

# Planning Committee

## Agenda 11 September 2020

10.00am

This is a remote meeting held under the Broads Authority's [Standing Orders on Procedure Rules for Remote Meetings](#).

**Participants:** You will be sent a link to join the meeting. The room will open at 9.00am and we request that you **log in by 9.30am** to allow us to check connections and other technical details.

**Members of the public:** We will publish a live stream link two days before the meeting at [Planning Committee - 11 September 2020](#). The live stream will be suspended for any exempt items on the agenda. Please email [committees@broads-authority.gov.uk](mailto:committees@broads-authority.gov.uk) with any queries about this meeting.

### 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 14 August 2020 (Pages 3 - 8)**
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

### Matters for decision

6. Chairman's announcements and introduction to public speaking  
Please note that public speaking is in operation in accordance with the Authority's [Code of Conduct for Planning Committee](#) and the new Government regulations and standing orders agreed by the Authority.
7. Request to defer applications included in this agenda and/or to vary the order of the agenda
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

- 8.1. BA/2020/0227/FUL and BA/2020/0228/LBC Muttons Mill, Stones Road, Halvergate  
BA/2020/0231/FUL and BA/2020/0232/LBC High's Mill, Stone Road, Halvergate (Pages 9 - 21)
- 8.2. BA/2020/0146/FUL Petos Marsh, Burnt Hill Lane, Carlton Colville (Pages 22 - 28)

## Enforcement

- 9. **Enforcement update** (Pages 29 - 33)  
Report by Head of Planning

## Policy

- 10. **Consultation from MHCLG – Changes to the current planning system** (Pages 34 - 42)  
Report by Planning Policy Officer
- 11. **Planning policy – draft Residential Moorings Guide** (Pages 43 - 89)  
Report by Planning Policy Officer
- 12. **Planning policy – Guide to understanding and addressing the impact of new development on peat soil** (Pages 90 - 118)  
Report by Planning Policy Officer
- 13. **Filby Neighbourhood Plan** (Pages 119 - 122)  
Report by Planning Policy Officer

## Matters for information

- 14. **Appeals to the Secretary of State update** (Pages 123 - 125)  
Report by Senior Planning Officer
- 15. **Decisions made by Officers under delegated powers** (Pages 126 -132)  
Report by Senior Planning Officer
- 16. **To note the date of the next meeting – Friday 9 October 2020 at 10.00am**

# Planning Committee

## Minutes of the meeting held on 14 August 2020

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## **Present**

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Andree Gee, Gail Harris, Lana Hemsall, Tim Jickells, James Knight, Leslie Mogford (from item 9), Vic Thomson, Fran Whymark.

## **In attendance**

Natalie Beal – Planning Policy Officer, Maria Conti (minutes), Kate Knights – Historic Environment Manager, Kayleigh Judson – Heritage Planning Officer, Cally Smith – Head of Planning, Sarah Mullarney (meeting moderator).

## **1. Apologies and welcome**

The Chairman welcomed everyone to the meeting.

**Apologies** were received from Bill Dickson and Bruce Keith.

## **Openness of Local Government Bodies Regulations 2014**

The Chairman explained that the meeting was being held remotely in accordance with the Standing Orders for remote meetings agreed by the Broads Authority on 22 May 2020. The meeting would be livestreamed and recorded, and the Authority retained the recording copyright. The minutes remained the formal record of the meeting.

## **2. Declarations of interest and introductions**

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes, in addition to those already registered.

## **3. Minutes of last meeting**

The minutes of the Planning Committee meeting held on 17 July 2020 were approved as a correct record and would be signed by the Chairman.

## **4. Points of information arising from the minutes**

There were no points of information arising from the minutes.

## **5. Matters of urgent business**

There were no matters of urgent business.

## **6. Chair's announcements and introduction to public speaking**

There were no announcements, and no requests for public speaking had been received.

## **Requests to defer applications and/or vary agenda order**

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

## 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 minutes relate to additional matters of information or detailed matters of policy not covered in the officer's report.

### (1) BA/2020/0181/FUL and BA/2020/0182/LBC

Six Mile House Mill, Acle New Road, Halvergate

### (2) BA/2020/0211/LBC

Wiseman's Mill, River Bure, Ashby with Oby

The Heritage Planning Officer gave a presentation on two planning applications at Six Mile House Mill in Halvergate and one at Wiseman's Mill in Oby, all submitted as part of the Water, Mills and Marshes Landscape Partnership scheme. Referring to the conditions for Wiseman's Mill in para 9.4 of the report, it was noted that the Authority's Ecologist had asked for conditions requiring the installation of a barn owl box as an enhancement and a check of the mill structure for bats.

A member asked about the engine house restoration at Wiseman's Mill. The Heritage Planning Officer replied that this work had been consented and she could update members on progress at a future meeting. In response to a member's question, the Head of Planning advised that the fabric of the conical roof at Six Mile House Mill had a lifespan of around 40 years. Another member noted that the temporary fabric cover on Wiseman's Mill was loose, and suggested it be fixed quickly to keep the mill waterproof.

A member asked if there were any long-term proposals for the use of the restored mills. The Head of Planning and Historic Environment Manager replied that the aim of this Water, Mills and Marshes project was to restore some mills and arrest deterioration in others. It would then be up to individual owners to decide what to do with the mills, but part of the project's legacy planning was to work with the Norfolk Windmills Trust and use volunteers to help promote the mills.

Tim Jickells proposed, seconded by Andree Gee, and

**It was resolved, by 9 votes in favour and 1 abstention, to approve the application subject to the conditions outlined in the report.** The application is considered to be in accordance with Policies SP5, DM11, DM13, DM21, DM43 and SSMILLS of the Broads Local Plan.

Leslie Mogford joined the meeting.

## 8. Enforcement update

The Head of Planning introduced the monthly update on enforcement matters.

A member referred to recent email correspondence between a planning applicant and the Authority, which had been copied in to some Planning Committee members. The Chair said

she could forward this correspondence to other members if requested. A member commented that, while he supported the Authority's response on this particular matter, it should also recognise that some issues may need more investigation.

**The report was noted.**

## 9. Ludham Conservation Area

The Historic Environment Manager presented the draft Ludham Conservation Area (CA) appraisal. The Ludham CA was designated in 1974 but did not have an appraisal. The area straddled the Broads Authority Executive Area and North Norfolk District Council's area, and the two planning authorities were liaising on the appraisal process. Consultation responses to the appraisal were outlined in the report and presentation.

A member asked about the potential development impact if the fields to the west and south of the village were removed from the CA. The Historic Environment Manager explained that land within a CA should be of architectural or historic interest, and most fields would not fulfil the criteria. These particular fields were no more or less likely to be developed as a result of the CA boundary change but, if a planning application was submitted, the CA would be a material consideration.

It was noted that North Norfolk District Council's Planning Committee would receive the appraisal shortly, and was expected to approve it. If that committee wanted any changes to the CA, these would apply only to the Council's part of the appraisal area.

Stephen Bolt proposed, seconded by Leslie Mogford, and

**It was resolved unanimously to adopt the Ludham Conservation Area appraisal, including the proposed boundary changes and management and enhancement proposals.**

## 10. Joint Position Statement with the Environment Agency on Strategic Flood Risk Assessments

The Planning Policy Officer introduced the updated Joint Position Statement on Strategic Flood Risk Assessments (SFRA), which the Authority had agreed with the Environment Agency.

A member commented that future flood risk modelling may change and asked how this might affect someone developing a plan now. The Planning Policy Officer replied that the SFRA and flood risk maps were used as a starting point to inform Local Plan policy. Some development proposals would need a site-specific Flood Risk Assessment, which might include modelling, and the Environment Agency had set % allowances on various flood management matters.

Tim Jickells proposed, seconded by Gail Harris, and

**It was resolved unanimously to endorse the amended Joint Position Statement on Strategic Flood Risk Assessments and recommend it to the Broads Authority for adoption.**

## 11. Appeals to the Secretary of State update

The Committee received a schedule of appeals to the Secretary of State since January 2020.

In response to a question relating to the appeal on land east of Brograve Mill Coast Road at Waxham, the Head of Planning reported that officers had already held preliminary discussions with the agent on mitigation measures. If the appeal was dismissed, the officers would work further with the agent and applicant on how best to remedy the breach.

**The report was noted.**

## 12. Decisions made by officers under delegated powers

The Committee received a report on delegated decisions made by officers on planning applications from 4 July to 31 July 2020.

