

## **Broads Local Plan Examination**

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30<sup>th</sup> November 2018

### **By email via the Programme Officer**

Dear Ms Beale,

### **Examination of the Local Plan for the Broads – Post Hearings**

1. Thank you for the Authority's contributions and assistance at the hearing sessions. Following the completion of the hearing sessions and submission of requested information, I am writing to set out my thoughts on the Plan at this stage, and the way forward for the examination.
2. My comments in this letter are based on the submitted written evidence and representations, and all that has been heard at the hearing sessions. However, the examination has not yet concluded, and consultation on main modifications has yet to take place. Consequently these findings are without prejudice to my final conclusions on the Plan.
3. Overall I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. A number of main modifications were discussed at the hearing sessions, and are referenced in the Authority's Log of Local Plan Hearing Tasks document (September 2018). Following the close of the hearing sessions, I also consider that a number of further main modifications are necessary for reasons of soundness. These are discussed in the sections below.

### **Policy PUBDM32 – Moorings, mooring basins and marinas**

4. At the hearing session the requirement in criterion m) to provide a minimum of two short stay moorings on smaller scale schemes was discussed. I can confirm that I consider that this aspect of the policy is overly onerous and could act to prevent effective delivery of smaller scale developments. For example, under the policy as currently worded, a scheme of 1 or 2 moorings would be required to provide at least 2 short stay moorings. I therefore

consider that, for reasons of effectiveness, Policy PUBDM32 should be modified to remove the requirement for provision of a minimum of two berths. As part of this alteration it will also be necessary, for reasons of effectiveness, to make further changes to clarify how partial numbers would be dealt with (for example, how 10% would be delivered on schemes of 1 to 9), and/or alter the thresholds above which provision would be sought.

#### Policy PUBDM34 – Residential development within defined Development Boundaries

5. The Authority has proposed that the development boundary for Thorpe St. Andrew, as referenced in Policy PUBDM34, should be deleted through a modification to the Plan. However, although this part of Thorpe St. Andrew is located between Yarmouth Road and the river, the area has a distinctive urban character and reads as part of the built-up framework of the settlement when travelling along Yarmouth Road. Although flood risk and heritage issues may constrain development opportunities in this area, there is no evidence before me to suggest that these issues are incapable of being resolved on every site, and that suitable redevelopment opportunities may not arise. The settlement has a good range of services and facilities, and overall the development boundary appears to be justified and effective. Accordingly, I consider that a modification to delete the Thorpe St. Andrew development boundary is not necessary for soundness reasons.

#### Policy PUBDM33 - Affordable housing

6. The Authority has proposed that the affordable housing threshold of 11 or more units in Policy PUBDM11 should be altered to 10+ dwellings. This reflects guidance in the revised National Planning Policy Framework (NPPF) (2018), and although the Plan is being examined under transitional arrangements against the 2012 NPPF, I consider it is a pragmatic approach in the context of future updated Plans of constituent Councils and to provide clarity. However, whilst Policy PUBDM33 defers to proportions, type/mix and tenure set out in adopted standards and policies of constituent Councils, it specifies thresholds which would apply in the Broads area. Accordingly the reference to deferment in terms of thresholds should be omitted from the first paragraph of the policy.
7. Full details will be set out in my final report, but based on the evidence currently before me I consider that, in the case of the Broads, the proposal to seek commuted sums for schemes of 6-9 units is justified. However, having regard to evidence in the Authority's updated Viability Assessment (November 2018), I am not persuaded that a further modification to seek sums from schemes of five or less is justified or would provide sufficient clarity for developers.
8. The updated Viability Assessment (November 2018) needs to be published either prior to or as part of the modifications consultation, and I will have full regard to any responses received, on affordable housing or other matters.

