

Planning Committee

Agenda 24 June 2022

10.00am

Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY

John Packman, Chief Executive – Friday 17 June 2022

Under the Openness of Local Government Bodies Regulations (2014), filming, photographing and making an audio recording of public meetings is permitted. These activities however, must not disrupt the meeting. Further details can be found on the [Filming, photography and recording of public meetings](#) page.

Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 27 May 2022** (Pages 3-11)
4. To note whether any items have been proposed as matters of urgent business

Matters for decision

5. Chairman's announcements and introduction to public speaking
Please note that public speaking is in operation in accordance with the Authority's [Code of Practice for members of the Planning Committee and officers](#).
6. Request to defer applications include in this agenda and/or vary the order of the agenda
7. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

There are no applications for consideration.
8. **Governance - amendment to Scheme of Delegation to include enforcement matters**
(Pages 12-62)
Report by Senior Governance Officer

Enforcement

9. **Enforcement update** (Pages 63-68)
Report by Head of Planning

Policy

10. **Draft Design Guide for consultation** (Pages 69-71)
Report by Historic Environment Manager
11. **East Suffolk Affordable Housing SPD for endorsement** (Pages 72-74)
Report by Planning Policy Officer
12. **Coastal Adaptation SPD - update** (Pages 75-76)
Report by Planning Policy Officer
13. **Consultation responses** (Pages 77-80)
Report by Planning Policy Officer
14. **Local Plan Issues and Options Bite Size Pieces** (Pages 81-104)
Report by Planning Policy Officer

Matters for information

15. **Appeals to the Secretary of State update** (Pages 105-108)
Report by Senior Planning Officer
16. **Decisions made by Officers under delegated powers** (Pages 109-112)
Report by Planning Technical Support Officer
17. **To note the date of the next meeting – Friday 22 July 2022 at 10.00am at Yare House, 62/64 Thorpe Road, Norwich**

Planning Committee

Minutes of the meeting held on 27 May 2022

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Present

Melanie Vigo di Gallidoro – in the Chair, Nigel Brennan, Stephen Bolt, Bill Dickson, Andrée Gee Gail Harris, and Paul Hayden.

In attendance

Jason Brewster – Governance Officer (minute taker), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Senior Governance Officer.

Steven Bell (solicitor) of Birketts attended for items 7(1) & 7(2).

Members of the public in attendance who spoke

Tim Strudwick – Senior Sites Manager, RSPB Broadland Reserves, (applicant) for item 7(1) - application BA/2020/0254/FUL Habitat restoration works and provision of temporary welfare facility Catfield

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Harry Blathwayt, Tim Jickells, James Knight, Leslie Mogford, Michael Scott, Vic Thomson and Fran Whymark.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. She added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

Members indicated that they had no further declarations of interest other than those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 29 April 2022 were approved as a correct record and signed by the Chair, subject to the following amendment:

Item 8 – Governance - amendment to Scheme of Delegation to include enforcement matters

At the end of paragraph 3 add:

A member asked that it be checked that the proposed change was legal.

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

No members of the public had registered to speak. The Chair introduced Tim Strudwick – Senior Sites Manager, RSPB Broadland Reserves who was present to answer any questions relating to item 7(1) - application BA/2020/0254/FUL Habitat restoration works and provision of temporary welfare facility Catfield.

6. Requests to defer applications and/or vary agenda order

No requests to defer or vary the order of the agenda had been received.

7. Applications for planning permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decisions set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decisions.

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

(1) BA/2020/0254/FUL: Land south of Fenside, Catfield

Habitat restoration/creation works and hydrological connectivity works at Catfield Fen and the provision of a temporary welfare facility for the duration of the works

Applicant: RSPB – Mr Daniel Hercock

The Senior Planning Officer provided a detailed presentation of the application that involved the clearance of drainage ditches and installation of culvert pipes to improve the movement of surface and ground water. This work would address the increasing acidification of the site and the resultant expansion of areas of Sphagnum moss and acidic peat deposits which were responsible for the reduction of Calcareous Fen and habitat suitable for fen orchid.

The presentation provided maps of the site as per the report as well as cross-sectional diagrams that showed the profile of the drainage ditches and the installation of the culvert pipes.

Natural England had responded to the SPO to confirm that their previous concerns with this application had been addressed and they had no further objections. They had also provided comments regarding how this work should be undertaken and these had been forwarded to and acknowledged by the applicant.

The SPO added that the recommendations in section 8 of the report should include limited hours of operation, Monday – Friday 08:00 to 18:00 hours (as stated in section 6.28 of the report).

In response to a question from a member the SPO confirmed that the RSPB had applied for and been granted consent from the Broads Drainage Board.

A member highlighted that the root cause of this problem, as stated in section 1.5 of the report, was “unsustainable levels of groundwater abstraction” and wondered what was being done to address this. Mr Strudwick, representative of the applicant, explained that after lobbying by multiple parties including the RSPB and Catfield Hall (Tim Harris owner) the Environment Agency had agreed to stop issuing/renewing water abstraction licences within this catchment area by 2025. Farmers would have to find alternative sources of water and the bore hole at Ludham, the main factor behind the problems at Catfield Fen, was no longer in use. The remedial activity associated with this application was an interim measure that would accelerate recovery and in conjunction with the reduction in water abstraction would ensure that there is negligible impact to the Fen within 5 years. The Chair thanked Mr Strudwick for this clarification.

In response to a question from a member Mr Strudwick confirmed that the works associated with this application would run from mid-July to the end of September 2022.

Andree Gee proposed, seconded by Bill Dickson and

It was resolved unanimously to approve the application subject to the following conditions:

- Standard time limit.
- Standard plans condition.
- Flood response plan.
- Reasonable access made available to the site to record the peat from relevant bodies should it be required prior to commencement of development.
- Time limit for the site hut and additional car parking area to permit this on a temporary basis only.
- Any conditions required by the BA Ecologist and/or Natural England.
- Hours of operation to be limited by condition to Monday – Friday and 08:00 to 18:00 hours

(2) Enforcement - Beauchamp Arms - non-compliance with Enforcement Notice

The Head of Planning (HoP) introduced her report seeking authority to commence prosecution proceedings in respect of non-compliance with an Enforcement Notice (EN) and the serving of an EN and Stop Notice in respect of the other breaches relating to the Beauchamp Arms. The HoP also provided a detailed presentation, including photographs of the site.

The HoP reviewed the recent history of dealings with the Beauchamp Arms and the imposition of an EN dated 30 November 2021 which came into effect 29 December 2021. This stipulated that residential use of the caravans must cease by 29 March 2022 with subsequent

removal of the caravans and making good of the site by 29 April 2022. A Planning Contravention Notice on 8 April 2022 confirmed that the two caravans remained occupied and therefore the operator had failed to comply with the EN. The HoP indicated that it would not be appropriate to ignore this matter as the underlying planning breach remained. The HoP added that direct action to address the breach would involve removing the units from the site, which would render at least one occupant homeless. The recommendation put to members was for the LPA to prosecute the operator for non-compliance with EN. If the prosecution was successful the operator would have a criminal record and the threat of this might provoke them to comply. Given past experience would expect them to plead not guilty and for the matter to go to trial, which would take 6-9 months. If the prosecution was successful the Authority would be able to make an application for a confiscation order under the Proceeds of Crime Act 2002 to recoup some of the costs associated with this action.

The HoP drew members' attention to new kerbing and 3 light stands that were noted during a site visit in January 2022. This kerbing has demarcated the existing parking area to its west and created a new compound that, as of March 2022 had another (fourth) static caravan installed. This development required planning permission and given the adverse impact on landscape, character of area and dark skies permission would not have been granted. There was no need for a large public house in a very rural area with a large curtilage to demarcate the car park and urbanise this area and given the flat exposed nature of the surrounding land, which had no street lighting, the lighting columns when illuminated would result in light pollution. This development conflicted with Broads Local Plan policies DM16 (Development and landscape), DM22 (Light pollution and skies) and DM43 (Design). Given the harm associated with this development and the potential for further harm it was expedient to consider enforcement action. Removal of the kerbing and lighting would be commensurate with the ongoing harm (and risk of further harm). This action would be consistent with action taken previously at Horning relating to unauthorised lighting columns. The recommendation was to issue an EN with a compliance period of 2 months.

On a site visit on 12 May 2022 it was noted that a two-storey workshop with a 15m x 5m footing had been erected to the east of the access track on the southern extent of the car park. At the end of 2021 the operator had made a pre-application requesting permission for a workshop and two storey structure for a model railway museum and first-floor gym. When told that the two-storey building was unlikely to be granted permission and the workshop might be permissible depending on its location and design, the operator indicated that they would proceed with the workshop anyway and would appeal any ensuing enforcement action. Building was well advanced, wiring had been completed, insulation installed and there was a mezzanine floor at the southern end of the structure. Location of the building being remote from other buildings on site, in a prominent, exposed position was not acceptable (harm on and off site). The design was not acceptable, being a very square building which did not match the Broads vernacular. The operator had provided no justification for its need and no indication of the facilities required. With the proposed use as a workshop, you could expect extra storage and increased traffic exacerbating the landscape impacts so there was a conflict with BLP policies DM16 (Development and landscape), and DM43 (Design). Proposed action

needs to be proportionate to the harm and in this case the minimum required would be the complete removal of the building. In terms of consistency, the HoP was pleased to advise that there were no similar examples of this type of breach in the Broads area. However, there were examples of similar applications that had been refused permission. In summary enforcement action was recommended; however, need to consider the timings associated with an EN.

A Temporary Stop Notice (TSN) was served on 13 May 2022 and would be in effect until 11 June 2022. The earliest an EN could be served was 30 May which would come into effect after 28 days, on 28 June 2022. If an appeal was lodged by 28 June, all action would be suspended pending outcome of appeal process, which could take 12 months or more. There was a high risk that the work to complete the building would continue in the period 11 - 27 June 2022. The result would be increased visual harm and completion would facilitate use and uncontrolled impacts thereof. In this circumstance a Stop Notice which has no fixed period might be an appropriate action. As per guidance in the Local Enforcement Plan, the Authority needed to consider the consequences and costs and benefits of this action to ensure the use of a Stop Notice was proportionate and reasonable.

Cost and benefits to operator and/or landowner could be summarised as negative overall and were mainly financial risks and impacts connected with cessation of work and inability to use building, however construction was intentionally started without planning permission and at their own risk.

Cost and benefits to Local Planning Authority (LPA) acting on behalf of Broads could be summarised as positive overall and mainly related to no further escalation of adverse impact. The intentional unauthorised nature of the development was a material consideration.

On balance it was considered that a Stop Notice to prevent any further escalation was expedient and justifiable.

The original Temporary Stop Notice had included a wooden, single storey shed but, upon further investigation, it was noted that this was not fixed to the ground and therefore was not classed as a development and had been excluded from further action.

In response to questions about recouping costs from the prosecution and how to draw this matter to a successful conclusion following this action, the solicitor for the Authority elaborated on the steps available to the Authority. He explained that if the prosecution was successful then costs would likely be awarded. In the face of continued infringements, the Authority has historically continued to prosecute as the case required. Direct action could be necessary if the operator failed to comply with EN(s). The operator could delay the process by appealing each EN. In the face of continued non-compliance, and as a last resort, the Authority could apply for an Injunction.

The HoP added that direct action would require the rehousing of up to two individuals which, without access to a housing function, is more complicated for the Broads Authority (need to liaise with South Norfolk District Council as the housing authority). The other concern was that the caravans would most likely be re-occupied within a matter of months. The solicitor for the

Authority confirmed that the LPA do not need to remove an EN once compliance has been achieved, removal of EN was at the discretion of the LPA. The EN could be left in place and any further breaches could proceed directly to prosecution. The HoP pointed out that the current EN only covers a small area of a very large site leaving plenty of scope for the operator to relocate the caravans requiring further EN(s). The solicitor for the Authority highlighted an anticipatory Injunction as a means of addressing an anticipated breach. Would need to provide the court with good, clear knowledge that a breach was imminent and would have to confirm to and persuade the Courts of the urgency of the situation and that a lesser action would not work.

A member was frustrated by the scale of infringements and the wilful disregard by the operator of the planning process. The application of iterative enforcement steps was too slow, and asked if there was any means to skip steps in an effort to accelerate this process and reduce harm. The solicitor for the Authority explained that each action undertaken had to be deemed reasonable and proportionate to the circumstances. Any deviation from this process might undermine the Authority's position with the Planning Inspectorate and in the case of an Injunction, the Court.

A couple of members raised concerns regards the safety of the workshop and its compliance with Building Regulations. The HoP responded that Environmental Health had visited this site previously and would inform Building Control of the workshop.

Members were appalled by such a blatant disregard for the planning regulations. A number of members voiced their support for pursuing direct action if and when appropriate; wished to avoid setting a precedent by failing to address such an unashamed flouting of the rules.

Members thanked the HoP for such a comprehensive presentation and the planning team for their perseverance with such a testing case.

The Chair thanked the solicitor for the Authority for his expertise in this matter.

The three recommendations were each voted on in turn.

First recommendation proposed by Andrée Gee, seconded by Bill Dickson

It was resolved unanimously to authorise the commencement of prosecution proceedings in respect of non-compliance with an Enforcement Notice.

Second recommendation proposed by Stephen Bolt and seconded by Paul Hayden

It was resolved unanimously to authorise the serving of an Enforcement Notice for the operational development comprised of kerbing, lighting columns and new workshop building with a compliance period of two months.

Final recommendation proposed by Gail Harris and seconded by Andrée Gee

It was resolved unanimously to authorise the serving of a Stop Notice to prevent further works to the workshop building.

8. Enforcement update

Members received an update report from the Head of Planning on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

Blackgate Farm, High Mill Road, Cobholm: HoP apologised for delay in providing a full report; this would be provided at a future meeting.

Land east of North End, Thorpe next Haddiscoe: Direct action authorised should the site not be cleared by the deadline date of 31 May 2022. A site visit on 26 May 2022 confirmed that Landowner had not undertaken any clearance work. HoP would phone the Landowner to confirm that action is required.

The Committee adjourned at 11.45am and reconvened at 11.52am when Paul Hayden was no longer present.

9. Consultation responses – May 2022

In the absence of the Planning Policy Officer (PPO) the Head of Planning (HoP) introduced the report, which provided a proposed response to consultations by Bungay and Carlton Colville Town Councils on their Neighbourhood Plans (NPs).

Bungay NP had made good progress and they had taken on board PPO feedback and would progress to the referendum stage.

Carlton Colville NP had undertaken a tremendous amount of work in a short period of time in an effort to provide draft policies for ongoing new developments. The PPO had provided detailed feedback ready for this NP to be submitted for initial consultation.

A member thanked the PPO for her attention to detail and the depth of knowledge she had applied to these responses.

It was resolved by consensus to note the report and endorse the proposed responses.

10. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q1 (1 January to 31 March 2022)

The Senior Planning Officer (SPO) introduced the report, which provided the development control statistics for the quarter ending 31 March 2022. Table 2 had been updated following feedback from previous quarter and now included extensions in time with supporting notes of their breakdown.

The report was noted.

11. Customer Satisfaction Survey 2022

The Head of Planning (HoP) introduced the report on the results of the annual customer satisfaction survey for the planning service. The HoP confirmed that everyone who received a

planning decision in the first quarter of 2022 would have received a questionnaire. Positive feedback indicative of the good level of service provided by the planning team.

Members were pleased to note the positive responses.

12. Decisions on appeals by the Secretary of State between April 2021 and March 2022

The Committee received a schedule of decisions on appeals made by the Secretary of State between 1 April 2021 and 31 March 2022, together with the latest appeals in the process lodged since January 2022 for which decisions had not yet been received. Of the twelve appeals, three had been dismissed, one allowed, one partly allowed leaving seven decisions outstanding all of which were awaiting a start date.

13. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 April 2022 to 17 May 2022 and any Tree Preservation Orders confirmed within this period.

14. Date of next meeting

The next meeting of the Planning Committee would be on Friday 24 June 2022 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting ended at 12:04pm

Signed by

Chair

Planning Committee

24 June 2022

Agenda item number 8

Amendment to “Scheme of powers delegated to the Chief Executive and other authorised officers” to include planning enforcement matters

Report by Senior Governance Officer

Summary

The need to clarify the position regarding the handling of planning enforcement matters has come to light. Amendments to the “Scheme of powers delegated to the Chief Executive and other authorised officers” and to the Local Enforcement Plan are proposed to address this.

Recommendation

- i. To recommend to the Broads Authority the adoption of the proposed changes to the planning section of the “Scheme of powers delegated to the Chief Executive and other authorised officers”, and
 - ii. to delegate authority to the Director of Strategic Services to make the necessary changes to the Local Enforcement Plan.
-

1. Introduction

- 1.1. In 2021 the Broads Authority reviewed its scheme of powers delegated to officers as a [document](#) entitled “Scheme of Powers delegated to Chief Executive and other authorised officers”. This was approved by the Authority on 19 March 2021. The revised scheme has been implemented following its adoption.
- 1.2. The seven principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, both nationally and locally, and as such applies to councillors and officers. The overarching principles were first set out by Lord Nolan in 1995 in the Government’s First Report on Standards in Public Life. They were reasserted and refined in subsequent reports of the Committee on Standards in Public Life, most recently the Local Government Ethical Standards Report published in 2019. These principles are:
 - Selflessness: holders of public office should act solely in terms of the public interest.

- Integrity: holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - Objectivity: holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - Accountability: holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
 - Openness: holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 - Honesty: holders of public office should be truthful.
 - Leadership: holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
- 1.3. Section 27 of the Localism Act 2011 (as amended) requires local planning authorities to promote and maintain high standards of conduct and adopt policies which should reflect these principles.

2. Dealing with planning breaches in the Broads

- 2.1. The [Local Enforcement Plan](#) explains the planning enforcement process and how it works in the Broads Authority executive area. It is a guide for those who may be affected by breaches of planning control. The standard process is explained in section 5 of the Local Enforcement Plan.
- 2.2. The standard process includes the following steps:
- Checking the breach
 - Initial investigation and site visit
 - Following the site visit
 - Submitting a retrospective planning application
 - Taking formal enforcement action
- 2.3. In the step “Following the site visit”, there are two scenarios. If it is clear that there is no planning breach, or that the development is permitted development or has planning permission, the case will be closed. If a planning breach is found, the process continues.

