

Broads Local Plan – Responses to Single Issues Consultation
Summer 2017

Suffolk County Council

Flood Risk POSP4

Thank you for the opportunity to consider this. The changes that have been made are in line with our policy and consistent.

BA summary of response:

General support

BA comment:

Support noted

Ward, M and Family

Land at Tiedam, Stokesby

We residents at <<personal information removed>>, Stokesby are replying to your letter dated 2.6.17. We have lived here for approx 18 years and we have no concerns over the development of the land and feel it will be an advantage to the future of the village .

BA summary of response:

Support the proposed allocation.

BA comment:

Support noted.

South Norfolk Council

Open Space

I've looked at the comments we sent in response to the Preferred Options consultation and I'm pleased to see that the statement about there being an excess of recreational or amenity open space in the catchment area (in and out of the Broads) has been retained. I'm also pleased to see the comment about having regard to the approach and/or standards set by relevant constituent district councils is still in the policy. I still have some concern about the fact that proposals for one or more dwellings are expected to provide a contribution towards outdoor playing space. Does this refer to the provision of private gardens for family housing and communal open space for non-family housing or the provision of more formal open space/children's play areas? The revised South Norfolk Open Space SPD (out to consultation at the moment) sets a threshold of 15 dwellings for the provision of children's play space and 25 dwellings for the provision of older children/adult recreation space but does mention the need for all new residential development to provide adequate open space to serve the day to day needs of occupants regardless of site size in the form of private gardens or communal areas.

BA summary of response:

Generally welcomes changes but queries some other changes.

BA comment:

Policy simplified and sent round again for comment. South Norfolk support the amended policy.

Great Yarmouth Borough Council

Open Space

Many thanks for sending us the amended Preferred Options Open Space policy of the Broads Local Plan. Thank you for acknowledging our comments and taking them into account when redrafting the policy. We support the amendments and Policy as a whole.

BA summary of response:

We support the amendments and Policy as a whole.

BA comment:

Support noted.

Waveney District Council

Open Space

Thanks for providing us with the opportunity to comment on the open space policy. Below are some comments, if you require any clarification please do not hesitate to contact us.

A ii) The point could usefully refer to 'recreational facilities and their setting within the open space..."

A iii) This issue of relocation and what is considered to be better quality can be subjective. There is a risk that replacement open space may be relocated in a location that is convenient yet more isolated than its predecessor. Past examples of new open space provision have often resulted in improved facilities but located in locations that are less well overlooked and designed in a way which appears to future proof further developments so no additional would be required when another phase comes forward even if this is not in the current Local Plan. It is important that where open space is relocated it firstly still meets the needs of the existing community and the secondly meets the needs of the new development unless it is clearly demonstrated that the existing open space in question is surplus to requirements.

B) The requirement for new open space specifically references outdoor playing space. Does this mean that other forms of open space will not be considered? The first two paragraphs in part B are inconsistent in this regard.

Is there a minimum size threshold or a minimum number of dwellings? If an open space is too small to be of any real value in the long-term is it more practical that this is designed as quality landscaping before considering if financial contributions are most appropriate (ensuring there is clear evidence in the plans that landscaping is designed to a standard reflecting the added investment of any financial contribution that may have been required)? If a constituent local authority does not set out specific per dwelling requirements and instead relies on local need and typologies how will this be considered in the context of applications that come forward?

Reason Justification: Is there What is the threshold for on-site open space provision or off-site contributions? There is reference to thresholds in the supporting text but there are no details associated with this in either the policy or complementary text.

BA summary of response:

Some queries relating to the detail of the policy.

BA comment:

Policy simplified and sent around again for comment. WDC generally supportive of amendments.

Sport England

Open Space

Sport England are supportive of the revised policy which seeks to protect existing playing fields/sports facilities in line with our own adopted policy and Para 74 of the NPPF. It might be helpful to add in the supporting text that a local assessment, if relating to loss of playing fields, would need to follow the Sport England methodology 'Playing Pitch Strategy Guidance: An Approach to Developing and Delivering a Playing Pitch Strategy' (2013). This can be accessed here: <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>

It is noted that with regard to new provision that the Broads Authority will defer to LA policy and/or standards. Existing Playing Pitch Strategies produced by the LAs can help to identify priorities for pitch provision in particular areas.

BA summary of response:

Sport England are supportive of the revised policy which seeks to protect existing playing fields/sports facilities in line with our own adopted policy and Para 74 of the NPPF.

BA comment:

Noted. Further changes made to simplify policy. Sport England asked for comment on the revised policy but no response received to date. They will now receive it through the normal consultation process for the Publication Local Plan.

Environment Agency

Soils

I think the issues we raised in our response to the preferred options document are included in the policy. So we welcome the inclusion that site investigations will be required when there are contamination issues. (page 1). The paragraph in regards to non native invasive species is also welcome and covers our previous concerns page 1). The soil run off section highlights the danger to water quality which is welcome (page 2). So nothing else to add and policy seems to cover any concerns we may have in relation to soils.

BA summary of response:

Nothing else to add and policy seems to cover any concerns we may have in relation to soils.

BA comment:

Support noted.

