

Planning Committee

04 February 2022

Agenda item number 10

February Issues and Options Bite Size Pieces

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 introduction, flood resilience, water usage, wind power and quay heading in front of quay heading.

Recommendation

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

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 piece covers the introduction, flood resilience, water usage, wind power and quay heading in front of quay heading. Members' views on these draft sections of the Issues and Options are welcomed.

Author: Natalie Beal

Date of report: 19 January 2022

Appendix 1 – Introductory sections to the Issues and Options

Appendix 2 – Existing housing stock – flood resilience

Appendix 3 – Water efficiency of new dwellings

Appendix 4 – Wind power

Appendix 5 – Quay heading in front of quay heading



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

Introductory sections to the Issues and Options

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

1. Introduction

We have started the review of our Local Plan. This is the first round of public consultation. It is the Issues and Options consultation.

There are a few reasons why we are starting to review the Local Plan:

- We commit, in the current Local Plan, to start to review it around 18 months after adoption. Eighteen months after May 2019 adoption is around November 2020. Background work started internally in November 2020, such as project planning.
- The Local Plan for the Broads 2019 was produced in line with and examined against the 2012 NPPF. At around the time the final draft of the Local Plan was being consulted on/submitted/examined, a new version of the National Policy Planning Framework (NPPF) was released. This included transition arrangements for advanced Local Plans, such as that for the Broads, which permitted examination against the 'old' 2012 NPPF. It is prudent to now start to review the Local Plan, noting that the NPPF was updated in 2021.
- Given that the final drafting of the current Local Plan was at the end of 2017 (submitted early 2018, examined from mid-2018 and adopted May 2019), some of the issues that are addressed in the Local Plan, such as climate change, have moved on. Again, it is prudent to start to review the Local Plan to ensure it is as up to date as possible.

We have not included policies in this document; that will be for the next version of the Local Plan. This stage is more about identifying issues and discussing options.

At this 'First Steps' stage we would like to know what you think about the Broads - what you value about it, what needs improvement, and what you think the key issues are. We would also like to know what your views are on our current planning policies and whether they are working.

Questions in this document are there to prompt and guide responses on the issues we think are most relevant to the new Local Plan. Please don't feel you have to answer them all but fill in any of relevance to you. Alternatively, if you want to answer more generally or cover other issues then please drop us a separate letter or email. The important thing is to tell us what you think – we want to hear from as many and as wide a range of people as possible.

2. About Local Plans


Each local planning authority must prepare a Local Plan that sets the planning policies in its local area. The Local Plan is important when deciding planning applications, as all decisions must be made in accordance with its policies, unless there are strong reasons not to do so. Local plans must be positively prepared, justified, effective and consistent with national policy, in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the NPPF. Every local planning authority in England should have a clear, up-to-date Local Plan that conforms to the NPPF, meets local development needs and reflects local people's views on how they wish their community to develop.

The National Planning Policy Guidance (NPPG) usefully discusses what Local Plans are and what the legislative background is for producing them. It also talks generally about what they should include: [Plan-making - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

3. Timeline and stages for the production of the Local Plan for the Broads.

The timeline for producing the Local Plan, is set out in the [Local Development Scheme](#).

Generally, however, these are the steps to reviewing/producing a Local Plan. The arrow indicates the stage that has been reached.

- 
- Update the [Local Development Scheme](#) (completed)
 - Update the [Statement of Community Involvement](#) (completed)
 - Prepare [Sustainability Appraisal Scoping Report](#) and undertake technical consultation with certain stakeholders (completed)
 - Review vision, objectives and policies (completed – in this document)
 - Consider issues in area and identify options to address these – Issues and Options version of the Local Plan. Also produce Sustainability Appraisal and Habitats Regulation Assessment. Consult on this version (underway– in this document).
 - Undertake call for sites for residential moorings and housing – if required.
 - Produce evidence base as required (some completed, see [here](#)).
 - Start to produce policies – Preferred Options version of the Local Plan. Produce Sustainability Appraisal. Produce Habitats Regulation Assessment. Consult on this version.
 - Amend and finalise policies – Publication version of the Local Plan. Produce Sustainability Appraisal. Produce Habitats Regulation Assessment. Consult on this version.
 - If still content with policies after assessing feedback on the Local Plan, submit to Planning Inspector. This is the Submission stage.
 - Examination, including consultations as required.
 - Adopt and monitor.