- 2.4. In other words, officers consider that an investigation is complete when one of the following points has been reached:
1. the investigation identifies that no breach of planning control has occurred or that due to the passage of time that no action can be taken;
 2. an alleged breach of planning has been identified but then resolved by negotiation;
 3. a planning application or other form of application has been submitted and approved following the investigation;
 4. a breach of planning control has been identified, including when an application has been requested but not submitted, and it is not considered expedient to take formal action; or
 5. formal action has been taken through taking enforcement action.
- 2.5. The proposed change for the scheme of delegation applies to point 4 and 5, when a breach of planning control has been identified.
- 2.6. The other situations listed in 2.3 do not apply, as:
- Point 1 and 2 refers to situations where there is no breach of planning. So, there would not be a decision to make about the need to take enforcement action.
 - It is noted that Point 1 covers the situation of an investigation carried out as a result of a malicious or spurious complaint.
 - Point 3 is covered under the current scheme of delegation, as there is no delegation to officers for planning applications where any Authority member or Authority officer is involved in the application.

3. Proposed change in the scheme of delegation

- 3.1. There is a provision in section (37)(ix) of the scheme of delegation, common to many Local Planning Authorities, to require that where any Authority member or Authority officer is involved in a planning application then that application must be determined by the Planning Committee. The purpose of this provision is to ensure transparency and probity of decision-taking.
- 3.2. The term “involved” is already used in the scheme of delegation in section (37)(ix). What is meant by “involved” is somebody with either:
- Disclosable Pecuniary Interests, which include business, trade, profession, contract and wider financial interests such as land, payments, securities, shares etc;
 - If a spouse or civil partner has interests which would be considered Disclosable Pecuniary Interests;
 - A personal interest which is likely to be seen as prejudicing their impartiality or ability to meet the principles of public life.

3.3. It has become apparent that there is no equivalent provision relating to enforcement matters where either a member of the Authority or officer employed by the Authority is involved. More precisely, this applies to cases where a breach of planning control has been identified, when it is considered whether it is expedient to take formal action. This omission could result in there being a perception of favourable treatment being shown, where either a member of the Authority or officer employed by the Authority is involved. There is currently no mechanism by which a third party can assess how any decision was reached, and for this information to be made public.

3.4. A report was presented to the Broads Authority in May 2022 with a proposal to include the following wording in the scheme of delegation:

“The determination of enforcement cases is considered to fall within the delegation scheme and will be undertaken by officers, unless any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in the case.”

3.5. At its meeting on 13 May 2022, the Broads Authority requested that the wording above is amended, and that it gets checked that the proposal is legal. The proposed amended wording is included at section 3.7. The check on the proposal being legal is included at section 3.8.

3.6. It is the case that other Local Planning Authorities include such provisions in their scheme of delegations, such as:

3.6.1. At Pembrokeshire Coast National Park, it says that every enforcement case is delegated unless:

- the case relates to a Member of the Authority, or a Member of his /her immediate family or a Member who has left the Authority less than twelve months prior to the commencement of the investigation or
- the case relates to a site in which an officer employed by the Authority has an interest.

3.6.2. At Dartmoor National Park Authority, it says that matters are delegated to officers unless: *“the application or other matter (not being a Lawful Development Certificate) directly concerns the Authority, a Member or Officer of the Authority or any person living in the same household as a Member or Officer of the Authority”*.

3.7. Officers have looked at alternatives for the wording, and the revised proposal is:

“The determination of enforcement cases is considered to fall within the delegation scheme and will be undertaken by officers, unless any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in a breach of planning control.”

The amended Scheme of Delegation in track change is available at Appendix 1.

- 3.8. A legal view was sought on amending the scheme of delegation as described in section 3.7. The response from solicitors is that they are “comfortable with the wording proposed, and consider that, as a public body, the Broads Authority should be open and honest regarding decisions and processes”. This captures a position where a member or officer is involved, in the same manner as the way planning applications are dealt with. Members and officers need to be conscious of their roles within the Authority and the perception of the public.

4. Proposed change in the Local Enforcement Plan

- 4.1. To reflect the proposed change in the scheme of delegation, it is proposed to amend the Local Enforcement Plan:

- by replacing the title “Following the site visit” by “Conclusion of the investigation following the site visit”, and
- by adding a new section 5.14, as follows:

“If an Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in a breach of planning control, the conclusion of the investigation phase will be presented to the Planning Committee.”

- 4.2. The amended Local Enforcement Plan in track change is available at Appendix 2.

5. Risk implications

- 5.1. There is a risk that without this amendment there may be a perception of impropriety and the consequent reputational damage. It is in the public interest for the Broads Authority as a local planning authority to have effective delegation arrangements in place.
- 5.2. The Authority’s Monitoring Officer has been consulted and has no objections to amending the Scheme of Delegation as proposed.

Author: Sara Utting

Date of report: 15 June 2022

[Appendix 1 – Proposed updated Scheme of Powers delegated to officers](#)

[Appendix 2 – Proposed updated Local Enforcement Plan](#)

Scheme of powers delegated to Chief Executive and other authorised officers

March 2021

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1. Introduction

- 1.1 The members of the Broads Authority are responsible for setting and monitoring the strategies, policies and financial guidelines of the Authority, whereas the officers are responsible for its day-to-day operation, and for providing advice to members.
- 1.2 Members have a right to make sure the decisions for which they are statutorily responsible and accountable are implemented by officers in a timely and efficient manner. The purpose of the 'Scheme of powers delegated to Chief Executive and other authorised officers' ('the Scheme') is to make sure that officers have the powers to make decisions and take appropriate action within the guidelines laid down.

2. General powers of all officers

- 2.1 The exercise of the delegated powers set out in the Scheme are subject to the following conditions.
 - a. The delegated powers shall at all times be exercised in accordance with:
 - (i) the statutory requirements of the Norfolk and Suffolk Broads Act 1988 and the Broads Authority Act 2009.
 - (ii) the Authority's strategies, policies and priorities as set out in the Broads Plan, guiding strategies, Broads Local Plan, Annual Business Plan and other relevant documents adopted by the Authority or its committees.
 - (iii) the Authority's Constitution, Standing Orders, Financial Regulations and approved budgets.
 - (iv) the law.
 - b. An officer shall not use a delegated power in any particular case if the matter appears to that officer to involve any matters of public controversy, questions of policy not yet decided by the Authority or its committees, or a significant change from established practice.
 - c. Where any matter involves considerations not within the professional or technical competence of the relevant officer, that officer shall seek appropriate advice from another officer or adviser before deciding what action, if any, to take.
 - d. Any power conferred upon the Chief Executive, including any power to act as the Proper Officer, may be exercised by another officer specifically nominated in writing by the Chief Executive. Details of the officers who have existing authorisation to exercise powers on behalf of the Chief Executive are set out in Section 4.
 - e. The Authority or a committee may request that action taken by an officer or officers under delegated powers be reported to it periodically.

- f. Failure to carry out the consultations in Table 2(a)(5) and Table 2(a) (47) of the powers delegated to the Chief Executive and paragraph (5.7) of the powers delegated to the Solicitor to the Authority (relating to cases of urgency or emergency) will not invalidate the exercise of the delegated power.
- g. The decision of the Chief Executive, in consultation with the Monitoring Officer, as to the scope and interpretation of these delegated powers shall be final.
- h. In accordance with the Openness of Local Government Bodies Regulations 2014, a decision-making officer must produce a written record¹ for any decision taken that has been delegated to them:
 - i. under a specific express authorisation, or
 - ii. under a general authorisation to officers to take such decisions and the effect of the decision is to:
 - grant a permission or licence;
 - affect the rights of an individual; or
 - award a contract or incur expenditure over £25,000.

The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision, and must contain the following information:

- iii. The date the decision was taken;
- iv. A record of the decision taken, along with the reasons for the decision;
- v. Details of alternative options, if any, considered and rejected; and
- vi. Where the decision is made under specific express authorisation, the name of any member of the Authority who has declared a conflict of interest in relation to the decision.

If there is a separate statutory requirement to record the decision, which includes the date and reasons for the decision, then this will be sufficient to satisfy the above requirement.

3. Proper Officers

- 3.1 The law makes provision for certain officers to be designated as the Proper Officer to carry out particular functions contained within various Acts of Parliament. The Authority's Proper Officer provisions are in Table 1(a) to (c).

¹ [Transparency \(broads-authority.gov.uk\)](https://transparency.broads-authority.gov.uk)

- 3.2 If the designated Proper Officer, not being the Chief Executive, is not available to exercise the function, then any officer authorised in writing by the Chief Executive will be entitled to do so.

Table 1

Proper Officer provisions

1(a) The Norfolk and Suffolk Broads Act 1988

| Legislation | Provision | Proper Officer |
|------------------------------|---|-----------------------|
| Schedule 1, paragraph 2 (6) | Receipt of notice of resignation. | Chief Executive |
| Schedule 1, paragraph 2 (9) | Publication of notice of any appointment to the Authority, or ending of such an appointment. | Chief Executive |
| Schedule 1, paragraph 4 (4) | Signature of summons to attend meeting. | Chief Executive |
| Schedule 1, paragraph 4 (5) | Receipt of notices regarding address to which summons to meetings to be sent. | Chief Executive |
| Schedule 1, paragraph 5 (11) | Convening of meeting where a casual vacancy in the office of Chair or Vice-Chair is to be filled. | Chief Executive |
| Schedule 4, paragraph 2 (3) | Receipt of notice of resignation from the Navigation Committee. | Chief Executive |
| Schedule 4, paragraph 2 (4) | Publication of notice of appointments to the Navigation Committee, and of the ending of any such appointment. | Chief Executive |
| Schedule 5, paragraph 13 (8) | Receipt of objections to proposals to close parts of waterways for nature conservation purposes. | Chief Executive |

1(b) Local Government Act 1972

| Legislation | Provision | Proper Officer |
|--------------------|---|-----------------------|
| Section 100 B (2) | Circulation of reports and agendas and the exclusion of 'exempt' items. | Chief Executive |

| Legislation | Provision | Proper Officer |
|-----------------------|---|---|
| Section 100 B (7) (c) | Decisions on supply of committee papers (and any other documents supplied to members in connection with the agenda items) to the press. | Chief Executive |
| Section 100 C (2) | Summaries of otherwise 'exempt' minutes. | Chief Executive |
| Section 100 D (1) (a) | Compilation of list of background papers. | The officer or advisor in whose name the report is designated. |
| Section 100 D (5) (a) | Identification of background papers. | The officer or advisor in whose name the report is designated. |
| Section 100 F (2) | Identification of exempt information not available to all members. | Chief Executive |
| Section 115 (2) | Receipt of money due from officers in connection with their office. | Chief Financial Officer |
| Section 225 (1) | Deposit of documents. | Chief Executive |
| Section 229 (5) | Certification of photographic copies of documents (relating to legal proceedings). | Chief Executive |
| Section 234 | Signature of any notice, order or other document given, made or issued by the Authority. | The officer responsible for the exercise of the function which is the subject of the decision in question (if no such person, then the Chief Executive) |
| Sections 236 and 238 | Certification of byelaws. | Chief Executive |

1(c) Other legislation

| Legislation | Provision | Proper Officer |
|--|---|--------------------|
| Listed Buildings Act 1990, Section 2 | Receipt on deposit of lists of buildings of special architectural or historical interest. | Chief Executive |
| Local Government Act 1974, Section 30 (5) | Giving notice of reports received by the Authority from the Local Ombudsman. | Chief Executive |
| Local Government (Miscellaneous Provisions) Act 1976, Section 41 | Certifying copies of resolutions, orders, reports and minutes of the Authority. | Chief Executive |
| Localism Act 2011, Section 33 | Granting dispensations from Section 31(4) | Monitoring Officer |

4. Powers delegated to Chief Executive and other authorised officers

- 4.1 The exercise of any of the delegated powers specified in Table 2 (a) to (j) below is subject to the conditions set out in this Scheme. Where the Scheme allows for the exercise of powers by Directors, such power relates only to functions for which the particular Director is responsible. In all cases, the Chief Executive retains the power to perform the delegated powers.

Table 2

Powers delegated to Chief Executive and other authorised officers

2(a) General management and administration

| Powers delegated to Chief Executive | Other authorised officers |
|--|-----------------------------|
| (1) To act as the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989. | Retained by Chief Executive |
| (2) To undertake the day-to-day management and control of the Authority, its officers, premises and services to give effect to the strategies, policies and priorities of the Authority as set out in the documents listed at (2.1)(a)(ii) of this Scheme. | Retained by Chief Executive |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| (3) To authorise any action necessary to implement the documents listed at (2.1)(a)(ii) , and for this purpose to incur expenditure not exceeding the limits provided for in Standing Orders and Financial Regulations. | Directors |
| (4) To authorise any action necessary to give effect to any decision of the Authority or its committees. | Directors or Chief Financial Officer |
| (5) In cases of urgency or emergency, to take any appropriate action (if possible, in consultation with the Chair, or in the absence of the Chair with the Vice-Chair), including the institution of legal proceedings, to protect the position of the Authority. In such cases, the Chief Executive will report any action taken to the Authority. | Directors or Chief Financial Officer |
| (6) To take appropriate action to preserve the Authority's position pending the scrutiny by the Authority of local and personal Parliamentary Bills, statutory orders and instruments or any other proposal, plan, scheme or other matter affecting the interests of the Broads. | Directors or Chief Financial Officer |
| (7) To make sure all expenditure is monitored regularly against approved budgets, and any significant over expenditures are reported to the Authority or any appropriate committee. | Chief Financial Officer |

2(b) Finance and audit matters

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| (8) To be responsible for regulating and controlling the Authority's financial resources to achieve its objectives. | Retained by Chief Executive |
| (9) To transfer expenditure between budget heads, provided the action taken complies with Financial Regulations, is consistent with the Authority's policy | Directors, in consultation with Chief Financial Officer |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---------------------------------------|
| and does not conflict with any decisions taken by the Authority or any of its committees. | |
| (10) To manage the Authority's insurances. | Chief Financial Officer |
| (11) To make sure arrangements are in place to pay all sums to creditors. | Chief Financial Officer |
| (12) To approve the Selective Tendering standing list of contractors to be invited to submit tenders. | Directors and Chief Financial Officer |

2(c) Personnel matters

| Powers delegated to Chief Executive | Other authorised officers |
|--|---|
| (13) To determine the Authority's staffing requirements and organisational structure, including amendments to its staff establishment. | Retained by Chief Executive |
| (14) To determine matters relating to the remuneration and conditions of service of all employees in accordance with the national conditions of service and the Authority's Scheme of Local Conditions of Service. | Management Team – in agreement between Directors and Chief Financial Officer |
| (15) To adopt local agreements in respect of conditions of service where there are no unresolved objections from trade unions or members of staff. | Management Team – in agreement between Directors and Chief Financial Officer |
| (16) (a) To appoint staff, subject to such appointments being made in accordance with the Business Plan and subject to sufficient funding being available in the appropriate budget. (b) If the appointment is to a Director position, to consult with the Chair of the Authority and any other appropriate committee chair. | In respect of (a), Directors in consultation with Head of Human Resources In respect of (b), retained by Chief Executive |

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| (17) To determine politically restricted posts in accordance with the provisions of the Local Government and Housing Act 1989 s2. | Management Team – in agreement between Directors and Chief Financial Officer |
| (18) To appoint the Broads navigation officer and any deputy (after consultation with the Navigation Committee) in accordance with s10(7) of the Norfolk and Suffolk Broads Act 1988. | Retained by Chief Executive |
| (19) To determine matters concerned with employee relations generally within the Authority, including the recognition of appropriate trade unions and the establishment of appropriate consultative and negotiating processes. | Management Team – in agreement between Directors and Chief Financial Officer |
| (20) To determine health and safety matters. | Director of Operations |
| (21) To determine all matters relating to the employment and management of Authority officers, including but not limited to those relating to appointment (in accordance with C (16) above), and terms and conditions of employment, discipline and dismissal, in accordance with the Authority's policies and procedures. | Directors or Chief Financial Officer or Head of Human Resources |
| (22) In disciplinary cases involving officers, to convene an Appeals Panel to hear and determine appeals in relation to disciplinary, grievance and other personnel-related matters. | Directors or Chief Financial Officer or Monitoring Officer |
| (23) In disciplinary cases involving a Director, to be the Chair of the disciplinary hearing, and to establish a Member Appeals Panel of three members. | Monitoring Officer and Head of Human Resources |
| (24) To extend an employee's period of sick leave on full pay or half pay for a period not exceeding twelve months. | Management Team – in agreement between Directors and Chief Financial Officer |

| Powers delegated to Chief Executive | Other authorised officers |
|---|--|
| (25) To reimburse the costs of damage to an employee's personal property up to a maximum of £5,000 in any one case, provided the Chief Executive is satisfied that the damage was caused as a result of the employee pursuing Authority business. | Chief Executive, in consultation with the Head of HR and Directors |
| (26) To authorise the payment of any ex-gratia payments or honoraria to an employee up to a maximum of £5,000. | Chief Executive, in consultation with the Head of HR and Directors |
| (27) To authorise the payment of any severance or settlement payments to a former employee up to a maximum of £5,000. | Management Team – in agreement between Directors and Chief Financial Officer |
| (28) To exercise the discretions as set out in paragraphs 3 (where there are no financial implications for the Authority), 6, 7, 10 and 11 of the Authority's Local Pension Scheme Policy Statement. | Management Team – in agreement between Directors and Chief Financial Officer, in consultation with Head of Human Resources |

2(d) Land

| Powers delegated to Chief Executive | Other authorised officers |
|---|--|
| (29) To approve the acquisition by the Authority of: <ul style="list-style-type: none"> (i) the leasehold interest in property for any term to an annual rent not exceeding £25,000; (ii) the freehold interest in property at a price not exceeding £75,000. | Management Team – in agreement between Directors and Chief Financial Officer |
| (30) To approve increases in rent not exceeding £20,000 per annum. | Management Team – in agreement between Directors and Chief Financial Officer |

| Powers delegated to Chief Executive | Other authorised officers |
|---|--|
| (31) To enter into permissive path agreements and access agreements. | Head of Construction, Maintenance & Ecology |
| (32) After taking appropriate advice, to authorise and approve the granting, securing or variation of leases or licences, wayleaves, easements and highway dedications over the Authority's land. | Management Team – in agreement between Directors and Chief Financial Officer |
| (33) To give written notice proposing to seek permission for Authority development or the development of land vested in the Authority which it does not propose to carry out itself, in accordance with the Town and Country Planning General Regulations 1992. | Director of Strategic Services or Head of Planning |
| (34) To authorise named officers to enter land (including buildings) for the purpose of surveying, investigation, prosecution or enforcement in connection with any of the Authority's functions. | Directors |
| (35) To authorise the disposal of land and property to a maximum value of £25,000, in accordance with advice from the Authority's Property Advisers. | Management Team – in agreement between Directors and Chief Financial Officer |
| (36) To authorise maintenance works on Authority owned, leased or rented land up to a ceiling figure of £10,000 or within any budget provision made for such works (whichever is higher). | Directors |

