report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report (**PC** or **IC**). All but one of these changes has been proposed by the Authority and are presented in Appendix A. The additional change recommended is set out in Appendix C. None of these changes materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.
4. Some of the changes put forward by the Authority are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although the Authority’s view that they improve the plan is endorsed. These are shown in Appendix B. The Authority may make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
5. All of the changes proposed by the Authority have been subject to public consultation. The consultation responses have been taken into account in writing this report.
6. To comply with the legislation it is necessary for all the changes detailed in the Appendices to be subject to a recommendation in this report. This is set out in the Overall Conclusion and Recommendation.

Assessment of Soundness

Preamble

7. Prior to the publication of the Submission version of the DPD the Government announced the revocation of Regional Strategies (RSs) with immediate effect on 6 July 2010. In response the Authority removed all references to the East of England Plan from the DPD. However, the decision to revoke RSs has subsequently been quashed. Accordingly, reference to the RS should be retained in the DPD as, at the time of writing this report, it still forms part of the development plan. The Authority has put forward suggested changes to this effect.
8. Having said that, the status of the RS makes no material difference to the matters which have to be taken into account in considering the soundness of

this DPD. The DPD has been prepared to accord with the RS and the Core Strategy (CS).

9. During the examination, on 25 July 2011, the Government published the draft National Planning Policy Framework for consultation. However, this document is still in draft form. It is subject to changes, and its eventual content is not assured. Consequently, these draft policies are accorded little weight in the assessment of this DPD.

Main issues

10. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, there are three main issues upon which the soundness of the plan depends.

Issue 1 – Whether the policies about respecting the environment and cultural assets are justified, effective, the most appropriate when considered against the reasonable alternatives, and consistent with national policy

The natural environment

11. Policy DP1 underpins the key aim of protecting and enhancing the natural environment of the Broads. The third paragraph of the policy relates specifically to Natura 2000 sites. As submitted, this paragraph does not refer to the need for proposals to include a development specific Appropriate Assessment (AA). But this absence would not eliminate that requirement or mean that an AA could not be insisted on. The submitted policy is therefore effective in this regard, although the minor changes proposed by the Authority would add clarity.
12. An AA of the DPD has been carried out. This concludes that none of the policies in the DPD will result in a likely significant effect on Natura 2000 sites. Concerns have been raised by Natural England, the Royal Society for the Protection of Birds (RSPB) and Broadland District Council about the adequacy with which this addresses the impacts of visitors to the Broads on those European sites. The possibility that development allowed by the DPD could adversely affect the integrity of these protected sites is a matter of great importance.
13. However, the changes proposed to both the DPD and the AA itself make it clear that project level AAs will be required when such an impact may occur as a result of development. In addition, the Authority has clarified that further work is being carried out, including in conjunction with the Greater Norwich Development Partnership. AAs are being undertaken to support the preparation of a Location or Site Specific Proposals DPD for the Broads. Constraint mapping will be part of this exercise and will form part of the Proposals Map for that DPD. This will spatially identify where site level AAs are needed. On this basis Natural England, the RSPB and Broadland District Council do not consider the DPD to be unsound. In the absence of compelling evidence to the contrary the DPD is sound in this regard.

The historic environment

14. The policies regarding the historic environment and re-use of historic buildings both reiterate national policy to a noticeable degree. However, Policy DP5 and the reasoned justification for it do add a local nuance, particularly in relation to landmark buildings, structures and landscapes that contribute to the character and heritage of the Broads but are not statutorily protected. Measuring the success of this policy by comparing decisions made on applications with the expert advice given by the Authority’s Conservation Officer and English Heritage would help to ensure its effectiveness. Policy DP6 and its associated text set out more detailed criteria for considering the re-use of buildings and indicate the kinds of information likely to be necessary. Consequently, the inclusion of both of these policies is justified.

Energy

15. Criteria (a) and (b) of Policy DP7 seek to ensure that new housing developments meet at least Level 3 of the Code for Sustainable Homes and that non-residential developments over 1000m² achieve at least the Building Research Establishment Environmental Assessment Method (BREEAM) ‘very good’ standard. However, there is no compulsion in national policy to meet these levels and standards. They are entirely voluntary. The only mandatory control is through Part L of the Building Regulations 2010. Whilst the Building Regulations have some relationship with the Code and BREEAM standards, they are not wholly analogous. For example, even though Part L of the Building Regulations has ‘caught up’ with the Code to Level 3, this is in respect of energy requirements alone. Consequently, meeting all of the requirements for a Code 3 certificate goes beyond meeting Part L of the Building Regulations. In short, criteria (a) and (b) exceed national requirements. The Authority has not prepared any independent evidence to support the viability of greater stringency. As such, demanding adherence to these criteria is not justified.
16. Criterion (c) says that for developments over ten residential units or 1000m² for non-residential development, at least 10% of the predicted energy requirements should be from decentralised and renewable or low-carbon sources. This directly reflects Policy ENG1 of the East of England Plan. However, it is clear that this part of Policy ENG1 is an interim measure, to be applied before targets are set in DPDs. On this point, Policy ENG1 says that local authorities should set “*ambitious but viable*” thresholds and proportions. But no assessments have been undertaken to demonstrate the viability of the thresholds and proportions proposed in the Broads area. As a result, there is no justification for this DPD insisting that those set out in CS Policy ENG1 be met.
17. A caveat in Policy DP7 says that where applicants can demonstrate that the requirements of the policy are either not feasible or not viable, then the Authority will consider reducing the building standard rating or renewable/low-carbon energy provision requirements in exceptional circumstances. Nevertheless, this clause does not obviate the requirement for the policy to be based on a robust body of evidence, particularly in respect of viability.
18. As a consequence of all this, a soundness change is recommended to the

approach in Policy DP7, along with consequential amendments (**IC1**). On the basis that the thresholds and proportions set out are encouraged rather than required, the policy should be regarded as sound.