Natural England

Soils

We welcome and support the proposed amendments to the soils policy section of the above plan and have the following suggestions and comments to make on the proposals:

Policy PUBSPxxx Soils (p 1)

For clarity point i) should be amended to read 'protect the best and most versatile agricultural land, defined as Grades 1, 2 and 3a of the Agricultural Land Classification'. However, the best and most versatile land (BMV) protection wording (in Policy PUBSPxxx Soils) could be made stronger and requirements for Agricultural Land Classification (ALC) surveys to determine quality be included. The Broads Authority should ensure that sufficient site specific ALC survey data is available to inform decision making. For example, where no reliable information was available, it would be reasonable to expect that developers should commission a new detailed ALC survey, for any sites they wished to put forward, together with proposals for mitigating any adverse impacts on soil resources or the irreversible loss of high quality land. We suggest that Policy PUBSPxxx Soils could be amended as follows:

Proposals [delete 'are'] shall address the following in relation to soils in the Broads:

i) development of “best and most versatile” agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification system*) will not normally be permitted unless it can be demonstrated that:

- The need for the development clearly outweighs the need to protect such land in the long term, or
- In the case of temporary / potentially reversible development that the land would be reinstated to its pre-working quality, and
- There are no suitable alternative sites on previously developed (brownfield) or lower quality land.

The Council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice including the Defra.

(*For example; the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites August 2013)

ii) address decontamination where needed in order to improve quality:...etc

By inserting the above wording in the policy text it would help to avoid the needless loss of BMV land without justification eg only permit where i) the need for the development is demonstrated (NPPF para 112) and ii) it cannot reasonably be met using lower quality land (NPPF para 112) and iii) all reasonable options (consistent with other planning or sustainability considerations) to safeguard the long term capability of the land have been considered.

The reference in the guiding text to the protection of soils in general as per best practice (p 2) should be included in the policy wording itself.

Monitoring indicators (pg. 5) – this is currently given as ‘Development on best and most versatile agricultural land’ but a better monitor might be something along the lines of ‘Number of planning approvals leading to permanent loss of ‘best and most versatile’ (BMV) agricultural land’ (ie not all development on BMV land necessarily leads to permanent loss of BMV land so the suggested indicator would not take this into account).

BA summary of response:

1: protect the best and most versatile agricultural land, defined as Grades 1, 2 and 3a of the Agricultural Land Classification

2: could be made stronger and requirements for Agricultural Land Classification (ALC) surveys to determine quality be included.

3: delete are in the first line of the policy

4: Suggests changes to the policy.

5: The reference in the guiding text to the protection of soils in general as per best practice (p 2) should be included in the policy wording itself.

6: Monitoring indicator should be: ‘Number of planning approvals leading to permanent loss of ‘best and most versatile’ (BMV) agricultural land’

BA comment:

1: agreed and change made.

2: Will contact NE to discuss this.

3: typographical error amended

4: will consider these changes and discuss with NE.

5: Noted and will check with other suggested amendments.

6: Will amend.

Broads Reed and Sedge Cutters Association

Staithes General comment

- Initial comment:

Brasca is satisfied with the response from Mr.Clarke (email 2nd June 2017) concerning Somerton Parish Staith and his acknowledgement that the references to Somerton Parish Staith in the Staithes Report contained mistakes. Brasca will support any steps to correct mistakes in the report since the use of staithes are vital to reed & sedge cutting in the Broads. We therefore request that the Staith Policy in the Broads Local Plan be amended to include;

"All Parish Councils, landowners and interest groups will be consulted on the Staithes Report as soon as it is completed."

"The Staithes Report will available for public inspection on the Broads Authority website"

"Members of the public are invited to comment on the report when it is completed".

- Follow up comment:

Brasca strongly objects to Staithes Policy in the Broads Local Plan as it is based on a report (Staithes Report) which contains false statements, The report has not been made available to the general public therefore the Local Plan should be deemed unsound as the Broads Authority have failed in its duty to consult. The Policy should therefore be removed.

BA summary of response:

- Initial comment - the Staithes Policy in the Broads Local Plan be amended to include;

"All Parish Councils, landowners and interest groups will be consulted on the Staithes Report as soon as it is completed."

"The Staithes Report will available for public inspection on the Broads Authority website"

"Members of the public are invited to comment on the report when it is completed".

- Follow up comment:

Brasca strongly objects to Staithes Policy in the Broads Local Plan as it is based on a report (Staithes Report) which contains false statements

BA comment:

Initial comment: Such criteria are requests to the officer leading on the production of the work rather than criteria for a land use policy in the Local Plan. No change to policy.

Follow up comment: Objection noted.

Somerton Parish Council

Staithes General comment

- Initial comment:

Somerton Parish Council has today received a reply from Adrian Clarke - Senior Waterways & Recreation Officer concerning the issues we have with the Broads Authority commissioned Staithes Report and the reference to access in the Broads Local Plan Policy PUBXNS13: Staithes (as per your email of the 15th May 2017). Somerton Parish Council is satisfied with the assurances given by Mr.Clarke concerning Somerton Parish Staithes and therefore the Council has no objections to the amended wording of the Staithes Policy outlined in your email of the 15th May 2017.

The Parish Council must,however, point out that Mr.Clarke has acknowledged that the Broads Authority commissioned Staithes Report contains mistakes and the Parish Council will be sent some revised text to consider. We will of course be happy to work with the Broads Authority in producing an accurate description of Somerton Parish Staithes ownership, management, uses etc etc. Since the Broads Authority now acknowledges that the Staithes Report is not accurate can we suggest that Policy PUBXNS13: Staithes be amended to include the following;

1. All Parish Councils will be sent a copy of the Staithes Report when it is completed .
2. Parish Councils, landowners, Staithes Managers etc are invited to comment on the references in the report.

I take this opportunity to again thank you and Cally Smith for your help with this matter.

- Follow up comment

You have stated "A commitment to consult on a study is not a land use policy so your amendments are not appropriate for a Local Plan Policy". I consider that the Broads Authority has a statutory obligation to consult on its Broads Local Plan. We have tried very hard to work with the Broads Authority on this matter and still you refuse to take onboard our constructive comments. The Broads Authority failed in its statutory requirements to have documents pertaining to policies in the Broads Local Plan ready and available for public scrutiny during the official consultation stage. The Staithes Report remains unfinished and has not been published on the Authority's website. You have rejected our suggestion to work together on this matter for the benefit of all staithes in the Broads.