**The report was noted.**

## 13. Date of next meeting

It was noted that the next meeting of the Planning Committee would be on Friday 11 September 2020 at 10.00am. The meeting would be held remotely.

The meeting ended at 11.14am.

Signed by

Chairman

## Appendix 1 – Declaration of interests: Planning Committee, 14 August 2020

Member	Agenda/minute	Nature of interest
Harry Blathwayt	9	Resident of Ludham



# Planning Committee

11 September 2020

Agenda item number 8.1

## BA/2020/0227/FUL and BA/2020/0228/LBC, Muttons Mill, Stones Road, Halvergate

## BA/2020/0231/FUL and BA/2020/0232/LBC, High's Mill, Stone Road, Halvergate

Report by Heritage Planning Officer

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### Proposal

**Mutton's Mill:** Comprehensive structural and mechanical repairs to drainage mill, including underpinning and internal and external refurbishment work.

**High's Mill:** Underpinning works to internal machinery, reinstatement of historic features and internal and external repairs.

### Applicant

Water, Mills and Marshes Landscape Partnership Scheme

### Recommendation

All approval subject to conditions

### Reason for referral to committee

Director discretion

### Application target dates

Mutton's Mill - 04/09/2020 (FUL and LBC)

Highs Mill- 14/09/2020 (FUL and LBC)

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## 1. Introduction

- 1.1. This report covers four planning applications submitted as part of the Water, Mills and Marshes Landscape Partnership scheme (WMM). WMM is a £4.5m programme funded by the Heritage National Lottery Fund and covers a wide range of projects, including the repair and restoration of a number of mills within the Broads.
- 1.2. A number of planning applications will be submitted on behalf of WMM and considered over the coming months. The background to most of the applications is the same, and while the works proposed vary in detail, the objectives and the principles are broadly similar. It therefore proposed to combine a number of applications in a single report where practical.
- 1.3. This report covers two applications at Mutton's Mill in Halvergate and two at High's Mill in Halvergate.
- 1.4. The Heritage Asset Review Group (HARG) receive an update on the progress of the WMM work at their quarterly meetings.

## 2. Description of sites and proposals

### Mutton's Mill

- 2.1. Mutton's Mill sits within an isolated location on Halvergate Marshes to the south of the A47 (Acle Straight). The site is accessed by a minor road and a track which accesses the marshes from the main road into Halvergate village. The mill stands in a gated enclosure that contains a low, open-sided shed in which materials are stored.
- 2.2. Mutton's Mill is a mid-19<sup>th</sup> Century, Grade II\* listed wind pump with much of the internal machinery and gearing remaining, as well as the external boatshaped cap, fanstage and two sails.
- 2.3. The mill has boarded doors at ground level on the north and south sides, a single window on the east side at first floor level and a window to the west at second floor level. A pair of metal bands are fitted at about 2m and 4m above the ground to help counteract the outward spread of the tower. The tower is surmounted by a boatshaped

cap with a gently curving ridge. The cap gallery has a metal handrail and the fantail has six blades. A braced timber guide pole for the striking chain extends downwards from the fan stage. A single pair of 8-bay patent sails without shutters is fitted to the forward box of the poll end. These are left free to rotate when there is sufficient wind.

- 2.4. Internally, unusually the scoop wheel mill drive is located inside the tower rather than outside it. At ground floor level, the internal drainage lane and scoop wheel are closed off behind a timber partition. There are three boarded floors above ground level. These have been carefully repaired and contain much historic material. The cap of the mill has been carefully replicated in new timber to form an authentic copy of the original. The clasp-arm brake wheel (head wheel) inside the cap has been reconstructed. Its wooden cogs have not been refitted so it cannot turn the upright shaft. The central wooden upright shaft remains in position with its cast iron wallower at the top and crown wheel near the bottom. The large cast iron pit wheel, which carried wooden cogs, has been dismantled and rests on blocks on the ground outside the mill.
- 2.5. There are two planning applications – one for the works which require planning permission and one covering the application for works to a listed building; some of the works are included in both applications. The proposal is for comprehensive structural and mechanical repairs to the drainage mill including underpinning and internal and external refurbishment work which aims to return the mill to a sound structural and mechanical condition. This will allow the mill to operate as it was originally designed, using wind power to drive the internal scoop wheel and raise water from the marshes to the river. The works include:
  - a) Groundworks at the tower base to underpin and stabilise the tower brickwork.
  - b) Repair and external redecoration of the tower brickwork.
  - c) Minor repairs to the structural timbers of the internal floors.
  - d) Temporary lowering of the cap roof to ground level for repair.
  - e) Repair of the cap frame, cap roof and gallery and renewal of the fan stage timbers.
  - f) Repair and re-levelling of the curb ring on which the cap roof rotates.
  - g) Mechanical overhaul of the cap winding gear and centring wheels.
  - h) Mechanical overhaul of the windshaft, brake wheel and upper machinery.
  - i) Repair and re-installation of the pit wheel and lower machinery.
  - j) Restoration of the drainage outflow system.
  - k) Extensive repairs to the existing sails, stock and clamps.
  - l) Manufacture of a new pair of sails, stock and clamps.
  - m) Manufacture and installation of front and rear striking gear and a 1/3 set of shutters (vanes) for the sails.

#### List description

- 2.6. All HALVERGATE MARSHES TG 40 NW 4/44 Mutton's Mill. G.V. II\* Windpump, mid C19, restored c.1980. Tarred brick tower and boat shaped weather- boarded cap. Tapering circular tower of 4 storeys. 2 ground floor doors, 1 window at first floor and 1 window at second floor level with segmental brick arches. Complete cap frame, fan and machinery. Cap gallery added c.1980. Wooden clasp arm brakewheel, cast iron windshaft, wallower, and wooden drive shaft. Cast iron crown wheel and pit wheel to internal scoop wheel. Two stocks, four clamps and remains of four 8 bay patent sails lie on ground near mill. The internal scoop wheel is the only surviving example in the Broads area.

#### High's Mill

- 2.7. High's Mill also sits in isolation on Halvergate Marshes to the south of the A47 (Acle Straight). The site is accessed by a minor road and track which accesses the marshes from the main road into Halvergate village. The site sits approximately 2km to the east of Mutton's Mill.
- 2.8. High's Mill is a Grade II listed 18<sup>th</sup> century windpump and represents the earliest form of brick drainage mill. Unlike its neighbours, the mill resisted technological improvements throughout its working life and retains a set of early wooden machinery. High's mill carried four common sails spread with canvas. Its boat-shaped cap was turned to face the wind using a braced tailpole which extended almost to ground level. To haul the cap around to the desired position, a four-armed hand winch was provided. This employed a chain which was looped over heavy wooden stakes driven into the ground surrounding the tower.
- 2.9. Externally, the mill's traditional white-painted boat-shaped cap was never fitted with a fantail to turn it into the wind. Photographs from the 1940s and earlier show a braced tailpole projecting from the rear of the cap with a four-armed winch set close to ground level. The tailpole was braced to a horizontal beam known as a 'cross breast' which protruded from either side of the cap. This remains in position. The sails were of the unimproved 'common' type, extending almost to ground level. By 1974 the sails had long since disappeared and the cap roof was a wreck, allowing rain to pour into the mill and damage the internal machinery. By 1988 a temporary cap roof clad in sheet aluminium had been installed over the original cap frame and this remains in position. The single first floor window was originally provided with a side-hinged shutter. There is a pair of opposing doors on the north and south sides. The sails drove an external scoop wheel in a white-painted hoodway positioned on the east side of the tower. The wooden parts of these features have disappeared.
- 2.10. Internally, there are two wooden boarded floors above the ground. The mill's internal machinery is of a very early design, including a wooden head wheel (brake wheel) with pegs instead of cogs and a 'trundle' wallower. Both of these rare gear wheels have suffered severe damage from exposure to the elements, but remain in position. On the ground floor, the main gearing that drove the external scoop wheel remains in position.

This comprises a wooden 'hurst frame' of posts and beams supporting the lower bearing of the wooden upright shaft. The shaft carries an iron crown wheel that engaged a cast iron pit wheel with wooden cogs morticed through the rim. The pit wheel is fitted to a horizontal timber shaft which protrudes through the tower brickwork to carry the scoop wheel.

