

**Broads Authority**  
**A Supplementary Planning Document on marketing and viability assessment requirements**  
**Second ~~D~~raft consultation version**  
~~September 2019~~ February 2020

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**Draft for consultation**

**Consultation ends 4pm 24 April 2020**

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## 1) Introduction

Several policies in the Local Plan for the Broads<sup>1</sup> will require you, as an applicant or agent, to carry out a robust marketing strategy and/or a viability assessment if your proposed scheme is promoting something different to the adopted policy position. This Supplementary Planning Document (SPD) explains what is meant by marketing and viability, and which Local Plan policies have this requirement. It highlights how to carry out these processes and provide information in the way the Broads Authority requires. Following this SPD will reduce the chances of a delay in determining your application in relation to these requirements.

The Broads Authority is the Local Planning Authority within the Broads area and this Supplementary Planning Document (SPD) applies only to land within the Authority’s executive boundary.

The NPPF 2018 defines supplementary planning documents as ‘documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.’

The Authority considers that this SPD will help applicants consider the issue of marketing and viability in an appropriate way. The SPD should be read alongside relevant policies of the Local Plan for the Broads (adopted 2019). The SPD is a material consideration in determining planning applications. The advice and guidance herein will not add unnecessary financial burden to development.

[In the Local Plan, we refer to ‘viability assessment’. This effectively has two meanings. The first is an assessment of the viability of continuing the current land use, when a proposal is submitted to change the use. The second is to determine the level of planning contributions that might be appropriate for a proposed development whilst maintaining its viability and deliverability.](#)

## 2) About this consultation

This version is the draft for consultation. Please tell us your thoughts and suggest any changes you think would make the SPD better and set out your reasons. We welcome any thoughts you have on this document, ~~but we have some specific questions to ask you:~~

- ~~Question 1: Are we clear with what we need from applicants when they produce a marketing strategy? Do you have any suggestions to improve this document?~~

~~Question 2: We refer to a longer period or marketing of around 18 months if the market is stagnant – do you have any thoughts on that draft requirement?\_~~

[We consulted on the first draft of this document back in September 2019. We have made some amendments following the comments we received as part of that consultation. As the regulations for producing a SPD require two stages of consultation, we are consulting you again.](#)

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<sup>1</sup> The Local Plan is here: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

40 This consultation runs from ~~27 September to 4pm on 22 November~~ 12 March 2020 to 4pm 24 April  
41 2020. We will then read to each of the comments received with our responses. We may make  
42 changes if we agree with you. If we do not make changes we will set out why. Please email us your  
43 comments: [planningpolicy@broads-authority.gov.uk](mailto:planningpolicy@broads-authority.gov.uk). Please feel free to quote the line number in  
44 this document in your response.

45 This consultation document and consultation process have been developed to adhere to the  
46 Broads Authority's Statement of Community Involvement<sup>2</sup>.

47 Information provided by you in response to this consultation, including personal data, may be  
48 published or disclosed in accordance with the access to information regimes (these are primarily the  
49 Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental  
50 Information Regulations 2004). Please see [Appendix A](#) for the Privacy Notice.

51 **Are you satisfied that this consultation has followed the Consultation Principles?** If not, or you  
52 have any other observations about how we can improve the process, please contact us at  
53 [planningpolicy@broads-authority.gov.uk](mailto:planningpolicy@broads-authority.gov.uk).

54 Historic England, Natural England and the Environment Agency were asked for their opinions  
55 relating to the need for a Strategic Environment Assessment. Historic England replied saying 'we  
56 would advise that it is not necessary to undertake a Strategic Environmental Assessment of this  
57 particular SPD'. The Environment Agency said 'an SEA likely is not required'. Natural England did not  
58 response. The SEA Screening is at [Appendix B](#).

### 59 **3) National Planning Policy on viability and marketing**

60 The National Planning Policy Guidance (NPPG)<sup>3</sup> states that: 'Viability assessment is a process of  
61 assessing whether a site is financially viable, by looking at whether the value generated by a  
62 development is more than the cost of developing it. This includes looking at the key elements of  
63 gross development value, costs, land value, landowner premium, and developer return'.  
64

65 The Local Plan for the Broads was examined under the 2012 National Planning Policy Framework  
66 (NPPF). However, all planning applications submitted to the Broads Authority will be considered  
67 against the most up-to-date version of the NPPF, published in 2019.

68 Regarding viability, the 2019 NPPF<sup>4</sup> (para 57) states that: 'Where up-to-date policies have set out  
69 the contributions expected from development, planning applications that comply with them should  
70 be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the  
71 need for a viability assessment at the application stage. The weight to be given to a viability  
72 assessment is a matter for the decision maker, having regard to all the circumstances in the case,

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<sup>2</sup> Our current SCI is here: [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0006/576609/Final-2020-SCI-31-Jan-2020.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/576609/Final-2020-SCI-31-Jan-2020.pdf)

<sup>3</sup> National Planning Policy Guidance on viability: <https://www.gov.uk/guidance/viability>

<sup>4</sup> NPPF 2019:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

73 including whether the plan and the viability evidence underpinning it is up to date, and any change  
74 in site circumstances since the plan was brought into force. All viability assessments, including any  
75 undertaken at the plan-making stage, should reflect the recommended approach in national  
76 planning guidance, including standardised inputs, and should be made publicly available.’

77 More information from the NPPG relating to viability assessments can be found here: Standardised  
78 inputs to viability assessment: [https://www.gov.uk/guidance/viability#standardised-inputs-to-](https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment)  
79 [viability-assessment](https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment).