I feel I am unable to comment further on this matter but I will include this as an agenda item for our next Parish Council meeting on the 4th July for the purpose of proceeding with a formal complaint against how this Local Plan consultation has been conducted with a policy based on a Staithes Report which contains mistakes and has yet to be completed and made available for public comment.

BA summary of response:

- Initial comment - the Staithes Policy in the Broads Local Plan be amended to include;

"All Parish Councils, landowners and interest groups will be consulted on the Staithes Report as soon as it is completed."

"The Staithes Report will be available for public inspection on the Broads Authority website"

"Members of the public are invited to comment on the report when it is completed".

- Follow up comment:

Objects to Staithes Policy in the Broads Local Plan as it is based on a report (Staithes Report) which contains false statements and will complain formally.

BA comment:

Initial comment: Such criteria are requests to the officer leading on the production of the work rather than criteria for a land use policy in the Local Plan. No change to policy.

Follow up comment: Objection noted.

Anglian Water

Surface Water PUBDM5

Anglian Water is generally supportive of Policy PUBDM5 as drafted and the overall objectives of the policy which will help to reduce the risk of surface water and sewer flooding. However we have some detailed comments relating to the wording which appears in the first and second paragraphs of this policy.

Point g): It would be helpful to clarify what is meant by the term 'surface water drains' and who has responsibility for these. As it is unclear whether it is intended to refer to a drain which connects to the public sewerage network or a drain that belongs to another body e.g. highway authority.

Point h): it is suggested that deep infiltration or borehole soakways should be considered at the same time as a combined sewer based upon advice provided by LLFA. However this appears to be inconsistent with Part H of Building Regulations which specifies public sewers as the method of last resort for surface water disposal. We therefore ask that discharge to a combined sewer appears separately to these discharge methods.

Second paragraph: In relation to the discharge of surface water we normally require a greenfield run off rate from the site including on brownfield sites. Reference is made to surface water run off rates being no more than prior to development taking place. I am assuming that this is intended to be a reference to greenfield run off rate but would be grateful if you could confirm that this is the case.

Management and adoption of SuDs: reference is made to the adoption of SuDs by Anglian Water. We would ask that reference is also made to the adoption of SuDs by other relevant bodies e.g. management companies.

I note that in the Consultation Statement presented to Planning Committee reference was made to Anglian Water's previous comments on this issue and the need to seek clarification from ourselves. For the avoidance of doubt the inclusion of the above policy (subject to our suggested changes) would address our comments relating to the discharge of surface water into the public sewerage network.

BA summary of response:

- 1: Point g): It would be helpful to clarify what is meant by the term 'surface water drains' and who has responsibility for these. As it is unclear whether it is intended to refer to a drain which connects to the public sewerage network or a drain that belongs to another body e.g. highway authority.
- 2: Point h): it is suggested that deep infiltration or borehole soakways should be considered at the same time as a combined sewer based upon advice provided by LLFA. However this appear to be inconsistent with Part H of Building Regulations which specifies public sewers as the method of last resort for surface water disposal. We therefore ask that discharge to a combined sewer appears separately to these discharge methods.
- 3: Second paragraph: In relation to the discharge of surface water we normally require a greenfield run off rate from the site including on brownfield sites. Reference is made to surface water run off rates being no more than prior to development taking place. I am assuming that this is intended to be a reference to greenfield run off rate but would be grateful if you could confirm that this is the case.
- 4: Management and adoption of SuDs: reference is made to the adoption of SuDs by Anglian Water. We would ask that reference is also made to the adoption of SuDs by other relevant bodies e.g. management companies.
- 5: For the avoidance of doubt the inclusion of the above policy (subject to our suggested changes) would address our comments relating to the discharge of surface water into the public sewerage network.

BA comment:

- 1: Will check with LLFA
 - 2: Will make amendment.
 - 3: Will check with LLFA
 - 4: We will mention that SuDS can be adopted by other bodies.
 - 5: Noted.
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Suffolk County Council

Surface Water PUBDM5

I've read through the Surface Water section and as far as I can see all the relevant points have been covered and references given. It is consistent with SCC LLFA policy.

BA summary of response:

General support.

BA comment:

Support noted.

Norfolk County Council

Surface Water PUBDM5

Thank you for the opportunity to contribute; I've reviewed the surface water section and have two comment:

(1) For consistency I recommend either adding the initials LLFA after the first use of Lead Local Flood Authority and then using LLFA thereafter or always using the text in full. Both styles are currently in use. See highlighted section in attached doc.

(2) I have a query regarding the wording of the section related to Deep Bore Soakaways (DBS). The current wording is contradictory with the first sentence stating that DBS are not supported by EA (implying that they cannot be used) and the third sentence stating that a permit will be required from EA to use DBS (implying that they can be used). See highlighted section in doc. I recommend that you ask the EA clarify their position.

BA summary of response:

1 Make clear what the initials LLFA refer to

2 check with EA stance on DBS

BA comment:

1: Will amend.

2: Will check with EA.

Armstrong D

TSA2

As a resident of South Avenue my observations on the planning document appendix are as follows:

Some of the definitions could be loosely interpreted, especially by some of the local residents on the island. I would want to make it quite clear that there must be absolutely no further expansion of the island as a 'residential suburb of Thorpe St Andrew' (which it seems to have turned into). Put a target on reducing island residents.