- 2.11. There are two planning applications – one for the works which require planning permission and one covering the application for works to a listed building; some of the works are included in both applications. The proposals are for underpinning works to internal machinery, reinstatement of historic features, and internal and external repairs, including:
- a) Minor conservation repairs to the cap following a condition survey of the remains of the original cap frame and roof.
  - b) Tower brickwork repaired where necessary and redecorated externally with a substitute tar finish.
  - c) New boarded doors and boarded window shutter fitted, matching those shown in old photographs.
  - d) Internal floors repaired and new ladders provided, re-using existing timbers where possible.
  - e) Machinery and hurst frame timbers at ground floor level conserved, repaired and reinstated in their original positions.
  - f) Existing ground floor excavated and a steel-reinforced concrete beam inserted underneath the machinery to underpin it.
  - g) Reinstatement of mill operator's stove on ground floor.
  - h) Replacement ground floor finish of rammed earth installed.
  - i) Installation of wheel pit (brick construction or steel-lined) to protect pit wheel.

#### List description

- 2.12. HALVERGATE HALVERGATE MARSHES TG 40 NE 5/43 High's Mill. G.V. II Derelict windpump, early C19, with tarred brick tower, and temporary aluminium cap over remains of weatherboard cap frame. Tapering circular tower of 3 storeys. One window opening at first floor and 2 ground floor door openings with segmental brick arches. Reused C18 cap frame on wooden curb and track. Cast iron windshaft with wooden clasp arm brakewheel. Early clasp arm wooden trundle wheel with dog teeth. 16 sided upright shaft, cast iron crown and pit wheel with wooden teeth. Square timber drive shaft to scoop wheel.

## 3. Site history

- 3.1. None for either site.

## 4. Consultations received

Consultees	Mutton's Mill	High's Mill
Parish Council	No response	Very supportive of the works
District Member	No response	No response
Broads Society	No response	No response
Historic England	We would very much encourage the project in principle although we do have some reservations about the proposed underpinning of the tower. However, if the Council are satisfied of the necessity for this (underpinning proposed) it is not a method we would oppose in principle.	No comments
Amenity Societies	Society for the Protection of Ancient Buildings Mills Section support the application	No response
NCC Historic Environment Services	No objection subject to historic building recording condition  Condition proposed	No response
Norfolk Windmill Trust	No response	No response
Environment Agency	No comments	No objection
Broads Authority Environmental/ Ecology Officer	No objections subject to conditions covering bat mitigation and bat enhancements to be agreed  Conditions proposed	No objections subject to conditions covering bat check, barn owl mitigation, works to take place outside bird breeding season unless first checked by an ecologist, bat enhancements, barn owl enhancements and post works monitoring.  Conditions proposed

## 5. Representations

### 5.1. None received

## 6. Policies

- 6.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 6.2. The following policies were used in the determination of the applications:
  - SP5- Historic Environment
  - DM5- Development and Flood Risk
  - DM11- Heritage Assets
  - DM13- Natural Environment
  - DM21- Amenity
  - DM43- Design
  - SSMILLS- Drainage Mills
- 6.3. The National Planning Policy Framework is a material consideration.

## 7. Assessment

- 7.1. The proposed developments each relate to conservation and maintenance works to the disused listed drainage mills.
- 7.2. The key issues in the determination of the applications are the principle of the development, the impact on the heritage, design, ecology and flood risk.

### Principle of development

- 7.3. These proposals are part of a wider scheme to undertake repair and conservation works to former drainage mills, which contribute to the character of the Broads area generally and Halvergate Conservation Area specifically. The works proposed would help arrest the on-going deterioration of the buildings, secure their future for the longer term and enhance their character and integrity by reinstating traditional features. The proposals are therefore acceptable in principle and, indeed, welcomed.

### Impact upon heritage and design

- 7.4. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings and conservation areas irrespective of the level of harm caused (paragraphs 193 and 194). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned (for example Mutton's Mill which is grade II\* listed).

- 7.5. These mills form part of a large group of mills on Halvergate Marshes and Haddiscoe Island. The mills are particularly visible from the vantage point of Burgh Castle Roman fort which is both an important historic and contemporary viewing point. These mills, and the wider group, are also visible from the circular walk around the marshes, from the A47 (Acle Straight) and the road which leads down into Halvergate Village. Given their visibility in the Broads there are clear heritage gains arising from works which arrest their on-going deterioration and, in addition in the case of Mutton's Mill, bring it back into its full working and visual glory.
- 7.6. The extent of works proposed at both mills are fairly significant, especially with regard to the underpinning and stabilisation at Mutton's Mill which is grade II\* listed. It is therefore appropriate to consider whether the level of works proposed are necessary and ensure that these will not result in loss or damage to historic fabric of significance which cannot be fully justified, as highlighted by the NPPF and Historic England within their consultation response.

#### Mutton's Mill

- 7.7. Much of the internal machinery and timbers, boatshaped cap and two sails are in good condition, but are at a point of needing extensive maintenance to ensure their retention, as proposed, which is wholly appropriate to arrest the on-going deterioration.
- 7.8. A crucial element of the proposal is the repair of the existing and the reinstatement of the two missing sails, in a design to match the previous, which would make the mill the feature in the Broads landscape it once was and can be supported.
- 7.9. In terms of the tower, general maintenance of the brickwork, re-pointing and re-treatment, is supported.
- 7.10. With regard to the underpinning and stabilisation of the tower, this is the most significant element of the works and requires the most intervention. As well as the physical intervention into the fabric, one of the concerns arising from underpinning traditional structures is the potential for differential movement between the new, rigid foundations and the more flexible existing ones, leading to further problems in the future. In this case, however, it is proposed to install a series of small concrete rafts on piles around the perimeter of the building, other than where the mill race runs through it. The programme of work does include several areas where masonry would be reinforced and reconstructed, but much of this will be below the ground and out of view and is of later fabric. It is considered that this type of underpinning will give more consistent support and is less intrusive than other methods.
- 7.11. With regard to whether this level of works is necessary, the Design and Access Statement submitted with the application advises that the shrinkage of land around the mill has led to structural problems and there are indeed cracks in the masonry which could be evidence of this. In addition metal bands have been installed around the mill to stop the tower from essentially splitting apart. The tower therefore clearly needs



some form of stabilisation. The level of underpinning has been scaled back from what was discussed at the pre-application stage, where a higher level of intervention was explored (including the bringing up of the entire floor and replacement of the brick raceway). The tower will undoubtedly be required to take more strain when the additional sails are erected resulting from the additional weight, and, as it will be a working mill, when the sails turn to wind. Overall, it is concluded that the level of alteration proposed is required to address the existing movement issues and ensure the mill can take the additional weight and wind strain. Amendments have been made which scale back the level of intervention through underpinning to only that which is necessary to achieve the required structural strength and stability and overall the works are justified in that they will secure the mill's future.

#### High's Mill

- 7.12. The level of works proposed at High's Mill is less than at Mutton's and High's Mill is of a lower category of listing, being at grade II rather than II\*. However, it is still necessary to ensure that the works proposed are appropriate and can be justified. This means taking a proportionate approach taking into account the level of works proposed and the grading of the mill.
- 7.13. Whilst a lower level of intervention is proposed at High's Mill, the level of maintenance and repair is generally greater as the structure is in a later stage of deterioration. The general maintenance and repair of the existing cap, tower and internal machinery, to arrest their on-going deterioration, is supported. Great care will need to be taken to ensure that as much as possible of the historic timbers can be retained and this can be monitored and secured by condition.
- 7.14. The installation of new doors, windows, floors, ladders and framework to replace those that are lost in the mill is supported and the use of a traditional design and joinery methods can be secured via condition.
- 7.15. The proposal includes the reinstatement of mill operator's stove on ground floor which is welcomed, the details of which can be secured via condition.
- 7.16. The proposal also includes the installation of either a brick or steel pit to protect the existing pit wheel. This is welcomed and the details of this can be secured via a planning condition to ensure the materials and design is appropriate.
- 7.17. With regard to the proposed underpinning, the existing machinery has slumped significantly which is immediately visible once within the mill. The underpinning is limited to a steel-reinforced concrete beam inserted underneath the machinery to underpin it and ensure it remains stable within the mill. The floor will need to be excavated to achieve this, but given it is an exposed earth floor minimal historic fabric will require removal or disruption to achieve this. Undertaking these works will allow the machinery to be straightened and stabilised within the centre of the mill, and, subsequently, floors to be installed back into their original position. Given the benefits

of this work and that fact that the underpinning will not be visible, it is considered the intervention is justified.