## Policy PUBDM36 - Residential moorings

9. Criterion a) in Policy PUBDM36 specifies that permanent residential moorings should be located i. in mooring basins, boatyards and marinas (rather than main rivers), and ii. within or adjacent to defined development boundaries (in the Broads or adjoining Council areas).
10. The width of local rivers and the need to ensure safe navigation may mean that opportunities for suitable riverside permanent residential moorings are constrained in the Broads. Nonetheless, there may be sustainable riverside locations either in Norwich or elsewhere where navigation issues, along with other issues such as landscape character and amenity, may be capable of being resolved. These issues are also covered by other criteria in Policy PUBDM36. Accordingly, for reasons of effectiveness I consider that criterion a) should be modified to allow the requirement relating to basins, boatyards and marinas to be applied more flexibly.
11. The second part of the approach in criterion a) seeks to focus development in a number of sustainable locations. However, the policy as drafted would prevent development across much of the Broads area, including on sites adjoining settlements without development boundaries, or sites which are close to, but not immediately adjoining settlements, and which provide access to a range of services and facilities within reasonable walking distance. I therefore consider that, in order to be effective, the policy should be modified through an alternative locational criteria which is more flexible, and allows proposals to be within, adjoining or close to sustainable settlements which offer access to a range of services and facilities within reasonable walking distance. There may be consequential modifications for other policies which specify that particular sites should be treated as if they are adjacent to a development boundary, with wording amended to reflect the alternative locational requirement.
12. On reflection I also consider that criterion di) should be altered for reasons of effectiveness, to cover the impact of a scheme on the character and appearance of the site as well as the surrounding area, and to take account of impacts arising from moorings as well as land incidental to the moorings. This would strengthen the criterion and allow the Authority to give full consideration to this matter.

## Policies PUBBRU2, PUBBRU4 and PUBHOR6

13. Following the hearings the Authority has proposed that Policies PUBBRU2 and PUBBRU4 should be modified to remove reference to their potential suitability as locations for permanent residential moorings, whilst a limit of 10 moorings should be referenced for site PUBHOR6. Having regard to access issues, as referenced by the Local Highways Authority in document EPS25, and in the context of criteria-based Policy PUBDM36, I consider that these amendments are justified. Further detail will be set out in my final report.

### New residential moorings allocations

14. Following consultation on the pre-submission Plan, the Authority has proposed that two additional permanent residential moorings sites should be allocated, at Horning and Somerleyton.
15. The Authority's updated trajectory work indicates that, based on outstanding commitments and allocations in the submitted Plan, there will be a shortfall of 28 residential moorings against an identified need for 63 moorings in the period up to 2036 (as established in the Norfolk Caravan and Houseboats Accommodation Needs Assessment Report – October 2017). Policy PUBDM36 would allow an element of additional 'windfall' supply to come forward, but notwithstanding a recent application there is some uncertainty regarding the extent of and likely delivery rate from this source.
16. Based on the evidence before me, and following my site visits, my interim view is that the two additional sites proposed by the Authority appear, in principle, to be suitable for the proposed use and capable of delivery within the Plan period. Further, I consider that the proposed provision of an additional 16 moorings would make an important contribution to overall supply, particularly in the early years of the Plan, and aid effective delivery of identified needs. On this basis I consider that modifications to insert the additional permanent residential mooring allocations are necessary and justified. Nonetheless, consultation has not taken place on the additional allocations, and therefore my comments in this letter are provided without prejudice to my final conclusions on this issue. Community engagement, and any necessary Sustainability Appraisal and Habitats Regulations Assessment work, would need to take place either prior to or as part of modifications consultation, and I will have full regard to any responses received. As with any proposed main modification, I will assess at that stage whether it is necessary to hold a further hearing on the issue.

### Policy PUBDM11 – Re-use of historic buildings

17. Having reflected on the Council's post-hearing note, I consider that the hierarchical approach in Policy PUBDM11 is justified and appropriate. I concur, however, that in order to make the policy effective, modifications are necessary to exclude holiday accommodation, to include detail relating to design requirements, and cross refer to Policy PUBDM47. Further details will be set out in my final report.