- that sewage, and other utilities are being handled correctly.

- rubbish collection and other services are fully supported by appropriate council taxes.

Visitors should be the priority at River Green, when it comes to boat moorings. Only the highest quality structures should be approved. It looks a mess at the moment. I fully support the strictest possible enforcement of the planning regulations on the island.

BA summary of response:

Some definitions could be loosely interpreted. Would not support further residential use of the island. Sewerage and rubbish disposal are issues that need addressing. Visitor boats should be priority at the Green.

BA comment:

The policy has been reviewed in light of this comment and the Authority are content with its wording.

Regarding the use of moorings, this comment will be passed on to Thorpe St Andrew Council.

Comment passed on to Head of Planning to consider next steps. No change to the policy.

Broadland District Council

TSA2

Just a few general points.

1. The first bit is not really policy, more objectives for the policy, so probably should be in supporting text.

2. In the second bit it is not that clear what the policy is:

a. Eastern End – “This part of the island is retained in boathouse usage” could be read as a simple statement that it is currently in boathouse use, or alternatively that it is the intention of the policy for it to be retained in boathouse usage. The following text adds to the confusion as it refers to existing private moorings and the possibility of

permanent residential moorings – so more than just boatyard use is already in the area, or could be allowed within it.

b. Central part - “Continued use of this area for low key recreation and private amenity space is supported”. What does “low key” mean, and recreation implies public use – is this what is intended? Also, what is meant by “supported” – if support is given for those uses it does not necessarily mean that other uses would not get permission. So, if it is the intention to restrict the uses it would be useful to be more explicit. If not, then what are the other uses that would be acceptable in principle?

c. Western end – what is meant by “low key uses”? Low density residential development, for example, could be viewed as a low key use and would meet the other criteria of improving the appearance etc. The policy then goes on to provide for 25 private moorings and associated onsite carparking, refuse disposal, upgrades to the bridge etc. This scale of development seems to conflict with the policy requirement for uses that are “low key”. In terms of carparking, presumably there would have to be at least one space for each mooring which would have an impact in terms of traffic generation accessing the island through the small residential estate. There would also seem to be a conflict with the first part of the policy (referred to in 1 above) which aims to avoid any significant increase in “the intensity or extent of mooring use”, or “vehicular traffic using the bridge”. Also, the policy requires that “moorings shall be laid out in an informal configuration to avoid regimentation in appearance”, but wouldn’t moorings normally be fairly regimented? Elsewhere, in a), the policy seems to be doing the opposite and requiring for the existing, presumably informal, moorings that “proposals which seek to give more order and improve the appearance of these moorings”.

So, overall, the policy is not sufficiently clear as to what is being proposed / what uses would be allowed. Does it simply boil down to within each of the areas the existing uses can continue and that minor developments related to these that enhance the appearance and character of the area will be permitted, provided that there are no significant impacts? Except, in addition, in the western end a significant development for new moorings is proposed. If so, the policy could be much more clearly worded to express this.

BA summary of response:

Policy needs to be clearer in some parts as to what is acceptable and what is not acceptable.

BA comment:

Comments noted. We have reviewed the policy in light of these comments against the most recent legal and Inspector judgements and are content with the wording in the policy.

Chamberlain, E

TSA2

With regard to your letter earlier this month which brought to my attention various proposals concerning Thorpe Island. I purchased my house some ten years ago being majorly attracted to my outlook of the river and the boats moored there. I live near the eastern part of the Island which faces many of the permanent moorings on the Island and continue to enjoy my view! Some years back, the Broads Authority made an attempt to alter the aesthetics by suggesting that the Island should not be cultivated etc. I wrote a lengthy letter to both you and the Broadlands Council at the time which strongly suggested that you should leave well alone! The residents of the Island have formed a wonderful community and I have found them both obliging and reactive to any comments I have made regarding the appearances there. I am fully aware of ongoing works to further improve parts which are on view to the mainland and am perfectly satisfied with their intentions. As far as adequate parking is concerned, the problems in this direct area are caused mainly from residents of Chapel Lane who have no parking area by their homes. Only a handful of Island residents own vehicles. I also believe that whilst giving the residents of Yarmouth Road the opportunity to comment on this subject, no direct contact was made to any resident of the Island. I fail to understand this and hope it is something that will be immediately rectified. In conclusion, I feel that before the Broads Authority become further involved with the Eastern part of the Island, a clear and detailed list of the required improvements should be issued to a representative of the residents with a reasonable time to implement those considered necessary. Until then, I strongly believe that you should concentrate on other parts.

BA summary of response:

I live near the eastern part of the Island which faces many of the permanent moorings on the Island and continue to enjoy my view! As far as adequate parking is concerned, the problems in this direct area are caused mainly from residents of Chapel Lane who have no parking area by their homes. Only a handful of Island residents own vehicles. No direct contact was made to any resident of the Island. Before the Broads Authority becomes further involved with the Eastern part of the Island, a clear and detailed list of the required improvements should be issued to a representative of the residents with a reasonable time to implement those considered necessary.

BA comment:

Noted. Notices were subsequently placed on the Green and by the bus stop for people to see.

Clarke, J

TSA2

Further to your letter dated 2nd June in regards to the draft policy for the entire island, we have no comments at this stage. We understand that the Local Plan is at the Preferred Options stage and that a further consultation period will take place once the Council has considered any responses.

BA summary of response:

we have no comments at this stage

BA comment:

Noted

Cooper, N

TSA2

As owner of land, boathouse and slipway in the central part of the island, I have no comment or objection to policy PUBTSA 2 Appendix G.