## **Impact on ecology**

### **Mutton's Mill**

- 7.18. The protected species surveys submitted with the application showed the drainage mill has moderate bat roost potential for summer roosts, and an occasional night/feeding roost for brown long-eared bat. Passive detector surveys showed that the area around the mill is regularly used for foraging by five bat species, but the interior of the mill was visited only very infrequently. The external raceway could provide suitable conditions for bat hibernation, but no crevices were visible in the structure. The proposed restoration works will involve scaffolding and sheeting over the entire mill, which will block access for bats using the mill for night roosting or as a feeding perch. This will extend over the summer active period for bats. However, the survey results indicate that night roosting occurs very infrequently and only by individual brown long-eared bats. Once the mill is reassembled and the scaffolding is removed, the bat roost and access will be reinstated. It is therefore not considered there will be an adverse impact on protected species subject to the conditions regarding mitigation and enhancement proposed.

### **High's Mill**

- 7.19. The protected species surveys submitted with the application showed that bat roost potential was assessed as low for summer and winter roosts due to the level of light incursion into the mill and the lack of double-clad structures and deep crevices and holes. The external brick raceway was assessed as being unsuitable as a bat hibernation roost. However passive detector surveys showed that the area around the mill is regularly used for foraging by six bat species, which are likely to benefit from bat enhancements within the mill. Old barn owl pellets and owl splashes were found on the first floor together with pigeon and stock dove faeces. A kestrel was also seen. Barn owls appear to have used the mill in the past, accessing the first floor by the open hatch, but there was no fresh evidence. It is therefore not considered there will be an adverse impact on protected species subject to the conditions regarding mitigation and enhancement proposed.

## **Impact on amenity**

- 7.20. Given the isolated locations of both of the mills it is not considered that there would be an adverse impact on amenity as a result of the proposals.

## **Impact on flood risk**

- 7.21. Whilst the mills are within the active flood plain, as the works are for renovation and conservation of the mills it is not considered that there would be an adverse impact on flood risk as a result. As, at Mutton's Mill, it is hoped that it will be renovated to full working order there is an argument that there could be a slight benefit to flood risk by being able to manage water levels, although it should be acknowledged that this is not

the formal intention or use of the mill. The Environment Agency did not have any objections or comments to make.

## 8. Conclusion

- 8.1. The works proposed at both sites would help arrest the ongoing deterioration of the listed buildings by ensuring they are physically sound, stable, and weather tight, secure their future for the longer term and enhance their character and integrity by reinstating traditional features of an appropriate design. The proposals are therefore acceptable in principle and, indeed, welcomed.

## 9. Recommendations

- 9.1. It is recommended that planning permission is granted for both applications (full and listed building consent) at both sites, subject to the following conditions:
- 9.2. BA/2020/0227 FUL Mutton's Mill- Comprehensive structural and mechanical repairs to drainage mill including underpinning and internal and external refurbishment work.
1. Time limit
  2. In accordance with plans
  3. Bat mitigation to be agreed
  4. Bat enhancements to be agreed
- 9.3. BA/2020/0228/LBC Mutton's Mill- Comprehensive structural and mechanical repairs to drainage mill including underpinning and internal and external refurbishment work.
1. Time limit
  2. In accordance with plans
  3. All new materials and treatments to be agreed prior to installation
  4. Any damage to be made good
  5. All external and internal joinery details to be agreed prior to installation (including but not exclusively: windows, doors, sails)
  6. Historic building recording survey to be submitted
- 9.4. BA/2020/0231/FUL High's Mill, Stone Road, Halvergate- Underpinning works to internal machinery, reinstatement of historic features, and internal and external repairs.
1. Time limit
  2. In accordance with plans
  3. Bat check to be undertaken prior to works
  4. Barn owl mitigation to be agreed
  5. Works to take place outside bird breeding season unless first checked by an ecologist
  6. Bat enhancements to be agreed
  7. Barn owl enhancements to be agreed

8. Post works monitoring of bats and barn owls to be agreed
- 9.5. BA/2020/0232/LBC High's Mill, Stone Road, Halvergate- Underpinning works to internal machinery, reinstatement of historic features, and internal and external repairs.
  1. Time limit
  2. In accordance with plans
  3. All new materials and treatments to be agreed prior to installation
  4. Any damage to be made good
  5. All external and internal joinery details to be agreed prior to installation/alteration (including but not exclusively: windows, doors, frames, floors, ladders – including details on the level of historic timbers to be retained)
  6. Details of the re-instatement of the mill operator's stove to be agreed
  7. Details of the wheel pit lining (brick or steel) to be agreed

## 10. Reason for recommendations

- 10.1. All of the above development will help secure the longevity of important historic buildings on the Broads for existing and future generations to enjoy which is welcomed. The development will have a positive impact on the integrity, and setting of the listed buildings and will better reveal their significance. The development will not have an adverse impact on ecology, neighbouring amenity or flood risk in accordance with the NPPF and policies SP5, DM5, DM11, DM13, DM21, DM43 and SSMILLS of the Local Plan (2019). They are in accordance with the National Planning Policy Framework (2018) which is a material consideration in the determination of this application. The applications comply with the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act as having special regard to preserving Listed Buildings and Conservation Areas.

Author: Kayleigh Judson

Date of report: 25 August 2020

Appendix 1 – Location maps

## Appendix 1 – Location map



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# Planning Committee

11 September 2020

Agenda item number 8.2

## BA/2020/0146/FUL Petos Marsh, Burnt Hill Lane Calton Colville

Report by Planning Officer

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### Proposal

Installation of 25m floating mooring pontoon to be used as short stay 24 hour moorings

### Applicant

Mr Lewis Treloar on behalf of the Broads Authority

### Recommendation

Approval subject to conditions

### Reason for referral to committee

Broads Authority Application

### Application target date

16<sup>th</sup> September 2020

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## 1. Description of site and proposals

- 1.1. The site is located to the north west of the Suffolk Wildlife Trust's (SWT) Carlton Colville visitor centre along the water's edge of Peto's Marsh on Oulton Dyke. Members may be aware that SWT purchased Peto's Marsh as part of a wider land purchase scheme to extend the nature reserve at Carlton Marshes. Peto's Marsh is an area of former arable land which was farmed for many years and resulted in an area of low habitat value. Previous applications including flood defence remodelling related to SWT's vision for the site to be restored to an area of wetland habitat.
- 1.2. Oulton Dyke links the River Waveney (and the rest of the Broads network) with Oulton Broad and then the North Sea via Mutford Lock and Lake Lothing. Oulton Dyke is popular for accessing the Broads network by all sizes and types of motorised, sail and paddled craft. On the opposite bank of Oulton Dyke to the application site, at the Dutch Tea Gardens, is a length of 24hr mooring which is run by the Broads Authority. The Broads Authority in conjunction with SWT have agreed to provide additional 24 hr visitor moorings in this location which links to Carlton Marshes Nature Reserve.
- 1.3. The specific area covered by this application is a 25m stretch of bank along Oulton Dyke, located at an 80 degree turn in the dyke. The location of the mooring has been amended to bring it closer into the corner of dyke, in close proximity to the mouth of Sluttons Dyke. This amendment in position followed consultation with the NSBA and operators of a pleasure tour boat from Oulton Broad who felt that this would be a safer location.
- 1.4. Permission is sought for the installation of a 25m long x 2.5m wide floating mooring pontoon fixed to a concrete base with an articulated walkway ramp, all to be sited parallel with the west bank of Oulton Dyke. SWT propose to link this mooring by way of a riverbank permissive footpath to the existing extensive network of footpaths on Carlton Marshes.
- 1.5. The floating pontoon structure would be retained in place by 2.no tubular steel piles. The walkway and rear side of the pontoon would be enclosed with galvanised steel handrails.

## 2. Site history

- 2.1. Peto's Marsh has been subject to planning permissions for flood defences (BA/2014/0039/FUL) and habitat creation (BA/2019/0002/FUL). SWT have also had permission for a visitor centre for Carlton Marshes, which is nearing completion, and which is located to the south-east of the application site and would be accessible by footpath.