80 Whilst not necessarily National Policy, the Royal Institute of Chartered Surveyors have a guidance  
81 note<sup>5</sup> and are intending to update it.

82 Regarding marketing, the NPPF and NPPG seem to only refer to marketing relating to the use of  
83 heritage assets (NPPF paragraph 195).

#### 84 **4) When do you need to assess marketing and viability?**

85 If you are required to prepare a marketing and viability assessment, this should be completed before  
86 a planning application is submitted. Marketing and viability assessments carried out after an  
87 application has been submitted to justify a new use or development, will inevitably lead to a delay in  
88 determination of the application due to the sustained period required for marketing.

89 It will be necessary to provide information on how a site has been marketed and to assess the  
90 viability of the site in these circumstances:

- 91 a. When a policy of the Local Plan for the Broads requires appropriate marketing of a  
92 site (and evidence of this marketing to be provided) to assist in proving to the Broads  
93 Authority that the current use of the site is no longer appropriate.
- 94 b. When a policy requires the submission of viability evidence to demonstrate that a  
95 use of a site is not viable.
- 96 c. When a policy requires something to be provided as part of a scheme (such as  
97 affordable housing and planning obligations) and a promoter assesses the impact of  
98 this provision on the viability of the scheme.

#### 99 **5) Relevant policies in the Local Plan**

100 The following policies of the Local Plan for the Broads refer to marketing/rent and viability  
101 requirements. If your scheme is promoting something different to the position set out in these  
102 policies, you will need to carry out a marketing strategy and/or a viability assessment. The objective  
103 is to assess the economic viability of the existing business/use and, if necessary, market it at a  
104 reasonable price to find a new owner/occupier and retain that use.

105 Policies containing marketing/rent requirements:

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<sup>5</sup> Financial Viability in Planning, 1st edition <https://www.rics.org/uk/upholding-professional-standards/sector-standards/land/financial-viability-in-planning/>. PLEASE NOTE THAT AT THE TIME OF THIS CONSULTATION, THIS DOCUMENT HAS BEEN REVIEWED AND AMENDED AND IS OUT FOR CONSULTATION, WE WILL UPDATE THE SPD ACCORDINGLY TO REFLECT THE SITUATION AT ADOPTION OF THE SPD (<https://consultations.rics.org/consult.ti/financialviabilitygn/consultationHome>)

- 106 • Policy DM12: Re-use of Historic Buildings
- 107 • Policy DM26: Protecting general employment
- 108 • Policy DM30: Holiday accommodation – new provision and retention
- 109 • Policy DM38: Permanent and temporary dwellings for rural enterprise workers
- 110 • Policy DM44: Visitor and community facilities and services
- 111 • Policy DM48: Conversion of buildings

112 Policies containing viability requirements:

- 113 • Policy DM4: Water Efficiency
- 114 • Policy DM12: Re-use of Historic Buildings
- 115 • Policy SP11: Waterside sites
- 116 • Policy DM26: Protecting general employment
- 117 • Policy DM30: Holiday accommodation – new provision and retention
- 118 • Policy DM34: Affordable housing
- 119 • Policy DM38: Permanent and temporary dwellings for rural enterprise workers
- 120 • Policy DM43: Design
- 121 • Policy DM44: Visitor and community facilities and services
- 122 • Policy DM48: Conversion of buildings
- 123 • Policy HOR8: Land on the Corner of Ferry Road, Horning
- 124 • Policy THU1: Tourism development at Hedera House, Thurne
- 125 • Policy SSPUBS: Waterside pubs network

## 126 **6) Preparing and delivering a Marketing Strategy**

### 127 **5.1 Introduction**

128 This section sets out the detailed requirements for marketing a site to show that there is no demand  
129 for the existing use and to justify a change of use.

### 130 **5.2 [The requirement to market tourist accommodation](#)**

131 [We note that the marketing requirement is slightly different for tourist accommodation. The policy](#)  
132 [seeks marketing the accommodation to potential customers for 12 months to understand the](#)  
133 [demand for the accommodation rather than marketing it for 12 months to sell it on the open](#)  
134 [market.](#)

135 [If you believe that your tourist accommodation is not successful or not viable enough, then we will](#)  
136 [need to understand why this is. We need to understand, in order to be successful and take into](#)  
137 [account the various costs associated with the accommodation, what % occupancy \(in days or weeks](#)  
138 [in a year\) is the 'break even' level. When marketing the accommodation for 12 months, we can then](#)  
139 [see how the occupancy level rates against that 'break even' level in that time.](#)

140 [Tourist accommodation permitted in the first few months of a calendar year may not receive many](#)  
141 [bookings for the following summer/peak period because people may book their holidays well in](#)  
142 [advance. Therefore, the 12-month period for marketing is best to start from the following December](#)  
143 [\(1<sup>st</sup>\) to be available for booking when people may book their holidays.](#)

144 [When marketing your accommodation, we would expect the accommodation to be available for rent](#)  
145 [on at least three well-known holiday accommodation websites. These may include Air BnB and](#)  
146 [bookings.com for example. You will need to explain and justify the websites you use. We would](#)

147 expect good quality photos posted on those websites to help the accommodation be attractive to  
148 those looking for somewhere to stay.

149 The price charged per night needs to be reasonable and a level that is acceptable and one that  
150 someone is likely to pay to stay at your accommodation. This price will require justifying.

151 The property should be able to be let for a variety of time periods (for example 1 night, 2 nights, 7  
152 nights etc), in accordance with any planning conditions attached to the property. Again, these time  
153 periods need to be justified.