19. Paragraphs 11 and 12 of PPS22: *Renewable Energy* (PPS22) relate to renewable energy developments on sites within nationally recognised designations such as the Broads. By seeking to avoid unacceptable impacts on the distinctive landscape, cultural heritage, biodiversity and recreational experience of the Broads, Policy DP8 both supports the objectives of the Broads’ designation and adds a local slant to PPS22. Although not prescriptive about the scale of renewable energy development that may be acceptable, it clearly defines the most important considerations to be taken into account. The policy’s supporting text is more specific about wind turbines and the possibility that large, prominent groups might detract from the character of the landscape. Overall, this policy is effective and consistent with PPS22.

Telecommunications and advertisements

20. The Authority says that Policy DP9 is included to emphasise the general support for essential telecommunications infrastructure except where it would adversely impact on protected landscapes, wildlife and habitats. This is an appropriate approach, and emphasises the Broads’ priorities.
21. Powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Policy DP10 is consistent with this. The reference to public safety on water highlights issues specific to the Broads that require consideration. This adds to its effectiveness and justifies its inclusion, notwithstanding the more limited role of development plan policies in determining applications for advertisement consent.

Conclusion

22. In conclusion, subject to the recommended change and consequential amendments to Policy DP7 and its supporting paragraphs, the policies relating to respecting the environment and cultural assets are justified and effective. They are appropriate and consistent with national policy and, overall, are sound.

Issue 2 – Whether the policies about the use and enjoyment of water and land are justified, effective, the most appropriate when considered against the reasonable alternatives, and consistent with national policy

Land, water and bank protection

23. Policy DP11 requires development proposals that need to be accessed by land to provide parking in accordance with the relevant adopted standards. The Authority has explained that these are the standards adopted by Norfolk and Suffolk County Councils and those of the District and Borough Councils of which the Broads area forms part. Although this defers control from the Broads Authority to others, that need not be a problem. The adoption processes of those Authorities would have to be in line with their Statements of Community Involvement and engage with the Broads’ communities that are

affected. While the outcome may be that different parking standards apply in different parts of the Broads, there is nothing to suggest that this would be inappropriate.

24. Some of the parking standards concerned do not reflect Planning Policy Guidance (Planning Policy Guidance) 13: *Transport*. Nonetheless, discrepancies are as a result of recent revisions to PPG13, particularly in relation to the requirement for standards to set a maximum number of parking spaces allowed in residential developments. The Broads Authority says that the Councils involved are at different stages in preparing up to date policies that reflect this change. That is understandable. In the circumstances, this situation should not be viewed as undermining the consistency of Policy DP11 with national policy.
25. New freight wharves are permitted by Policy DP12 on ‘brownfield’ sites adjacent to the navigation where other development plan policies are met. The intention is to preclude such wharves on land that is not previously developed and the Authority indicates that, in practice, this would effectively direct freight wharves to sites within or adjacent to defined development boundaries. This approach would be effective in balancing the potential of the Broads’ waterways to transport freight in a sustainable and efficient manner whilst ensuring that the special qualities of the area are protected from unacceptable impacts.
26. The erosion of the waterways’ embankments is a significant issue in the Broads. If left unchecked, it can diminish the area of open water and reduce water quality, effecting both the ecological value and special landscape character of the Broads. But bank protection measures can also have significant impacts, including in relation to the nature of the watercourse, navigation safety, ecology and character. Policy DP13 ensures that bank protection works are designed to take account of these potentially negative effects, and gives a clear preference to soft engineering solutions over piling. This is a justified response to the issues involved, would be effective at securing the most suitable means of preventing erosion, and is a sound approach. Whilst no monitoring indicator is included, because of the qualitative and preferential nature of the policy, this does not weaken it.

Tourism, recreation and holiday accommodation

27. The statutory purposes of the Broads’ designation include conserving and enhancing the area’s natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of its special qualities. Responding to these purposes, in line with the strategic objectives of Core Strategy Policy CS9, the DPD generally seeks to protect landscape character and at the same time create a buoyant tourist economy.
28. Policy DP14 is one of the primary mechanisms for achieving this balance. It seeks to focus most new tourism and recreational development in or adjacent to defined development boundaries, and other locations closely associated with an existing tourism site, group of holiday properties, boatyard or sailing club. Minor changes proposed by the Authority clarify that farm diversification projects to provide tourist accommodation would not be required to meet this spatial approach. They would be allowed in principle, subject to criteria (a) to

(e) in Policy DP14 being met, and the provisions of Policies DP15 and DP21. Considered against the reasonable alternatives, this is a logical and appropriate strategy, and the policy is effective.

29. In addition to meeting this spatial approach, Policy DP15 clearly requires proposals for new holiday accommodation to demonstrate that they will be used for that purpose. The use of planning conditions in the way set out in the policy meets the tests in Circular 11/95: *The Use of Conditions in Planning Permissions*. It is supported by the Sustainability Appraisal (SA) and would be effective in achieving the outcome sought. Ensuring that the development of existing static caravan sites is limited in scale and compatible with the Landscape Character Assessment, and resisting the loss of hotels and guest houses significantly strengthens the DPD’s likelihood of delivering the Core Strategy aims.
30. Simply put, Policy DP16 supports new non-residential moorings to encourage water-based tourism, but only in reasonably sustainable locations and where habitats and species would not be harmed. This is consistent with the spatial approach of Policy DP14 and, along with protecting short-stay moorings and requiring that 10% of all new moorings are for visitors, effectively implements the objectives of Core Strategy Policy CS9.