## 3. Consultations received

### Parish Council

- 3.1. No objection

### **Environment Agency**

- 3.2. No objection following details of water vole survey

### **BA Ecology**

- 3.3. No objection

### **BA Landscape**

- 3.4. No objection following confirmation of detailing

### **BA Navigation Committee Chairperson**

- 3.5. Previously considered by Navigation Committee and no objections raised, subject to comments of NSBA

### **NSBA**

- 3.6. No objection following the amendment of the position of the mooring

## **4. Representations**

- 4.1. Broads Society – No objection

## **5. Policies**

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
- DM5 - Development and Flood Risk
  - DM13 - Natural Environment
  - DM31 - Access to the Water
  - DM33 – Mooring provision
  - DM46 - Safety by the Water
  - DM43 – Design
- 5.3. The National Planning Policy Framework (NPPF) is a material consideration in the determination of this application.

## **6. Assessment**

- 6.1. The key considerations in dealing with this application are the principle of development, impact upon the landscape and impact upon the adjoining habitat. Other issues of flood risk and access will also be considered.

### **Principle of development**

- 6.2. In principle, the provision of short stay moorings is supported by Policies DM31 (Access to the water) and DM33 (Moorings, mooring basins & marinas) and in this instance it is



considered that the provision of 25m of mooring on the same basis as for other BA moorings – that is, as free 24hr short stay moorings - would help to provide for the identified requirement in the plan of visitor moorings throughout the Broads network. Policy DM31 sets out site specific criteria which this type of development needs to meet and some of these criteria are reiterated within Policy DM33.

- 6.3. The most relevant criteria of Policy DM31 in regards to this proposal are (a), (b), and (d) and these correspond to criteria (a) – (c), (f)- (h) of Policy DM33 and relate to the impact on navigation, hazardous boat movements and the impact on the Broads landscape. The proposal has been amended during the assessment process to move the mooring pontoon further to the south. This has had the effect of bringing the mooring into a wider section of Oulton Dyke, moves it away from the existing mooring at the Dutch Tea Gardens on the opposite bank and ensures that the mooring is tucked closer to the bank. Whilst closer to the entrance of Sluttons Dyke, this would not be obstructed. The amendments have ensured that the moorings would not adversely impact on navigation or result in hazardous boat movements and therefore the proposal complies with criteria (a) and (b) of Policy DM31 and criteria (h) of Policy DM33.
- 6.4. In regards to the remaining most relevant criteria of DM31and DM33 (respectively criteria (d), and criteria (a) - (c), (f) & (g)), this will be covered by the following sections of the report regarding landscape and ecology.
- 6.5. Other criteria of Policy DM31 and DM33 (respectively criteria (c), (e) & (f) and criteria (d), (i) - (k)) relate to not prejudicing future use of adjoining land or compromising access to the waterside and facilities, and it is clear that the provision of a floating pontoon would meet these requirements. The remainder of the policy criteria in DM31 and DM33 are not relevant.

#### **Impact upon the landscape**

- 6.6. Policy DM31, DM16, DM33 and DM43 are relevant in the consideration of this application as the proposed pontoon would have an impact upon the landscape as it constitutes a hard engineered intervention in what is a rural setting, albeit made up of significant areas of flood defence engineering in the form of flood banks etc. The scale of the moorings is relatively limited at 25m. As a floating pontoon, the moorings would have a lesser visual impact than a hard engineered piled bank and quay heading, especially as the pontoon would float at varying heights as the water level in the dyke fluctuates.
- 6.7. The relocation of the pontoon further to the south from the originally proposed position has not only been proposed on the basis of benefitting navigational safety, but also to reduce the visual impact of the proposed moorings. The new site would be somewhat tucked in behind the bank to the east and would not be as visible from the direction of either Oulton Broad or the River Waveney.

- 6.8. Confirmation from the applicant has been received that detailing of the pontoon, piling and finishing equipment would be of a nature similar to other BA moorings and is of an acceptable standard in terms of visual impact and design and in accordance with Policies DM31 (d) , DM16, DM33 (a), (b), (c) & (g) and DM43 of the Local Plan for the Broads (2019).

### **Impact upon habitat**

- 6.9. The application site has been subject to a habitat survey and no evidence of water voles or other protected species has been found. On this basis, the holding objection of the Environment Agency and BA Ecologists has been removed. Dependant on the timing of works, EA permitting may be required due to piling within the fish spawning season, however as the works are likely to be completed outside of this period the Environment Agency do not object on this basis. An informative can be added to the decision notice to remind the applicant of the obligation.
- 6.10. The position of the mooring, to the south end of Peto's Marsh, closest to existing footpaths is considered by SWT to have the lowest impact in terms of potential disturbance of birds that will use Peto's Marsh as habitat, and therefore the amended position is supported in ecological terms. The proposed development is therefore considered to accord with Policy DM13, Policy DM31 (d) and Policy DM33 (f) of the Local Plan for the Broads (2019).

### **Other issues**

- 6.11. The proposal is a flood compatible use and there would be no alternative sites to which a lower level of flood risk would be appropriate for this proposed development. The proposal is therefore considered to accord with Policy DM5 of the Local Plan for the Broads (2019).
- 6.12. The proposed development includes safety measures in line with other BA operated moorings and is considered to accord with Policy DM46 of the Local Plan for the Broads (2019). The provision of a mooring in and of itself is policy compliant. However, as part of the applicant's agreement with the SWT, a permissive path would be provided to link the mooring to footpaths within Carlton Marshes and ultimately to the amenities at the visitor centre and other tourist facilities. This is considered to accord with Policy SP9 of the Local Plan for the Broads (2019).

## **7. Conclusion**

- 7.1. The proposed development will provide a modest increase in short term visitor moorings within the southern Broads which is supported by Policy SP14 and Policy DM31 of the Local Plan for the Broads. Following consultation with the EA, BA Ecologist and Landscape Officers and the NSBA, an amendment has been received which has resulted in all holding objections being removed. The proposal is considered to be in accordance with Policies DM5, DM13, DM16, DM43 and DM46 of the Local Plan for the Broads (2019).

## 8. Recommendation

### 8.1. Approve subject to conditions:

- Time Limit
- In accordance with amended plans.
- Water vole checks during construction.
- Restricting the use of the mooring to 24hr short stays.

### 8.2. An Informative note should also be provided advising of the need for Environment Agency permitting should the works take place within the fish spawning season and the requirement for a Works Licence.

## 9. Reason for recommendation

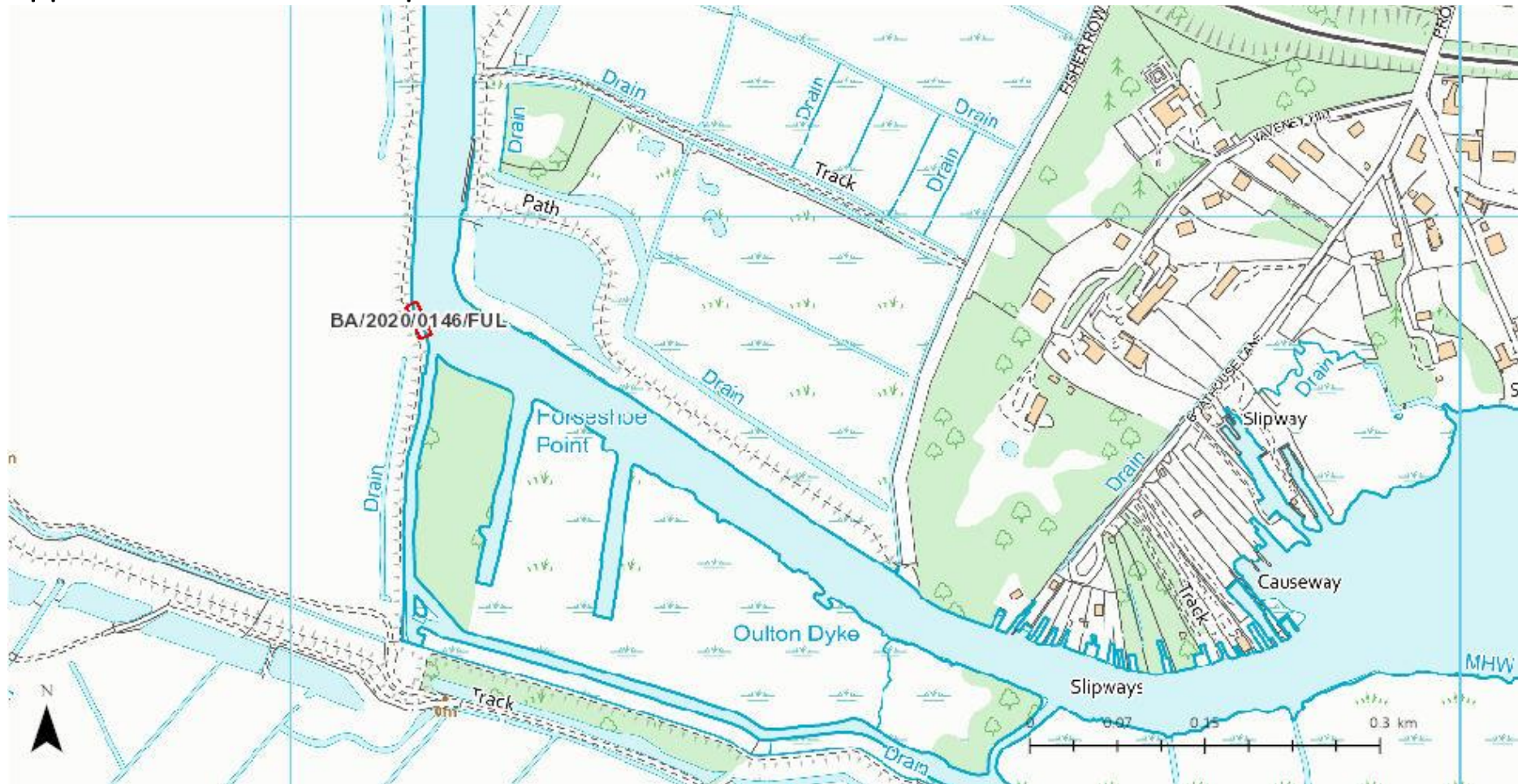
### 9.1. Following amendment the proposal is considered to accord with all relevant Planning Policy.

