

Broads Local Plan
Publication Local Plan, Sustainability Appraisal, Habitats Regulation
Assessment for consultation.
Report by Planning Policy Officer

Summary: This report discusses the Publication version of the Local Plan, the accompanying Sustainability Appraisal and Habitats Regulation Assessment.

Recommendation: That Members agree the Local Plan and supporting documents are the subject of public consultation.

1. Introduction

- 1.1. The Broads Local Plan will contain strategic, development management and site specific policies to help determine planning applications in the Broads Authority Executive Area.
- 1.2. There have been two rounds of consultation already – the Issues and Options which was completed at the start of 2016 and Preferred Options that was completed at the end of 2016.
- 1.3. The response to these consultations, further evidence as well as an internal assessment of existing policies and policy gaps has resulted in the Publication version of the Local Plan.
- 1.4. Planning Committee and Navigation Committee Members have seen the Publication Local Plan at their September Meetings (see below for more detail).
- 1.5. Accompanying the Publication Local Plan is the Sustainability Appraisal, Habitats Regulation Assessment and various evidence and statements including Viability Assessment and Duty to Cooperate Statement.

2. The Publication Local Plan

- 2.1. This combines strategic, development management and site specific policies of the current three separate development plan documents into one place. The Local Plan runs to around 250 pages with over 100 policies. Please note that there are two versions of the Local Plan appended to this report. One shows the changes since Planning Committee and Navigation Committee, which are shown as tracked changes for clarity (Appendix A). These changes

have come about as a result of the Habitats Regulation Assessment and proof read. The second version is a 'clean' version and incorporates these changes, showing the Local Plan as it will be consulted on (Appendix B).

2.2. Many policies have been rolled forward from the current adopted documents with either no changes, or some changes or large scale changes.

2.3. The Local Plan tackles some issues for the first time in the Broads:

- Boat wash down facilities
- Water efficiency
- Open space
- Staithes
- Peat
- Land raising, excavated materials and settlement fringe
- Light pollution and dark skies
- Changes to the Acle Straight
- Housing need
- Gypsy, Traveller and Travelling Show People
- Residential ancillary accommodation
- Custom/self build
- Health and wellbeing
- Safety by the water
- Rail halts
- Local green space

2.4. The maps that are referred to in the Local Plan can be found here:

<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-15-september-2018/maps>.

3. Sustainability Appraisal

3.1. A Sustainability Appraisal of the Publication Local Plan has been prepared and is also published for consultation. The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) to be undertaken for Local Plans. The Broads Local Plan SA will examine whether the effects of the specific sites/areas allocations and policies, individually or collectively, give rise to sustainability benefits or dis-benefits. This has been completed in house.

3.2. To summarise, the SA identifies whether each policy has a positive or neutral impact on the SA Objectives in the main. Many impacts are uncertain as it would depend on the final proposal. There are some negative impacts:

- The Rural Enterprise workers rates negative against access to facilities as these are in rural areas away from facilities and services.
- Woodbastwick Fen Moorings rates negative against housing as the policy promotes the removal of residential moorings.
- Hedera House, Thurne and Land at Tiedam, Stokesby rates negative against access to facilities and services as there are few services in the settlement.

See Appendix C.

4. Habitats Regulation Assessment

- 4.1. Directive 92/43/EEC (the Habitats Directive) on the Conservation of Natural Habitats and of Wild Fauna and Flora, and the UK regulations that give effect to this, require an 'Appropriate Assessment' (AA) or Habitats Regulations Assessment (HRA) of the potential impacts of land-use plans (including the Broads Local Plan) on European designated habitat sites to ascertain whether they would adversely affect the integrity of such sites. This has been completed by Footprint Ecology.
- 4.2. To summarise, the plan has been screened to check for 'likely significant effects,' i.e. risks to European sites as a result of the plan and the implementation of its policies. The results of the screening are set out in Section 3 of this report, where a number of recommendations have been made to modify and strengthen the plan wording, both within policy and also as part of the supporting text. Risks were identified in terms of the progression of new housing and the promotion of tourism, boating and water's edge development and navigation. Disturbance to wildlife, and deterioration of habitat, particularly through nutrient enrichment, arising or increasing as a result of the plan should be avoided in order to rule out likely significant effects, and suggestions are made relating to additional protective wording in policy and the requirement for adequate recreation provision as part of the main housing allocations to deliver the proposed houses over the plan period. See Appendix D.

5. Duty to Cooperate

- 5.1. The Localism Act 2011 imposes upon local planning authorities and others a 'duty to cooperate' on strategic planning matters (i.e. those that affect more than one planning authority area). The Duty requires that a Local Planning Authority engages constructively, actively and on an on-going basis with relevant or prescribed bodies in order to maximise the effectiveness of development plan preparation and strategic matters.
- 5.2. The Authority has produced a statement that summarises how the Broads Authority has met that requirement in terms of the activity of cooperation and the effectiveness of that cooperation insofar as it relates to the proposed Broads Local Plan. This statement sets out how the Broads Authority has cooperated with the Prescribed Bodies as required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (PART 2) Duty to cooperate as well as other National Parks and Neighbouring District Councils. Go here for the Duty to Cooperate Statement: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0003/991443/Local-Plan-August-Bite-Size-Piece-pc180817.pdf . The Duty to Cooperate Statement is revised at each stage of plan production to take account of any changes in the cooperation mechanisms since the last Statement, prepared for the previous iteration of the plan.