It is envisaged that it could take around 4 years to get to a Submission stage for a Local Plan.

4. Sustainability Appraisal and Habitats Regulation Assessment

We have produced a Sustainability Appraisal (SA) Scoping Report and asked key stakeholders for their views. The Scoping Report and comments received can be found [here](#).

We are aware that the Government is considering changing the approach to assessing local plans. The requirement to produce a SA or Habitats Regulation Assessment (HRA) may be removed. Another assessment may take its place. This was proposed in the 2020 Planning White Paper. However, at the time of writing, no such changes were in place and so, unless told to do otherwise, we will still produce SAs and HRAs as appropriate.

Similarly, the UK has left the European Union (EU). The need to undertake SAs and HRAs originates from EU directives. EU law was transposed into UK law when we left the EU and so the requirement to undertake those assessment still exists.

The Sustainability Appraisal that accompanies this Issues and Options document can be found here: <to follow>.

The Habitats Regulation Assessment that accompanies this Issues and Options document can be found here: <to follow>.



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

Existing housing stock – flood resilience

Introduction

At the December Planning Committee, when the energy efficiency/performance of the existing housing stock part of the Issues and Options was discussed, the idea of taking a similar approach in relation to flood resilience was also mentioned. This bite size piece seeks to address that idea.

In terms of the existing housing stock:

1. The adopted Local Plan (DM2) for the Broads requires ‘extensions that increase occupancy and proposals for replacement development, as well as proposals to intensify an already permitted use, are required to improve the existing method of foul drainage of the entire property if feasible’.
2. The notion of increasing the energy efficiency/energy performance of the existing housing stock, when an extension is applied for, was discussed at [December Planning Committee](#) and will form part of the Issues and Options that is consulted on.
3. This bite-size piece introduces the potential requirement for improving the flood resilience of the existing stock, again when an extension is applied for.

As well as commenting on this draft section of the Issues and Options, do members have any other areas relating to the existing housing stock that they wish to be investigated?

The following is one of the draft sections of the Issues and Options. It relates to flood resilience of the existing housing stock. Members’ thoughts are welcomed as we finalise this section of the Issues and Options.

The issue

We regularly receive applications for extensions or refurbishment of existing properties in flood zone 3. These properties may have flooded in the past or may be at risk of flooding. We wonder if there is potential to require owners through such applications to improve the flood resilience of the rest of the property. Of course, the owners may have already implemented such resilience measures, but perhaps some have not.

Flood-resilient buildings

The adopted [Flood Risk SPD](#) at section 7.6 discusses resilience. It says ‘*flood-resilient buildings are designed and constructed to reduce the impact of flood water entering the building (through air bricks, through walls or through toilets or plug holes). As a result, no permanent damage is caused, structural integrity is maintained and drying and cleaning is easier. Flood-resistant construction can*

prevent entry of water or minimise the amount that may enter a building where there is short duration flooding outside with water depths of 0.6 metres or less’.

Reference to resilience in our current Local Plan

In terms of resilience and existing properties, this idea is covered to some extent in the adopted Policy SSPUBS: Pubs network which says ‘*the Authority will support appropriate proposals in accordance with other policies in this Local Plan that <inter alia> improve resilience to flood risk’.* The Local Plan also discusses resilience in other places, but that tends to be in relation to new development.

Existing guidance

There is guidance available for making new build and extensions more flood resilient: [Improving the Flood Performance of New Buildings. Flood Resilient Construction.](#)

There is also guidance for property owners who have either been flooded before, or may be concerned about being flooded: [SIX STEPS TO PROPERTY LEVEL FLOOD RESILIENCE, Guidance for property owners.](#) This starts off by saying ‘your property may have been flooded before or you may have seen recent news reports where property has been flooded that was not previously considered to be at risk. Understandably, you might be worried about your home, your family and your belongings. Manufacturers have developed new technologies that can be fitted to your property. When correctly installed and maintained these measures can increase the ability of your property to cope with floods or limit the damage, so allowing you to return much more quickly to your property than if you had no protection’.

Options

A: No policy – do not address, through the Local Plan, the issue of resilience to flooding of the existing housing stock.

B: Require the applicant to detail what measures they will take to improve the existing situation, with the level of improvement proportionate to the scale of new development proposed (if indeed the property does not have resilience measures or may benefit from more).