154 If the property is unavailable for rent during the 12 months, you need to contact the Broads  
155 Authority to discuss this. The policy does say that a sustained period of 12 months is required. We  
156 may require the time the property is unavailable to be added on to the end of the 12 months.

157 The marketing report presented to the Broads Authority at the end of the 12 month period will need  
158 to detail what bookings were made and for how long. The report needs to say how many days or  
159 weeks in a year the accommodation was rented for and how that relates to what was expected to be  
160 successful year for the accommodation. This could usefully include information from the websites  
161 used to advertise the property. Indeed, information of the reviews received for the holiday  
162 accommodation will be of interest and relevance. If a negative review raises issues that can be  
163 addressed, how have you addressed those issues?

164 A different approach as stated above could be acceptable, but would need agreeing with the Broads  
165 Authority in advance.

166 The rest of this section (section 6) may not necessarily apply to changes of use of tourist  
167 accommodation, but we advise you to speak to the Planning Team (who offer free pre-application  
168 advice).

169 ***Specific questions for this section:***

170 a) How do we define a well-known website?

171 b) Is there a cost associated with advertising on these websites? Is there a fair number to require?

172 c) Do any website companies have exclusivity demands? Do they say that you should not advertise  
173 on other websites?

174 d) When should the 12-month period start from; as soon as permission is granted, or a date like the  
175 following 1 December?

176 e) How do we address the quality of marketing? For example, should we say something about the  
177 standard of pictures on websites that advertise the property? What about the actual provisions  
178 of the property itself? How do we consider if a site is run-down and negative reviews on  
179 websites?

180 **5.3 Permitted Development**

181 Permitted Development rights allow changes of certain uses to other uses, subject to particular  
182 criteria. As part of marketing the site, the site will need to be marketed and/or investigated in terms  
183 of its potential for other uses permitted by the General Permitted Development Order<sup>6</sup> as well as for  
184 its current use.

<sup>6</sup> [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/37/planning\\_permission/2](https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2)

185 **5.4 The marketing strategy**

186 How you market the site will vary based on the type of premises being advertised. The scope of the  
 187 marketing exercise and how you intend to market the site needs to be set out in the marketing  
 188 strategy and agreed with the Broads Authority beforehand. This will ensure the marketing strategy  
 189 meets the requirements set out in this SPD/section, and will avoid the need to repeat the marketing  
 190 exercise should the Authority consider the marketing is not up to standard, saving you time and  
 191 money.

192 The marketing strategy will need to explain why the property is being marketed and its location, a  
 193 description of the site, a summary of the planning history of the site including any restrictions, how  
 194 the site will be advertised and markets and guide terms. More detail is provided in the following  
 195 paragraphs.

196 The strategy will need to include a marketing matrix like the template below.

Marketing initiative	Budget	Year: 20xx											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Marketing board	£xxx												
Targeted mailing	£xxx												
Online advertisement	£xxx												
...etc. etc.	£xxx												

197 **5.5 How to market your site**

198 As a minimum, the following initiatives need to be used for all premises. The Broads Authority may  
 199 request other ways of marketing. [The strategy will be proportionate to the site/property that is](#)  
 200 [being marketed/proposed for change of use.](#) Your strategy will need to explain how you will use the  
 201 following methods in marketing your site. If you do not wish to use a particular method, you will  
 202 need to fully explain and justify this in your strategy. [The Marketing Strategy will be agreed with the](#)  
 203 [Broads Authority in advance.](#)

204 **5.5.1 Method of marketing and approach to advertisement**

205 This will cover:

- 206 • Basis of instruction - sole agent or joint agent, etc.
- 207 • Method of disposal - private treaty or informal/formal bids.
- 208 • Advertisement option - sale boards, internet, PR, publications, mailing, etc.

209 **5.5.2 Marketing board**

- 210 a) A simple 'for sale' board for small commercial premises, single tourist unit accommodation and  
 211 community facilities.
- 212 b) For larger commercial units and tourist accommodation sites, larger boards giving details of the  
 213 property including the guide price are required.
- 214 c) Boards need to be placed so they can be seen from the main public vantage point (which could  
 215 be a road and/or river in the Broads) but not so they cause obstructions or inconvenience to the  
 216 public or neighbouring uses. They should also be designed and located in a way to not impact  
 217 the special qualities of the Broads.
- 218 d) Temporary 'for sale' boards do not generally require consent, subject to certain restrictions, and  
 219 it is the land owner's responsibility to comply with these<sup>7</sup>.

<sup>7</sup> [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007, Schedule 3, Part 1, Class 3A; 'Miscellaneous temporary advertisements'](#)

220 5.5.3 Marketing particulars

- 221 a) The details of the site need to be advertised. The Marketing Strategy also needs to explain how  
222 you will advertise these particulars.
- 223 b) For a small site, this could be on the website or be a simple handout.
- 224 c) For larger commercial units and tourist accommodation sites, which are more likely to have a  
225 regional or national audience, the particulars need to be set out in a bespoke, well-designed  
226 brochure. This needs to include layouts of the building and professional photos.
- 227 d) In all cases, the following information is required:
- 228 • Background –why the property is being marketed.
  - 229 • Description – including details on floorspace, number of floors, layout, car parking and  
230 yard facilities.
  - 231 • Internal and external photographs
  - 232 • Location - including information on proximity to regional centres such as Norwich,  
233 Ipswich and Lowestoft, links to transport networks and general setting (e.g. Business  
234 Park / enterprise zone).
  - 235 • Description of accommodation
  - 236 • Terms (leasehold, freehold, long lease, etc.) - these should be flexible and consider  
237 prevailing market conditions. The length of leases should not be unduly restrictive.
  - 238 • Guide price/rent
  - 239 • Planning information – a summary of the existing planning use and status, history and  
240 restrictions.
  - 241 • Services and utilities
  - 242 • Energy Performance Certificate
  - 243 • Rateable value and business rates
  - 244 • VAT status
  - 245 • Legal and professional costs
  - 246 • Viewing arrangements
  - 247 • Contact information for the agent