BA summary of response:

I have no comment or objection

BA comment:

Noted

Cranmer, V

TSA2

As per my phone call I have read the policy and am pleased it does tidy and secure the island. A proposal some time ago was for the bridge to be opened to cars going to the island and driving from there to the boat sheds with our ok, but having not been given any security in writing into the proposal it all died. We/I have to admit were pleased as this kept our and other properties safe. Leaving it to return to nature so your proposal as stated at the end of the document is in line with my thinking. The natural appearance which much of the Island provides is an important backdrop to views from Thorpe Green and its environs, and more generally to the character and appearance of the Conservation Area. It also provides a semi-natural view from the riverside path in Whitlingham Country Park, screening the traffic and urban development of Thorpe St Andrew and helping provide a more tranquil and semi-rural character to the Whitlingham Country Park. One other detailed in the document is of importance. The eastern and central parts of the island, there is no pedestrian or vehicular access from Land; access is to be retained as only by boat. Almost the whole of Thorpe Island is within the Thorpe St Andrew with Thorpe Island Conservation Area. (Only the railway line along the southern edge of the Island is excluded. Thus keeping the wildlife also safe from disturbance. The natural appearance which much of the Island provides is an important backdrop to views from Thorpe Green and its environs,

and more generally to the character and appearance of the Conservation Area. It also provides a semi-natural view from the riverside path in Whitlingham Country Park, screening the traffic and urban development of Thorpe St. Andrew and helping provide a more tranquil and semi-rural character to the Whitlingham Country Park. I am therefore pleased with the document if these highlighted parts are kept to the front as keeping the security of such a tranquil spot so near the city of Norwich and Thorpe St Andrew where We/I reside and have and will always be appreciate as I am sure all do.

BA summary of response:

Leaving it to return to nature so your proposal as stated at the end of the document is in line with my thinking. I am therefore pleased with the document if these highlighted parts are kept to the front as keeping the security of such a tranquil spot so near the city of Norwich and Thorpe St Andrew where We/I reside and have and will always be appreciate as I am sure all do.

BA comment:

Support for policy noted.

Dale, J

TSA2

Firstly I'd like to say that it's an absolute pleasure to work opposite the island – the section directly opposite the Buck is well kept and the boats and gardens are clean and tidy. I understand that the buildings further down, opposite the Rush Cutters pub have already been painted by the residents of the island and that improvement works are ongoing in that section. I see no need for any dramatic improvements, as the charm lies in the variety and diversity of boats and residents. I do not believe that business would be as good were the island to look like a Wroxham boatyard. Many customers (both local and visitors) comment on the surroundings and they love the island and its individuality. My main concern regarding local planning is Thorpe St Andrew Town Council's desire to turn half of River Green into permanent moorings. The Buck thrives on its open view to the river and recently we have had a huge number of Pub & Paddle customers and other leisure boaters, all of whom use the western end of River Green to moor their boats. I would like to request that I am kept up to date on planning matters regarding River Green as this will severely affect my business. Concerns raised in Town Council meetings by myself and dozens of local residents have fallen on deaf ears and we require more transparency from all involved. I employ staff members who live on the island, none of whom have received a copy of the letter you sent regarding the draft policy. I think that they should also be involved in discussions – indeed they are already making the improvements you seek and I am sure they would be responsive. In regards to parking concerns; we have allocated spaces in our car park for most of the islanders who have cars. This does not impact our trade and it ensures the road is kept as clear as possible.

BA summary of response:

It's an absolute pleasure to work opposite the island. I see no need for any dramatic improvements, as the charm lies in the variety and diversity of boats and residents. My main concern regarding local planning is Thorpe St Andrew Town Council's desire to turn half of River Green into permanent moorings. In regards to parking concerns; we have allocated spaces in our car park for most of the islanders who have cars. This does not impact our trade and it ensures the road is kept as clear as possible.

BA comment:

Noted. Comment passed on to Thorpe St Andrew Town Council.

Knight, J (BA Navigation Committee Member)

TSA2

I would first of all like to address the issue of visual amenity (para 1 (ii)). Whilst it is accepted that visual amenity can be given more weight in a conservation area, there is no "right to a view" in planning terms for neighbouring occupiers - not in the Broads, not in Thorpe St. Andrew, and not anywhere else.

I am pleased to see the presumption in favour of the retention and improvement of the existing facilities in the eastern and central parts of the island, though I can't see how planning policy can be used to improve the appearance of the moorings - which by inference must mean the boats themselves. Residential paraphernalia on land can - in principle - be controlled by a planning condition requiring a management plan, but trying to control the type of boats moored is close to impossible and does not fall within the ambit of planning. You might just as well try to control the types of car parked in a car park or street - it's not feasible, and also gives rise to accusations of gentrification. I appreciate that the BA is under pressure from objectors, and trying to create a policy which satisfies them, but planning policy must stick to matters which fall within the scope of planning control and have a realistic prospect of implementation. Land can be used for mooring boats, or not. The BA can't control the type of boats using those moorings, which have been established for over a century and are therefore immune from planning control unless there is a material change of use.

In respect of the western end, although I'm glad that the Authority is supporting at least some mooring in the marina, the wording suggests that the only safe policy is one which precisely accords with the appeal inspector's decision. Clearly the second appeal decision is a material consideration, but that doesn't mean that the inspector's comments have to be followed to the letter. I realise that the objectors at Thorpe Old Hall Close and Thorpe St Andrew Town Council have insisted that this be the case; however, they are not planners, are not employed by the Broads Authority and are serving their own interests. The Broads Authority, by contrast, must serve both the wider public interest and, in particular, navigation interests - if for no other reason than because there simply is nobody else to protect those interests on the Broads. The Authority could - and should - create an imaginative policy which makes the best use of the marina, the bridge and its proximity to the facilities of Thorpe and Norwich. There is no logical reason to exclude residential moorings from the basin, which complies with all of the requirements of PODM35, and would make an exceptionally well located base for residential boats. The only real constraint is the s52 agreement which restricts the use of the marina to private moorings only.