6. Other evidence and statements

- 6.1. All evidence used to inform the Local Plan can be found on this webpage: <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan/evidence-base2>

7. Planning Committee

- 7.1. Planning Committee has led on the production of the Local Plan (with Navigation Committee and Full Authority involved at relevant stages). Planning Committee has seen 'bite size' pieces of the Local Plan each month and have discussed and generally approved the content of each section of the Local Plan.
- 7.2. The Publication Local Plan and accompanying documents were discussed at the Planning Committee on 15 September. As the deadline for this Full Authority report was before that meeting, the discussions at Planning Committee and any consequent suggested changes will be reported verbally to Full Authority

8. Navigation Committee

- 8.1. Navigation Committee has seen each stage of the Local Plan. Their comments have been reported to Planning Committee on each occasion.
- 8.2. The Publication Local Plan was discussed at the Navigation Committee meeting on 7 September 2017. Navigation Committee's comments are summarised below and were reported to Planning Committee verbally (again to reflect reporting deadlines):
- There should be a Local Plan objective relating to navigation.

9. About the consultation

- 9.1. The Publication Local Plan is set to be published for public consultation between 4 October and 4pm on 15 November 2017. The consultation period covers 6 weeks.
- 9.2. Documents to be consulted on are:
- The Publication version of the Local Plan
 - The Sustainability Appraisal
 - The Habitats Regulation Assessment
 - The various pieces of evidence and the topic papers are also available for comment.

- 9.3. Advanced notice of the consultation has been given to Parish Councils in May, July and September 2017.
- 9.4. Advertising the consultation:
- Email or letter to all on our contact database.
 - Press advertisement by formal notice.
 - Press release to go out at the start of the consultation period.
- 9.5. Versions of the Local Plan:
- Hard copies at libraries and Council offices
 - Summary leaflet. This will include one line description of the thrust of the policy and ask for comments. There will be a link to the main document so people can read the detailed policy if they wish.
 - Copies of the documents will be available on line.
- 9.6. Drop in sessions:
- Advertised through the press release and press advertisement.
 - Parish Councils asked to advertise.
 - Three drop in sessions – on a Saturday am/pm and weekday evening. One in each of the north, central area and south of the Broads.
 - Venues and dates to be confirmed.
- 9.7. Comments form:
- For this stage of the Local Plan, we are introducing a form and related guidance.
 - The comments need to relate to the soundness of the Local Plan and use the tests of soundness accordingly.
 - The comments form and guidance have been agreed by Planning Committee and are at Appendix E.

10. Strategic Flood Risk Assessment (SFRA) – timings

- 10.1. Strategic Flood Risk Assessments (SFRAs) form part of the evidence base of the Local Plan and are used to inform the Sustainability Appraisal. The requirement for the preparation of SFRAs is detailed in paragraph 100 of the National Planning Policy Framework (NPPF).
- 10.2. A consortium of Norfolk LPAs, comprising Broadland District Council, Great Yarmouth Borough Council, the Borough Council of King's Lynn and West Norfolk, North Norfolk District Council, Norwich City Council, South Norfolk Council and the Broads Authority, have commissioned new Level 1 SFRAs to inform strategic planning decisions, the preparation of Local Plans and to inform development management decisions.

- 10.3. The 2017 SFRA document is one of a series of SFRA's that will replace the previous joint North Norfolk District Council, Broadland District Council, the Broads Authority, Norwich City Council and South Norfolk Council SFRA, originally published in 2008.
- 10.4. At the time of writing this report, the final SFRA has not been completed. It is due for completion by the end of September 2017.
- 10.5. One of the main outputs of the SFRA will be the flood zones, comprising – mapping showing the area covered by the different flood zones. This is of relevance to the allocation policies in the Local Plan.
- 10.6. The LPA already holds some information on flood zones in the form of the Environment Agency's maps. These have been used to inform the site allocations process and the draft versions of the flood zones for the housing allocations shows the extent of flooding on those sites to be no worse than shown on the existing Environment Agency maps. On this basis, the policies relating to the housing allocations are not likely to change as a result of the SFRA.
- 10.7. The SFRA needs to be finalised and agreed prior to the commencement of the consultation on the Local Plan. It is proposed to send the SFRA to Planning Committee when it is received by email and give Planning Committee members a week to respond. This could delay the consultation a week or so, depending on when the final SFRA is received.
- 10.8. There may also need to be some changes to text to clarify which flood zone the allocations are in. This can be completed fairly easily, but if there are minor changes this means that the version that Full Authority have seen will be different to the version that goes out for consultation.
- 10.9. It is therefore recommended that authority is delegated to the Chief Executive to agree any minor changes as a result of the SFRA (or any other minor changes or corrections that may need to be made that do not affect the thrust of the document) in consultation with the Chair of the Broads Authority and Chair of Planning Committee. If there are any changes as a result of the SFRA that materially affect the Local Plan, then those changes will not be made prior to further formal consultation with Navigation Committee, Planning Committee and Full Authority.

11. Next steps

- If agreed, consultation will begin on 4 October for 6 weeks (although note section 10).
- Responses received will be assessed and replied to.
- We will not change the document, but will suggest some modifications.
- Planning Committee and then Full Authority will agree submitting the Local Plan to the Planning Inspector.
- There will be a Public Examination of the Local Plan.
- It is hoped the Local Plan will be adopted around May 2018.

12. Financial Implications

12.1. Generally officer time in producing these policies and any associated guidance as well as in using the policies to determining planning applications. There is a budget for up to £1,000 for the consultation.

Background papers: None
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Appendices:
Appendix A [Publication version Local Plan with tracked changes](#)
Appendix B [Publication version Local Plan as it will be consulted on](#)
Appendix C [Sustainability Appraisal](#)
Appendix D [Habitat Regulation Assessment](#)
Appendix E [Response Form and Guidance](#)