2(e) Planning and heritage

Note: Where reference is made to 'Planning Team', it includes the following roles: Planning Policy Officer, Senior Planning Officer, Planning Officer, Planning Assistant, Historic Environment Manager, Planning Officer (Heritage), Planning Officer (Compliance and Implementation), and Planning administration team.

| Powers delegated to Chief Executive | Other authorised officers |
|--|---|
| <p>(37) All planning applications² are considered to fall within the delegation scheme and will be determined by officers, unless:</p> <ul style="list-style-type: none">(i) it is for a major development as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015;(ii) the application represents a departure from the development plan policies, including the Broads Local Plan and any relevant policy adopted by the Authority, and it is proposed to grant planning permission;(iii) objections are received from any statutory consultee (excluding parish councils) in respect of any proposed development within the 21-day period for consultation, and it is proposed to grant planning permission;(iv) representations are received in writing from parish councils in respect of any proposed development within the 21-day period for consultation where these raise material planning considerations of significant weight;(v) representations are received in writing from other persons in respect of any proposed development within the 21-day period for consultation where these raise material planning considerations of significant weight; | Director of Strategic Services or Head of Planning or Senior Planning Officer |

² The applications and notification shall include planning permission, approval of reserved matters, advertisement consent, listed building consent, conservation area consent submitted under the Town and Country Planning (General Permitted Development) Order 1995 and consent under the Hazardous Substances regulations. ©

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| <p>(vi) any member of the Authority requests, within 21 days of receipt of the schedule of planning applications, that the application is placed before the Planning Committee for a decision, and provides appropriate planning reasons in writing;</p> <p>(vii) the Ward member of the relevant District Council requests, within 21 days of receipt of the schedule of planning applications, that the application is placed before the Planning Committee for a decision, and provides appropriate planning reasons in writing;</p> <p>(viii) the Director of Strategic Services considers the matter ought more appropriately to be referred to the Planning Committee for a decision;</p> <p>(ix) any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved³ in the application.</p> | |
| <p>(38) In respect of planning applications:</p> <p>(i) to sign and issue the formal decision notices on planning matters that have been before the Planning Committee or determined under delegated powers;</p> <p>(ii) to impose detailed conditions on planning permissions granted by the Authority (including deemed permissions);</p> <p>(iii) to determine the appropriate grounds where permission is either refused or approved;</p> <p>(iv) to refuse a planning application, if within six months of any decision to enter into a Section 106</p> | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |

³ Involvement in this context means somebody with either:
Disclosable Pecuniary Interests, which include business, trade, profession, contract and wider financial interests such as land, payments, securities, shares etc;
If a spouse or civil partner has interests which would be considered Disclosable Pecuniary Interests;
A personal interest which is likely to be seen as prejudicing their impartiality or ability to meet the principles of public life.

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| <p>Agreement by Committee that Agreement has not been signed;</p> <p>(v) to settle the terms of Section 106 Agreements required in connection with planning applications, including amendments to existing Section 106 agreements.</p> | |
| <p>(39) To approve details submitted in accordance with a condition of a planning consent.</p> | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |
| <p>(40) To determine reasons for decisions.</p> | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |
| <p>(41) To formally discharge planning conditions upon compliance.</p> | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |
| <p>(42) In respect of non-material amendments to planning applications:</p> <p>(i) to define in individual cases what constitutes a non-material amendment; and</p> <p>(ii) to determine applications for non-material amendments except in cases that fall within paragraph 37 (ix) of this scheme.</p> | <p>In respect of (i), Head of Planning or member of Planning Team</p> <p>In respect of (ii), Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |
| <p>(43) In respect of Prior Approval applications, to exercise the power available to the Authority with regard to the siting, design and external appearance and all other matters.</p> | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |
| <p>(44) To determine which planning applications should be referred to the Navigation Committee for consultation, in accordance with Section 9 (6) (a) (iv) of the Norfolk and Suffolk Broads Act 1988.</p> | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| <p>(45) In respect of applications for a Lawful Development Certificate (Existing or Proposed):</p> <ul style="list-style-type: none"> (i) to consider and determine the application on the facts presented, subject to consultation with the Authority's solicitor in complex cases or where the evidence is not clear; and (ii) to sign and issue the formal decision. | <p>Director of Strategic Services or Head of Planning or Senior Planning Officer</p> |
| <p><u>(46) The determination of enforcement cases is considered to fall within the delegation scheme and will be undertaken by officers, unless any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved⁴ in a breach of planning control.</u></p> | <p><u>Director of Strategic Services or Head of Planning or Senior Planning Officer</u></p> |
| <p>(46)(47) _____ To serve Breach of Condition Notices, Planning Contravention Notices, Section 330 Notices and Section 215 Notices.</p> | <p>Director of Strategic Services or Head of Planning or Planning Officer (Compliance and Implementation)</p> |
| <p>(47)(48) _____ In cases of urgency and subject to consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee:</p> <ul style="list-style-type: none"> (i) to serve Building Preservation Notices; (ii) to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices; (iii) to issue Enforcement Notices, Stop Notices and Temporary Stop Notices; | <p>Director of Strategic Services, or:</p> <ul style="list-style-type: none"> in respect of (i) and (ii), Historic Environment Manager or Head of Planning; in respect of (iii) and (iv), Head of Planning |

⁴ Involved in this context means somebody with either:
Disclosable Pecuniary Interests, which include business, trade, profession, contract and wider financial interests such as land, payments, securities, shares etc;
If a spouse or civil partner has interests which would be considered Disclosable Pecuniary Interests;
A personal interest which is likely to be seen as prejudicing their impartiality or ability to meet the principles of public life.

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| (iv) to take enforcement action in respect of unauthorised advertisements. | |
| (48) (49) In respect of Conservation Areas: <ul style="list-style-type: none"> (i) to agree the scope of a Conservation Area reappraisal (existing) or appraisal (new) with the relevant District Council; (ii) to undertake an assessment of an existing Conservation Area and prepare a draft reappraisal for consultation; and (iii) to identify areas suitable for Conservation Area designation and prepare a draft appraisal for consultation. | Director of Strategic Services or Head of Planning or Historic Environment Manager |
| (49) (50) In respect of Tree Preservation Orders: <ul style="list-style-type: none"> (i) to make and serve Tree Preservation Orders; (ii) to confirm Tree Preservation Orders where no objection in writing to the provisional Order has been received. | Director of Strategic Services or Head of Planning or Historic Environment Manager |
| (50) (51) To deal with applications to lop, top and fell trees in Conservation Areas; and To determine applications to lop, top or fell trees within Tree Preservation Orders or Groups. | Director of Strategic Services or Head of Planning or Historic Environment Manager |
| (51) (52) To implement the Hedgerow Regulations 1997 in authorising rights of entry, administrative consultation arrangements and the use of outside assistance. | Director of Strategic Services or Head of Planning or Historic Environment Manager |
| (52) (53) To comment on non-controversial felling licence applications and broadleaved woodland grant schemes. | Director of Strategic Services or Head of Planning or Historic Environment Manager |
| (53) (54) To respond to consultations from the Forestry Commission on applications for grants and | Director of Strategic Services or |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| Forestry Grant Schemes in relation to areas up to 10 hectares. | Head of Planning or Historic Environment Manager |
| (54) (55) To give observations in respect of development by other authorities, government departments and statutory undertakers, subject to consideration by the Planning Committee of those applications that have serious implications for the Broads. | Director of Strategic Services or Head of Planning or Senior Planning Officer or Historic Environment Manager |
| (55) (56) To submit observations on environmental issues and to lodge holding objections in respect of applications for Goods Vehicle Operators Licences. | Director of Strategic Services or Historic Environment Manager or Head of Planning |
| (56) (57) To reply to consultation on certified sites for camping and caravanning and for caravan and tent rally sites. | Director of Strategic Services or Head of Planning or member of Planning Team |
| (57) (58) To determine whether an environmental impact assessment is required, and to agree the scope of any environmental statement under the Environmental Impact Regulations 2017. | Director of Strategic Services or Head of Planning or Senior Planning Officer |
| (58) (59) To determine whether applications are likely to have a significant effect on a European Site, following consultation with Natural England, under the terms of the Conservation (Natural Habitats Etc) Regulations 1994. | Director of Strategic Services or Head of Planning, in consultation with Environment Policy Adviser |
| (59) (60) To respond to consultations on planning applications in respect of land outside the Authority's Executive Area, subject to consideration by the Planning Committee of those applications that have serious implications for the Broads. | Director of Strategic Services or Head of Planning or Senior Planning Officer |
| (60) (61) In respect of applications that are located across the boundary of the Authority's area and partly in the area of the adjacent LPA: | Head of Planning or member of Planning Team |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| <ul style="list-style-type: none"> (i) to consider and decide whether the application should be dealt with by one or both LPAs; and (ii) to delegate to the adjacent LPA where appropriate; or (iii) to determine the applications on behalf of both LPAs. | |
| (61) (62) To fulfil the Authority's role as a Competent Authority with regard to consideration of development proposals affecting Special Protection Areas and Special Areas of Conservation in the Broads, including the determination of Appropriate Assessments. | Director of Strategic Services or Head of Planning, in consultation with Environment Policy Adviser |
| (62) (63) To make recommendations to Historic England on buildings worthy of inclusion on the national list of buildings of historical or special interest. | Director of Strategic Services or Head of Planning or Historic Environment Manager |
| (63) (64) To respond to consultations on planning policy documents in respect of land outside the Authority's Executive Area, subject to consideration by the Planning Committee of those documents that have serious implications for the Broads. | Director of Strategic Services or Head of Planning or Planning Policy Officer |

2(f) Recreation and tourism

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| (64) (65) To exercise the powers and duties of the Authority in accordance with the overall policy determined by the Authority in relation to the following matters: <ul style="list-style-type: none"> (i) tourism, including interpretation, information and associated visitor services; (ii) common land; (iii) access to open country; | <p>In respect of (i), Head of Communications.</p> <p>In respect of (ii), (iii), (iv), (vi), (vii) and (viii), Head of Ranger Services.</p> <p>In respect of (v), (vi) and (xi), Head of Construction, Maintenance & Ecology</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| <ul style="list-style-type: none"> (iv) open spaces; (v) caravan, camping and picnic sites; (vi) recreation provision and associated facilities, including car parks and public toilets; (vii) country parks; (viii) public paths (except where delegated to the Planning Committee); (ix) the provision of accommodation, meals, refreshments, parking places and toilets; (x) environmental education; (xi) staithes. | <p>and Waterways & Recreation Officer.</p> <p>In respect of (x), Education Officer.</p> |
| <p>(65)(66) _____ To confirm orders creating, diverting, extinguishing or downgrading public paths in respect of which there is no unresolved objection.</p> | <p>For Orders not made under the Town and Country Planning Act, Head of Construction, Maintenance & Ecology or Waterways & Recreation Officer.</p> <p>For Orders made under the Town and Country Planning Act only, Director of Strategic Services or Head of Planning.</p> |
| <p>(66)(67) _____ To respond to consultations from other public authorities on proposals to create, divert, extinguish or downgrade public rights of way.</p> | <p>Head of Construction, Maintenance & Ecology and Waterways & Recreation Officer.</p> |

2(g) Conservation

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| <p>(67)(68) _____ To exercise the powers and duties of the Authority in accordance with the overall policies</p> | <p>In respect of (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii), Environment Policy Adviser.</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|---|--|
| <p>determined by the Authority in relation to the following matters:</p> <ul style="list-style-type: none"> (i) responding to notifications of operations within the Broads under Section 5(2) of the Norfolk and Suffolk Broads Act 1988; (ii) nature reserves; (iii) land drainage (including the preparation and review of a code of practice for drainage works); (iv) water quality; (v) responding to consultations on proposals to discharge trade and sewage effluent; (vi) responding to notifications on the making of farm capital grants; (vii) nature conservation (except where other provision is made in this scheme), including woodland and fen management, grazing marshes, research, site management and grant aid for conservation purposes; and (viii) the designation of areas of natural beauty under Section 4 of the Norfolk and Suffolk Broads Act 1988. | <p>In respect of (v), Head of Construction, Maintenance & Ecology and Waterways & Recreation Officer.</p> <p>In respect of (vii), Environment & Design Supervisor.</p> |
| <p>(68)(69) To respond to consultations under Section 36 of the Control of Pollution Act 1974.</p> | <p>Head of Construction, Maintenance & Ecology or Environment Policy Adviser.</p> |
| <p>(69)(70) To enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981 up to £20,000 for the duration of the lease agreement, limited to a period of 25 years.</p> | <p>Environment Policy Adviser or Environment & Design Supervisor</p> |
| <p>(70)(71) To make holding objections to the making of farm capital grants.</p> | <p>Environment Policy Adviser</p> |
| <p>(71)(72) To make representations to the Environment Agency following notification of applications for</p> | <p>Director of Operations or Head of Construction, Maintenance & Ecology or Environment Policy Adviser</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| significant discharges under Section 36 of the Control of Pollution Act 1974. | |
| (72) (73) To make written representation on applications received under the Water Resources (Licences) (Amendment) Regulations 1989. | Head of Construction, Maintenance & Ecology or Environment Policy Adviser |
| (73) (74) To fulfil the Authority's role as a Competent Authority with regard to consideration of proposed works affecting Special Protection Areas, Special Areas of Conservation and stipulated species in the Broads, including the determination of Appropriate Assessments. | Environment Policy Adviser or Ecology & Design Supervisor |

2(h) Navigation

| Powers delegated to Chief Executive | Other authorised officers |
|--|---|
| <p>(74)(75) In respect of the Norfolk and Suffolk Broads Act 1988 (as amended): To exercise the following powers and duties of the Authority, in accordance with the overall policy determined by the Authority in relation to such matters and, where appropriate, in consultation with the Navigation Committee:</p> <ul style="list-style-type: none"> (i) the maintenance and improvement of the navigation area; (ii) the provision of moorings and other navigational facilities; (iii) the closure of waterways (other than for nature conservation purposes); (iv) the repair of landing places, embankments, private moorings and other similar structures. (v) To determine works licences. (vi) To seek modifications to plans submitted with applications for works licences. (vii) To enforce works licences. | <p>In respect of (i), (ii) and (iv), Director of Operations or Head of Construction, Maintenance & Ecology</p> <p>In respect of (iii), (viii), (x), (xii) and (xiii), Director of Operations or Head of Ranger Services.</p> <p>In respect of (v), (ix) and (xi), Director of Operations, Head of Construction, Maintenance & Ecology or Rivers Engineer.</p> <p>In respect of (vi), Director of Operations, Head of Construction, Maintenance & Ecology, Head of Ranger Services or Rivers Engineer.</p> <p>In respect of (vii), Director of Operations, Head of</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|--|--|
| <p>(viii) To remove obstructions from waterways.</p> <p>(ix) To dispose of dredgings.</p> <p>(x) To authorise named officers to require owners of craft to give information of the person in charge of their craft at any time, under Schedule 5, paragraph 9.</p> <p>(xi) To serve Notices under paragraphs 11 and 12 of Schedule 5 (which relate to the repair of landing places, etc and the removal of wrecks, etc) and to enforce such Notices. In the case of the removal of wrecks, this is subject to such vessels being raised and removed to a place of safety allowing an owner to be given prior notice to destruction, unless it had to be destroyed in situ as a result of its size and/or position.</p> <p>(xii) To mitigate oil pollution either as the harbour authority or if necessary as an agent for the Environment Agency.</p> <p>(xiii) To discount cargo tolls.</p> | <p>Ranger Services or Rivers Engineer.</p> |
| <p>(75)(76) In respect of the Speed Limit Byelaws 1992, to approve registration marks for vessels.</p> | <p>Collector of Tolls</p> |
| <p>(76)(77) In respect of the Navigation Byelaws 1995:</p> <p>(i) giving consent or approval to the following activities and imposing conditions on those consents or approvals:</p> <ul style="list-style-type: none"> a. towing; b. the use of blue lights and light signals; c. stern on or bow on mooring, approving places for such mooring and designating times when this is permitted; d. the mooring of vessels otherwise than broadside to a bank; e. anchoring in a channel; f. the turning of vessels; | <p>Director of Operations or Head of Ranger Services</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|---|---|
| <ul style="list-style-type: none"> g. pyrotechnics; h. use of firearms; i. fun events; <ul style="list-style-type: none"> (ii) restricting mooring at specific places; (iii) prohibiting vessels to be moored abreast at specific locations, imposing conditions in respect of multiple mooring and permitting exceptions to these restrictions; (iv) securing the removal of obstructions; (v) authorising officers to authorise passage through Carrow Bridge; (vi) giving directions in respect of precautions to be taken when loading and unloading vessels; (vii) appointing assistants to the Navigation Officer. | |
| <p>(77)(78) In respect of the Vessel Registration Byelaws 1997:</p> <ul style="list-style-type: none"> (i) to request copies of registration certificates; (ii) to charge a fee for replacing certificates; (iii) to determine position of toll receipt on vessels; (iv) to prescribe the form of a toll application and specifying the details to be included in it; (v) to designate areas which private watercraft can use and prescribing the conditions for such use. | <p>Head of Ranger Services or Collector of Tolls.</p> |
| <p>(78)(79) In respect of the Broads Authority Act 2009:</p> <ul style="list-style-type: none"> (i) enforcing directions relating to the loading and unloading of vessels (section 10); (ii) exercising the powers and duties relating to the registration and licensing of vessels (section 11); (iii) designating authorised officers for the purpose of: <ul style="list-style-type: none"> a. entering and inspecting vessels and exercising related powers (section 17); | <p>In respect of (iv), (vi), (viii)(c) and (xi), Director of Operations, Head of Ranger Services and Head of Safety Management.</p> <p>In respect of (ix) and (x), Head of Construction, Maintenance & Ecology.</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|---|--|
| <ul style="list-style-type: none"> b. exercising powers relating to unsafe vessels (section 19); (iv) determining whether a vessel is unsafe (section 18). (In this respect, it is intended that the authorised officers include qualified Boat Safety Scheme examiners and qualified Marine Surveyors); (v) exercising the powers and duties relating to the removal of unsafe vessels (section 20); (vi) designating authorised officers for the purposes of: <ul style="list-style-type: none"> a. requesting information about vessels (section 21); b. entering land, including adjacent waters (section 24); c. the inspection provisions in hire boat licences; (vii) serving notices requiring information from: <ul style="list-style-type: none"> a. masters and owners, etc as to vessels (section 22); b. landowners, etc as to vessels (section 23); (viii) exercising the following functions relating to water-skiing and wakeboarding: <ul style="list-style-type: none"> a. displaying directional signs (section 28(1)); b. designating authorised officers for the purposes of giving directions as to water-skiing and wakeboarding (section 28(2)); c. issuing, cancelling and amending permits for water-skiing and wakeboarding (sections 27 and 30); (ix) removing vegetation that is an obstruction or danger to vessels in the navigation area including the service of notices (section 39); (x) serving notices and exercising default powers in respect of vegetation that obstructs or is a potential danger to vessels in the navigation area (section 39); | <p>In respect of (ii), (viii)(c) and (xi), Collector of Tolls.</p> |

| Powers delegated to Chief Executive | Other authorised officers |
|--|----------------------------------|
| (xi) powers and duties relating to the licensing of hire boats (section 40). | |