Conclusion

31. In conclusion, the policies relating to the use and enjoyment of water and land are justified and effective. They are appropriate and consistent with national policy. Overall, these policies are sound.

Issue 3 – Whether the policies about fostering communities are justified, effective, the most appropriate when considered against the reasonable alternatives, and consistent with national policy

Employment

32. Policy DP18 aims to protect employment uses from redevelopment that would result in a loss of employment. In this regard, the wording of the policy as originally submitted refers to sites currently in employment use as defined on the Proposals Map. However, the Authority has proposed changes (**PC38, PC42, PC43 and PC44**) so that this encompasses properties in employment use and does not rely on the Proposals Map. The former removes any ambiguity about the meaning of the term ‘site’. The latter extends the protection afforded by the policy to employment uses that are not identified on the Proposals Map, such that all employment land and premises fall under its ambit. These changes are consistent with PPS4: *Planning for Sustainable Economic Growth* and the Government’s intentions in relation to planning for growth. Moreover, they are necessary to ensure the effectiveness of the policy in delivering the unambiguous objectives of Core Strategy Policy CS22.
33. Policy DP18 does allow employment sites and premises to be used for other purposes, following a sequential approach and subject to the preferable uses not being economically viable. Paragraph 5.8 explains that the premises concerned should have been marketed for 12 months as part of the demonstration of non-viability. On the one hand, the 12 month period has not been based on any particular evidence or research. On the other hand,

though, it strikes a reasonable balance between a shorter period that might not adequately reflect the local market and any seasonal fluctuations, and a longer one that would be more onerous and could lead to land or property remaining unnecessarily vacant for significant periods. Moreover, there is an equal absence of evidence to support a different time period. Considering all this, and the desirability of including a timeframe to provide the greatest level of certainty possible, 12 months is a reasonable and appropriate period.

Housing

34. Reflecting Core Strategy Policy CS24, Policy DP22 only permits new residential development within defined development boundaries. It adds to the Core Strategy by normally limiting such development to individual dwellings or groups of no more than five, and exceptionally allowing more than five. The basis for selecting this figure is not a methodical one, and no alternatives have been formally considered.
35. That being said, it is clear that the Broads is an area of general restraint. No housing delivery targets are allocated to the Broads in the East of England Plan. It is therefore appropriate that, for the most part, only small groups of dwellings be allowed. Quantifying this in the policy introduces more certainty than would otherwise be the case, which helps its effectiveness. Few have objected to the figure of five in relation to its application across the Broads Authority area in general. There is no more convincing evidence to support any other specific figure.
36. Concerns have been raised about the application of the terms ‘normally’ and ‘exceptionally’. But this policy wording is conceived as a mechanism to control development across the Broads as a whole. It does not discount the possibility of larger schemes being acceptable under the terms of the policy. It is just that they would be few and far between, rather than commonplace. The Authority has proposed an amendment to the policy to clarify the sorts of circumstances and places where larger development may exceptionally be acceptable. Given that the Broads area does include some more built up districts, notably the urban fringes of Norwich, this is a sound approach. The Authority says that larger developments ought to be brought forward through the emerging Location or Site Specific Proposals DPD. While that may be preferable, it is nevertheless appropriate that Policy DP22 does not entirely bar such schemes. Indeed, this strengthens the plan’s flexibility.
37. Policy DP23 seeks to deliver affordable housing in two ways. The first part of it amounts to a rural exceptions policy that permits affordable homes to be built outside the defined development boundaries, subject to certain criteria being met, where Policy DP22 otherwise prevents housing developments. The criteria primarily relate to matters of local need and sustainability. This is consistent with the approach set out in paragraph 30 of PPS3: *Housing* (PPS3).
38. The second part of the policy requires that residential schemes within the defined development boundaries contribute to affordable housing, either by including affordable homes or, exceptionally, by making financial contributions. This strategy clearly aligns with that of PPS3.
39. However, this strand of Policy DP23 directly relies on the thresholds, level of

contribution, house types, mix and tenure adopted by the ‘constituent’ Councils, being the local authority areas within which the Broads Authority administrative area is situated. Its operation also depends on evidence produced by those Councils.

40. On the face of it, the soundness of Policy DP23 therefore rests on the soundness of all the relevant policies of the constituent Councils involved. But scrutiny of their soundness falls outside the scope of this examination and report, and would not be appropriate here. Moreover, given their various stages of formulation and preparation, such analysis would not be possible.
41. From the Authority’s evidence, it is clear that the constituent Councils have undertaken or will be undertaking housing needs surveys and viability assessments. Those that have been done do not exclude the Broads, and none have identified the Broads as a distinct housing market area. This is perhaps not surprising, given that the Broads administrative boundary cuts through towns, villages and even streets. Consequently, there would be no supportable rationale in recommending that the Broads Authority undertake separate assessments.
42. In this context, whilst Policy DP23 leads to the application of varying approaches to affordable housing across the Broads, this is a valid strategy. It reflects the housing market areas identified through the Councils’ assessments and addresses the need for affordable housing of the local communities affected.
43. Considering all this, while the soundness of the policies on which Policy DP23 rests cannot necessarily be assured at present, a pragmatic approach should be taken. It is reasonable to conclude that the local authorities concerned, as responsible public bodies, will have put in place affordable housing policies that have been found to be sound through independent examination at the earliest opportunity, where this has not already been done. As such, preventing the adoption of Policy DP23 on the basis that these policies are not yet in place would be unwarranted. The exclusion of this policy would run contrary to the Government’s aims and commitment to providing high quality housing for people who are unable to access or afford market housing. Overall, Policy DP23 should not be regarded as unsound.
44. Under Policy DP24, the size of replacement dwellings outside of the defined development boundaries would not be limited to the scale of the original dwelling. This could lead to a greater number of larger homes than is currently the case. However, the policy does require that the scale, mass, height, design and external appearance of the replacement dwelling are appropriate to the setting and landscape character of the location. This safeguard would ensure that any increase in the size of dwellings does not diminish the Broad’s special landscape qualities. The policy’s flexibility in terms of allowing the replacement dwelling to be located within a different part of the site in question would help in this regard, and is an appropriate approach. The general support given by the SA for the policy adds to the justification for it.
45. As originally submitted, Policy DP26 includes some inconsistencies with PPS7: *Sustainable Development in Rural Areas* (PPS7) concerning dwellings for