There is still no clear definition of what the BA regards as a residential mooring, and there are significant grey areas. The 1999 appeal decision at Hoveton (amongst others), however, makes clear that there is no material difference between a boat used as a primary residence and one which is not - "the lawful use of the appeal site is the mooring of boats." In fact, most appeal inspectors (including the 2014 inspector) simply regard the word 'residential' as meaning 'sleeping aboard', and any differentiation made is between transient and non-transient moorings - because the intensity of the use of the land is what makes a difference in planning terms. Planning only relates to the use of land, and the use of the land is mooring a boat. What someone does on that boat is beyond the scope of planning control.

In respect of the constraints, although the bridge is single track, I do not agree that the bridge is especially narrow and it is very short - I have traversed it myself and it is perfectly usable for any conceivable vehicular use which could be associated with the island. It was, after all, designed for the purposes of accessing a boathouse with a clubhouse and other facilities. Having regard for the BA's general presumption against the use of cars and encouragement of sustainable transport, it's somewhat surprising to find that supposedly constrained vehicular access and lack of sufficient parking should suddenly become an issue in one of the few locations on the broads which is within easy cycling and walking distance of Norwich.

Moving on to the riverbank, I am extremely disappointed to see the proposals to remove the historic mooring rights, for which there appears to be no reasoned justification. Vessels have been moored along this stretch of riverbank for longer than anyone can remember, and there is plenty of photographic evidence to support this. It is therefore a matter of considerable regret that two senior planning officers told members at the 26th May planning committee meeting that there had been no boats moored at the western end, or near the basin, when they know this to be factually incorrect.

At this same meeting, members were informed that the first planning inspector had indicated that there should be no moorings on the river, for reasons of river width and amenity. The planning inspector said no such thing in his decision, and had he done so then it would have been outside the scope of the appeal - which related only to the basin. Furthermore, the decision was in any event quashed and it is quite wrong for quashed decisions to be cited in support of planning policies. Both planning inspectors commented that any reasonable person would expect boats to be moored along the riverbank, and this is the complete opposite of what was reported to members of the planning committee.

I would urge you and your colleagues to have another look at this, with a view to producing a policy which reflects the cultural history of Thorpe Island, protects the interests of the many rather than the few, makes best use of the natural and man-made features and protects and enhances mooring facilities - in line with the Authority's statutory responsibilities.

BA summary of response:

- 1: Whilst it is accepted that visual amenity can be given more weight in a conservation area, there is no "right to a view" in planning terms for neighbouring occupiers .
- 2: I can't see how planning policy can be used to improve the appearance of the moorings - which by inference must mean the boats themselves. The BA can't control the type of boats using those moorings, which have been established for over a century and are therefore immune from planning control unless there is a material change of use.
- 3: The wording suggests that the only safe policy is one which precisely accords with the appeal inspector's decision. Clearly the second appeal decision is a material consideration, but that doesn't mean that the inspector's comments have to be followed to the letter. The Authority could - and should - create an imaginative policy which makes the best use of the marina, the bridge and its proximity to the facilities of Thorpe and Norwich. There is no logical reason to exclude residential moorings from the basin, which complies with all of the requirements of PODM35, and would make an exceptionally well located base for residential boats. The only real constraint is the s52 agreement which restricts the use of the marina to private moorings only.
- 4: There is still no clear definition of what the BA regards as a residential mooring, and there are significant grey areas.
- 5: In respect of the constraints, although the bridge is single track, I do not agree that the bridge is especially narrow and it is very short.
- 6: I am extremely disappointed to see the proposals to remove the historic mooring rights, for which there appears to be no reasoned justification.
- 7: At this same meeting, members were informed that the first planning inspector had indicated that there should be no moorings on the river, for reasons of river width and amenity. The planning inspector said no such thing in his decision, and had he done so then it would have been outside the scope of the appeal - which related only to the basin. Furthermore, the decision was in any event quashed and it is quite wrong for quashed decisions to be cited in support of planning policies. Both planning inspectors commented that any reasonable person would expect boats to be moored along the riverbank, and this is the complete opposite of what was reported to members of the planning committee.
- 8: I would urge you and your colleagues to have another look at this, with a view to producing a policy which reflects the cultural history of Thorpe Island, protects the interests of the many rather than the few, makes best use of the natural and man-made features and protects and enhances mooring facilities - in line with the Authority's statutory responsibilities.

BA comment:

- 1: No right to view, but visual amenity is an established planning consideration.
- 2: To use a condition, there first needs to be a planning permission. Agree cannot control types of boats. Eastern end supports boatyard usage.
- 3: Inspector's decisions are significant material considerations and proposed policy reflects them. With regards to western end, aware of the plans of the landowners and any development here would have to have a realistic prospect of implementation.
- 4: Definition set out in reasoned justification to Residential Moorings Policy. The 1999 decision is an old decision and our definition been through an examination since (2011).
- 5: Bridge can only be used for access with landowner's consent. Inspector decision refers to works to the bridge. Inspector's decision refers to car parking on the island. There is no planning permission or established use for mooring on the riverbank in this location. The authority has taken legal advice on this matter. Existing TSA2 from 1997 Local Plan part b did not permit any such mooring and no change to the policy position since 1997.
- 7: Comments noted.
- 8: Noted.

Nice, S and S

TSA2

We have looked at the draft policy and agree with the principles highlighted. We are wondering how the policy can be enforced based on historical difficulties? Is there a role for the town council and local residents in this process?