2(i) Broads Local Access Forum

| Powers delegated to Chief Executive | Other authorised officers |
|--|----------------------------------|
| (79) (80) _____ To appoint and reappoint members to the Broads Local Access Forum, in consultation with the Chair of the Forum. | Director of Strategic Services |

2(j) Miscellaneous

| Powers delegated to Chief Executive | Other authorised officers |
|---|--|
| (80) (81) _____ To remove abandoned vehicles. | Head of Ranger Services |
| (81) (82) _____ To accept gifts of property on behalf of the Authority. | Management Team – in agreement between Directors and Chief Financial Officer |
| (82) (83) _____ To approve single grant requests up to £10,000. | Management Team – in agreement between Directors and Chief Financial Officer |
| (83) (84) _____ To approve payments of up to £5,000 to complainants who have suffered a direct identifiable loss as a result of the Authority's actions. | Management Team – in agreement between Directors and Chief Financial Officer |
| (84) (85) _____ In relation to matters under the Members' Code of Conduct: (i) To appoint three members of the Authority (from a group of six nominated by the Authority at its annual meeting), and an Independent Person as a co-opted non-voting member, to a Hearings Committee to hear | Monitoring Officer |

| Powers delegated to Chief Executive | Other authorised officers |
|--|---------------------------|
| <p>and determine allegations of breaches of the Code of Conduct referred to it by the Monitoring Officer.</p> <p>(ii) To determine the procedure to be followed by the Hearings Committee.</p> | |

5. Powers delegated to the Chief Executive to instruct a Solicitor

- 5.1 To institute, settle and enforce as appropriate, claims and proceedings:
 - a. for the possession of property belonging to the Authority or for protection against trespass;
 - b. for the recovery of fees, tolls, rent and other sums owing to the Authority;
 - c. in respect of other financial loss suffered by the Authority.
- 5.2 To defend, counterclaim, settle, as appropriate, civil proceedings against the Authority, in relation to claims not covered by the Authority's insurance policies and to lodge an appeal.
- 5.3 To institute and prosecute proceedings relating to any function of the Authority and to lodge an appeal.
- 5.4 To defend or lodge an appeal in any criminal proceedings against the Authority.
- 5.5 To determine applications for Certificates of Lawful Use and for Certificates of Lawfulness of Proposed Use or Development.
- 5.6 To serve notices requiring information to be given as to interests in land and, if necessary, to institute proceedings for failure to respond.
- 5.7 In cases of urgency and after consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee:
 - a. to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices concurrently with District Officers;
 - b. to issue Enforcement Notices, Stop Notices Temporary Stop Notices and Article 4 Directions;
 - c. to take enforcement action in respect of unauthorised advertisements.
- 5.8 To authorise officers who otherwise have no right of audience to appear in Magistrates Court and County Court proceedings.

- 5.9 To execute deeds, contracts and other legal documents on behalf of the Authority to give effect to decisions taken by the Authority, its committees, the Chief Executive or other officers exercising delegated powers.
- 5.10 To make minor amendments to the Authority's constitutional documents such as to give effect to changes to job titles, reflect legislative changes and to improve layout or correct typographical errors.
- 5.11 To implement policies and procedures and take appropriate steps to protect the Authority from unlawful disclosure of personal information and to report data breaches to the data regulatory authority.

6. Powers delegated to the Chief Financial Officer

- 6.1 To be responsible for the proper administration of the Authority's financial affairs in accordance with section 17 of the Norfolk and Suffolk Broads Act 1988, including:
 - a. the regulation and control of finance, and the making of safe and efficient arrangements for the receipts of monies;
 - b. External and internal audit matters, including the appointment of auditors;
 - c. pension fund matters;
 - d. insurances.
- 6.2 To make suitable arrangements for the investment and realisation of short-term monies surplus to the Authority's requirements.
- 6.3 To operate the Authority's bank accounts, including:
 - a. to arrange overdraft facilities as and when necessary and within such limits as may be approved by the Authority from time to time;
 - b. to arrange the opening, operation and closing of such subsidiary bank accounts as are deemed necessary for the control of, and accounting for, the Authority's money;
 - c. to manage the day-to-day cash resources of the Authority and arrange such temporary borrowing or investment of surplus money as is deemed necessary;
 - d. to negotiate and receive or repay loans subject to the receipt of the necessary government sanctions and consents.
- 6.4 In consultation with the Chief Executive, to write off:
 - a. any obsolete stores or equipment, or loss of property not exceeding £25,000;
 - b. all bad debts to a maximum of £25,000 where all reasonable recovery action has been exhausted.
- 6.5 To borrow in accordance with the Authority's policy.

6.6 To lend in accordance with the Authority's policy.

7. Powers delegated to the Monitoring Officer

7.1 To carry out the statutory duties and powers of Monitoring Officer to the Authority under Sections 5 and 5A of the Local Government and Housing Act 1989 (as amended).

7.2 To grant dispensations under Section 33 of the Localism Act 2011.

(end of document)

Broads Authority
Yare House
62-64 Thorpe Road
Norwich NR1 1RY

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Broads Authority Local Enforcement Plan



December 2020

Broads Authority
Yare House
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1 Introduction

1.1 This Local Enforcement Plan explains the planning enforcement process and how it works in the Broads Authority executive area. It is a guide for those who may be affected by breaches of planning control and sets out:

(a) what the Broads Authority can do and the timescales involved;

(b) how the public, local communities and other stakeholders can help the Authority in monitoring against unauthorised development

(c) what services the Authority will provide, and the service standards the public can expect.

1.2 The Broads Authority produced its first Local Enforcement Plan in 2016. This was reviewed and updated in 2020 to take account of changes in national legislation and the best practice set out in the NAPE.

1.3 The enforcement of planning control is designed to make sure that any development that takes place has the necessary planning permissions and that, where development is permitted, it is built and used in accordance with those planning permissions. Enforcement is an important part of the planning system, and protects our landscape and built environment against damaging change. It is also important to local communities and other stakeholders, as it affects how their area is developed and ensures a level playing field for everyone concerned.

1.4 The Handbook of the National Association of Planning Enforcement Officers (NAPE) explains what effective planning enforcement means:

“At its heart, the planning system relies on trust and our enforcers provide the backbone of this trust – trust that those who flout our planning laws (and often other laws at the same time) will be brought to account; trust that those who strive for high quality will not be undermined by those who would deliver ill-planned and ill-designed development; and trust that the high quality schemes that achieve planning permission will be delivered with that same quality – that planning will deliver what is promised.”

1.5 The Government recognises the importance of effective planning enforcement. National policy is set out in the National Planning Policy Framework (2019) and paragraph 58 says:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement

proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and take action where appropriate.”

2 Planning and the law

2.1 The planning system deals with development, which is defined in the Town and Country Planning Act 1990 (as amended), as:

“The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.” (Section 55)

2.2 This is a wide description and the Act gives more detail on its interpretation. Broadly, development falls into two types – one is physical structures or alterations, and the other is a material change in the use of land or buildings.

2.3 A planning breach is defined in section 171A of the Act as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which planning permission has been granted.

2.4 Examples of planning control breaches include:

- Building works carried out without planning permission;
- A change in the use of a site or building without planning permission
- Conditions on a planning consent that have not been complied with;
- Development that has not been built in accordance with the approved plans;
- The display of adverts without consent (where they do not benefit from deemed or express consent);
- The demolition of walls and buildings within a Conservation Area without planning permission;
- Internal and external works to Listed Buildings without Listed Building Consent;
- Works undertaken to a tree within a Conservation Area or to a tree protected by a Tree Preservation Order (TPO) without permission;
- Land raising, where this is an engineering operation, without planning permission.

- 2.5 It is important to note that if works are not classed as 'development' in the law then they do not fall within the scope of planning control.
- 2.6 The point at which something becomes 'development' is not always straightforward, particularly where there is a change of use. The law states that development will have occurred when the change is 'material', which can be defined broadly as being significant or having impacts. When considering whether or not a change is 'material', the Local Planning Authority (LPA) will look at any change in the character of the use itself (including the land where it is), and the effects of the change upon neighbouring uses and the locality. The point at which a change becomes 'material' will be a matter of fact and degree, and will usually involve an element of judgement.
- 2.7 The law gives all LPAs specific legal powers to deal with breaches of planning control, including powers of investigation and powers to take formal legal action to correct breaches of planning control. These powers are set out in The Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2.8 The law says that a LPA must investigate reported or suspected breaches of planning control, but the requirement to take action is discretionary. In deciding what action to take when a planning breach has occurred, the LPA must exercise its powers carefully and with proportion, and there are clear guiding principles on this.

3 Guiding principles of planning enforcement

- 3.1 When a breach of planning control has taken place, the LPA will look carefully at a number of factors when considering what action is appropriate.
- 3.2 The first factor is **expediency**. This is about assessing the harm being caused by the breach. Harm may arise through a range or combination of issues, such as:
- ☐ Adverse impact on visual amenity due to poor design or materials;
 - ☐ Adverse impact on neighbouring amenity due to noise, overlooking or loss of privacy;
 - ☐ Inappropriate or conspicuous development that has an adverse impact on a protected landscape or Conservation Area; and/or
 - ☐ Loss of protected trees.
- 3.3 In looking at expediency, the LPA will consider the Development Plan and whether or not the unauthorised development conflicts with the adopted policies. The more harm being caused, the more likely it is that there is a conflict with the development

plan, and the more likely it is that it will be expedient to take enforcement action due to the need to stop the harm.

- 3.4 The LPA will also need to consider the impacts and costs of taking action, including the resources to do so and what is likely to be achieved. If there is little harm, it may not be expedient to pursue the matter, particularly if the costs are high.
- 3.5 The second factor is **proportionality**. Enforcement action should always be proportionate to the seriousness of the harm being caused. It should not be taken solely to 'regularise' development that is otherwise acceptable on its planning merits, but for which planning permission has not been sought. The Courts have been clear that the role of the enforcement system is to secure compliance, not to punish.
- 3.6 The third factor is **consistency**. It is important to take a similar approach to similar cases to achieve similar outcomes. This provides reliability for local communities and other stakeholders and allows them to know what to expect from the LPA.
- 3.7 While the law gives a LPA strong legal powers to deal with breaches of planning control, in most cases the first approach is to use **negotiation** to reach a satisfactory resolution in a timely manner. The aim of negotiation is to achieve one of the following outcomes:
- The submission of an application for retrospective planning permission if the development is acceptable and would have got planning permission in the first place; or
 - The amendment of the development to make it acceptable and then the submission of an application for retrospective planning permission if the development is capable of being made acceptable; or
 - The amendment of the development so it is in accordance with the approved plans; or
 - The removal of the unauthorised development or the cessation of the unauthorised use if the development is unacceptable and incapable of being made acceptable.
- 3.8 Negotiations should proceed in a timely and committed manner and should not be allowed to hamper or delay the resolution of the planning breach.

4 The importance of enforcing planning control in the Broads

- 4.1 The Norfolk and Suffolk Broads is a protected landscape of national and international importance, with a status equivalent to a national park. It is Britain's finest wetland, with a network of meandering rivers and shallow lakes ('broads') that make it a unique area, precious for its rich wildlife and 'big sky' landscapes, as well as a popular destination for visitors. The villages and settlements reflect the area's traditional building styles and materials and have a distinctive and valued vernacular. The Broads Authority has a duty to manage the Broads, and is the LPA for the Broads executive area.
- 4.2 Development is carefully managed in the Broads. The Broads Authority places strong emphasis on investigating and remedying breaches of planning control, due to the impact that unauthorised development can have on the area's character and qualities, and to demonstrate its commitment to protecting this important landscape. Protecting the integrity of the planning system and demonstrating that breaches of planning control will not be tolerated is also important.
- 4.3 We prioritise cases according to the degree of harm being caused, with highest priority given to cases where the harm (or the potential for harm) is highest. The priority classification is outlined in Table 1.

Table 1

Priority status for consideration of planning control breaches

| Priority level | Details of priority status |
|----------------|---|
| Priority One | Development causing serious threat to public health and safety, or permanent, serious damage to the natural or built environment. This would apply particularly where a breach is affecting an SSSI, the water environment or navigation, a Listed Building, Ancient Monument, tree protected by a Tree Preservation Order or any breach which would damage the character of a Conservation Area. An example might be the unauthorised demolition of a listed building. |
| Priority Two | Development causing threat to public health and safety, or serious damage to the natural or built environment. This is considered harmful, but with the potential to get worse. An example might be the commencement of the construction of an unauthorised and unacceptable extension to a listed building. |

| Priority level | Details of priority status |
|----------------|---|
| Priority Three | This covers the majority of cases, where there is a possible breach but the damage is unlikely to be serious and it is unlikely to get worse. An example might be the construction of an unauthorised extension to a non-listed building. |
| Priority Four | This covers less serious or urgent cases. An example might be the construction of an outbuilding. |

- 4.4 Some matters are not breaches of planning control, and the Authority does not deal with these. These may include boundary disputes between neighbours, which are a legal or civil issue, or matters around a building's structure or safety, which is covered by Building Regulations. Public nuisances such as light, noise or odour pollution are covered by the Environmental Health Teams at the relevant District Council. Fly-tipping is usually a matter for the Environment Agency or the relevant District Council.

5 Dealing with planning breaches in the Broads

- 5.1 The Broads Authority has a standard procedure for dealing with enforcement matters. This ensures that breaches are dealt with in a consistent and timely manner, proportionate to the potential for harm. While this is a standard approach, the progress of any particular investigation and the timescales will vary depending on the nature of the breach, the harm being caused and the actions and response of the landowner or operator. The standard process is explained below.

Checking the breach

- 5.2 When a complaint or report of a suspected breach of planning control is received by the Authority's planning department, we will carry out an initial check to make sure the alleged development works fall within the legal definition of 'development' and is therefore covered by planning control. We will also check whether the works fall within the 'permitted development rights' and can be done without planning permission, or whether planning permission has already been granted. If the works alleged to have taken place are found to be development, but are not permitted development and there is no record of planning permission being granted, the matter will be investigated. We will notify the complainant as to whether or not the matter appears to be a planning breach, and if it is being investigated.

Initial investigation and site visit

- 5.3 If the matter is to be investigated, a planning officer from our enforcement team will open a case and contact the landowner or operator by letter, advising them of the investigation and asking them to contact the officer within 14 days to arrange a site meeting. Contacting the landowner or operator before the site meeting gives the officer an opportunity to ask for further details of the alleged breach and undertake investigations. In the case of a potentially very minor breach, or where there is some doubt as to whether the matter is a planning one, a site visit may be made prior to formal contact.

While we will, in most cases, try to contact the landowner or operator before entering the site, Section 196 of the Town and Country Planning Act 1990 gives the Authority's planning officers a right to enter land to investigate a potential breach of planning control. This right extends to any land, including land adjacent to the site of the breach. It is an offence to wilfully obstruct an authorised person acting in the exercise of a right of entry.

Conclusion of the investigation Following the site visit

- 5.4 Following the site visit or meeting, if it is clear that there is no planning breach, or that the development is permitted development or has planning permission, the case will be closed. If a planning breach is found, we have the following options, depending on the breach:
- if the development is acceptable and would be likely to get planning permission, the landowner or operator will be asked to apply for retrospective planning permission;
 - if the development could be made acceptable and would be likely to get planning permission if amended, the landowner or operator will be asked to make the amendments and then apply for retrospective planning permission;
 - If the development is not acceptable and is incapable of being made acceptable, the landowner or operator will be asked to remove the unauthorised development or cease the unauthorised use.
- 5.5 The landowner or operator will be given a timescale for each of the above options, and these will vary depending on the scale of the development and the seriousness of the breach. For example, for a serious breach where demonstrable harm is being caused, immediate cessation would be required, while for a retrospective application to remedy a minor change, a period of 28 days to submit a planning application would be appropriate.
- 5.6 The Authority's approach is to negotiate a solution wherever possible. When we ask for information to be submitted or action to be taken, we expect this to be done

within the timescale given, or a request for further time to be made promptly with an explanation for the delay. We will not enter into lengthy or cyclical correspondence, as this delays resolution and is not an effective use of our resources.

Submitting a retrospective planning application

- 5.7 In many cases, the unauthorised development that has taken place either is acceptable or can be made acceptable, and the Authority will receive and approve a retrospective application. The granting of planning permission will enable us to impose conditions on the development, and this is a mechanism for mitigating harm and gaining benefits, such as additional tree planting. We would consider this to be a successful outcome, as the development is now authorised and harm is controlled.
- 5.8 It should be noted that while retrospective applications may be unpopular with local communities, who may see the landowner or operator as having ‘got away with it’, they are allowed in law. The Courts have been clear that LPAs should not use the planning process to punish.
- 5.9 Where a landowner or operator declines to submit a retrospective application, we will have to consider the appropriateness of enforcement action, taking into account the guiding principles of expediency, proportionality and consistency.
- 5.10 Where the unauthorised development is unacceptable and is incapable of being made acceptable, we will not request a retrospective application as this is inappropriate and will delay the resolution of the matter.