Do you have any thoughts on this issue?



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

Water efficiency of new dwellings

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

1. Introduction

The East is an area of water stress. According to the Environment Agency, if no action is taken between 2025 and 2050, around 3,435 million additional litres of water per day will be needed in England to address future pressures on public water supply; within this figure it is estimated that the East of England will require an additional 570 million litres per day to meet the needs of residents and the agricultural sector, industry and energy sector¹.

2. Current policy and Norfolk Strategic Planning Framework Agreement

The current adopted Local Plan policy, DM4, sets a water use standard of 110 litres per household per day (l/h/d) which is beyond the current building regulations requirement of 125 l/h/d. Indeed, all Norfolk Local Planning Authorities have agreed to include the 110 l/h/d in their local plans, through the [Norfolk Strategic Planning Framework](#) agreement which states at Agreement 22 – Norfolk is identified as an area of serious water stress, the Norfolk Planning Authorities have agreed that when preparing Local Plans to seek to include the optional higher water efficiency standard (110 litres/per person/per day) for residential development.

3. Emerging policy for Greater Cambridge

We are aware that Greater Cambridge are considering going further than the optional standard for water usage of 110l/h/d; they are proposing 80 l/h/d unless demonstrated impracticable. Details can be found [here](#). They are proposing this because their evidence suggests that current levels of abstraction in the area are believed to be unsustainable. In terms of deliverability of the 80l/h/d standard, it says 'the Integrated Water Management Study (IWMS) has shown that 80 litres/person/day is achievable by making full use of water efficient fixtures and fittings, and also water re-use measures on site including surface water and rainwater harvesting, and grey water recycling. It also shows that the cost effectiveness improves with the scale of the project, and that a site-wide system is preferable to smaller installations'.

4. Water neutrality

This means that new development should not increase the rate of water abstraction above existing levels. It is an issue currently being raised and looked into in Sussex. In a position

¹ [Meeting our Future Water Needs: a National Framework for Water Resources](#) (2020)

statement sent in October 2021 to Horsham, Crawley and Chichester councils, which fall within the Sussex North Water Supply Zone, Natural England laid out its concern that current levels of water abstraction are having an adverse impact on protected sites in the region and advises that developments within the Zone must not add to this impact. Natural England indicate that the matter should be addressed strategically, in partnership with other local planning authorities. A response from Horsham Council can be found here: [Water Neutrality in Horsham District and its planning implications | Horsham District Council](#). This matter is early on in its investigation and the Authority will keep informed of how this issue plays out.

5. Scale of development in the Broads

It might be more feasible and cost effective to meet stricter water use standards over larger schemes. We do not have large scale development in the Broads that often. Recently, a scheme in Ditchingham Dam (over 100 dwellings) has been completed and Pegasus (76 dwellings) has been permitted, whilst there is an allocation for around 120 dwellings in East Norwich (Utilities Site). Schemes in the Broads, however, tend to be for one or two dwellings at a time.

6. Options

A: Do not set a water efficiency standard – the default would be 125l/h/d.

B: Continue the current policy approach of 110l/h/d

C: Investigate whether it is reasonable or justifiable to seek a standard that designs for less water a day than 110l/h/d.

D: Investigate the potential to require water neutrality.



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

Wind power

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

1. Introduction

Currently, the National Planning Policy Guidance (NPPG) ¹ says '*[Suitable areas](#) for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan*' and also '*In the case of [wind turbines](#), a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan*'.

This stance was set out in the [Written Ministerial Statement](#) from June 2015 which says: '*When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing*'.

The only threshold is 'one or more' and there is no distinction made between commercial and domestic turbines.

It should be noted that there are permitted development rights for domestic microgeneration equipment and these cover the sort of wind turbines that householders might wish to install on their properties. There are certain restrictions within the permitted development rights and there are also criteria that must be met. These permitted development rights, however, do not apply in the Broads so any such proposal will require planning permission.