agricultural, forestry and other workers. Criterion (a) is not explicit that the functional need for a full-time worker must be an existing need, a point deliberately emphasised by PPS7. Criterion (c) does not reflect the requirements in PPS7 that the business should have been profitable for at least one of the three years it has been established, and for it to be currently financially sound and has a clear prospect of remaining so. Nor does it reflect the requirement in relation to temporary dwellings of providing clear evidence that a proposed enterprise has been planned on a sound financial basis. There is no evidence to support these divergences from PPS7. Taken together, these discrepancies go to the soundness of this policy.

46. However, the Authority says that taking an approach different to that in PPS7 was not the intention, and has put forward a number of changes to rectify the situation (**PC77, PC78, PC79 and PC81**). Whilst the Authority considers these to be minor amendments, they are necessary to ensure the soundness of Policy DP26.
47. In its amended form, Policy DP26 does not add substantially to PPS7 in terms of its overall strategy for agricultural workers’ dwellings. That being said, the policy and its supporting text draw particular attention to boatyard workers, and deal explicitly with the use of residential moorings for this purpose. These factors introduce a sense of local distinctiveness which justify the policy’s inclusion and add to its effectiveness.

Visitor and community facilities

48. In effect, Policy DP27 prevents loss of existing community, visitor and recreational facilities through redevelopment except where the current facility is economically unviable. This is a reasonable stance, and is an appropriate mechanism for safeguarding community cohesion and supporting tourism. New buildings, extensions and the use of land for such purposes are allowed so long as a number of criteria are met. These primarily relate to the need for the development and the aims of protecting the landscape and biodiversity. As such, this policy provides an effective framework for balancing these priorities with those of ensuring a buoyant and thriving tourist economy and meeting local needs.

Flood risk

49. The vast majority of the Broads area is identified in the Authority’s Strategic Flood Risk Assessment (SFRA) as being at some risk of flooding. A large portion of the land area is at high risk. Many buildings, including homes, businesses and tourist facilities are within the floodplain. Whilst Policy DP29 does not add considerably to PPS25: *Development and Flood Risk* (PPS25) and other national policies, it is consistent with them and the prevalence of this serious issue across the Broads area warrants its inclusion.
50. It is not uncommon for those drawing up development proposals to refer to the Environment Agency’s Flood Zone maps, but to overlook any SFRA information. Policy DP29 draws attention to the importance of the latter, and ensures that the SFRA is considered as a matter of development plan policy. In addition, the factors to be addressed in site specific Flood Risk Assessments are clearly set out. This part of Policy DP29 helpfully and unambiguously

draws together elements of policy otherwise more scattered across the national policy suite. All of this supports the justification for the policy and strengthens its effectiveness.

51. Some concerns have been raised about the strictness of Policy DP29 and the negative effect it could have on the boatyard industry. However, it is difficult to see how a less stringent approach could be regarded as sound, given the requirement for consistency with national policy. There is no compelling evidence to support divergence. As the Authority points out, PPS25 recognises that boatyards, including essential ancillary sleeping or residential accommodation for staff, have the lowest level of flood risk vulnerability. They are classified as ‘water-compatible development’ in Annex D. Consequently, such development would not be subject to the exception test.

Developer contributions

52. As with affordable housing, Policy DP30 also relies on the adopted policies and supplementary planning guidance of the constituent Councils. Whilst the former is examined above, Policy DP30 seeks contributions to several other types of physical infrastructure. This approach means that the policy does not include thresholds or other details.
53. However, Policy DP30 sets out the matters to be covered by planning obligations. Both the policy and its supporting text are clear that the main factor to be taken into account when considering the scale and form of contributions is the potential impact of the proposed development in question. More detailed information is published by the Councils concerned. This is sufficient to allow developers to predict as accurately as possible the likely contributions they will be asked to make. All in all, this policy is effective and generally consistent with Circular 05/2005: *Planning Obligations*.
54. The Authority says that the policies of the constituent Councils are based on a clear and up to date assessment of the impacts likely to be created by development. There is no evidence to suggest otherwise.

Conclusion

55. In conclusion, subject to the changes proposed by the Authority to Policies DP18 and DP26, along with their supporting paragraphs, the policies relating to the use and enjoyment of water and land are consistent with national policy. They are justified, effective and appropriate. Overall, these policies are sound.

Legal Requirements

56. The examination of the compliance of the DPD with the legal requirements is summarised in the table below. In conclusion, the DPD meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The DPD is identified within the approved LDS March 2010 which sets out an expected adoption date of

	September 2011. Although the timing has slipped a little, it is broadly in keeping with the expectations of the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2008 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes.
SA	SA has been carried out and is adequate.
AA	AA has been carried out and is adequate.
National Policy	The DPD is consistent with national policy except where indicated and changes are recommended.
RS	The DPD is in general conformity with the RS.
Sustainable Community Strategy (SCS)	The Broads Authority does not prepare a SCS as such. However, satisfactory regard has been paid to the Broads Plan, which is the closest equivalent document covering the Broads area.
2004 Act and Regulations (as amended)	The DPD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

57. In conclusion, with the changes proposed by the Authority which go to soundness, set out in Appendix A, and the change recommended in Appendix C, the Development Management Policies DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. It is therefore recommended that the plan be changed accordingly. And for the avoidance of doubt, the Authority’s proposed minor changes, set out in Appendix B, are endorsed.