Author: Jack Ibbotson

Date of report: 26 August 2020

Appendix 1 – Location map

## Appendix 1 – Location map



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# Planning Committee

11 September 2020

Agenda item number 9

## Enforcement update – September 2020

Report by Head of Planning

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### 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

That the report be noted.

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Committee date	Location	Infringement	Action taken and current situation
31 March 2017	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"><li>• Authority granted to serve Section 215 Notices.</li><li>• First warning letter sent 13 April 2017 with compliance date of 9 May.</li><li>• 26 May 2017: Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued.</li></ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Monitoring 15 June 2017. Further vandalism and deterioration.</li> <li>• Site being monitored and discussions with landowner.</li> <li>• Landowner proposals unacceptable. Further deadline given.</li> <li>• Case under review.</li> <li>• Negotiations underway.</li> <li>• Planning Application under consideration December 2018.</li> <li>• Planning application withdrawn and negotiations underway regarding re-submission.</li> <li>• Works undertaken to improve appearance of building.</li> <li>• Revised planning application submitted 1 April 2019.</li> <li>• Planning Committee 19 July 2019: Resolution to grant planning permission</li> <li>• Arson at building, with severe damage 18 August 2019.</li> <li>• Discussions around securing building and partial demolition 19 August 2019</li> <li>• Pre-demolition surveys almost completed and works commence thereafter 24 October 2019</li> <li>• Works underway to secure and commence agreed demolition. 16 December 2019.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Site now sold. New landowner intends to build out with some amendments to be agreed.</li> <li>• New owner asked to demolish building as does not propose conversion 12 February 2020</li> <li>• Application received to demolish building (and other amendments to scheme) 20 February 2020</li> <li>• Application under consideration 25 August 2020</li> </ul>
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Site being monitored.</li> <li>• Planning Contravention Notices served 1 March 2019.</li> <li>• Site being monitored 14 August 2019</li> <li>• Further caravan on-site 16 September 2019</li> <li>• Site being monitored 25 August 2020</li> </ul>
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site,	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
		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"> <li>• Correspondence with solicitor on behalf of landowner 20 November 2019.</li> <li>• Correspondence with planning agent 3 December 2019</li> <li>• Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020.</li> <li>• Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 25 August 2020</li> </ul>
6 March 2020	Ditchingham Maltings	Failure to implement approved landscaping scheme (BA/2012/0005/FUL) Approved in August 2016	<ul style="list-style-type: none"> <li>• Planning Contravention Notice (PCN) served 9 September 2019</li> <li>• Breach of Condition Notice (BCN) served 22 October 2019 Non-compliance with condition 15 of planning permission - planting not in accordance with approved scheme</li> <li>• Revised landscaping scheme submitted 21 January 2020</li> <li>• Authority from Planning Committee to authorise prosecution, but stayed and delegated to Head of Planning to proceed only if adequate measures not undertaken by the developer to implement a satisfactory landscaping scheme and management plan. 6 March 2020.</li> <li>• Due to COVID-19, not been possible to engage contractors to work on the landscaping scheme for the site. New</li> </ul>



Committee date	Location	Infringement	Action taken and current situation
			<p>contractors now appointed and hoped that work could be progressed in the near future. 29 May 2020</p> <ul style="list-style-type: none"> <li>• Maintenance work commenced, with replanting scheduled for autumn 2020/winter 2021 season. 15 June 2020</li> <li>• <b>Maintenance underway. Replanting scheme approved 13 August 2020.</b></li> </ul>

Author: Cally Smith

Date of report: 25 August 2020

# Planning Committee

11 September 2020

Agenda item number 10

## Consultation from MHCLG – Changes to the current planning system

Report by Planning Policy Officer

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### Summary

This Ministry of Housing, Communities and Local Government (MHCLG) consultation sets out the Government's proposals for measures to improve the effectiveness of the current planning system. The four main proposals are:

- changes to the standard method for assessing local housing need;
- securing of First Homes through developer contributions in the short term until the transition to a new system;
- supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing;
- extending the current Permission in Principle to major development.

### Recommendation

To endorse the proposed consultation response included in this report.

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## 1. Introduction

- 1.1. The Government is consulting on four changes to the planning system. These relate to how housing need figures are calculated, changes to affordable housing thresholds, introducing a new type of affordable housing, and extending Permission in Principle. The changes would come forward as amendments to the NPPG and it is proposed that these could be in place by the end of 2020.
- 1.2. The consultation deadline is 1 October and the documents are available at: <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
- 1.3. Members should be aware that the Government has also published a second consultation document, called 'Planning for the Future'. This proposes significant and fundamental structural changes to the planning system. The deadline for this consultation is 29 October 2020, and a report on the proposed changes will be presented at the 9th October Planning Committee. The consultation is available at: <https://www.gov.uk/government/consultations/planning-for-the-future>
- 1.4. The following sections of this report outline the four changes and how they would affect the Broads, together with the Broads Authority's proposed responses. Appendix 1 includes all responses.

## 2. Changes to the standard method for assessing local housing need

- 2.1. The consultation document says, 'The standard method was first implemented in 2018 through the revised National Planning Policy Framework (NPPF) to make assessing the minimum number of homes needed in an area easier, cheaper and more transparent. In February 2019, following the technical consultation on updates to national planning policy and guidance, a short-term change was made to the standard method. At the same time, a commitment was made to review the formula to balance the need for clarity, simplicity and transparency for local communities with the Government's aspirations for the housing market'.
- 2.2. It goes on to say that, 'household projections, used in the current method, have attracted criticism for their volatility and the way in which they can result in artificially low projections in some places, where overcrowding and concealed households suppress the numbers'. The consultation document proposes a revised standard method for calculating local housing need, which will be used as the basis for plans.

2.3. The proposed changes to the methodology are as follows:

- To introduce a new element into the standard method in the form of a percentage of existing housing stock levels, which takes account of the number of homes that are already in an area. The consultation advises that this should ensure that diverse housing needs in all parts of the country are considered and should also offer the stability and predictability which has been absent when solely relying on household projections.
- To introduce an affordability adjustment that takes account of changes over time, in addition to the existing approach of considering absolute affordability. The consultation advises that this will increase the overall emphasis on affordability in the formula and ensure that the revised standard method is more responsive to changing local circumstances, so that homes are planned for where they are least affordable.

2.4. The new standard method results in a national housing need of 337,000 on the basis of currently available data. This is a higher figure than the election manifesto pledge of 300,000. Indeed, the consultation document says 'Adopted local plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (241,000)'. This is the starting point for planning and not the final housing requirement. Not all homes that are planned for are built; therefore, the new standard method total is designed to provide enough land to account for the drop-off rate between permissions and completions.