Taking formal enforcement action

- 5.11 Where harm is being caused, it is necessary to consider formal enforcement action. The law gives LPAs wide ranging powers to deal with breaches of planning control, and the regularly used powers are summarised below. A full list and further details are in Appendix 2.
- 5.12 The Broads Authority has a Scheme of Powers Delegated to Officers, which identifies the level at which decisions may be made and delegates certain powers to certain officers of the Authority. This ensures that officers are empowered to make decisions and take appropriate action within the guidelines laid down, and enables the Authority’s members to focus on key strategic and policy issues.
- 5.13 The scheme of delegated powers allows officers to investigate and process enforcement cases, including serving requisitions for information and Breach of Condition Notices. The authority for taking formal enforcement action remains with the Planning Committee, although provision is made for decisions to be taken at officer level in cases of urgency. Under the scheme, officers are authorised:

(38) To serve Breach of Condition Notices, Planning Contravention Notices and Section 330 Notices.

(39) In cases of urgency and (subject to consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee):

- i. to serve Building Preservation Notices;
- ii. to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices;
- iii. to issue Enforcement Notices, Stop Notices Temporary Stop Notices;
- iv. to take enforcement action in respect of unauthorised advertisements.

5.14 If an Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in a breach of planning control, the conclusion of the investigation phase will be presented to the Planning Committee.

5.145.15 A planning **Enforcement Notice** is a formal notice used to remedy a breach of planning control. It identifies the planning breach and the harm being caused, and lists what the landowner or operator must do to remedy the breach. An Enforcement Notice comes into effect a minimum of 28 days after service, with the period set by the LPA, and there is then a period given for compliance. . Failure to comply with an Enforcement Notice is a criminal offence. There is a right of appeal against an Enforcement Notice.

5.155.16 An Enforcement Notice is a useful tool for planning breaches where harm is being caused and it is expedient to take formal action. This may be because negotiation (the first course of action) has failed to produce an acceptable solution, or the landowner or operator is unwilling to amend the unauthorised development to make it acceptable, or there are no changes that could be made to make the unauthorised development acceptable and the landowner or operator will not desist voluntarily. An Enforcement Notice is usually effective at achieving compliance.

5.165.17 Where a landowner or operator appeals against an Enforcement Notice, the requirements of the notice are held in abeyance pending the outcome of the appeal. The decision on an appeal will take time and can often delay proceedings, particularly if the matter is dealt with through a Public Inquiry. If the appeal does not succeed, the Enforcement Notice comes into effect. If the appeal is successful then this is normally the end of the matter.

5.175.18 The Broads Authority serves Enforcement Notices where negotiations have failed to achieve an acceptable resolution within a reasonable period or where it appears unlikely that resolution can be achieved informally.

5.185.19 Where the breach of planning control relates to non-compliance with a

planning condition, a LPA may serve a **Breach of Condition Notice**, which requires compliance with the relevant condition. Failure to comply with a Breach of Condition Notice is a criminal offence. There is no right of appeal against a Breach of Condition Notice.

[5.195.20](#) The Broads Authority is cautious about the use of Breach of Condition Notices because there is no right of appeal. We consider that, in most cases, it is appropriate to make sure the landowner or operator is able to challenge the Authority's decision as this is an important part of the accountability of a public authority. There are circumstances, however, where the use of a Breach of Condition Notice is appropriate, including where a landowner or operator has persistently and deliberately breached planning regulations.

[5.205.21](#) The law gives a LPA the power to serve a **Stop Notice** in urgent cases where serious and/or irreversible harm is being caused. A Stop Notice identifies what the planning breach is and the harm that is being caused, and requires the landowner or operator to follow the specified steps to cease the development. A Stop Notice takes three days to come into effect. Failure to comply with a Stop Notice is a criminal offence. There is no right of appeal against a Stop Notice.

[5.215.22](#) To address the 3-day window before a Stop Notice takes effect, the law has made provision for a LPA to serve a **Temporary Stop Notice**, which takes immediate effect and persists for 28 days. A Temporary Stop Notice can be served on its own, or with a Stop Notice, in which case the combination provides for an immediate cessation of the unauthorised development. Failure to comply with a Temporary Stop Notice is a criminal offence. There is no right of appeal against a Temporary Stop Notice.

[5.225.23](#) The Broads Authority uses Stop Notices and Temporary Stop Notices in urgent cases where there is serious and/or irreversible harm being caused to an important interest, such as a local amenity, the Broads' navigation or the landscape. When serving a Stop Notice a LPA must first undertake a formal cost/benefit assessment to demonstrate expediency. Stop Notices can be a very effective tool and Temporary Stop Notices are used in urgent cases to support them. A Temporary Stop Notice on its own is also very useful tool to provide an immediate and temporary cessation of an unauthorised activity or operation and allow time to obtain information or evidence on the impact of the planning breach.

[5.235.24](#) The Broads Authority recognises that Enforcement Notices, Breach of Condition Notices, Stop Notices and Temporary Stop Notices are all serious notices and it exercises its power carefully and with proportion in their use. Other than in urgent cases, a report outlining the case and the recommended action will be presented to the Planning Committee seeking authority for formal action. This is in accordance with the scheme of delegated powers.

Following up formal enforcement action

~~5.24~~5.25 In the majority of cases where it is necessary to take formal enforcement action, the use of an Enforcement Notice will prompt actions on behalf of the landowner or operator to remedy the planning breach. Unfortunately, there are occasions where this does not happen and the Authority has to pursue the matter further to remedy the breach and maintain public confidence in the planning system.

~~5.25~~5.26 The Authority will prosecute where there has been non-compliance with an Enforcement Notice.

~~5.26~~5.27 The Authority will consider taking direct action where this appears to offer the only realistic opportunity to secure compliance with planning legislation. We will seek to reclaim the costs of direct action from the landowner or operator and will pursue this through the Magistrates Court if necessary.

6 Preventing breaches of planning control in the Broads

6.1 The Authority has a proactive condition monitoring programme, through which it checks that development is undertaken in accordance with the approved plans and planning conditions. There is a regular monitoring schedule and planning permissions for major developments, development that affects listed buildings and all development that has been authorised by Planning Committee are checked at least three times a year. Monitoring takes place at the start of the development and, where appropriate, at subsequent development stages. We will carry out site visits, sometime unannounced, to check that the development is in accordance with the approved plans and planning conditions.

6.2 Information is also received from Parish Councils, Building Control teams and other stakeholders notifying us of development that is underway. This information is very important to us. The public also plays a vital role in reporting breaches of planning control, and all reports or complaints about development are investigated, subject to passing the initial screening process shown at paragraph 5.2 above.

6.3 As breaches in planning control often require significant evidence gathering, it is always helpful if a complainant provides as much information as possible at the initial contact, including:

- ❑ the address of the property or location of the land concerned;
- ❑ the name of the person or company involved;
- ❑ details of the suspected breach, with times and dates if relevant;
- ❑ how the breach affects the area or any problems caused by the breach.

- 6.4 Contact details of the complainant are also required to process a complaint or report so that progress updates can be given. Anonymous complaints will not normally be dealt with. All complaints or reports of unauthorised development are treated as confidential, but Freedom of Information requests and Court Orders may require the provision of information, so confidentiality cannot be completely guaranteed.
- 6.5 Complaints or reports of unauthorised development that appear to be malicious or based on discrimination will not be dealt with.

7 Our service standards and what you can expect from us

- 7.1 Getting involved with planning enforcement can be stressful, whether you are a concerned neighbour, a Parish Council, or someone who has undertaken development without planning permission. The Authority will aim to deal with all persons fairly and politely, in a timely manner. We will provide the appropriate level of advice and keep local people informed.
- 7.2 If you report a suspected planning breach or make a formal complaint to us, we will acknowledge this within three working days. The matter will be investigated and we will update you within 20 working days of receipt of the complaint. We will continue to update you regularly on the progress of the case until the matter is resolved.
- 7.3 Enforcement matters often take a long time to resolve. This may be due to:
- Continuing negotiation to try to resolve the matter;
 - Consideration of a retrospective planning application seeking to remedy the breach;
 - The gathering of sufficient, satisfactory and robust evidence in order to take action;
 - Awaiting compliance with the requirements of a formal Notice; or
 - Awaiting the determination of an appeal against formal Notices.
- 7.4 We understand that, in many cases, people who commit a planning breach do not do so deliberately. They may have thought that the works were not development, or were covered by permitted development rights. The most effective way to make sure you avoid a breach in planning control is to check whether any works you propose require planning consent. You can do this by visiting the Planning Portal at www.planningportal.gov.uk/permission or by contacting a Planning Officer at the Broads Authority before undertaking the works.
- 7.5 If you have undertaken works without planning permission, we will seek to work with you to find a solution. We will tell you in writing what the planning issue is and confirm our advice, as well as telling you what you need to do. We will expect you to respond promptly and within any given timescales, and to engage constructively

with us. We will not engage in repetitive or cyclical correspondence, as this is not a good use of our resources.

8 Contact us

- 8.1 For more information, or to give your feedback on anything in this document, please contact:

Head of Planning
Broads Authority
Yare House
62-64 Thorpe Road Norwich
NR1 1RY

Email: planning@broads-authority.gov.uk

Appendix 1 – Enforcement Powers

Table 2

Enforcement powers available to a Local Planning Authority.

| Enforcement Power | Description |
|-------------------------------------|---|
| Enforcement Notices | Enforcement Notices can be served on unauthorised development and uses where the development can be remedied by alteration, complete demolition or the ceasing of the unauthorised use. For these Notices there is a right of appeal to the Planning Inspectorate. |
| Listed Building Enforcement Notices | Listed Building Enforcement Notices are served where unauthorised works to Listed Buildings have taken place and requirements are made to remove those works or improve upon their impact. For these Notices there is a right of appeal to the Planning Inspectorate. |
| Breach of Condition Notices | Breach of Condition Notices are served to require compliance with a condition attached to a planning permission. These Notices are suitable for specific breaches of planning control that need to be corrected within a specified deadline. There is no right of appeal for these Notices. |
| Stop Notices | Stop Notices would normally be served in cases where the unauthorised development or use is considered to be so harmful that the outcome of the enforcement process could not be waited for. These will be served together with an Enforcement Notice. There is no right of appeal for these Notices. |
| Temporary Stop Notices | Temporary Stop Notices are served where a harmful unauthorised development or use has occurred and needs to be stopped immediately (for up to 28 days). This allows time for negotiation between us and offending parties. There is no right of appeal for these Notices. |
| Section 215 Notices | Section 215 Notices can be served on any interested party where land or buildings have become untidy and are considered by us to adversely affect the amenity of the area. There is a right of appeal to the Magistrates' Court for this Notice. |

| Enforcement Power | Description |
|--------------------------------|---|
| Planning Contravention Notices | Planning Contravention Notices can be served on any known interested party where it is suspected that a breach of planning control has occurred. They contain a number of relevant questions relating to the alleged breach of planning control. Failure to respond within a specified timescale is a criminal offence which can result in a prosecution in the Magistrates' Court. |
| Section 330 Notices | Section 330 Notices require information from any occupier of land asking what his interest is in it. Failure to respond within a specified timescale is a criminal offence which can result in a prosecution in the Magistrates' Court. |
| Section 225 Notices | Section 225 Notices enable us to issue Notices on any interested parties against unauthorised advertisement displays on buildings and on other surfaces. Subject to these provisions, we will invoice the recipient of any such action in order to recover the costs that have been reasonably incurred in taking the action. |
| Court | Prosecutions will be undertaken by us in incidences such as unauthorised works to Listed Buildings and protected trees, demolition in Conservation Areas, the display of advertisements and the failure to comply with the other Notices listed in this plan. |
| Injunctions | Injunctive Action is used where a breach of planning control is severe, or there is a threat of it becoming severe, and which can be halted by the successful application to the High Court (or County Court) for an Injunction. It will also be used in longstanding cases where the offender has failed to comply with an Enforcement Notice and the harm is ongoing and now needs to be brought to an end. We will always look to recover our costs from the offender when placed in the position of taking such action even if this results in placing a charge on the land to aid future recovery. |
| Direct Action | Direct Action will be used so we can ensure remedial works are undertaken to secure satisfactory compliance with an Enforcement Notice. In cases such as this it may also be necessary to apply for an Injunction to prohibit parties from entering the land during the period when direct action is taken. We will always look to recover our costs from the offender when placed in the position of taking such action even if this results in placing a charge on the land to aid future recovery. |

Planning Committee

24 June 2022

Agenda item number 9

Enforcement update

Report by Head of Planning

Summary

This table shows the monthly updates on enforcement matters. The financial implications of pursuing individual cases are reported on a site by site basis.

Recommendation

To note the report.

| Committee date | Location | Infringement | Action taken and current situation |
|-------------------|--|------------------------------|---|
| 14 September 2018 | Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter | Unauthorised static caravans | <ul style="list-style-type: none"> Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. Site being monitored. October 2018 to February 2019. Planning Contravention Notices served 1 March 2019. Site being monitored 14 August 2019. Further caravan on-site 16 September 2019. |

| Committee date | Location | Infringement | Action taken and current situation |
|----------------|----------|--------------|--|
| | | | <ul style="list-style-type: none"> • Site being monitored 3 July 2020. • Complaints received. Site to be visited on 29 October 2020. • Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020. • Incomplete response to PCN received on 10 December. Landowner to be given additional response period. • Authority given to commence prosecution proceedings 5 February 2021. • Solicitor instructed 17 February 2021. • Hearing date in Norwich Magistrates Court 12 May 2021. • Summons issued 29 April 2021. • Adjournment requested by landowner on 4 May and refused by Court on 11 May. • Adjournment granted at Hearing on 12 May. • Revised Hearing date of 9 June 2021. • Operator pleaded 'not guilty' at Hearing on 9 June. Trial scheduled for 20 September at Great Yarmouth Magistrates Court. • Legal advice received in respect of new information. Prosecution withdrawn and new PCNs served on 7 September 2021. • Further information requested following scant PCN response and confirmation subsequently received that caravans 1 and 3 occupied on Assured Shorthold Tenancies. 27 October 2021 • Verbal update to be provided on 3 December 2021 |

| Committee date | Location | Infringement | Action taken and current situation |
|-----------------|---|---|--|
| | | | <ul style="list-style-type: none"> Enforcement Notices served 30 November, with date of effect of 29 December 2021. Compliance period of 3 months for cessation of unauthorised residential use and 4 months to clear the site. 6 Dec. 2021 Site to be visited after 29 March to check compliance – 23 March 2022 Site visited 4 April and caravans appear to be occupied. Further PCNs served on 8 April to obtain clarification. There is a further caravan on site. 11 April 2022 PCN returned 12 May 2022 with confirmation that caravans 1 and 3 still occupied. Additional caravan not occupied. Recommendation that LPA commence prosecution for failure to comply with Enforcement Notice. Solicitor instructed to commence prosecution 31 May 2022 |
| 8 November 2019 | Blackgate Farm, High Mill Road, Cobholm | Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers' site. | <ul style="list-style-type: none"> Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action. Correspondence with solicitor on behalf of landowner 20 Nov. 2019. Correspondence with planning agent 3 December 2019. Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020. Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020. Appeal start date 17 August 2020. Hearing scheduled 9 February 2021. Hearing cancelled. Rescheduled to 20 July 2021. |

| Committee date | Location | Infringement | Action taken and current situation |
|-----------------|--|--|---|
| | | | <ul style="list-style-type: none"> Hearing completed 20 July and Inspector's decision awaited. Appeal dismissed with minor variations to Enforcement Notice. Deadline for cessation of caravan use of 12 February 2022 and 12 August 2022 for non-traveller and traveller units respectively, plus 12 October 2022 to clear site of units and hardstanding. 12 Aug 21 Retrospective application submitted on 6 December 2021. Application turned away. 16 December 2021 Site visited 7 March 2022. Of non-traveller caravans, 2 have been removed off site, and occupancy status unclear of 3 remaining so investigations underway. Further retrospective application submitted and turned away 17 March 2022 Further information on occupation requested. 11 April 2022 No further information received. 13 May 2022 Site to be checked. 6 June 2022 |
| 4 December 2020 | Land to east of North End, Thorpe next Haddiscoe | Unauthorised change of use to mixed use of a leisure plot and storage. | <ul style="list-style-type: none"> Authority given for the service of Enforcement Notices. Section 330 Notices served 8 December 2020. Enforcement Notice served 12 January 2021 with compliance date 12 February 2021. March 2021 - Some clearance commenced. 3-month compliance period. Site to be checked for progress. April 2021 Progress being monitored. May 2021 Site not cleared by deadline. Operator given a further period. June 2021 Negotiations underway. July 2021 |

| Committee date | Location | Infringement | Action taken and current situation |
|----------------|--|--|--|
| | | | <ul style="list-style-type: none"> • Further clearance, but incomplete. 25 August 2021 • Further clearance. Inspection needed. 22 September 2021 • Landowner given to end of year to complete clearance. 22 October 2021 • Further material removed, but some work required for compliance. Correspondence with landowner. 17 January 2022 • File review underway. 7 February 2022 • Verbal update and recommendation to be provided at meeting. • Direct action authorised. 1 April 2022. • Discussions with contractors underway. 11 April 2022 • Landowner given to 31 May to clear site. Site visit 12 May showed no further works undertaken. 13 May 2022 • Site to be checked for progress. 6 June 2022 |
| 8 January 2021 | Land east of Brograve Mill, Coast Road, Waxham | Unauthorised excavation of scrape | <ul style="list-style-type: none"> • Authority given for the service of Enforcement Notices. • Enforcement Notice served 29 January 2021. • Appeal against Enforcement Notice received 18 February 2021. • Documents submitted and Inspector's decision awaited. September 2021 |
| 13 May 2022 | Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter | Unauthorised operation development comprising erection of workshop, kerbing and lighting | <ul style="list-style-type: none"> • Authority given by Chair and Vice Chair for service of Temporary Stop Notice requiring cessation of construction 13 May 2022 • Temporary Stop Notice served 13 May 2022. • Enforcement Notice and Stop Notice regarding workshop served on 1 June 2022 • Enforcement Notice regarding kerbing and lighting served on 1 June 2022 |

Author: Cally Smith

Date of report: 6 June 2022

Planning Committee

24 June 2022

Agenda item number 10

Draft Design Guide for consultation

Report by Historic Environment Manager

Summary

The Broads Authority is preparing a Design Guide to meet the requirements of the National Planning Policy Framework. The initial draft of the document is complete and we seek approval to carry out consultation on it.