248 5.5.4 Advertisement in press/press release

- 249 a) For small commercial units, community facilities and single unit tourist accommodation, an  
250 advert is to be placed and maintained (for a period to be agreed with the Authority) in a local  
251 newspaper and estate/property agents (including with specialist trade agents if appropriate).
- 252 b) For larger commercial units and tourist accommodation sites, specialist publications are to be  
253 used (again for a period to be agreed with the Authority) and estate/property agents (including  
254 with specialist trade agents if appropriate).
- 255 c) Advertisements in both local and national publications should include a colour picture of the  
256 premises.
- 257 d) For larger commercial units and tourist accommodation sites, a press release could be given to  
258 the local and regional press.

259 5.5.5 Online advertisement

- 260 a) The site needs to be published on the agent's website
- 261 b) Also, if for a commercial site, one national commercial property search engine.
- 262 c) For very large commercial units and tourist accommodation parks, a bespoke website for the  
263 property should be created.
- 264 d) The information set out in 6.4.2 needs to be displayed on the website.

265 5.5.6 Targeted mailing

- 266 a) This would be completed by the agent.  
267 b) They may mail their contacts and/or purchase a database of contacts and send them the details.

#### 268 **5.6 Length of marketing campaign and re-advertising**

269 The marketing of the site must be for a sustained period of 12 months at a realistic price (see 5.7). ~~A~~  
270 ~~longer marketing period may be required if the market is stagnant.~~

271 This period may have the added benefit of allowing communities time to develop community led  
272 proposals, and will also be relevant if the property has been registered as an asset of community  
273 value with Broadland District, Great Yarmouth Borough, North Norfolk, Norwich City, South Norfolk  
274 or East Suffolk Council.

275 If there has not been a willing buyer/occupier in the first three months of marketing, the  
276 site/property will need to be re-advertised, using the above strategy, at three monthly intervals  
277 unless otherwise agreed with the Authority. This will need to continue for at least 12 months.

278 The strategy needs to address these requirements.

#### 279 **5.7 Expenditure on marketing**

280 The budget for the marketing campaign should be proportionate to the anticipated return from the  
281 property. As a guide, the budget should be about 3% of the anticipated return from the property.  
282 The strategy needs to provide details of this.

#### 283 **5.8 Guide Price/Rent**

284 This needs to be commensurate with the current market price for similar premises (which may  
285 reflect if the market is stagnant). To provide impartial evidence regarding viability and marketing of  
286 the property, an independent valuation is likely to be required. It is expected that the value of the  
287 property will be derived from an expert RICS registered valuer (likely to be the District Valuation  
288 Office) or accredited member of RICS (Royal Institution of Chartered Surveyors). The marketing must  
289 be at a reasonable and realistic value for the current permitted use class and for other permitted use  
290 classes (see 5.2) both for sale and rent. The strategy needs to provide details of this.

#### 291 **5.9 Marketing statement**

292 If there has been no success in selling or letting the unit after 12 months of marketing, a marketing  
293 statement must be prepared and submitted with any planning application for redevelopment or  
294 change of use. The marketing statement should set out the following details:

- 295 a) The original marketing strategy as agreed with the Broads Authority (which is likely to  
296 be in accordance with this SPD)
- 297 b) The duration and dates of the marketing campaign
- 298 c) The value of the property used in the marketing campaign and the justification to  
299 support this value
- 300 d) Evidence that the marketing strategy was delivered – to include photos of the  
301 marketing boards, copies of particulars, screenshots of online advertisements, copies of  
302 press articles and adverts
- 303 e) A full record of enquiries received throughout the course of the marketing campaign.  
304 This needs to record the date of the enquiry, details of the company/individual, nature  
305 of the enquiry, if the property was inspected, details of any follow-up and reasons why  
306 the prospective occupier deemed the premises unsuitable. If any offers were rejected,  
307 the grounds on which the offers were rejected must be provided. This will be subject to  
308 GDPR requirements.

- 309 f) If the record of enquiries indicates a lack of interest during the marketing campaign, the  
310 report needs to detail the measure undertaken to alter the strategy and to increase  
311 interest.

DRAFT

## 7) Preparing a Viability Assessment

### 7.1 Introduction

This SPD gives general information about requirements for viability assessments. It is not intended that this SPD goes into detail about completing viability assessments; instead it discusses viability assessments more generally. For more detailed information, visit the NPPG:

<https://www.gov.uk/guidance/viability>.

It is important to note that the Local Plan and its policies underwent a viability appraisal<sup>8</sup> as part of the production and examination. The viability appraisal and its assumptions should be an important consideration when producing a site-specific viability assessment<sup>9</sup>.

Viability assessments must now not be based on information specific to the developer, and therefore need not be treated as commercially sensitive. If commercially sensitive information is included, then it should be aggregated in published viability assessments and executive summaries.