2.5. Members will be aware that the standard methodology used to produce housing figures does not apply to National Parks and the Broads. For these areas, whilst the Local Planning Authority (LPA) is still required to calculate the Objectively Assessed Need (OAN) for the area, the NPPF allows it to restrict the overall scale of development in the interests of protecting the area, which has been designated due to its particular national importance. On this basis, it would appear that the proposed change would not directly affect the Authority in terms of the calculation of the housing numbers. However, the review of the Local Plan will include the need to calculate a housing figure and the exact approach would need to be researched and potentially agreed with the constituent districts. On this basis, what happens to their housing figures could potentially impact on the future housing figures for the Broads

2.6. If the proposed changes to the housing methodology were to be implemented, the main issue for the Broads Authority to be aware of will be the changes to the housing need of the constituent districts. A consultant, Litchfields, ran the calculations for the new methodology and compared it to current figures in local plans, recent delivery and current standard methodology. According to their work<sup>1</sup>, as a quick summary, when

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<sup>1</sup> Article can be found via the following link: <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/#section6>

compared to the current standard methodology, the housing need of our districts will change as follows.

- Broadland: increase by around 200 dwellings a year
- East Suffolk: increase by around 1,000 dwellings a year
- Great Yarmouth: increase by around 20 dwellings a year
- North Norfolk: increase by around 180 dwellings a year
- Norwich: reduction of around 890 dwellings a year
- South Norfolk: increase by around 1,000 dwellings a year

- 2.7. In total this would give an additional increase of 1,510 dwellings per annum in the adjacent District Council areas. Members will be aware that with a higher housing requirement comes a need to find more sites, and therefore there may be more sites nearer to the Broads boundary, as well as other impacts, including recreational pressure.
- 2.8. The key messages are that the housing need of the constituent District Councils will change, some by a very substantial amount, and there could be a consequential impact on the housing need of the Broads, which will be calculated separately from the standard methodology.
- 2.9. **The proposed response in relation to this change is as follows:**  
The Broads is a protected landscape with the same level of protection as the UK National Parks. We have a good working relationship with our six constituent district council planning departments and to date we have had a cooperative approach to meeting the Broads' housing need. However, it is noted that some of the districts will see a substantial increase in their annual housing need as a result of this proposed change and this will require more sites to be found, or densities to increase. This is likely to put pressure on less suitable sites, including those closer to the Broads, where there is the potential to affect the area or its setting. This issue has the potential to affect all protected areas.

### 3. Securing of First Homes through developer contributions in the short term until the transition to a new system

- 3.1. The Government consulted on First Homes earlier in 2020 and this part of the consultation document provides details of what is proposed in relation to First Homes following that consultation.
- 3.2. First Homes are defined as flats and houses built within developments. The proposal is that they will be sold with a discount of at least 30 percent to local people who want to stay in the community where they live or work but are struggling to purchase a home at

the general market prices. The discount will be passed on to future buyers when First Homes are resold so more people can be helped onto the ladder.

- 3.3. The consultation document says that 'the Government intends to set out in policy that a minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes. Where cash contributions to affordable housing are secured instead of onsite contributions, a minimum of 25 per cent of these should be used to secure First Homes'. The Government also 'intend to introduce a First Homes exception sites policy, to replace the existing entry-level exception sites policy. Exception sites are small sites brought forward outside the local plan to deliver affordable housing. Under the amended policy, we will specify that the affordable homes delivered should be First Homes for local, first-time buyers. There will be the flexibility in the policy to allow a small proportion of other affordable homes to be delivered on these sites where there is significant identified local need as well as a small proportion of market homes where this would be necessary to ensure the viability of the site overall'.
- 3.4. The Local Plan for the Broads has a policy on affordable housing (DM34). This does defer/have regard to the affordable housing policy of the relevant constituent district Council, but also seeks off site contributions for schemes of 6-9 dwellings.
- 3.5. The schemes that are permitted in the Broads tend to be small in scale and therefore it is not often that the requirement for affordable housing is triggered. But, working with the districts (who are the Housing Authority) for the Broads, if schemes do trigger requirements, we will follow national policy and guidance in place at the time.
- 3.6. There are no comments proposed relating to the principle of this proposed change.

#### **4. Supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing**

- 4.1. Current national policy is that affordable housing contributions should not be sought on schemes of fewer than 10 dwellings. The Broads Authority has taken a slightly different approach and the adopted Local Plan has a policy which requires off-site contributions for schemes of 6-9 dwellings. This was used in the Marina Quay redevelopment scheme to provide £30,000 towards affordable housing in Great Yarmouth.
- 4.2. In a move to assist small and medium sized builders (SMEs), the consultation document says 'to support SMEs in the medium term during economic recovery from Covid-19, we are also proposing to reduce the burden of contributions on SMEs for more sites for a time-limited period'. This is because SMEs have been in decline since the last recession and to reflect the fact that smaller sites build out at a quicker rate than larger ones.
- 4.3. The Government proposes to raise the small sites threshold to up to either 40 or 50 new homes through changes to national planning policy.

4.4. How this will affect our existing policy is to be confirmed. Currently of the six constituent districts, only East Suffolk has an up to date adopted policy and the other five districts are in the process of reviewing their plans. As the Authority's policy is to defer to/have regard to their policies, it will be necessary to work with them in the consideration of the impact of any changes to the threshold. It is worth noting that the typical scheme in the Broads is below 5 units, so increasing the threshold for affordable housing from 10 to 40 or 50 units is unlikely to make a significant difference in terms of actual numbers, in that the likelihood is that we may only lose the opportunity to achieve maybe 2 or 3 units. However, if those 2 or 3 units are the only affordable housing achieved in the Broads, their loss is intrinsically significant as no affordable housing at all would be delivered. On this basis, the 'lost' units take on considerable theoretical and symbolic significance, particularly given that one of the central tenets of the consultation document is about improving and widening access to better quality housing.

4.5. **The proposed response in relation to this change is as follows:**

Development in the Broads tends to be very small in scale; mostly one or two dwellings per scheme. Sometimes they are larger; rarely are they above, say, 40 or 50 dwellings. The Local Plan was adopted in May 2019 and a justification was made for seeking off site contributions for development of 6-9 dwellings to reflect that schemes tend to be small in our area. This proposed change to the threshold would effectively mean that, for the time it was in place, the Broads Authority will probably not be able to secure any affordable housing contributions on site or off site.

## 5. Extending the current Permission in Principle to major development

5.1. The consultation document says 'Permission in Principle was introduced in 2017 as a new faster way of obtaining planning permission for housing-led development, which reduced the need for landowners and developers to incur significant costs to establish the principle of development for housing. This was done by giving authorities the power to grant Permission in Principle to suitable sites allocated on registers of brownfield land. Subsequently, Permission in Principle by application was introduced in 2018, for minor development (i.e. small sites that support fewer than 10 dwellings)'. It goes on to say 'Permission in Principle is designed to separate decision making on 'in principle' issues addressing land use, location, and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also ensures that the principle of development only needs to be established once'.

5.2. The consultation document proposes changes and seeks views on:

- extending the scope of the current Permission in Principle by application route to major development (excluding those subject to EIA or habitats assessments);
  - enhancing the information requirements and publicity arrangements for these applications;
  - introducing a revised fee structure, at lower cost, to incentivise their use;
  - including automatically any Permission in Principle granted onto Part 2 of the local brownfield land register; and
  - strengthening guidance to support implementation.
- 5.3. The change in fees to incentivise applicants to use this approach may see more use of the Planning in Principle approach. The Authority does not have a part 2 of the brownfield register. As with any change to NPPG, we will address this requirement as it relates to relevant schemes as we determine applications.
- 5.4. There are no comments proposed relating to the principal of this proposed change.

## 6. Risk implications

- 6.1. As discussed in the report, the need for the constituent district councils to allocate or permit more sites to meet the changes in housing need could result in increased pressure on land near to the Broads.
- 6.2. The changes to affordable housing thresholds could mean that no affordable homes will come forward in the time period that change is in place.

Author: Natalie Beal

Date of report: 27 August 2020

Appendix 1 – Proposed response to consultation on Changes to the Planning System.



# Appendix 1 – Proposed response to consultation on Changes to the Planning System

## Questions 1 to 7

The Broads is a protected landscape with the same level of protection as the UK National Parks. We have a good working relationship with our six constituent district council planning departments and to date we have had a cooperative approach to meeting the Broads' housing need. However, it is noted that some of the districts will see a substantial increase in their annual housing need as a result of this proposed change and this will require more sites to be found, or densities to increase. This is likely to put pressure on less suitable sites, including those closer to the Broads, where there is the potential to affect the area or its setting. This issue has the potential to affect all protected areas.