Recommendation

To approve public consultation for the Broads Authority Design Guide.

1. Introduction

- 1.1. The revised National Planning Policy Framework (2021) (NPPF) includes a requirement for all Local Planning Authorities (LPAs) to prepare design guides or codes consistent with the principles set out in the National Design Guide (2021) and National Model Design Code (2021). The Government's commitment to the production of Design Guides by LPAs has been strengthened in the recent Levelling Up and Regeneration Bill.
- 1.2. The purpose of a Design Guide is to provide clarity of design expectations at an early stage in the development process. The Design Guide should reflect local character and design preferences and should involve effective community engagement and reflect local aspirations for development, taking into account national design guidance.
- 1.3. The geographic coverage of the documents, the level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place.
- 1.4. It is intended that Design Guides are used by anybody proposing new development, to give them an understanding of the key characteristics of built form in the area and guidance (in the form of Design Codes) as to what form new development should take and what is likely to be acceptable. The focus is primarily on urban design principles rather than just the elevational treatment of buildings.

2. Progress so far

- 2.1. We have been working with consultants on the production of the document.
- 2.2. We carried out an initial stage of public consultation, which consisted of a Survey Monkey questionnaire. This was sent to local interest groups and Parish Councils and

was publicised via social media and our website. We had a good level of engagement, with 148 responses received (see Appendix 2).

- 2.3. The purpose of this initial stage of consultation was to establish what is important to the local community (residents, visitors and users of the Broads area) in terms of their built environment. For example, what they think is special about it; what they think could be improved; what they think is characteristic of buildings in the Broads, whether they would prefer to see a traditional or contemporary approach to new buildings in the Broads etc.
- 2.4. The results of the survey were very interesting and demonstrated how greatly the built and natural environment of the Broads is valued. We must bear in mind that the survey is perhaps more likely to have been completed by those who already have an interest in their environment, but overall it would suggest that the majority of people value the traditional and historic buildings of the Broads, recognise the value that they provide and want to ensure that new development is in keeping with these buildings and preserves and enhances the wider landscape. This information has been taken into consideration as the draft Design Guide has been developed.
- 2.5. The document (see Appendix 2) consists of a series of character appraisals for the main building types within the Broads. The building types identified are those we consider most likely to be subject to change, where there are common characteristics in term of their built form (e.g. waterside chalets or boatyards). These can be used by those proposing development to establish the characteristics of the existing built form, with the intention that this understanding will inform the new development so that it responds to the existing. The Design Code can then be used to ensure that any proposals being developed meet the requirements of the guide and there will be a checklist to be submitted with planning applications.
- 2.6. This is the first draft and as such this is high-level consultation. We envisage that changes will be made to the document and it will be developed further. However, we consider this a good stage at which to get more public involvement and public consultation will enable us to take on board the comments raised in developing the document further. Government guidance on the production of Design Codes suggests that consultation should take place at the beginning, middle and end of the process.
- 2.7. It would be beneficial to run the consultation concurrently with that for the Local Plan, which is proposed to commence in July or August and run for 10 weeks. This will enable us to reach a wider audience and be an efficient use of resources. As well as having the consultation information on the Broads Authority's website, we intend to have three public drop-in events, one in the north of the area, one in the centre and one in the south.

3. Financial implications

- 3.1. By sharing venues to consult on both the Local Plan and Design Guide, costs will be reduced. There will be some minimal cost associated with venue hire and printing for display material.

4. Conclusion and recommendation

- 4.1. The NPPF requires consultation take place as part of the production of a Design Guide and it is recommended that members authorise the commencement of this process.

Author: Kate Knights

Date of report: 08 June 2022

[Broads Plan](#) objectives: 5.1

The following appendices are available to view on the [Planning Committee - 24 June 2022 \(broads-authority.gov.uk\)](#).

Appendix 1 – Results of Initial Design Guide Consultation

Appendix 2 – First draft of Design Guide

Planning Committee

24 June 2022

Agenda item number 11

East Suffolk Affordable Housing SPD for endorsement

Report by Planning Policy Officer

Summary

East Suffolk Council has produced an Affordable Housing Supplementary Planning Document which it has recently adopted. Given that the Broads Authority defers to/has regard to the affordable housing policies of our district councils, it seems prudent to endorse this SPD formally.

Recommendation

To recommend that the Broads Authority endorses the East Suffolk Affordable Housing SPD.

1. Introduction

- 1.1. The Local Plan for the Broads defers to/has regard to some policies of our districts in relation to retail, open space and affordable housing.
- 1.2. East Suffolk Council (ESC) has produced an Affordable Housing SPD. Given that the Broads Authority has regard to/defers to ESC's policy, it is prudent to endorse the SPD. In common with the other district councils, East Suffolk Council is the Housing Authority for the whole district, including that part in the Broads area.
- 1.3. Supplementary Planning Documents (SPD) elaborate on adopted policy and help the implementation of those policies. During their production, they need to be subject to public engagement/consultation on two occasions. They need to be screened for Strategic Environment Assessments (SEA) and Habitats Regulations Assessments (HRA). They are then adopted by the LPA. As the Broads Authority did not produce the SPD it cannot formally adopt it, but as it is of relevance to the Local Plan for the Broads, it is recommended that the Broads Authority endorse the SPD.
- 1.4. The rest of this report has been taken from the ESC committee report.

2. About the SPD

- 2.1. The Affordable Housing SPD supports the implementation of policies relating to affordable housing in the East Suffolk Council/Suffolk Coastal Local Plan and East

Suffolk Council/Waveney Local Plan. The SPD provides guidance on the implementation of planning policies relating to affordable housing including in relation to types of affordable housing, identifying an appropriate mix of affordable housing, the design of affordable housing, legal agreements and carrying out local housing needs assessments.

- 2.2. The Affordable Housing SPD (Appendix 1) provides guidance on a range of topics including in relation to types of affordable housing, identifying an appropriate mix of affordable housing, the design of affordable housing, legal agreements and carrying out local housing needs assessments. The SPD also incorporates model Heads of Terms and Template Clauses for legal agreements relating to affordable housing. Guidance on First Homes and the Vacant Buildings Credit is included in the Affordable Housing SPD.
- 2.3. The Affordable Housing SPD does not create new policies but rather seeks to provide guidance that will help with the implementation of relevant policies in the Suffolk Coastal and Waveney Local Plans.
- 2.4. The Affordable Housing SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 2.5. The Affordable Housing SPD was subject to two rounds of consultation during its preparation, the details of which are contained in the Consultation Statement (Appendix 3). The first was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 9 November and 21 December 2020. In total, 22 individuals and organisations responded to the consultation. Between them they made 194 comments. Virtual roundtable sessions were also held to inform the preparation of the Model Heads of Terms and Template Clauses. The responses received to the initial stage of consultation were used to inform preparation of a draft document which was subsequently subject to a public consultation. Summaries of the consultation responses, and how they were addressed in drafting the SPD, are contained in the Consultation Statement (Appendix 3).
- 2.6. The Draft Affordable Housing SPD consultation ran from 1 November until 13 December 2021. The consultation was advertised on the Council's website, as well as on social media. 4,069 emails and 583 letters were sent out at the start of the consultation to the consultees on the planning policy mailing list which includes town and parish councils, individuals and organisations, including those who were previously contacted or responded to the informal stage of the consultation. In total, 27 individuals and organisations responded to the consultation. Between them they made 111 comments. Changes have been made to address many of the comments received, where appropriate.
- 2.7. Under the Environmental Assessment of Plans and Programmes Regulations 2004, screening was carried out on the draft Affordable Housing SPD to determine whether a full Strategic Environmental Assessment would be required. The screening concluded that this was not required. The final Strategic Environmental Assessment Screening Opinion is appended to this report (Appendix 5).

- 2.8. Habitat Regulations Assessment screening was also undertaken which concluded that implementation of the Affordable Housing SPD would not lead to likely significant effects on protected Habitat sites and that it is therefore not considered necessary to undertake an Appropriate Assessment. The final Habitat Regulations Assessment Screening Statement is appended to this report (Appendix 4).
- 2.9. Adoption of the Affordable Housing SPD will provide up to date guidance to assist with the implementation of the Council's Local Plan policies which relate to affordable housing.

Author: Natalie Beal

Date of report: 06 June 2022

Appendix 1: [Affordable Housing SPD \(2022\)](#)

Appendix 2: [Adoption Statement](#)

Appendix 3: [Consultation Statement](#)

Appendix 4: [Habitats Regulations Assessment Screening Report](#)

Appendix 5: [Strategic Environmental Assessment Screening](#)

Appendix 6: [Equality Impact Assessment Screening](#)

Planning Committee

24 June 2022

Agenda item number 12

Coastal Adaptation SPD- brief

Report by Planning Policy Officer

Summary

The Authority is working with North Norfolk, Great Yarmouth and East Suffolk Councils as well as Coastal Partnership East in producing a Coastal Adaptation Supplementary Planning Document. This report updates Members on progress since the first public engagement in 2020.

Recommendation

To note the report.

1. Introduction

- 1.1. Members may recall that we consulted on the early version of the Coastal Adaptation SPD in summer 2020. The paper, with more background that is not repeated in this report, can be found here: [Draft-Coastal-Adaptation-SPD-for-consultation-pc-170720.pdf \(broads-authority.gov.uk\)](https://broads-authority.gov.uk/sites/default/files/2020-12/Draft-Coastal-Adaptation-SPD-for-consultation-pc-170720.pdf). The consultation responses will form part of the papers at a future Planning Committee meeting that seeks endorsement for consultation on the draft SPD.

2. About the SPD

- 2.1. The Authority is working with North Norfolk, Great Yarmouth and East Suffolk Councils as well as Coastal Partnership East in producing a Coastal Adaptation Supplementary Planning Document (SPD).
- 2.2. The purpose of the SPD is to provide guidance on aligned planning policy approaches along the coast and to take a holistic, whole coast approach, which follows from the Statement of Common Ground on Coastal Zone Planning agreed between the partnership authorities in September 2018.
- 2.3. The SPD will therefore ensure planning guidance is up to date, aid the interpretation and delivery of planning policy, and provide case study examples of coastal adaptation best practice.
- 2.4. The SPD is likely to be split into the following chapters:

- a. Context: Sets the scene by explaining how the coast and its erosion impacts on our communities, environment and local economy.
- b. Coastal Management Measures and Policies: What are the current national and adopted Local Plan coastal policies?
- c. Coastal Change Management Areas (CCMA): What development can/should take place in CCMA's?
- d. Rollback and relocation: How can timely rollback and relocation be encouraged and achieved?
- e. Enabling development: What guidance on 'enabling' development in the coastal zone is appropriate?
- f. Plus, case studies – caravan parks, tourism facilities, sports facilities etc

2.5. It is intended that the draft SPD will go out for consultation, hopefully by the end of the year.

Author: Natalie Beal

Date of report: 06 June 2022

Planning Committee

24 June 2022

Agenda item number 13

June Consultation Responses

Report by Planning Policy Officer

Summary

This report informs the Committee of the officer's proposed response to planning policy consultations received recently, and invites members' comments and guidance.

Recommendation

To note the report and endorse the nature of the proposed response.

1. Introduction

- 1.1. Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2. The Committee's comments, guidance and endorsement are invited.

Author: Natalie Beal

Date of report: 06 June 2022

Appendix 1 – Planning Policy consultations received

Appendix 1 – Planning Policy consultations received

Hemsby Parish Council

Document: Hemsby Neighbourhood Plan REG14. [Hemsby Neighbourhood Plan \(Hemsby Parish Council\)](#)

Due date: 26 June 2022

Status: Regulation 14

Proposed level: Planning Committee Endorsed

Notes

The vision for the village of Hemsby is to remain a small and safe community that is proud of its heritage and that embraces the natural beauty of its unique surroundings, with the North Sea and sandy beaches to the east. The village will be a social and recreational meeting point for parishioners and tourists alike with local facilities, activities, inclusive village events and beautiful nearby rural areas. The village will experience slow and sustainable growth; development will both respect the rural character of the village and be environmentally responsible, including seeking out opportunities for 'green' initiative projects such as electric vehicle charging points and reducing carbon emissions. The planning and development of the village will take into account the needs of the village and the environment within which the village is set.

The aims of the plan are to:

- A. Support year-round and day-visitor sustainable tourism.
- B. Protect and enhance Hemsby's rich heritage, including its cultural heritage and association with the holiday camps.
- C. Help people choose sustainable ways of getting around in Hemsby, as well as to neighbouring villages.
- D. Help to meet the housing needs of the community.
- E. Widen the use of community facilities, especially by younger people.
- F. Make sure future development will deliver the infrastructure needed for our communities and businesses.
- G. Ensure that new development, especially housing developments, are designed to a high standard and have a positive impact on local character.
- H. Protect and preserve those special qualities and features that are valued by the community, such as the sandy beaches and Broads.
- I. Support the sensitive relocation of properties affected by coastal erosion.
- J. Improve wildlife habitat across the parish and especially in the green corridors.

Proposed response

Summary of response

The Neighbourhood Plan is welcomed. Comments mainly relate to dark skies, suggesting some areas of consistency as well as seeking clarification. Many of our informal comments have been taken on board.

Detailed comments

1. Views document

Would be useful if the map on page 2 showed the Broads Authority Executive Area please.

Page 3 typo: revealing, around,

Page 5, typo: cant

2. Local Green Space Assessment

Not sure if any are in the Broads, but maybe show the Broads on map 2?

3. Reg 14 Plan

- At 1.4 you say 'reasonable range of facilities and services' whereas at para 1.7 you say 'great amenities to provide their everyday needs'. You may want to be consistent (presuming that amenities in this instance means facilities and services).
- 4.2, bullet 8 – do you list these special qualities anywhere? Or if it is the sandy beaches and the Broads, maybe say that in the objective?
- 6.3 and 7.9 – which Local Plan?
- Policy 2 – why threshold of 5 dwellings or more? So, schemes of less than 5 can build what they want? You may want to check with GYBC planners, but I would have thought that all schemes, no matter the size, must provide a mix of housing types. Why has 5 dwellings been chosen?
- 6.17 – you say that these are not specific to Hemsby. Why do you say that? The policy approach is Broads Authority Executive Area wide... so would apply to Hemsby. I just wonder if this is needed or needs to be worded better to reflect the situation.
- Supporting text to Policy 3
 - Please specifically mention that the Broads has intrinsically dark skies that are protected through the NPPF and so the policy refers to lighting design. Then refer to our Local Plan policy on dark skies.
 - I would suggest you need to say in the supporting text that the design guide does not apply to the Broads, but the general design principles set out in the policy are relevant to schemes in the Broads.
- Policy 3 – it is good that you add considering the impact of lighting on the dark skies of the Broads to the policy, but this is only in relation to street lighting. Keep that as it is, but it would be good to refer to all lighting and not having an impact on the dark skies of the Broads. Perhaps the lighting criterion is broadened out from just street lighting or there is an additional criterion?
- 7.2 – Borough Council's
- Policy 7 – says 'will seek to provide' – what does this actually mean? Are the words 'seek to' needed? As written, I am not sure of the weight or what the instruction is.

- Para 8.16, 8.17 and Community Action 4 – please refer to the design of the lighting and the dark skies of the Broads.
- Para 9.6 says - Local Plan Part 1 Policy – is that the Core Strategy of GYBC? Just need to be consistent in how the Local Plans are referred to and whose Local Plans they are.
- Policy 14: ‘provided that **they** are not simple open’
- Policy 14: ‘t is also common for schemes to include hydraulic controls or silt traps which may encourage absorption of polluting substances, all risks should be considered’. The last part after the, seem to not belong to this sentence. Maybe check.
- Policy 7 –What about EV charging points and indeed cycle parking?
- Para 11.1 – you might want to reiterate the mantra of ‘right tree in the right place’.
- Policy 15 – to what types and scale of development will the biodiversity net gain requirement apply? As written, it applies to anything, including replacement windows for example. Suggest you qualify that a bit more.
- Figure 6 – is number 8 in the Broads? Please show the area of the Broads on the map.
- Policies 19 and 20 – you may wish to qualify the policy stance by saying something like ‘subject to other relevant policies’.
- Figure 8 – please show the area of the Broads on the map.

4. Non-designated heritage asset assessment

- Map on page 3 – please show the Broads.

5. Design Guide

No comments – the Neighbourhood Plan sets out that the Design Guide does not apply to the Hemsby areas which are in the Broads Executive area. This is supported as the Design Guide does not adequately address the Broads and will not apply to the Broads areas.

Planning Committee

24 June 2022

Agenda item number 14

Local Plan Issues and Options Bite Size Pieces- June

Report by Planning Policy Officer

Summary

The review of the Local Plan for the Broads is underway. This report introduces some sections of the emerging draft Issues and Options stage of the Local Plan. These sections cover the topics of Housing Needs Study, housing section, Gypsy and Traveller and Residential Caravans Needs Study, gypsy and traveller section, residential caravans' section, call for sites and design sections.

Recommendation

Members' thoughts and comments on the draft sections are requested.

1. Introduction

- 1.1. The review of the Local Plan for the Broads is underway. The first document produced as part of the review of the Local Plan will be an Issues and Options consultation. As well as advertising that we are reviewing the Local Plan, this stage identifies some issues and related options and seeks comments. Responses will inform the subsequent stages of the Local Plan.
- 1.2. This report introduces bite size pieces of the Issues and Options. Members will of course be presented with the final draft version of the Issues and Options to endorse it for consultation at a later Planning Committee.
- 1.3. The bite size pieces are attached as appendices to this report. Members' views on these reports/draft sections of the Issues and Options are welcomed.

Author: Natalie Beal

Date of report: 06 June 2022

Appendix 1 – Housing needs study

Appendix 2 - Housing needs section

Appendix 3 - Gypsy and traveller and residential caravans needs study

Appendix 4 - Gypsy, traveller and travelling show people needs section

Appendix 5 - Residential caravans needs section

Appendix 6 - Call for sites for residential dwellings and moorings (Broads-wide) plus residential caravans and gypsy and traveller sites (Great Yarmouth Borough)

Appendix 7 - Design section



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Housing needs study

The following introduces a piece of evidence base for Planning Committee to endorse.