2. Current approach

The current Local Plan, adopted in 2019, does not allocate suitable areas for wind turbines. This approach is based on the evidence set out in the [Renewable Energy Topic Paper \(2016\)](#) which uses the [Landscape Sensitivity Study](#) as a basis; this study looked primarily at commercial scale turbines, rather than domestic microgeneration. That study concludes that most of the Broads is sensitive to wind turbines, with the least impact (low to

¹ [Renewable and low carbon energy - GOV.UK \(www.gov.uk\)](#)

moderate) being around the Whitlingham Broad area. The Topic Paper then investigated that area specifically, identifying that much of the area is constrained in terms of its being an historic/registered park and garden, local nature reserve and/or county wildlife site, as well as there being some areas of trees. The Topic Paper concluded that *'whilst being rated as having a moderate sensitivity to single small or medium wind turbines, there will still be an impact on key characteristics and qualities of areas 10 and 11 (Whitlingham Broad area). Coupled with the constraints in the area, allocating area 10 and 11 for wind turbines in the Local Plan is not appropriate'*.

Do you have any thoughts on our current approach?

3. What do other Local Planning Authorities do?

The [South Downs National Park Local Plan](#) (2019) doesn't designate areas for wind turbine, but has Policy SD51 which is supportive of 'small scale' turbines (up to 100Kwh). The [New Forest National Park Local Plan](#) (2020) does not include wind turbines as it was concluded that wind turbines are not suitable in the New Forest, with the evidence base showing that windspeeds are generally low in the New Forest. The [Exmoor National Park Local Plan](#) (2017) identifies some areas (map 5.2 on page 114) for small scale wind turbines. The [North York Moors National Park Local Plan](#) (2020), policy ENV8 supports wind turbines in areas set out in a related SPD.

Do you have any thoughts on wind turbines and the Broads?



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

Quay heading in front of quay heading

The following is one of the draft sections of the Issues and Options. Members' thoughts are welcomed as we finalise this section of the Issues and Options. Please note that this has not yet been to Navigation Committee for their thoughts; it is intended to take this to Navigation Committee, along with the rest of the Issues and Options, highlighting any particular navigation related issues, on 14 April.

Background

Landowners may want to improve the quay heading in a particular area in order to maintain it in a good condition, to reflect a change of how an area is used or to replace the quay heading at the end of life. They may do this by placing new quay heading in front of the original quay heading, rather than removing the original quay heading. The new quay heading tends to be placed 10cm to 50cm in front of the old quay heading. Timber quay heading tends to be replaced every 10 to 15 years and steel quay heading tends to be replaced every 20 to 30 years.

The issue

By placing quay heading in front of existing quay heading at a typical distance of 10cm to 50cm, this reduces the width of the river in that particular location. So, each time a length of quay heading has new quay heading in front of it, the river width reduces. This is a particular issue in narrower areas with high volumes of river traffic. Importantly, reducing navigable space impacts on the ability of users to navigate safely.

One of the statutory purposes of the Broads Authority is to protect the interests of navigation. The Local Plan for the Broads has a strategic policy (SP13) that seeks to protect and enhance the navigable water space.

Removing the old quay heading first

Ideally, the old quay heading would be removed first, and the new quay heading would then go in its place. This would ensure that there is no encroachment into the river. However, this is not always done because it is costly and can be technically challenging and involves excavating land behind the existing quay heading. It can also result in a destabilisation of the riverbank and potentially of land slumping into the river or Broad during the works.

Are some areas more problematic than others?

There are some stretches of rivers that are both narrow and have quay heading. In some areas, a small encroachment could have a significant impact on the available channel space. Another issue to consider is how busy a stretch of water is and the typical size of vessels that use that stretch. So, any policy approach could apply to certain areas.

What happens at the moment?

In planning terms, we tend to use the strategic policy SP13. Under the Broads Act 1988, certain schemes require a Works Licence and one of the considerations in issuing these licences is impact on navigation. Taking these together, we tend to request that replacement quay heading is not placed more than 30cm in front of the original. However, the reason we are raising this as an issue is that in some areas we are at a critical point and need to safeguard navigation from further encroachment.

Options

A: No specific policy approach to address quay heading in front of quay heading.

B: Geographic risk-based approach. Map areas where the rivers are narrow and where there is already quay heading – through assessment of channel width and river usage, areas where new quay heading being placed in front of old quay heading would impact navigation would be identified. In the areas identifies as being most impacted from encroachment, the approach could be to hold the existing line of the quay heading.

C: Have a policy that applies to all the Broads, regardless of river width. This seeks to minimise the impact through set criteria for how far quay heading could be in front of existing.