If no viability assessment is submitted then it will be assumed that the application is policy compliant and full policy ask is being delivered / not contended

### 7.2 Land Values

Site promoters and developers need to ensure that the price paid for land does not negatively affect the delivery of this Local Plan's objectives. The NPPG says:

- 'The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions'
- 'It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'
- 'Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'.

Where land with planning permission is subsequently sold, the price paid for land should not be inflated to such an extent that it compromises the existing permission. Such land transactions should remain at a price that ensures that the development remains policy compliant.

### 7.3 Requirements of viability assessments

An independent chartered surveyor must complete the viability assessment.

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 in question.

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<sup>8</sup> [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0010/1418653/EPS28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/1418653/EPS28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf)

<sup>9</sup> By way of background, the Local Plan for the Broads was examined using the 2012 NPPF. It is noted that the NPPG and the new NPPF have specific requirements relating to viability appraisals and these are noted. When determining the specifics of a site-specific viability appraisal, the current NPPF and NPPG will be referred to, noting that the Local Plan was examined under the 2012 NPPF.

346 The assessment must be clear and transparent, setting out robust evidence behind the assumptions  
347 that go into the development appraisal. There must be no hidden calculations or assumptions in any  
348 model or appraisal.

349 Viability Assessments need to include details of the proposed scheme including site area, unit  
350 numbers, number of habitable rooms (if residential), unit size, density and the split between the  
351 proposed tenures/uses. Floorspace figures need to be provided for residential uses (gross internal  
352 area) by tenure, and non-residential uses in gross internal area (GIA) and net internal area (NIA).  
353 Information needs to be provided relating to the target market of the development and proposed  
354 specification, and be consistent with assumed costs and values.

355 Details of the assumed development programme and the timing of cost and income inputs need to  
356 be provided.

357 [Any assessments submitted needs to include an executive summary and ideally, the appraisal will](#)  
358 [include](#) a spreadsheet version of the viability assessment model that can be opened and  
359 interrogated in Microsoft Excel and similar spreadsheet software applications. We strongly  
360 recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet that  
361 anyone can use.

#### 362 **7.4 Assisting a business to be run in a viable manner - grant funding/financial support**

363 As part of the assessment, the applicant will need to demonstrate that they have explored all  
364 possible options to improve the viability and sustainability of the service/business. It is up to the  
365 applicant to investigate and demonstrate the steps they have taken, but it could include the  
366 following. Details of the grants or support investigated, whether the application was successful (and  
367 if not, why not), and the impact of this funding or support on viability must be provided as part of  
368 the viability assessment.

- 369 a) **Business rate relief:** The district council may provide business rate relief. Owners or operators of  
370 the site in question should approach the district council to discuss the potential for this, and  
371 evidence of any such discussions with the district council will need to be provided with any  
372 planning application.
- 373 b) **Interventions to improve the commercial attractiveness:** The owner or operator of the site will  
374 need to provide evidence showing how they have considered reasonable interventions to  
375 improve the attractiveness of the site, and evidence if these interventions are not feasible (if  
376 that is the case).
- 377 c) **Grant funding and financial support:** Information showing that all available opportunities of  
378 grant funding and financial support to help retain the current use(s) have been fully explored  
379 and that none are viable (if that is the conclusion).

#### 380 **7.5 Community Infrastructure Levy (CIL)**

381 At the time of writing, the Broads Authority does not have a CIL in place.

#### 382 **7.6 Confidentiality**

383 [Planning practice guidance is now clear that viability assessment should be prepared on the basis](#)  
384 [that it will be made publicly available other than in exceptional circumstances.](#) In general, viability  
385 assessments are published online (as part of the supporting documents for planning applications on  
386 the Broads Authority's website) and are kept in the planning application file with the other studies,

387 plans and information contained within the planning application. Members of the public may ask to  
388 see these files.

389  
390 In exceptional circumstances, where the publication of information would harm the competitiveness  
391 of a business due to the necessity to include commercial information unique to that business, the  
392 Authority will consider keeping some ~~or all~~ of the viability assessment confidential. In such cases, the  
393 applicant will need to provide full justification as to why the harm caused would outweigh the public  
394 interest in publishing the information.

395 [Even when there are exceptional circumstances \(i.e. the Authority is satisfied that the information is](#)  
396 [commercially sensitive\) the executive summary should be made public. In such publications, the](#)  
397 [commercially sensitive information should be aggregated into costs in the executive summary. This](#)  
398 [does not mean that the information is not split out in the appraisal; just that it is not published in](#)  
399 [agreement with the Authority. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509](#)  
400 [Revision date: 09 05 2019](#)<sup>10</sup>.

#### 401 **7.7 Likely future demand for the property**

402 The viability assessment needs to assess the current and likely future market demand for the site or  
403 property.

#### 404 **7.8 Circumstances**

405 Any Issues relating to the personal circumstances of the applicant or to the price paid for the  
406 building cannot be taken into consideration.

#### 407 **7.9 Independent Review**

408 The Authority will need to verify the content of a viability assessment and may need to employ  
409 external expertise to do so. The applicant will need to meet this expense.

410 The independent review will assess and scrutinise the assumptions and assessment and give a view  
411 on whether the assessment is robust. If the assessment is not considered robust, this will be  
412 discussed with the applicant who may be asked to amend the assessment. Depending on  
413 circumstances, the independent review may include a revised viability assessment in accordance  
414 with this SPD and again the applicant will need to meet this expense.