Working with Great Yarmouth Borough Council, who were commissioning work on their housing need at the same time as us, we commissioned ORS Consultants to calculate the housing need for the entire Broads area. The [study](#) was completed in May 2022 and identifies a housing need for the Broads from 2021 to 2041 as follows:

Projected Dwellings needed for the Broads by Local Authority

| Broadland | North Norfolk | Norwich | South Norfolk | Great Yarmouth | East Suffolk |
|-----------|---------------|---------|---------------|----------------|--------------|
| 105 | 97 | 6 | 68 | 59 | 23 |

Overall housing need for 2021-41 of 358 dwellings, or 17.9 dwellings per annum.

It is recommended that Members endorse the study and it becomes part of the evidence base for the new Local Plan for the Broads.



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Housing need

The following is one of the draft sections of the Issues and Options. It relates to Housing Need. Members' thoughts are welcomed as we finalise this section of the Issues and Options.

Please note that in section 6 below, there is reference to a form to be used for the 'call for sites' process; this form can be found in Appendix 6 of the Issues and Options Bite Size report. The Housing Needs Study referred to below can be found at Appendix 1.

1. Housing need

As we start to review and produce a new, updated Local Plan, it is necessary to assess the housing need figure again.

The NPPF says at paragraph 8 'that a sufficient number and range of homes can be provided to meet the needs of present and future generations.'

The NPPF goes on to say, at paragraphs 60 and 61 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay' and 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signal'.

2. Current housing need

The 2019 Local Plan was the first Local Plan for the Broads to include a housing need figure. The need figure was 286 dwellings or 11.43 dwellings a year.

According to annual monitoring, we have delivered the following number of net new dwellings:

- 2019/20: 21 dwellings
- 2020/21: 7 dwellings
- 2021/22: 17 dwellings

3. Calculating housing need for the new Local Plan

Most Local Planning Authorities now have their housing need calculated using the Standard Methodology. The NPPG says that the 'standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply'.

However, the standard method does not apply to the Broads. The NPPG says 'where strategic policy-making authorities do not align with local authority boundaries (either individually or in combination), or the data required for the model are not available such as in National Parks and the Broads Authority, where local authority boundaries have changed due to reorganisation within the last 5 years or local authority areas where the samples are too small, an alternative approach will have to be used. Such authorities may continue to identify a housing need figure using a method determined locally, but in doing so will need to consider the best available information on anticipated changes in households as well as local affordability levels.'

Working with Great Yarmouth Borough Council, who were commissioning work on their housing need at the same time as us, we commissioned ORS Consultants to calculate the housing need for the entire Broads area. The [study](#) was completed in May 2022 and identifies a housing need for the Broads from 2021 to 2041 as follows:

Projected Dwellings needed for the Broads by Local Authority

| Broadland | North Norfolk | Norwich | South Norfolk | Great Yarmouth | East Suffolk |
|-----------|---------------|---------|---------------|----------------|--------------|
| 105 | 97 | 6 | 68 | 59 | 23 |

Overall housing need for 2021-41 of 358 dwellings, or 17.9 dwellings per annum.

It is important to note that the need for the Broads is part of the need of the districts and is not additional to the need of the districts.

Question x: do you have any thoughts or comments on the study and the housing need for the Broads?

4. Meeting the need

4.1 Permissions and completions

We will assess the permissions and completions since April 2021 as we produce the Local Plan for the Broads. At the time of writing, 17 net new dwellings had been permitted and 6 net new dwellings had been completed between April 2021 and end of March 2022. This leaves a need for 322 dwellings. As time goes by in producing the Local Plan, the number permitted or completed will change.

4.2 Sites currently allocated in the Local Plan

We also have some sites allocated in the current local plan for housing. Here are the sites and also the progress:

| Site | Location | Number of dwellings | Progress to date |
|--|--------------|----------------------------|---|
| Policy HOV3: Brownfield land off Station Road, Hoveton | Hoveton | Estimated at 6 dwellings | Informal discussions with landowner. |
| Policy NOR1: Utilities Site | Norwich | Estimated at 120 dwellings | East Norwich Masterplan underway. |
| Policy OUL2: Oulton Broad - Former Pegasus/Hamptons Site | Oulton Broad | 76 dwellings | Permitted, started, but no dwellings completed. |
| Policy STO1 Land adjacent to Tiedam, Stokesby | Stokesby | 4 dwellings | Permitted, not started, no dwellings completed. |
| Policy THU1: Tourism development at Hedera House, Thurne | Thurne | 16 dwellings | Permitted, not started, no dwellings completed. |

It is likely that all the allocations will continue in the new Local Plan as the three permitted schemes are not completed yet and HOV3 and NOR1 have not been permitted. We will ensure to not double count permitted schemes and allocated schemes.

4.3 Duty to Cooperate

If a Local Planning Authority cannot meet their housing need, they can work with neighbouring Local Planning Authorities through the Duty to Cooperate. We used this approach to meet some of our need in the current Local Plan. Working with Great Yarmouth Borough Council, it was agreed that they would provide 40 dwellings. We may work with our districts in order to meet the need for housing in the Broads.

5. The Broads and development

As set out in Section 5 of the Local Plan, there are many constraints to development. For example, flood risk, rural nature of the area as well as landscape and biodiversity considerations. Indeed, the NPPF at paragraph 176 says *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'*.

6. Call for Sites

We are undertaking a call for sites for residential dwellings.

This will require the provision of information and a form is available. This needs to be completed in full and submitted to the Broads Authority for assessment by xxxx (the date the consultation on the Issues and Options ends).

We will work with stakeholders to assess any sites brought forward. We cannot guarantee that your site will be allocated as we may not deem it suitable for allocation in the Local Plan. We will set out our reasons for any decision we make. As set out in section 5, there are many constraints to development in the Broads.

If you wish to put a site forward for us to consider for housing, please fill out the form at Appendix x.



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Gypsy and Travellers and Travelling Showpeople and residential caravans– need for Great Yarmouth study

The following introduces a piece of evidence base for Planning Committee to endorse.

The [Planning policy for traveller sites](#) says ‘local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities’.

The Housing and Planning Act 2016 sets a requirement to consider the need of those living in caravans.

We worked with other Norfolk LPAs in 2017 to assess the [Gypsy, Traveller and Travelling Showpeople and residential caravans](#) need. This calculated the need as zero for Gypsy and Travellers, zero for Travelling Show People and zero for residential caravans.

Over the past two or three years, it has become apparent that there are and have been some unauthorised Gypsy and Traveller encampments/development in the Broads part of Great Yarmouth Borough, which would result in a need for pitches.

Recently, we worked with Great Yarmouth Borough Council to investigate the need for Gypsy and Traveller sites Borough-wide. RRR Consultants were commissioned to undertake the [Gypsy and Traveller and Residential Caravan need Study](#). They concluded the need as follows:

For Gypsy and Travellers:

| Period | Number of pitches |
|------------------------|-------------------|
| 2022-2027 | 7 |
| 2027-2032 | 1 |
| 2032-2037 | 1 |
| 2037-2041 | 1 |
| Total 2022-2041 | 10 |

For Travelling shop people: zero

For residential caravans:

| Summary of accommodation needs 2022-41 (residential caravan pitches) | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|
| | 2022-27 | 2027-32 | 2032-37 | 2037-41 | 2022-41 |
| Broads Authority | 12 | 0 | 0 | 0 | 12 |

At this Planning Committee, there are also the draft sections covering Gypsy and Traveller need (Appendix 4) and residential caravans (Appendix 5).

It is recommended that Members endorse the study and it becomes part of the evidence base for the new Local Plan for the Broads



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Gypsy and Traveller and Travelling Showpeople

The following is one of the draft sections of the Issues and Options. It relates to Gypsy and Travellers in the Great Yarmouth Borough area. Members' thoughts are welcomed as we finalise this section of the Issues and Options.

Please note that in section 3 below there is reference to a form to be used for the 'call for sites' process; this form can be found in Appendix 6 which covers this topic. The Gypsy and Traveller Needs study referred to in the text below is that found at Appendix 3.

1. Gypsy and Travellers

The [Planning policy for traveller sites](#) says 'local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities'.

We worked with other Norfolk LPAs in 2017 to assess the [Gypsy, Traveller and Travelling Showpeople](#) need. This calculated the need as zero for the Broads.

2. Gypsy and Traveller Need in Great Yarmouth

Over the past two or three years, it has become apparent that there are and have been some unauthorised Gypsy and Traveller encampments/development in the Broads part of Great Yarmouth Borough, which would result in a need for pitches.

Recently, we worked with Great Yarmouth Borough Council (GYBC) to investigate the need for Gypsy and Traveller sites Borough-wide. RRR Consultants were commissioned to undertake the Gypsy and Traveller Need Study which can be found [here](#). They concluded the need as follows:

| Period | Number of pitches |
|------------------------|-------------------|
| 2022-2027 | 7 |
| 2027-2032 | 1 |
| 2032-2037 | 1 |
| 2037-2041 | 1 |
| Total 2022-2041 | 10 |

It should be noted that we intend to undertake an addendum to this study in the next year or two to update it to reflect any other unauthorised pitches in the Cobholm Island area of Great Yarmouth.

3. Gypsy and Travellers – call for sites in Great Yarmouth part of the Broads

We are undertaking a call for sites for Gypsy and Traveller pitches/sites in the Great Yarmouth part of the Broads.

Appendix x includes a form that needs to be completed in full and submitted to the Broads Authority for assessment by **xxxx** (the date the consultation on the Issues and Options ends).

We will work with stakeholders to assess any sites brought forward. We cannot guarantee that your site will be allocated as we may not deem it suitable for allocation in the Local Plan. We will set out our reasons for any decision we make. As set out in section 5, there are many constraints to development in the Broads.

If you wish to put a site forward for us to consider for Gypsy and Travellers, please fill out the form at Appendix x.

4. The Broads and development

As set out in Section 5 of the Local Plan, there are many constraints to development. For example, flood risk, rural nature of the area as well as landscape and biodiversity considerations. Indeed, the NPPF at paragraph 176 says *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'*.

5. The Gypsy and Traveller need in other parts of the Broads

We know there is a need in GYBC area and that is partly because of some unauthorised encampments/developments in the Broads part of the Borough.

We are not aware of any unauthorised encampments/developments and there are no permitted Gypsy and Traveller sites or pitches elsewhere in the Broads.

We are aware that GNLP Commissioned an [addendum](#) to the 2017 needs study. This sought to update the figures as the Greater Norwich Local Plan was submitted for examination. This addendum did not identify any need for the Broads.

We will work with the other 5 district councils over the coming years regarding any updated work on the need for Gypsy and Travellers. But as things currently stand, there is a need in the GYBC area of the Broads and nowhere else in the Broads.

Question x: Do you have any thoughts on Gypsy and Travellers and the Local Plan?



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Residential caravans

The following is one of the draft sections of the Issues and Options. It relates to residential caravans in the Great Yarmouth Borough area. Members' thoughts are welcomed as we finalise this section of the Issues and Options.

Please note that in section 3 below there is reference to a form to be used for the 'call for sites' process; this form can be found in Appendix 6 which covers this topic. The Residential Caravans Needs Study referred to below can be found at Appendix 3.

1. Residential caravans

The [Housing and Planning Action 2016](#) requires the need of those residing in caravans to be considered. These are caravans that are used for residential – they are not holiday caravans or gypsy, traveller and travelling show people caravans.

We worked with other Norfolk LPAs in 2017 to assess the [residential caravan need](#). This calculated the need for the Broads as zero.

2. Residential Caravan Need in Great Yarmouth

Recently, we worked with Great Yarmouth Borough Council to investigate the need for residential caravans Borough-wide. RRR Consultants were commissioned to undertake the Gypsy and Traveller Need Study which can be found [here](#). They concluded the need as follows:

| Summary of accommodation needs 2022-41 (residential caravan pitches) | | | | | |
|---|---------|---------|---------|---------|----------------|
| | 2022-27 | 2027-32 | 2032-37 | 2037-41 | 2022-41 |
| Broads Authority | 12 | 0 | 0 | 0 | 12 |

It should be noted that we intend to undertake an addendum to this study in the next year or two to update it to reflect any other unauthorised pitches in the Cobholm Island area of Great Yarmouth.

3. Residential caravans – call for sites in Great Yarmouth part of the Broads

We are undertaking a call for sites for residential caravans in the Great Yarmouth part of the Broads.

Appendix **x** includes a form that needs to be completed in full and submitted to the Broads Authority for assessment by **xxxx** (the date the consultation on the Issues and Options ends).

We will work with stakeholders to assess any sites brought forward. We cannot guarantee that your site will be allocated as we may not deem it suitable for allocation in the Local Plan. We will set out our reasons for any decision we make. As set out in section 5, there are many constraints to development in the Broads.

If you wish to put a site forward for us to consider for residential caravans, please fill out the form at Appendix x.

4. The Broads and development

As set out in Section 5 of the Local Plan, there are many constraints to development. For example, flood risk, rural nature of the area as well as landscape and biodiversity considerations. Indeed, the NPPF at paragraph 176 says *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'*.

5. The residential caravan needs in other parts of the Broads

We know there is a need in GYBC area and that is partly because of some unauthorised encampments/developments in the Broads part of the Borough.

We will work with the other 5 district councils over the coming years regarding any updated work on the need for residential caravans. But as things currently stand, there is a need in the GYBC area of the Broads and nowhere else in the Broads.

Question x: Do you have any thoughts on residential caravans and the Local Plan?



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Call for sites for residential dwellings (Broads-wide), residential moorings (Broads-wide), residential caravans (Great Yarmouth Borough only) and Gypsy and Traveller sites (Great Yarmouth Borough only).

1. Introduction for Members

The call for sites for residential dwellings (Broads-wide), residential moorings (Broads-wide), residential caravans (Great Yarmouth Borough only) and Gypsy and Traveller sites (Great Yarmouth Borough only) will take place at the same time as the Issues and Options. Site promoters will be asked to fill out the Call for Sites form. We will look at making it a word document as well as available on Survey Monkey.

Even if a site is currently allocated for development in the Local Plan, we will ask for this form to be filled out as it is prudent to continue to check the suitability and deliverability of sites.

The questions asked and the information requested are all important to understand the intentions of the promoter, the constraints of the site, how achievable, available and deliverable the site is and to provide information that will help us to conclude if the site is suitable for allocation.

Once a site is submitted, site visits will be held and we will ask stakeholders like Highways and the Parish/Town Council for comments. We will then collate all the information and assess if the site is suitable for allocation. We cannot guarantee that we will allocate all sites that come forward as our assessment may lead us to conclude it is not suitable. We will explain clearly reasons for allocating or not allocating. Allocations will form part of the Preferred Options version of the Local Plan.

Preferred sites will be allocated in the next version of the Local Plan.

2. Call for Sites section of the Issues and Options

At this Planning Committee, there are bite size pieces relating to residential dwellings, residential moorings, residential caravans and gypsy and traveller sites. In each of these sections, you will see a small section on the call for sites, directing the reader to the following form to fill in.

3. Proposed Call for Sites form

This is the proposed form. It is expected that all proposals fill out the entire form. There are some questions unique to certain land uses and these are specified towards the end of the form.

1 Part 1 – to be filled out for all types of development

2 A. About you

3 Name

4 Organisation

5 Are you land owner or agent or other?

6 If an agent, who is the client?

7 Email address:

8 Phone number:

9 B. Site information

10 Site address:

11 Grid reference:

12 Parish:

13 District:

14 Site size (Ha):

15 Greenfield or brownfield land?

16 Who owns the land?

17 If the site is in multiple landownerships do all landowners support your proposal for the
18 site?

19 What is the current land use?

20 Has the site been previously developed?

21 Describe any previous uses of the site. (please provide details of any relevant historic
22 planning applications, including application numbers if known)

23 **C. Proposed use of the site**

24 What do you propose to develop on the site?

- 25 • Residential dwellings – Broads area wide
26 • Residential moorings – Broads area wide
27 • Residential caravans (not holiday or Gypsy and Traveller) in Great Yarmouth Borough
28 area only
29 • Gypsy and Traveller sites in Great Yarmouth Borough area only – permanent site
30 • Gypsy and Traveller sites in Great Yarmouth Borough area only – transit site
31 • Gypsy and Traveller sites in Great Yarmouth Borough area only – temporary stopping
32 site

33 Please note that we have an identified need for residential caravans and gypsy and
34 travellers sites in the Borough of Great Yarmouth only.

35 Please provide a short description of the development or land use you proposed

36 How many dwellings?

37 What type of dwellings – affordable, market, older persons, holiday homes, second homes?

38 How many residential moorings are proposed?

39 How many mooring berths do you have in total on site?

40 How many Gypsy and Traveller pitches?

41 How many residential caravans?

42 Please describe any benefits to the Local Area that the development of the site could
43 provide.

44 **D. Site Features and Constraints**

45 Are there any features of the site or limitations that may constrain development on this site
46 (please give details)?

47 For residential dwellings, residential caravans and gypsy and travellers sites: Accessibility to
48 local services and facilities: How many, and what, key services are there within 800m/10
49 minutes walking distance of the site in town centres, 1,200m elsewhere and 2,000m for
50 school access and employment?

51 For residential moorings:

52 Is the proposed site in a mooring basin, marina or boatyard

53 Is the site within or adjacent to a defined development boundary or 800m/10 minutes
54 walking distance to three or more key services (see reasoned justification) and the walking
55 route is able to be used and likely to be used safely, all year round or is in Norwich City
56 Council's Administrative Area? Please provide details.

57 *Key services are:*

- 58 • *A primary school*
- 59 • *A secondary school*
- 60 • *A local healthcare service (doctors' surgery)*
- 61 • *Retail and service provision for day to day needs (district/local shopping centre, village*
62 *shop)*
- 63 • *Local employment opportunities which are defined as follows, which reflect areas with*
64 *potentially a*
- 65 • *number of and variety of job opportunities:*
- 66 • *Existing employment areas allocated/identified in our districts' Local Plans; or*
- 67 • *City, Town or District Centre as identified in the Local Plan for the Broads or our District's*
68 *Local Plan. We note that this means such centres count towards two of the three key*
69 *services test; or*
- 70 • *These sites that are allocated in the Local Plan for the Broads: BRU2, BRU4, CAN1, HOR6,*
71 *POT1, STA1, TSA3.*
- *A peak-time public transport service to and from a higher order settlement (peak time for*
the purposes of this criterion will be 7-9am and 4-6pm)

72 Site Access: Is there a current means of access to the site from the public highway, does this
73 access need to be improved before development can take place and are there any public
74 rights of way that cross or adjoin the site?