Simon Berkeley

Inspector

This report is accompanied by the following appendices, which are attached below:

Appendix A – Changes proposed by the Broads Authority that go to soundness

Appendix B – Minor Changes proposed by the Broads Authority

Appendix C – Change that the Inspector considers is needed to make the plan sound

Appendix A – Changes proposed by the Broads Authority that go to soundness

The Broads Authority has proposed a number of Minor Changes which are set out in Appendix B. However, the Inspector considers that two of these proposed changes, along with the consequential changes arising from them, go to the soundness of the policies concerned. For clarity and precision, those changes are included in this appendix using the wording proposed by the Authority.

The proposed changes are expressed in the form of ~~strikethrough~~ for deletions and in bold for additions to the text. The page numbers and paragraph numbering refer to the submission DPD and do not take account of the deletion or addition of text.

Change ref no.	Page no.	Paragraph /Policy	Proposed Change
PC38	Page 44	DP18	Line 1: After “Sites” add “ and properties ”; delete “as defined on the Proposals Map”
PC42	Page 44	DP18	Paragraph (g) after “the site” add “ or property ”
PC43	Page 44	Paragraph 5.8	Additions and deletions to paragraph such that new paragraph 5.8 reads as follows: The policy establishes a sequential approach to protecting general employment sites and properties and to permitting their change of use or redevelopment to other uses. To prevent the loss of established employment sites and properties , proposals to redevelop themsuch sites to alternative uses related to sustainable tourism and recreation or community facilities will only be permitted if it can be demonstrated that employment uses (uses within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010) are unviable. Only then will alternative uses be permitted, again subject to demonstrating that employment, tourism, recreational or community uses would be unviable. Applications should be when accompanied by a statement completed by an independent chartered surveyor which demonstrates that employment uses are not viable. This statement should provide an assessment of the current and likely future market demand for the site or property , attempts to market itthe site during the previous 12 months and its the value of the site. The level of detail and type of evidence and analysis presented should be proportionate to the scale and nature of the site and/or property premises in question.
PC44	Page 45	Paragraph 5.10	Line 4 after “site” add “ or property ”
PC77	Page 54	Policy DP26	Paragraph (a) after “demonstrable” insert “ existing ”
PC78	Page 54	Policy DP26	Paragraph (c) Line 2 after “three years” delete “and is capable of being sustained for a reasonable period of time and insert “ , has been profitable for at least one of them,

			is currently financially sound and has a clear prospect of remaining so;”
PC79	Page 54	Policy DP26	Paragraph (j) delete “The worker is required while a farm, forestry business, boatyard, organised recreation or tourist facility develops sustainable economic viability; and replace with “ There is clear evidence that the proposed enterprise has been planned on a sound financial basis”.
PC81	Page 54	Paragraph 5.45	Line 8: after “three years” delete “and is capable of being sustained for a reasonable period of time.” and insert “, profitable for at least one of them, currently financially sound and has a clear prospect of remaining so”.

Appendix B – Minor Changes proposed by the Broads Authority

The Broads Authority has proposed a number of minor changes that do not affect the soundness of the plan and hence are largely not dealt with in the report. As these changes correct minor errors or update the plan or generally improve it, they are endorsed. These changes are set out below.

The proposed changes are expressed in the form of ~~striketrough~~ for deletions and in **bold** for additions to the text. The page numbers and paragraph numbering refer to the submission DPD and do not take account of the deletion or addition of text.

Change ref no.	Page no.	Paragraph/Policy	Proposed Change
PC1	Pages 4-7		Delete entire 'PREFACE' section
PC2	Page 9	Paragraph 1.6	At end of paragraph, add Final consultation took place on the proposed Submission (Publication) DPD between December 2010 and January 2011.
PC3	Page 9	Figure 1	Adjacent box entitled "Submission of the Development Management Policies DPD, replace February 2011 with March 2011. "
PC4	Page 12	Paragraph 2.4	Amended paragraph 2.4: The East of England Plan (the Regional Spatial Strategy for the East of England (RSS) was published in May 2008 and hitherto formed the top tier of the Development Plan for the region. It provides the direction for development for the Eastern Region and the Development Management Policies DPD is required to be in general conformity with the objectives and policies contained within the East of England Plan. However, on 6th July 2010 the Secretary of State revoked all Regional Strategies; there is now no regional, strategic tier of planning policy and the RSS no longer forms part of the statutory Development Plan. At the time of submitting this DPD to the Secretary of State, the Government has indicated an intention to abolish the East of England Plan through provisions in the Localism Bill. Nevertheless, unless and until it is abolished, it remains part of the Development Plan.
PC5	Page 14	Table 1	Amended section entitled "CS18: Rural Sustainability", in second column (DP22): Development-Settlement
PC6	Page 14	Table 1	Amended section entitled "CS24: Residential Development and the Local