#### 415 **7.10 Proposals relating to Public Houses**

416 Owners wishing to pursue other uses of a public house will need to make a planning application and  
417 submit a report undertaken by an independent Chartered Surveyor that meets the tests as set out in  
418 the CAMRA Public House Viability Test<sup>11</sup>. The Authority will need to verify the content of the report  
419 and may need to employ external expertise to do so. The applicant will need to meet this expense.

420 The Public House Viability Test does not seek to protect the continued existence of every pub -  
421 circumstances can change and some pubs find themselves struggling to continue. It does, however,  
422 help all those concerned in such cases – local authorities, public house owners, public house users  
423 and Planning Inspectors – by providing a fact-based method to rigorously scrutinise and test the  
424 future viability of a pub against a set of well-accepted measures.

425 The fundamental basis of this viability test is to assess the continued viability of a pub business. The  
426 question to address is what the business could achieve if it were run efficiently by management  
427 committed to maximising its success.

<sup>10</sup> NPPG: <https://www.gov.uk/guidance/viability>

<sup>11</sup> CAMRA Public House Viability Test: [www.camra.org.uk/documents/10180/36197/PHVT/725c3a01-9c07-4b2b-b263-a1842bef09b7](http://www.camra.org.uk/documents/10180/36197/PHVT/725c3a01-9c07-4b2b-b263-a1842bef09b7)

428  
429  
430  
431  
432

It is also important to note that some public houses may be listed as Assets of Community Value. These are allocated as such by the District Council, in liaison with the Broads Authority. There are certain requirements relating to these Assets which can be found here:  
<https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/>

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## 433 **8) Additional requirements relating to specific proposals/policies**

### 434 **7.1 Introduction**

435 Some schemes are specific and trigger slightly different approaches to marketing and viability. In  
436 these instances, as set out above, the approach to marketing needs to be agreed with the Authority  
437 and viability and marketing assessments will be reviewed by external expertise with the cost met in  
438 full by the applicant. The specific differences are highlighted in bold.

### 439 **7.2 Economy section of Local Plan.**

440 The reasoned justification to policy DM26: Protecting general employment says that any assessment  
441 needs to consider employment, tourism, recreational and community uses of the site.

442 ‘To prevent the loss of established employment sites and properties, proposals to redevelop them to  
443 uses related to community facilities or to sustainable tourism and recreation uses will only be  
444 permitted if it can be demonstrated that employment uses (uses within Classes B1, B2 or B8 of the  
445 Town and Country Planning (Use Classes) (Amendment) (England) Order 2010) are unviable. **Only  
446 then will alternative uses be permitted, again subject to demonstrating that employment, tourism,  
447 recreational or community uses would be unviable’.**

### 448 **7.3 Heritage section of the Local Plan**

449 The reasoned justification to policy DM12: Re-use of Historic Buildings says that assessments need to  
450 consider and detail conversion costs and market for economic, leisure and tourism uses of the site.

451 ‘Applications to convert a historic building to residential use will be expected to be accompanied by  
452 a report, undertaken by an independent Chartered Surveyor, **which demonstrates why economic,  
453 leisure and tourism uses would not be suitable or viable as a result of inherent issues with the  
454 building.** Issues relating to the personal circumstances of the applicant or as a result of a price paid  
455 for the building will not be taken into consideration. **Details should be provided of conversion costs  
456 and the estimated yield of the commercial uses, and evidence provided on the efforts that have  
457 been made to secure economic, leisure and tourism re-use for a continuous 12-month period’.**

### 458 **7.4 Tourist accommodation section of the Local Plan**

459 Policy DM30: Holiday accommodation – new provision and retention says that the emphasis is on  
460 demonstrating no demand for tourist accommodation in the area as well as assessing the impact of  
461 a net loss of accommodation that is necessary.

462 ‘Existing tourism accommodation will be protected. Change of use to a second home or permanent  
463 residence will only be considered in exceptional circumstances **where it can be fully and  
464 satisfactorily demonstrated that there is no demand for tourist accommodation’.**

465 ‘To make sure new holiday accommodation is used for tourism purposes that benefit the economy  
466 of the Broads, occupancy conditions will be sought to prevent the accommodation from being used  
467 as a second home or sold on the open market. To ensure an adequate supply of holiday  
468 accommodation is retained, the removal of such a condition will only be permitted where the  
469 proposal is accompanied by a statement, completed by an independent chartered surveyor, which  
470 demonstrates that it is financially unviable or **that any net loss of accommodation is necessary to  
471 allow appropriate relocation or redevelopment’.**

### 472 **7.5 Affordable Housing policy**

473 Policy DM34: Affordable housing reasoned justification says that effectively, the district’s percentage  
474 will be a starting point for assessment. If viability is an issue, the assessment can assess lower

475 percentages. In assessing lower percentages, the assessment should demonstrate at what  
476 percentage the scheme becomes unviable. Any assessment should use different tenures as they  
477 have different transfer values. For example, shared equity may be 50% market value; Low Cost  
478 Home Ownership may be 80 % market value. Where a developer is suggesting a scheme is unviable  
479 and seeking to reduce affordable housing they should model the highest transfer values in order to  
480 maximise the choice. Conversely, for any market housing, the assessment will work up from zero.

481 'The independent review process will require the applicant to submit a site-specific viability appraisal  
482 (to include a prediction of all development costs and revenues for mixed use schemes) to the  
483 Authority's appointed assessor. **They will review the submitted viability appraisal and assess the**  
484 **viable amount of affordable housing or the minimum number of market homes needed to cross**  
485 **subsidise the delivery of affordable housing on a rural exceptions site.** This review shall be carried  
486 out entirely at the applicant's expense. Where little or no affordable housing would be considered  
487 viable through the appraisal exercise, the Authority will balance the findings from this against the  
488 need for new developments to provide for affordable housing. In negotiating a site-specific provision  
489 with the applicant, the Authority will have regard to whether or not the development would be  
490 considered sustainable in social terms'.