75 Topography: Are there any slopes or significant changes of in levels that could affect the
76 development of the site?

77 Ground Conditions: Are ground conditions on the site stable? Are there potential ground
78 contamination issues?

79 Flood Risk: Is the site liable to river, ground water or surface water flooding and if so what is
80 the nature, source and frequency of the flooding

81 Legal Issues: Is there land in third party ownership, or access rights, which must be acquired
82 to develop the site, do any restrictive covenants exist, are there any existing tenancies?

83 Environmental Issues: Is the site located next to a watercourse or mature woodland, are
84 there any significant trees or hedgerows crossing or bordering the site are there any known
85 features of ecological or geological importance on or adjacent to the site

86 Heritage Issues: Are there any listed buildings, Conservation Areas, Historic Parklands or
87 Schedules Monuments on the site or nearby? If so, how might the site's development affect
88 them?

89 Neighbouring Uses: What are the neighbouring uses and will either the proposed use or
90 neighbouring uses have any implications?

91 Existing uses and Buildings: are there any existing buildings or uses that need to be
92 relocated before the site can be developed. Are there any utilities on or near or over the
93 site?

94 How will your proposal protect the dark skies in the area and not produce light pollution?

95 Other: (please specify):

96 **E. Utilities**

97 Which of the following are likely to be readily available to service the site and enable its
98 development? Please provide details where possible.

99 Mains water supply

100 Mains sewerage – to which Water Recycling Centre would this flow to?

101 Electricity supply

102 Gas supply

103 Public highway

104 Broadband internet

105 Other (please specify):

106 Please provide any further information on the utilities available on the site:

107 **F. Availability**

108 Please indicate when the site could be made available for the land use or development
109 proposed.

- 110 • Immediately (within the next year)
- 111 • Within 5 years
- 112 • 5-10 years
- 113 • 10-15 years
- 114 • 15-20 years

115 Please give reasons for the answer given above.

116 Is the site being marketed? Add any detail as necessary (e.g. where, by whom, how much for
117 etc.)

118 Please indicate what level of market interest there is/has been in the site. Please include
119 relevant dates in the comments section.

120 Comments

121 **G. Delivery**

122 Please indicate when you anticipate the proposed development could be begun.

- 123 • Immediately (within the next year)
- 124 • Within 5 years
- 125 • 5-10 years
- 126 • 10-15 years
- 127 • 15-20 years

128 Once started, how many years do you think it would take to complete the proposed
129 development (if known)?

130 Estimated annual build out rate (including justification):

131 What are the barriers to delivering the site?

132 **H. Achievability**

133 Explain how delivering what you propose on the site is achievable. A site will be considered
134 achievable where there is a reasonable prospect that development will occur on the site at a
135 particular point in time. A key determinant of this will be the economic viability of the site.
136 This will be influenced by the market attractiveness of a site, its location in respect of
137 property markets and any abnormal constraints on the site.

138 You acknowledge that there are likely to be policy requirements which will be in addition to
139 the other development costs of the site (depending on the type and scale of land use
140 proposed). These requirements are likely to include but are not limited to: Affordable
141 Housing; Sports Pitches & Children's Play Space and Recreational impact avoidance tariff.

142 Do you know if there are there any abnormal costs that could affect the viability of the site
143 e.g. infrastructure, demolition or ground conditions?

144 If there are abnormal costs associated with the site please provide details:

145 Do you consider that the site is currently viable for its proposed use taking into account any
146 and all current planning policy considerations and other abnormal development costs
147 associated with the site?

148 Please attach any viability assessment or development appraisal you have undertaken for
149 the site, or any other evidence you consider helps demonstrate the viability of the site.

150 **I. Additional information**

151 Have you discussed your intentions for this site with your neighbours and the local
152 parish/town council? Please provide details.

153 Have you put this site forward for development before? Please provide details.

154 [Biodiversity Net Gain](#) is due to come into effect from 2023. How will you address the
155 requirements?

156 Please use the space below to for additional information or further explanations on any of
157 the topics covered in this form.

158 Please upload a map of the site, showing the context and the area for consideration
159 outlined in red.

160 I acknowledge that this submission will be made public as part of the local plan preparation
161 and any related consultations.

162 **J. Important considerations**

163 • **Nutrient Neutrality**

164 Please be aware that if your site is within the [Broads SAC catchment](#), if your site is taken
165 forward and allocated in the Local Plan, it is very likely that on applying for planning
166 permission, you will need to mitigate for [Nutrient Neutrality](#). At the time of writing, the
167 exact form of mitigation and the cost was being calculated and produced. But using
168 examples of mitigation from elsewhere, the cost per dwelling or residential mooring is
169 around £2,000 to £3,000 per dwelling. Please tick to say that you have read and understood
170 this **xxxx**.

171 • **Norfolk and Suffolk Coast Recreation Avoidance Mitigation Strategies (RAMS)**

172 Please also be aware that dwellings, caravans, gypsy and traveller pitches and residential
173 moorings in Norfolk and part of Suffolk will be required to mitigate their impact on
174 protected wildlife sites. There is a [scheme](#) in place whereby at the planning application

175 stage, a payment of around £190 in Norfolk and around £320 in Suffolk is made to act as
176 mitigation. Please tick to say that you have read and understood this **xxxx**.

177 **Part 2 - Specific questions for residential moorings only**

178 How will the proposed site provide an adequate and appropriate range of ancillary facilities
179 on site to meet the needs of the occupier of the residential moorings (for example potable
180 water, wastewater pump out, and electricity) or provides adequate access to these ancillary
181 facilities in the vicinity of the residential mooring?

182 Will the proposal result in the loss of moorings available to visitors/short stay use? Please
183 provide details.

184 Will the proposed location of the moorings impede the use of the waterway? Please provide
185 details.

186 How do you think the proposed scheme will impact the following?

- 187 a) the character and appearance of the site or the surrounding area arising from the
188 moorings and the use of adjacent land incidental to the mooring;
189 b) protected species, priority habitats and designated wildlife sites;
190 c) the amenities of neighbouring occupiers; or
191 d) bank erosion.

192 Explain how your proposal provides safe access between vessels and the land without
193 interfering with or endangering those using walkways.

194 Explain how the proposal will provide adequate car/cycle parking.

195 Explain how the proposal will make provision for safe access for service and emergency
196 vehicles and pedestrians.

197 How will the proposal not prejudice the current or future use of adjoining land or buildings?

198 How will the proposal make adequate provision for waste, sewage disposal and the
199 prevention of pollution?

200 Explain how the proposal will make adequate provision for the installation of pump-out
201 facilities (where on mains sewer)? If there are adequate facilities in the vicinity, please
202 explain.

203 How will the scale of your proposal be commensurate with the scale of development
204 proposed for that settlement (as a whole)?

205 How will provisions be made for facilities associated with residential uses (such as rubbish,
206 amenity space, external storage and clothes drying for example)?

207 **Part 3 - Specific questions for Gypsy and Traveller pitches**

208 How does your proposal avoid sites being over-concentrated in any one location or
209 disproportionate in size to nearby communities?

210 How is there adequate provision for parking, turning and safe manoeuvring of vehicles
211 within the site?

212 If for a transit site, how is your site in close proximity to the main established travelling
213 routes in the area?

214 How does the site have clearly defined physical boundaries and will be appropriately
215 screened and landscaped and be capable of visual privacy?

216 How will permanent built structures in rural locations or on settlement fringes be restricted
217 to essential facilities?

218 How is there is sufficient amenity space for occupiers?

219 How are the sites or pitches capable of being provided with adequate infrastructure such as
220 power, water supply, foul water drainage and recycling/waste management?

221 How do proposals not cause unacceptable harm to the amenity of neighbouring uses and
222 occupiers and the tranquillity of the area?



**Local Plan for the Broads - Review
Issues and options bitesize pieces
June 2022**

Design

The following is one of the draft sections of the Issues and Options. It relates to Design. Members' thoughts are welcomed as we finalise this section of the Issues and Options.

It should be noted that there is another, separate report being presented to this Planning Committee on work underway towards the preparation of a design code/guide.

1. About design and the Broads

The Broads Authority has the equivalent status to a National Park, recognised for its high landscape and built qualities. National policies are clear in outlining that proposals should preserve and enhance the special qualities of the area, with the scale and extent of development being limited and any development being sensitively located and designed to avoid and minimise adverse impact on the area.

We must seek to ensure that new development is of the highest standard of design and reflects the sensitive context in which it sits. As well as the external appearance of new buildings, they must relate well to their surroundings, including the wider landscape, enhance biodiversity and seek to tackle climate change, be safe and secure, enable good access for all, be sustainable and flood resilient.

2. Government and national policy and design

The [Planning White Paper of 2020](#) identified design of new build as a particular focus of the proposed planning reforms, proposing 'to bring a new focus on design and sustainability'.

In 2021, the updated NPPF required all Local Planning Authorities to prepare design guides or codes, reflecting local character and design preferences. They are intended to provide a 'local framework for creating beautiful and distinctive places'.

The Government published the [National design guide - GOV.UK \(www.gov.uk\)](#) also in 2021. The National Design Guide 'illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice'.

At the same time, the [National Model Design Code - GOV.UK \(www.gov.uk\)](#) was published which 'provides detailed guidance on the production of design codes, guides and policies to promote successful design'.

3. What our policy says now

Policy DM43 of the adopted Local Plan says ‘all development will be expected to be of a high design quality. Development should integrate effectively with its surroundings, reinforce local distinctiveness and landscape character and preserve or enhance cultural heritage’. It then goes on to discuss various aspects of design such as mix of uses, crime prevention, accessibility and landscaping.

4. Planning guides

We already have some design guides in place. These relate to the design of riverbank stabilisation and moorings, as well as Waterside Bungalows and Chalets. We have some other guides on landscaping/landscape as well as biodiversity enhancements. You can see our planning guides here: [Broads planning guides \(broads-authority.gov.uk\)](https://broads-authority.gov.uk/broads-planning-guides).

5. Design work underway

We will be updating the Local Plan policy relating to design. It is not envisaged that this will be significantly different to the existing policy, although we will need to ensure it is in accordance with the National Design Guide and National Model Design Code.

In order to meet the requirements of the NPPF, we have also started work on preparation of a Design Guide for the Broads. Early stage public consultation has helped to establish what the public value about their built environment and this is helping to inform the development of the Design Guide. The draft Design Guide for the Broads is out for consultation at the same time as the Issues and Options.

Question xx: Do you have any thoughts on how the Local Plan can ensure good design in the Broads?

Planning Committee

24 June 2022

Agenda item number 15

Appeals to the Secretary of State update

Report by Senior Planning Officer

Summary

This report sets out the position regarding appeals against the Authority.

Recommendation

To note the report.

| Application reference number | Applicant | Start date of appeal | Location | Nature of appeal/ description of development | Decision and dates |
|--|-----------------|---|--|--|--|
| APP/E9505/C/21/3269284 BA/2017/0035/UNAUP3 | Mr Henry Harvey | Appeal received by BA on 18 February 2021 Start date 26 April 2021 | Land East Of Brograve Mill Coast Road Waxham | Appeal against Enforcement Notice | Committee Decision 8 January 2021 LPA Statement submitted 7 June 2021 |

| Application reference number | Applicant | Start date of appeal | Location | Nature of appeal/ description of development | Decision and dates |
|---|--------------------------------|---|--|--|-----------------------------------|
| APP/E9505/W/22/3291736 BA/2021/0244/FUL | Messrs T.A. Graham | Appeal received by BA on 31 January 2022 | The Shrublands, Grays Road, Burgh St Peter | Appeal against refusal of planning permission: Proposed retention of timber tepee structure and use as glamping accommodation as farm diversification scheme. | Awaiting start date |
| APP/E9505/W/22/3291822 | Mr P Young | Appeal received by BA on 1 February 2022 | Marshmans Cottage Main Road A1064 Billockby Fleggburgh | Appeal against refusal of planning permission: Revised width of building and change use of loft space, variation of conditions 2 and 7 of permission BA/2020/0083/HOUSEH | Awaiting start date |
| APP/E9505/W/22/3292073 BA/2021/0263/OUT | Mr M Gladwell & Mr R Remblance | Appeal received by the BA on 3 February 2022 Appeal start date 17 May 2022 | Land Adjacent To And To The North West Of The Cottage Low Road, Shipmeadow, Suffolk | Appeal against refusal of planning permission: Outline Planning Application for 1no. dwelling including means of access. | LPA statement due by 21 June 2022 |

| Application reference number | Applicant | Start date of appeal | Location | Nature of appeal/ description of development | Decision and dates |
|---|------------------|--|--|--|----------------------|
| APP/E9505/W/22/3292450 BA/2021/0239/FUL | Mr Gavin Church | Appeal received by the BA on 9 February 2022 | Priory Cottage St. Marys Road, Aldeby | Appeal against the refusal of planning permission: Use of land for siting 4 No. Bell Tents and 4 No. wash sheds with compostable toilets (retrospective) | Awaiting start date |
| APP/E9505/W/22/3294205 BA/2021/0211/FUL | Mr Alan Gepp | Appeal received by the BA on 8 March 2022 | Broadgate, Horsefen Road, Ludham | Appeal against the refusal of planning permission: Change of use to dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension. | Awaiting start date. |
| APP/E9505/W/22/3295628 BA/2022/0022/FUL | Mr Matthew Hales | Appeal received by the BA 28 March 2022 | Clean & Coat Ltd, 54B Yarmouth Road Thorpe St Andrew | Appeal against Condition 4, imposed on planning permission BA/2022/0022/FUL | Awaiting start date |

| Application reference number | Applicant | Start date of appeal | Location | Nature of appeal/ description of development | Decision and dates |
|--|-----------|--|---|---|----------------------|
| APP/E9505/W/22/3300601 BA/2021/0451/COND | Mr A Cook | Appeal received by the BA on 8 June 2022 | Wayford Park River Holidays, Wayford Bridge | Appeal against refusal of planning permission: Incorporate shipping container into building, variation of condition 2 of permission BA/2017/0376/FUL (retrospective.) | Awaiting start date. |

Author: Cheryl Peel

Date of report: 10 June 2022

Background papers: BA appeal and application files

Planning Committee

24 June 2022

Agenda item number 0

Decisions made by officers under delegated powers

Report by Senior Planning Officer

Summary

This report sets out the delegated decisions made by officers on planning applications from 18 May 2022 to 10 June 2022 and Tree Preservation Orders confirmed within this period.

Recommendation

To note the report.

| Parish | Application | Site | Applicant | Proposal | Decision |
|-------------------------|------------------|---|--------------------|---|-------------------------------|
| Brundall Parish Council | BA/2021/0424/FUL | 13 Riverside Estate Brundall Norwich NR13 5PU | Mr Kevin Peachment | Demolition of existing chalet (retrospective) and replacement | Approve Subject to Conditions |

| Parish | Application | Site | Applicant | Proposal | Decision |
|--|---------------------|---|---------------------|---|----------------------------------|
| Cantley, Limpenhoe And Southwood PC | BA/2021/0247/FUL | Cantley Sugar Factory Station Road Cantley Norwich NR13 3ST | Mr Paul Hines | Installation of a Waste Water Treatment Facility to ensure waste water returning to the River Yare is compliant with the Environment Agency BREF Framework. The installation will comprise of: 1) Anaerobic Digester, 2) Aerobic Digestion, and include associated settlement tanks, pumps and pipework and service buildings. | Approve Subject to Conditions |
| Carlton Colville Parish Council | BA/2022/0111/FUL | Carlton Marshes Nature Reserve Burnthill Lane Lowestoft NR33 8HU | Mr Matthew Gooch | Erection of one accessible hide , one accessible viewing platform and extension to path. | Approve Subject to Conditions |
| Dilham Parish Council | BA/2022/0157/HOUSEH | 2 Mill Common, Meadow Cottage Honing Road Dilham Norfolk NR28 9PL | Lorraine Warner | Single storey rear extension | Approve Subject to Conditions |

| Parish | Application | Site | Applicant | Proposal | Decision |
|-------------------------------------|---------------------|--|-------------------------------------|---|-------------------------------|
| Horning Parish Council | BA/2022/0091/FUL | Ferry Inn Ferry Road Horning Norfolk NR12 8PS | Mr J Foster | Replacement quayheading at raised level | Approve Subject to Conditions |
| Langley With Hardley Parish Council | BA/2022/0147/HOUSEH | 18 Hardley Street Hardley Norfolk NR14 6BY | Mrs Rachel Baldwin | Replacement of existing conservatory with brick built extension, and render to existing dwelling house. | Approve Subject to Conditions |
| Postwick With Witton Parish Council | BA/2022/0017/FUL | Blackwater Carr Land Off Ferry Lane Postwick Norwich Norfolk | Mr Steve Hooper & Ms Mary Alexander | Retrospective consent for the use of a yurt on a small, raised platform, securing a table and bench to the ground, the installation of a small staked and woven willow windbreak. | Refuse |
| Postwick With Witton Parish Council | BA/2022/0115/CU | Bittern Meadow Off Ferry Lane Postwick Norwich Norfolk | Mr Paul Wheeler | Change of use to a community wellness facility and retention of existing structures (Retrospective) | Approve Subject to Conditions |

| Parish | Application | Site | Applicant | Proposal | Decision |
|-----------------------------|------------------|--|-----------|---|----------|
| Woodbastwick Parish Council | BA/2022/0069/FUL | The Old Vicarage Woodbastwick Road Ranworth Norwich Norfolk NR13 6HT | Mr Darley | Retrospective application for stationing of shepherd's hut and change of use of part of ground floor of Coach House for use as a single unit of holiday let accommodation | Refuse |

Tree Preservation Orders confirmed by officers under delegated powers

| Parish | Address | Reference number | Description |
|--------|---------|------------------|-------------|
| N/A | N/A | N/A | N/A |

Author: Cheryl Peel

Date of report: 13 June 2022