BA summary of response:

We have looked at the draft policy and agree with the principles highlighted. We are wondering how the policy can be enforced based on historical difficulties? Is there a role for the town council and local residents in this process?

BA comment:

Support noted however it is recognised that the implementation of this policy is dependent on landowners' aspirations and cooperation.

Thorpe St Andrew Town Council**TSA2**

Thorpe St Andrew Town Council welcomes the draft Broads Local Plan Appendix G, which is a positive step towards preserving and enhancing the local conservation area. A number of features of Appendix G have raised some comments. The Town Council would suggest the use of 'River Green' within the draft, rather than 'Thorpe Green' which may be confused with a different location. There is also some question of the current use of the boatyard opposite River Green, with the draft mentioning the operation of boatyard moorings, which differ from the residential moorings which appear to be in place. Furthermore, when mentioning the retention of boat usage on Thorpe Island, it would be useful to define whether this relates to the historic boatyard usage or residential moorings. Clarification on the wording is required to ensure the terms of the draft are unequivocal. This draft will be considered alongside other Broads Authority policies, including the residential mooring policy which requires consideration of the visual and amenity impact of residential mooring, along with car parking, waste disposal and adequate site management. A greater depth of detail regarding this policy should be included within the draft to ensure it reflects both the historic and current usage of the island. This would also demonstrate a vision for the future of the area. The Town Council has received comments from residents regarding the enhancement and protection of the conservation area and would welcome reassurance that policies, both in draft and already confirmed, will be followed.

BA summary of response:

Thorpe St Andrew Town Council welcomes the draft Broads Local Plan Appendix G, which is a positive step towards preserving and enhancing the local conservation area. The Town Council would suggest the use of 'River Green' within the draft, rather than 'Thorpe Green' which may be confused with a different location. Clarification on the wording is required to ensure the terms of the draft are unequivocal.

BA comment:

Consider that the wording appropriate, given previous decisions and planning status. Noted.

Wilson, R**TSA2**

Due to the elevated nature of my residential dwelling, Jenner's Basin is directly in my line of vision. It looks a lot better in its natural state with most of the moored vessels having recently gone. However, there are still two vessels in the basin as well as the partly sunken vessels. The latter have been in the basin since the early 1990s and I would like to know whose responsibility it is to remove them if they have been abandoned by the owners. They have been an eyesore for more than two decades and now have weeds growing out from them as they rot and break up. So my preferred outcome would be to see the wrecks removed from the basin and to retain the visual amenity of the basin that excludes any mooring of vessels or other human activity. These activities are incompatible with a wetland landscape.

BA summary of response:

My preferred outcome would be to see the wrecks removed from the basin and to retain the visual amenity of the basin that excludes any mooring of vessels or other human activity

BA comment:

Support noted. Site recently purchased and owners are in the process of clearing it.

Anonymous (sent via Thorpe St Andrew Town Council)

TSA2

River Green (Thorpe Green) used to be a beauty spot but the ramshackle developments in recent years at the eastern end of the Island have made the view from River Green an eyesore. The Broads Authority are to be commended on their draft plan but it does not go far enough. The eastern end of the island was used as a thriving boatyard for holiday cruise boats with a few houseboats opposite the Green until comparatively recently and I do not understand why no action has been taken by the Broads Authority to stop the effective change of use of this part of the island since the Island was sold. Houseboats are crammed two and three abreast along the northern shore of the island, residential buildings have sprung up in and out of the water and the original boatyard seems to be dilapidated. The two large cabins (which appear to be permanent structures, not boats) opposite the Green in the water in front of the former boatyard surely do not meet any planning criteria. I would ask therefore that the Broads Authority include a commitment to enforcement action regarding the change of use at the eastern end of the island (including any unauthorized building in and out of the water and excessive numbers of houseboats) in their draft plan.

BA summary of response:

The eastern end of the island was used as a thriving boatyard for holiday cruise boats with a few houseboats opposite the Green until comparatively recently and I do not understand why no action has been taken by the Broads Authority to stop the effective change of use of this part of the island since the Island was sold. I would ask therefore that the Broads Authority include a commitment to enforcement action regarding the change of use at the eastern end of the island (including any unauthorized building in and out of the water and excessive numbers of houseboats) in their draft plan.

BA comment:

Noted. Comment passed on to Head of Planning to consider next steps. No change to the policy.

Anonymous (sent via Thorpe St Andrew Town Council)

TSA2

We were pleased to receive the letter dated 13 June from the Broads Authority advising about draft policy for the Island under the emerging Local Plan. We welcome this as positive step towards enhancing and maintaining the local area as a special amenity place for Norwich generally. We write however, to express our growing concerns about 'developments' on the eastern end of the island. We are greatly impressed with the efforts of the Town Council in protecting and preserving the lovely River Green amenity area for public use but in our opinion the Council is being thwarted in its efforts by the messy and apparently uncontrolled growth of activity across the river on the island. The River Green must be one of the most attractive areas of Norwich for locals and visitors alike. We have issues with: 1) Apparent uncontrolled increase in number of boats and tumbledown 'sheds' moored on the island. 2) Concerns about removal of waste and provision of services for the boats and old sheds. 3) Ongoing issues with parking arrangements for those living aboard the boats and sheds. Our understanding is that anyone authorised to live on the island is required to have parking provided although we believe currently only one unit has that 'residential' right. We believe the current level of liveaboards has considerably affected parking on the Yarmouth Road. South Avenue is also very much affected by long term parking which creates access problems for emergency services, delivery vehicles and refuse wagons. Long term parked vehicles are often left in such a way as to make it very difficult to see up and down the road in order to enter/exit driveways safely. 4) Disappearance of greenery on the island. Is this not part of the local conservation area? 5) An apparent lack of overall management of the island by the owner who seems little interested in the overall appearance of his property. Again we would mention that we understand the island is within the local conservation area. 6) Access to the island has to be by boat. There seems to be a plethora of small craft moored on the road side of the river whenever the users feel like leaving them. Our understanding is that steps are being taken by Thorpe Council to try to bring some order to this matter.