			Community”, in second column (DP22): Development Settlement
PC7	Page 15	Paragraph 2.11	Amend Line 3: Development Settlement
PC8	Page 15	Paragraph 2.11	Amend Line 5: alongside a Location or Site Specifics Policies Development Plan Document”
PC9	Page 15	Paragraph 2.11	Amend Line 6: development settlement
PC10	Page 15	Figure 2	Amend left hand box: Location or Site Specifics Policies
PC11	Page 17	Policy DP1	Amend after second paragraph with addition and deletion as follows: Where it is anticipated that a development could affect the integrity of a Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site, either individually or cumulatively with other development, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), specific to the development, will be undertaken. If adverse impacts on the integrity of the site and its qualifying features are predicted, measures to mitigate for these effects will be implemented. If it is not possible to mitigate for adverse effects, the development will not be permitted. Development that could affect the integrity of a Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site, either individually or cumulatively with other development, will only be permitted where it can be demonstrated to the satisfaction of the competent authority that the implementation of measures to mitigate the effects of the development on the site would avoid or overcome any adverse impact on the integrity of the site and its qualifying features.
PC12	Page 17	Paragraph 3.6	Amend Line 3: ...two Special Areas of Conservation (SAC), two Ramsar sites , three Special Protection Areas (SPA),...
PC13	Page 18	Paragraph 3.10	Amend as follows: ...the Habitats Directive Regulations
PC14	Page 18	Paragraph 3.11	Amend as follows: protected by the Habitats Directive Regulations , and
PC15	Page 19	Policy DP2	Amend as follows: ...result in the loss of, a significant landscape heritage or a feature...
PC16	Page 21	Paragraph 3.19	Amend Line 2: ...do not unnecessarily damage geodiversity...
PC17	Page 21	Policy DP3	Amend first paragraph: Sufficient water infrastructure capacity to meet the additional requirements arising from a development should be in place before the development commences occupied.

			Development will only be permitted where it can be demonstrated that it will not have an adverse impact on surface or ground water in terms of quality and quantity. This should include the requirements of the Water Framework Directive and Habitats Regulations .
PC18	Page 21	Policy DP3	Amend fifth paragraph: All new development should address surface water run-off. Sustainable Drainage Systems (SuDS) should be used unless, following adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. Surface water run-off proposals should address the requirements of the Flood and Water Management Act 2010.
PC19	Page 22	Paragraph 3.23	Amend Line 10: ...by soakage into the ground. An Environmental Permit or exemption Consent will be required...
PC20	Page 23	Policy DP4	Amend paragraph (h): ..use and climate change (including change in water level) . In particular, dwelling houses..
PC21	Page 24	Paragraph 3.30	Amend Line 5: ...Accessibility to Water; DP28: Amenity and DP29:...
PC22	Page 27	Policy DP7	Move paragraph starting ‘An energy statement should accompany..’ to (c) as follows: Off-site provision may be acceptable where it can be demonstrated that this would have a greater benefit. An energy statement should accompany applications to demonstrate, in terms of energy efficiency and renewable energy, how the target of 10% renewable or low-carbon energy is to be met;
PC23	Page 27	Policy DP7	Amend (d): Maximise the use of energy efficiency and energy conservation measures in its design, layout and orientation to reduce overall energy demand. This should be demonstrated by an energy statement; and
PC24	Page 28	Paragraph 3.42	Line 6: delete “ The now revoked RSS policy ENG1 set... ” and replace with “RSS policy ENG1 sets”
PC25	Page 29	Paragraph 3.47	Line 3: delete “ The EU Renewable Energy Directive (2009) requires the UK to secure at least 15% of its energy usage from renewable sources by 2020 ” and replace with “The UK Renewable Energy Strategy (2009) includes the UK’s legally binding renewable energy target of 15% by 2020. This is part of a wider suite of strategies within the UK Low Carbon Transition Plan. ”
PC26	Page 34	Paragraph 4.6	Line 6: delete “ Guidance on the level of detail which is required is set out in the Department of Transport’s Guidance on Transport Assessments. ” And replace with “ Further guidance is available in the Department for Transport’s

			Good Practice Guidelines; Delivering Travel Plans through the Planning System, and from Norfolk County Council.”
PC27	Page 35	Policy DP12	After paragraph (c) insert new paragraph: “(d) Would not prejudice the current or future use of adjoining land or buildings.”
PC28	Page 37	Paragraph 4.15	After end of paragraph add: “If a proposal is considered in the context of Policy DP13 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.”
PC29	Page 37	Policy DP14	Line 2: replace “settlement” with “development”
PC30	Page 37	Policy DP14	Line 4: after “sailing” add “or similar”
PC31	Page 37	Policy DP14	After (e) new paragraph The requirement to demonstrate a need to be located in open countryside does not apply to farm diversification development to provide tourist accommodation.
PC32	Page 38	Paragraph 4.19	Line 4: after “development”, new sentence: This requirement does not apply to farm diversification projects providing tourist accommodation (which will be considered against policy DP15 and/or DP21)
PC33	Page 39	Paragraph 4.22	Line 9: delete “a” and replace with “an independent”
PC34	Page 40	Paragraph 4.24	After paragraph 4.24, insert new paragraph: “If a proposal is considered in the context of Policy DP15 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.”
PC35	Page 40	Policy DP16	Paragraph (c): delete “and adequate access to local facilities within walking distance” and replace with “or adequate access to local facilities in the vicinity;”
PC36	Page 41	Paragraph 4.25	In bracketed note at the end of the paragraph, after “addressed” insert “separately” .
PC37	Pages 41 and 42	Paragraph 4.29	Delete last sentence: “ Proposals for mooring basins or marinas that have the potential to have an effect on the integrity of a protected site would not be in accordance with the Development Plan.” and replace with: “If a proposal is considered in the context of Policy DP16 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken”