#### 491 **7.6 Converting buildings**

492 Policy DM48: Conversion of buildings reasoned justification says that assessments need to consider  
493 and detail conversion costs and commercial yield and consider proposals for economic, commercial,  
494 leisure and tourism uses.

495 'Residential conversions may be appropriate for some types of buildings and in certain locations,  
496 providing that it has been demonstrated that a **commercial or community use of the building is**  
497 **unviable** and that the building is of sufficient quality to merit retention by conversion. Applications  
498 to convert a building outside of a development boundary to residential use should be accompanied  
499 by a report undertaken, by an independent Chartered Surveyor, which **demonstrates why**  
500 **employment, recreation, tourism and community uses would not be viable due to inherent issues**  
501 **with the building.** This should include **details of conversion costs, the estimated yield of the**  
502 **commercial uses, and evidence of the efforts that have been made to secure employment,**  
503 **recreation, tourism and community** re-use for a sustained period of 12 months'.

#### 504 **7.7 Rural enterprise workers dwellings**

505 Policy DM38: Permanent and temporary dwellings for rural enterprise workers addresses what to do  
506 if the condition relating to a rural enterprise dwelling is proposed to change to make it market  
507 residential.

508 'Should a new dwelling be permitted under this policy, the Authority will impose a condition  
509 restricting its occupation to a person (and their immediate family) solely or mainly employed in  
510 agriculture, forestry or a Broads related rural enterprise, as appropriate.

511 The **removal of an occupancy condition** will only be permitted in exceptional circumstances where it  
512 can be demonstrated that:

- 513 i) There is no longer a long-term need for the dwelling on the particular enterprise on which the  
514 dwelling is located; and  
515 j) **Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account**  
516 **of the occupancy condition**

517 Applications for the removal of occupancy conditions will also need to be accompanied **by robust**  
518 **information to demonstrate that unsuccessful attempts have been made, for a continuous period**  
519 **of at least 12 months, to sell or rent the dwelling at a reasonable price. This should take account of**  
520 **the occupancy condition, including offering it to a minimum of three local Registered Social**  
521 **Landlords operating locally on terms which would prioritise its occupation by a rural worker as an**  
522 **affordable dwelling, and that option has been refused. With regards to criterion j), unless there**  
523 **are special circumstances to justify restricting the dwelling to the particular enterprise where the**  
524 **dwelling is located, an occupancy condition is likely to allow occupation by other workers in the**  
525 **locality. In this case it should be considered whether there is other demand locally, not just**  
526 **whether the demand for this particular enterprise has ceased’.**

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527 **9) Summary**

528 If you intend to submit a planning application to the Broads Authority, please check at an early stage  
529 whether your proposal will require marketing of the site and/or a viability. If it does, you must  
530 submit the assessment with your application as the Authority cannot validate your application until  
531 the assessment is received.

532 Please note that the assessment will be treated as public information in support of the application,  
533 along with all the other required documents and plans.

534 During the determination of the application, the Authority will assess the information you have  
535 provided against the market and viability requirements set out in this SPD. It will verify the content  
536 of any viability assessments and may need to employ external independent expertise to do so. As  
537 the applicant, you will need to meet this expense. The Authority will consider the expert advice and  
538 let you know whether: (a) the assessment adequately demonstrates the argument you have put  
539 forward; (b) further information is required; or (c) the assessment does not demonstrate the case.  
540 The application will then be determined accordingly.

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## 541 **Appendix A: Privacy notice**

### 542 **Personal data**

543 The following is to explain your rights and give you the information you are entitled to under the  
544 Data Protection Act 2018. Our Data Protection Policy can be found here: [http://www.broads-  
authority.gov.uk/\\_data/assets/pdf\\_file/0003/1111485/Data-Protection-Policy-2018.pdf](http://www.broads-<br/>545 authority.gov.uk/_data/assets/pdf_file/0003/1111485/Data-Protection-Policy-2018.pdf).

546 The Broads Authority will process your personal data in accordance with the law and in the majority  
547 of circumstances this will mean that your personal data will be made publicly available as part of the  
548 process. It will not however be sold or transferred to third parties other than for the purposes of the  
549 consultation.

### 550 **1. The identity of the data controller and contact details of our Data Protection Officer**

551 The Broads Authority is the data controller. The Data Protection Officer can be contacted at  
552 [dpo@broads-authority.gov.uk](mailto:dpo@broads-authority.gov.uk) or (01603) 610734.

### 553 **2. Why we are collecting your personal data**

554 Your personal data is being collected as an essential part of the consultation process, so that we can  
555 contact you regarding your response and for statistical purposes. We may also use it to contact you  
556 about related matters. We will also contact you about later stages of the Local Plan process.

### 557 **3. Our legal basis for processing your personal data**

558 The Data Protection Act 2018 states that, as a Local Planning Authority, the Broads Authority may  
559 process personal data as necessary for the effective performance of a task carried out in the public  
560 interest, i.e. a consultation.

### 561 **4. With whom we will be sharing your personal data**

562 Your personal data will not be shared with any organisation outside of MHCLG. Only your name and  
563 organisation will be made public alongside your response to this consultation.