BA summary of response:

- 1) Apparent uncontrolled increase in number of boats and tumbledown 'sheds' moored on the island.
- 2) Concerns about removal of waste and provision of services for the boats and old sheds.
- 3) Ongoing issues with parking arrangements for those living aboard the boats and sheds.
- 4) Disappearance of greenery on the island. Is this not part of the local conservation area?
- 5) An apparent lack of overall management of the island by the owner who seems little interested in the overall appearance of his property.
- 6) Access to the island has to be by boat.

BA comment:

Noted. Comment passed on to Head of Planning to consider next steps. No change to the policy.

Anonymous (sent via Thorpe St Andrew Town Council)**TSA2**

Initial comments on text: Thorpe Green and River Green - are they the same place? Reasoned Justification: Last line of second paragraph - there is no operation of a boatyard only moorings for liveaboards which is a different function. 6th paragraph: 'retention of the boat usage' is misleading given the 'operation of a boatyard' words already used. It should be consistent in meaning.

Thoughts overall: How does this document address the current situation. If no applications are made to observe items 1 and 2 of the paper what happens to the status quo which is totally at odds with the proposals. There is a serious lack of parking in the area and some of the 'cultivation' on the island has diminished it as a conservation area. Some of the boats now moored are in very poor condition and the two floating shacks 'moored' by the bungalow are an eyesore. Potentially could sink and cause pollution in the river. A new pontoon beside the large green vessel has emerged recently which must need some form of consent.

BA summary of response:

- 1: Thorpe Green and River Green - are they the same place?
- 2: There is no operation of a boatyard only moorings for liveaboards which is a different function.
- 3: 6th paragraph: 'retention of the boat usage' is misleading given the 'operation of a boatyard' words already used. It should be consistent in meaning.
- 4: Generally concern about the appearance of the island and parking issues.

BA comment:

- 1: Noted and will improve wording.
 - 2: A number of boatyard buildings and service remain, although increase in residential mooring noted
 - 3: Noted.
 - 4: Noted.
-

Anonymous (sent via Thorpe St Andrew Town Council)**TSA2**

I would like to raise some issues concerning Thorpe Island and the surrounding area. Over the last few years I have noticed an increase in parked vehicles on South Avenue and Yarmouth Road belonging to the boat owners and residents on Thorpe Island which have caused problems for the owners of properties trying to get in and out of their driveways. I am worried that fire and emergency vehicles may not be able to drive up <this road> with the excessive number of vehicles being left there (sometimes on both sides of the road) for considerable amounts of time and would urge you to look at this situation. I am also concerned about the number of boats mooring on the island and

the apparent lack of services and sewerage arrangements which may lead to river pollution and navigation difficulties especially when boats are doubled and occasionally treble moored up there. What planning enforcement and legal powers are in place to improve the visual appearance of the island and restrict unauthorised development for what is a pleasant amenity for Thorpe St Andrew residents and a gateway for tourists to Norwich.

BA summary of response:

Over the last few years I have noticed an increase in parked vehicles on South Avenue and Yarmouth Road belonging to the boat owners and residents on Thorpe Island which have caused problems for the owners of properties trying to get in and out of their driveways. I am also concerned about the number of boats mooring on the island and the apparent lack of services and sewerage arrangements which may lead to river pollution and navigation difficulties especially when boats are doubled and occasionally treble moored up there.

BA comment:

Noted. Comment passed on to Head of Planning to consider next steps. No change to the policy.

Anonymous (sent via Thorpe St Andrew Town Council)

TSA2

Please would you let me know who to contact for help to deal with the ever increasing problem of inconsiderate parking on South Avenue. On Sunday afternoon (July 9th) returning home I had great difficulty negotiating parked vehicles on the road and the opposite verge in my relatively narrow car - it was obvious that any emergency vehicles would not get past. Consideration must now be given to applying yellow lines at least as far as Stanmore Road, hence my request for a contact to discuss this problem and take it forward.

BA summary of response:

Ever increasing problem of inconsiderate parking on South Avenue.

BA comment:

Noted. Comment passed on to Head of Planning to consider next steps. No change to the policy.

Anonymous (sent via Thorpe St Andrew Town Council)

TSA2

Parked cars in South Avenue: I want to draw your attention to the continuous congestion of parked cars in South Avenue. The problem of parked cars in South Avenue has accelerated since the increased number of boat owners moored around the River Green stretch of the river. When are The Broads Authority, Broadland District Council going to stop this influx of boats? Apart from the moorings on the river there is no facilities for these water people. Daily the right hand side of South Avenue is a long line of parked cars. This makes driving along the road difficult and dangerous. Pulling out of the drive blind onto the clear side of the road is an accident waiting to happen. Perhaps a fatality will spark positive action. Today matters became worse as a car was parked on the opposite side of the road to the entrance of 2/4 South Avenue turning the road into a slalom. For the above reasons please accept this letter as a formal request for double yellow lines in South Avenue.

BA summary of response:

The problem of parked cars in South Avenue has accelerated since the increased number of boat owners moored around the River Green stretch of the river.

BA comment:

Noted. Comment passed on to Head of Planning to consider next steps. No change to the policy.