### Policy PUBDM42 – Accessible and adaptable standards

18. At the hearing the Authority indicated that there was an error in criterion k) and it should be expressed as 20% of dwellings on schemes of five or more dwellings required to be built to meet Building Regulation Standard M4(2). Based on the evidence currently before me, including the Authority's updated Viability Assessment (VA) (November 2018), I consider that this modified proportion and approach is justified. As set out above, the VA will need to be published prior to or as part of consultation of modifications, and I will take full account of any representations made.

### Policy PUBDM28 – Tourism

19. The policy requires applicants to first consider using brownfield sites for tourism and recreation development. However, I consider that the application of a sequential test in this regard would be overly onerous, and may not necessarily deliver development in sustainable locations. Accordingly, for reasons of soundness I consider that this aspect of Policy PUBDM28 should be deleted, and proposals assessed on their individual merits.

### Policy PUBOUL3 – Oulton Broad District Shopping Centre

20. I consider that modifications which establish the overall approach to development in the centre and reference local impact assessment thresholds are necessary, in order for the policy to be effective. Most of the centre lies within the adjoining district of Waveney. Accordingly, for the purposes of policy alignment, and in the context of the on-going examination of the Waveney Local Plan, I consider it would be prudent for any reference to local impact assessment thresholds in Policy PUBOUL3 to be non-specific and in the form of a cross referral to the standards established in the Waveney Local Plan.

### Policy PUBHOV5 - Hoveton Town Centre and areas adjacent to the Town Centre

21. At the hearing the Authority indicated that the approach to Primary Shopping Areas in PUBHOV5 is intended to involve the application of a sequential test to retail proposals elsewhere within the town centre. This differs from the sequential test in paragraph 24 in the NPPF 2012 which requires main town centre uses to be located in town centres, then edge of centre locations, then out of centre sites. There is no substantive local evidence before me to justify the application of a sequential test within Hoveton town centre itself, and I have concerns about the deliverability of this requirement. Accordingly, I consider that this section of Policy PUBHOV5 should be amended to clarify an alternative approach to the Primary Shopping Area, which is effective and consistent with national policy.

### Policy PUBTSA2 – Thorpe Island

22. The policy, as expressed in the submitted Plan, indicates that proposals for permanent residential moorings within the basin or riverside in the western section of the site would not be appropriate. However, whilst I recognise that the site has a number of constraints, there is insufficient evidence before me to demonstrate that matters are incapable of resolution in all instances, or to explain why proposals could not be assessed on their individual merits against criteria-based Policy PUBDM36. Accordingly, I consider that modifications to delete this part of Policy PUBTSA2 are necessary for reasons of soundness. Further details will be set out in my final report. The Authority is also requested to ensure that any proposed modifications to the description of 'low key uses' fits with this position.

## Next steps

23. The Authority is now invited to prepare an updated comprehensive set of proposed main modifications for my consideration prior to publication, based on the changes detailed within this letter and those referred to in the Authority's Log of Hearing Tasks. The modifications will need to be subject to Sustainability Appraisal and Habitats Regulation Assessment, and published for consultation. The documents should also be accompanied by a schedule of any necessary changes to the policies map. The Authority is also requested to produce a set of additional/minor modifications. This should be in a separate document to the main modifications in order to avoid confusion.
24. My final report will set out conclusions on all of the main issues discussed at the hearing sessions, taking account of consultation responses on the main modifications.
25. It would be appreciated if you could confirm if the Authority is content to proceed on the basis outlined in this letter. Please note that I am not expecting to receive or accept comments from any other parties on the contents of this letter.
26. In producing the updated set of proposed main modifications, the Authority is requested to liaise with the Programme Officer regarding projected timescales. A copy of this letter should be placed on the Authority's website and made available on request.

*Katie Child*

INSPECTOR