564 Your personal data will not be transferred outside the EU.

### 565 **5. For how long we will keep your personal data, or criteria used to determine the retention 566 period.**

567 Your personal data will be held for 16 years from the closure of the consultation in accordance with  
568 our Data and Information Retention Policy. A copy can be found here [http://www.broads-  
authority.gov.uk/about-us/privacy](http://www.broads-<br/>569 authority.gov.uk/about-us/privacy).

### 570 **6. Your rights, e.g. access, rectification, erasure**

571 The data we are collecting is your personal data, and you have considerable say over what happens  
572 to it. You have the right:

- 573 a) to see what data we have about you
- 574 b) to ask us to stop using your data, but keep it on record
- 575 c) to ask to have all or some of your data deleted or corrected

576 d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we  
577 are not handling your data fairly or in accordance with the law. You can contact the ICO at  
578 <https://ico.org.uk/>, or telephone 0303 123 1113.

579 **7.** Your personal data will not be used for any automated decision making.

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580 **Appendix B: SEA Screening**

581 The Strategic Environmental Assessment (SEA) Directive is a European Union requirement that seeks  
 582 to provide a high level of protection of the environment by integrating environmental considerations  
 583 into the process of preparing certain plans and programmes. Its aim is “to contribute to the  
 584 integration of environmental considerations into the preparation and adoption of plans and  
 585 programmes with a view to promoting sustainable development, by ensuring that, in accordance with  
 586 this Directive, an environmental assessment is carried out of certain plans and programmes which  
 587 are likely to have significant effects on the environment.”

588 With regards to a SPD requiring a SEA, the NPPG says:

589 Supplementary planning documents do not require a sustainability appraisal but may in exceptional  
 590 circumstances require a strategic environmental assessment if they are likely to have significant  
 591 environmental effects that have not already have been assessed during the preparation of the [Local](#)  
 592 [Plan](#).  
 593  
 594 A strategic environmental assessment is unlikely to be required where a supplementary planning  
 595 document deals only with a small area at a local level (see regulation 5(6) of the Environmental  
 596 Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely  
 597 to be significant environmental effects.  
 598  
 599 Before deciding whether significant environment effects are likely, the local planning authority  
 600 should take into account the criteria specified in Schedule 1 to the Environmental Assessment of  
 601 Plans and Programmes Regulations 2004 and consult the consultation bodies.

602 The following is an internal assessment relating to the requirement of the Draft Marketing and  
 603 Viability SPD to undergo a Strategic Environmental Assessment.

<b>The Environmental Assessment of Plans and Programmes Regulations 2004 requirement</b>	<b>Assessment of the Marketing and Viability SPD</b>
<b>Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004</b>	
Is on or after 21st July 2004.	Yes. The SPD will be completed in 2019.
The plan or programme sets the framework for future development consent of projects.	No. It elaborates on already adopted policy.
The plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects.	See assessment in this table.
<b>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</b>	
<b>1. The characteristics of plans and programmes, having regard, in particular, to</b>	
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating	The SPD expands on adopted policy. It will be a material consideration in determining planning applications. It is considered that the subject of the SPD does not negatively impact this criterion.

<b>The Environmental Assessment of Plans and Programmes Regulations 2004 requirement</b>	<b>Assessment of the Marketing and Viability SPD</b>
resources.	
the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD does not influence other plans, rather expands on adopted policy. That is to say, it has been influenced by other plans or programmes.
the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	It is considered that the subject of the SPD does not negatively impact this criterion.
environmental problems relevant to the plan or programme	It is considered that the subject of the SPD does not negatively impact this criterion.
the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	It is considered that the subject of the SPD does not negatively impact this criterion.
<p><b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</b></p>	
the probability, duration, frequency and reversibility of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the cumulative nature of the effects	It is considered that the subject of the SPD does not negatively impact this criterion..
the transboundary nature of the effects	<p>The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries.</p> <p>It is considered that the subject of the SPD does not negatively impact this criterion. The requirements will relate to a specific scheme and site.</p>
the risks to human health or the environment (for example, due to accidents)	It is considered that the subject of the SPD does not negatively impact this criterion.
the magnitude and spatial extent of the effects (geographical area and size of the population)	The SPD will cover the Broads Authority which includes 6,000 permanent residents. There are

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
likely to be affected)	also visitors throughout the year.
<p>the value and vulnerability of the area likely to be affected due to—</p> <ul style="list-style-type: none"> <li>• special natural characteristics or cultural heritage;</li> <li>• exceeded environmental quality standards or limit values; or</li> <li>• intensive land-use;</li> </ul>	<p>The Broads is special in its natural characteristics and cultural heritage.</p> <p>Unsure if standards or limits have been exceeded in the Broads</p> <p>Not relevant</p>
The effects on areas or landscapes which have a recognised national, Community or international protection status.	The area to which the SPD applies is the Broads with an equivalent status to that of a National Park.

604 Response to consultation with Historic England, Natural England and Environment Agency:

605 Historic England

606 In terms of our area of interest, given the nature of the SPD and on the basis of the information  
 607 provided in this consultation, we would concur with your assessment that the document is unlikely  
 608 to result in any significant environmental effects and will simply provide additional guidance on  
 609 existing Policies contained within a Adopted Development Plan Document which has already been  
 610 subject to a Sustainability Appraisal/SEA. As a result, we would advise that it is not necessary to  
 611 undertake a Strategic Environmental Assessment of this particular SPD.

612 Environment Agency

613 As stated, it elaborates on already adopted policy. We therefore agree with the conclusions you  
 614 have drawn in that an SEA likely is not required.