PC39	Page 44	DP18	Paragraph (a) delete “and” and add “ or subject to demonstrating that such uses are unviable: ”
PC40	Page 44	DP18	Paragraph (b) delete “leisure or”
PC41	Page 44	DP18	Second paragraph: after “Alternative uses” insert “ not falling within (a) and (b) ”
PC45	Page 45	Paragraph 5.10	After paragraph 5.10, insert new paragraph: “ If a proposal is considered in the context of Policy DP18 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken. ”
PC46	Page 45	Policy DP19	Paragraph (c): delete “nature or volume of traffic in the area;” and replace with “ local transport network; ”
PC47	Page 45	Paragraph 5.12	Line 9: delete “increase in” and replace with “ impact on the transport network or unacceptable levels of ”
PC48	Page 46	Paragraph 5.14	After paragraph 5.14, insert new paragraph: “ If a proposal is considered in the context of Policy DP19 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken. ”
PC49	Page 47	Paragraph 5.17	After paragraph 5.17, insert new paragraph: “If a proposal is considered in the context of Policy DP20 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.”
PC50	Page 48	Paragraph 5.23	After end of the paragraph (after “biodiversity.”) insert: “ If a proposal is considered in the context of Policy DP21 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken. ”
PC51	Page 48	Policy DP22	In policy title: replace “Settlement” with “ Development ”
PC52	Page 48	Policy DP22	First paragraph, line two: replace “settlement” with “development”
PC53	Page 48	Policy DP22	Delete second paragraph “Priority will be given to the development of previously developed land, subject to the provisions of this and other policies of the Development Plan. Replace with Exceptionally, more than five

			 dwellings may be acceptable where the settlement is of a scale and character that could accommodate larger development without adverse impacts or where substantial environmental enhancement will result, particularly when the site is previously developed.
PC54	Page 48	Policy DP22	Third paragraph, line one: replace “settlement” with “ development ”
PC55	Page 49	Paragraph 5.26	Line 4: delete “Settlement boundaries in the Local Plan and subsequently in the LDF Proposals Map are drawn only around those settlements that are deemed sustainable and which meet these objectives. Such settlements will include a good level and range of services and facilities including most if not all of the following: primary school; convenience store; employment or access to employment; public transport provision; village or community hall or similar facility.” and replace with: “ The Site Specific Policies DPD will identify settlements, and boundaries for these, that are deemed sustainable and which meet these objectives, and when adopted will replace the current Local Plan development boundaries. ”
PC56	Page 49	Paragraph 5.27	Line 1: replace “settlement” with “ development ”
PC57	Page 49	Paragraph 5.28	Line 1: replace “settlement” with “ development ”
PC58	Page 49	Paragraph 5.28	After paragraph 5.28, insert new paragraph: “ If a proposal is considered in the context of Policy DP22 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken. ”
PC59	Page 50	Policy DP23	First paragraph, Line 1: replace “settlement” with “ development ”
PC60	Page 50	Policy DP23	Second paragraph, Line 1: replace “settlement” with “ development ”
PC61	Page 50	Paragraph 5.29	Line 2: after “Councils” insert “ (in both Norfolk and Suffolk) ”
PC62	Page 50	Paragraph 5.29	Line 4: after “Great Yarmouth,” insert “ Lowestoft ”
PC63	Page 51	Paragraph 5.33	Line 7: delete “established settlements” and replace with “ development boundary ”
PC64	Page 51	Paragraph 5.33	Line 9: before “boundaries”, insert “ development ”
PC65	Page 51	Paragraph 5.33	Line 10: delete “established settlements” and replace with “ development boundaries ”
PC66	Page 51	Paragraph 5.35	After paragraph 5.35, insert new paragraph: “ If a proposal is considered in the context of Policy DP23 to potentially have an effect on an internationally designated site then it will need to be considered

			against the Habitats Regulations and a project level Appropriate Assessment undertaken."
PC67	Page 51	Policy DP24	Line 1: replace "settlement" with " development "
PC68	Page 52	Paragraph 5.36	Line 5: replace "settlement" with " development "
PC69	Page 52	Paragraph 5.37	After paragraph 5.37, insert new paragraph: " If a proposal is considered in the context of Policy DP24 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken."
PC70	Page 52	Policy DP25	Paragraph (a), line 2; delete "settlement" and replace with " development "
PC71	Page 52	Policy DP25	Paragraph (a), last line: delete "within walking distance." and replace with " in the vicinity."
PC72	Page 52	Policy DP25	Insert additional paragraph: " (b) Would not result in the loss of moorings available to visitors/short stay use;"
PC73	Page 53	Paragraph 5.40	Line 5: after "boatyards in.." insert " or adjacent to "
PC74	Page 53	Paragraph 5.40	Line 6: after "defined" delete "settlements" and insert " development boundaries "
PC75	Page 53	Paragraph 5.41	Line 2: delete "site" and replace with " project "
PC76	Page 54	Policy DP26	Line 2: after "will be permitted" insert " outside the defined development boundaries "
PC80	Page 54	Paragraph 5.44	Line 1: after "defined", delete "settlement" and insert " development "
PC82	Page 55	Paragraph 5.45	At the end of paragraph 5.45, add " If a proposal is considered in the context of Policy DP26 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken."
PC83	Page 56	Paragraph 5.51	After paragraph 5.51, insert new paragraph: " If a proposal is considered in the context of Policy DP27 to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken."
PC84	Page 57	Policy DP29	Second paragraph: delete "In addition to parts (a), (b) and (c) of the Exception Test, the following will be taken into account in consideration of that Test." and insert " The Flood Risk Assessment will need to meet the requirements

			of PPS25 and give consideration to the following:”			
PC85	Page 57	Policy 29	After paragraph (i) add new (non-bulleted) paragraph: “Surface water run-off proposals should address the requirements of the Flood and Water Management Act 2010”			
PC86	Page 58	Policy DP30	Delete Paragraph (b) and replace with “(b) Community infrastructure (including police and fire service provision, community halls, sports facilities, education facilities and libraries);”			
PC87	Page 59	PolicyDP30	After paragraph (k) add new paragraph: “(I) Conservation or enhancement of heritage assets.”			
PC88	Page 59	Paragraph 5.60	Line 2: after “towards” insert “(transport, police and fire service provision)”			
PC89	Page 59	Paragraph 5.60	Line 3: delete “fire hydrants”			
PC90	Page 60	Paragraph 5.62	At the end of paragraph 5.62 add “(15 years for highways maintenance in relation to bridges or other highway structures, for lifetime replacement - 120 years).”			
PC91	Page 62	Table 2: DP1/DP2, columns 3, 4 and 5	Delete the following from DP2: <u>Indicator</u> “Number of BAP habitats created as part of new developments.” <u>Target</u> “Annual Increase” <u>Responsible Bodies</u> “Broads Authority, Developers, Natural England, Wildlife Trusts, Norfolk Biodiversity Partnerships” And instead insert all under DP1. Add “Broads Authority” to Responsible Bodies column under DP2			
PC92	Page 62-73	Table 2: The following Indicator/Targets/Responsible Bodies added to policies: DP8:DP9;DP10:DP14;DP15: DP20: DP22:DP23:DP24:DP26:DP27		Number and extent (ha) of designated nature conservation sites: • SPAs • SACs • Ramsar Sites • National Nature Reserves • SSSIs	No net decrease	Broads Authority, Developers, Natural England, Wildlife Trusts, RSPB, Norfolk Biodiversity Partnership, Norfolk Geodiversity

			<ul style="list-style-type: none"> • County Wildlife Sites • Local Nature Reserves and Geosites <p>% of SACs and SPAs in 'favourable' condition.</p> <p>% of SSSIs in 'favourable' or 'recovering' condition.</p> <p>Number and extent of newly created habitats.</p>	<p>1% increase per annum</p> <p>1% increase per annum</p>	<p>Partnership, Environment Agency, Internal Drainage Board.</p>
			<p>% of land having marked changes inconsistent with landscape character.</p>	<p>No increase</p>	
PC93	Page 63	Table 2: DP5, column 3	After "English Heritage" replace "and" with "or"		
PC94	Page 64	Table 2: DP9, columns 3 and 4,	Delete " None identified "		
PC95	Page 64	Table 2: DP10 columns 3 and 4	Delete " None identified "		
PC96	Page 65	Table 2: DP15 column 3	Add " Number of additional bed spaces created "		
PC97	Page 65	Table 2, DP15, column 4	Add " Maximise "		
PC98	Page 65	Table 2: DP22 column 4, paragraph 2	Delete " None identified " and Add " Zero "		
PC99	Page 65	Table 2:DP22, column 1	Replace "Settlement" with "Development"		
PC100	Page 65	Table 2:DP22, column 3	Replace "settlement" with "development"		

PC101	Page 65	Table 2: DP24 columns 3 and 4	Delete " None identified "
PC102	Page 66	Table 2:DP26, columns 3 and 4	Delete " None identified "
PC103	Page 67	Table 3/C6	Delete text in all three columns against C6
PC104	Page 67	Table 3/C12	Delete text in all three columns against C12
PC105	Page 67	Table 3/C14	Delete text in all three columns against C14
PC106	Page 67	Table 3/C19	Delete text in all three columns against C19
PC107	Page 68	Table 3/H1, column 3	Replace "Settlement" with "Development"
PC108	Page 68	Table 3/H2, column 3	Replace "Settlement" with "Development"
PC109	Page 70	Table 3/below INF4	Insert new row as follows: Column 1 " INF5 "; Column 2: " Broadland Flood Alleviation Strategy "; Column 3: " Deleted "
PC110	Page 70	Table 3/INF8	Delete text in all three columns against INF8
PC111	Page 70	Table 3/TC4	Delete text in all three columns against TC4
PC112	Page 70	Table 3/TC5	Delete text in all three columns against TC5
PC113	Page 70	Table 3/TC12	Delete text in all three columns against TC12

Appendix C – Change that the Inspector considers is needed to make the plan sound

As detailed in the report, a change is required to Policy DP7 in order to ensure its soundness. While this is only one change, it gives rise to some consequential amendments, all of which are set out below.

Inspector Change No.	Change
IC1	<p>Make the following changes to Policy DP7 and its supporting paragraphs.</p> <ol style="list-style-type: none"> a. In the first paragraph, delete the word “expected” and replace with the word “encouraged”. b. Delete the second sentence of Policy DP7 and replace with: “Developments will be encouraged to meet the following:” c. Delete the second and third sentences from criterion (c) (following the change proposed under reference PC22) so that it says: “For development over 10 residential units, or 1,000m² for non-residential development, provide at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources”. d. Between criterion (c) and (d) add a new sentence: “Development will be required to:” e. Delete the final paragraph of Policy DP7. f. Insert the word “interim” into the beginning of the third sentence of paragraph 3.42 (following incorporation of the Authority’s proposed changes under reference PC24) so that it says: “RSS Policy ENG1 sets an interim requirement ...” g. Delete the final two sentences of paragraph 3.42 and replace with: “The Authority has no evidence to support the inclusion of specific thresholds or proportions of energy to come from decentralised and renewable or low-carbon sources as policy requirements. Nevertheless, meeting the interim measures in RSS Policy ENG1 will be encouraged through Policy DP7.” h. Delete “... and urgent to require ...” from the penultimate sentence in paragraph 3.44 and replace with “... to encourage ...”. i. Delete paragraph 3.45.