## Question 8

Starter Homes section refers to 'policy compliant' schemes. So, if they are not policy compliant, and come in with lower % of affordable, there is no need to do first homes? How do first homes work with starter homes?

## Question 17

Development in the Broads tends to be very small in scale; mostly one or two dwellings per scheme. Sometimes they are larger; rarely are they above, say, 40 or 50 dwellings. The Local Plan was adopted in May 2019 and a justification was made for seeking off site contributions for development of 6-9 dwellings to reflect that schemes tend to be small in our area. This proposed change to the threshold would effectively mean that for the time it was in place, the Broads Authority will probably not be able to secure any affordable housing contributions on site or off site.

One of the main issues related to COVID-19 was getting homeless people off the streets. Locally, and this may be the case nationally, they went into hotels initially, which was not too complicated as all hotels had shut down and therefore did not have any guests. Rough sleepers were then moved on to other forms of accommodation including hostels and those in hostels moved onto homes. If you reduce the number of schemes that can provide affordable housing, by raising the threshold, it could be that homeless people are negatively affected. This seems a contradiction considering how important it was to get rough sleepers off the streets to protect them from COVID-19. Indeed, the other Government document out for consultation (Planning for the Future) says at paragraph 1.1 that our capacity to house the homeless is a national challenge.

## Other comments

- Para 31 says that the affordability of homes is the best evidence that supply is not keeping up with demand. What about the Letwin review findings that refers to the issue of absorption rates? Could it be that supply is not keeping up with demand intentionally so the cost of houses stays high?

- Para 36 says if an average worker cannot get a mortgage for an average home in the area without additional help, then there are not enough homes in the area. Again, what about the Letwin review findings that refers to the issue of absorption rates? Could it be that houses are released at a rate to keep the cost high?
- Para 40 says: Not all homes that are planned for are built, therefore the new standard method total is designed to provide enough land to account for the drop-off rate between permissions and completions. However, the Planning for the Future document says in the last bullet point of 2.25 that 'inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market'. So, does the new method account for drop off rate so local plans don't need to, or are local plans to add a buffer? I think it is the former, but this could usefully be clarified in any NPPG changes.

# Planning Committee

11 September 2020

Agenda item number 11

## Planning policy – draft Residential Moorings Guide

Report by Planning Policy Officer

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### Purpose

The Residential Moorings Guide will help implement the policies of the adopted Local Plan for the Broads relating to residential moorings. This report summarises the consultation responses to the first draft guide and the proposed consultation on the revised draft guide.

### Recommended decision

To endorse the revised Residential Moorings Guide and recommend it to the Broads Authority for public consultation.

---

## 1. Introduction

- 1.1. The Residential Moorings Guide is designed to help implement the policies of the adopted Local Plan for the Broads relating to residential moorings. It is designed for decision makers as well as applicants and site owners, with information which is considered to be useful to help make schemes as successful as possible.
- 1.2. The first draft guide was subject to public consultation earlier this year. Due to Covid-19 restrictions, the consultation did not follow our usual approach as set out in the Statement of Community Involvement (SCI). Nevertheless, the comments received were assessed and some amendments made to the draft document. Consultation on the revised draft guide will meet the requirements of the updated SCI.

## 2. First stage consultation

- 2.1. Consultation on the first draft guide ran for 12 weeks, ending on 5 June 2020. The comments received and our proposed responses and amendments are set out at Appendix 2.
- 2.2. Responses can be broadly categorised as follows.
  - Some people queried the need for a guide. Our response is that the guide provides additional information that is more detailed than is in the Local Plan, which will hopefully encourage more successful schemes.
  - Some queried the guide's status and said some aspects were not relevant to planning. The guide has been amended to make things clearer. We agree that it

includes ideas and case studies that relate to issues outside of planning, but feel the information may be useful to the promoter of the scheme.

- Some responses provided additional information, such as flood risk advice from the Environment Agency and security advice from Norfolk Police. This information has generally been included in the amended guide.
- Some people responded saying they were not able to provide comments because of the lockdown. They will hopefully benefit from this second round of consultation.
- Comments supporting the guide were welcomed.

### 3. Second stage consultation

- 3.1. The revised draft Residential Moorings Guide is attached at Appendix 1. Proposed amendments are marked as: deletions are ~~red cross through~~ and additions are blue underlined.
- 3.2. We anticipate the second consultation will run for around 8 weeks, possibly from 25 September to 20 November 2020. To reflect the updated SCI, which in turn reflects the access restrictions and social distancing arising from COVID 19, the proposed methods for consultation are as follows:
  - We will advertise the consultation by placing a notice in the EDP, using social media, and contacting those on our Local Plan consultation database.
  - No paper copies will be available at Yare House or other venues. However, paper copies can be sent at no charge to those who request them.
  - People can call the Planning Policy Officer to discuss the guide (via a video call if helpful).

### 4. Conclusion and recommendation

- 4.1. The Residential Moorings Guide will help implement the policies of the adopted Local Plan for the Broads relating to residential moorings. It is recommended that the Planning Committee endorse the revised guide and recommend it to the Broads Authority for public consultation.

### 5. Financial implications

- 5.1. There will be a cost of around £400 for a press advert that will be shared with the peat guide.

Author: Natalie Beal

Date of report: 25 August 2020

Appendix 1 – Revised draft Residential Moorings Guide for consultation

Appendix 2 – First draft Residential Moorings Guide – comments and proposed responses



## Residential Moorings Guide

**Draft for second consultation  
Xxx 2020 to xxx 2020**

### Second consultation – xxx 2020

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

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## 1. Introduction

In the current Local Plan for the Broads, the Authority is required to identify a need of 63 residential moorings<sup>1</sup> and subsequently allocate sites for residential moorings to count towards that need. The Local Plan also contains a detailed policy that all proposals for residential moorings are required to address (Policy DM37 – see [Appendix A](#)).

This guide is designed to help implement the policies of the Local Plan relating to residential moorings. It is designed for decision makers as well as applicants and site owners. It contains useful information to help make schemes for residential moorings as successful as possible.

## 2. Consultation

This version is an amended draft version out for its second consultation. Please tell us your thoughts and suggest any changes you think would make the Guide better and set out your reasons.

During the first consultation, movement and access to public venues was restricted due to COVID19. We extended the consultation period twice and it ran for many more weeks than originally intended. We also offered the opportunity to request a hard copy of the document. Despite that, we do not think the consultation was adequate so we are consulting a second time.

This consultation document and consultation process have been developed to adhere to the Broads Authority's Statement of Community Involvement<sup>2</sup>. We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:

- If you wish to discuss the document, you can still call on 01603 610734 and ask to speak to Natalie Beal. You can also contact Natalie Beal to request a video conference appointment to talk about the document.
- No hard copies will be in libraries.
- No hard copies will be in Yare House<sup>3</sup>.
- If you wish to have a hard copy, we can send this to you. This will initially be for free, but if we get many requests, we may have to consider charging for postage and

<sup>1</sup> [Norfolk Caravans and Houseboats Accommodation Needs Assessment \(ANA\) including for Gypsies, Travellers and Travelling Show people](#)

<sup>2</sup> Current Statement of Community Involvement is here [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0024/209337/Final\\_adopted\\_SCI\\_formatted\\_July\\_2020.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0024/209337/Final_adopted_SCI_formatted_July_2020.pdf)

<sup>3</sup> Whilst this Guide is not a local plan or SPD, we still consult in the same way as we would those documents. The Government recently amended regulations saying that until 31 December 2021, Local Planning Authorities do not need to make hard copies of planning documents available in head offices or other venues.



printing. Please contact the number above to ask to speak to Natalie Beal to request a hard copy.

The second consultation on this document is for x weeks from xxxx to xxxx. We will then read each of the comments received and respond. We may make changes if we agree with you. If we do not make changes we will set out why. The final Guide will be adopted at a future meeting of the Broads Authority. Please email us your comments:

[planningpolicy@broads-authority.gov.uk](mailto:planningpolicy@broads-authority.gov.uk).

Information provided by you in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004). Please see [Appendix B](#) for the Privacy Notice. We will make your name and organisation public alongside your comment.

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

### 3. Residential Moorings - definitions

The supporting text of policy DM37 defines a residential mooring as 'a mooring where someone lives aboard a vessel (capable of navigation), where the vessel is used as the main residence, and where the vessel is moored in one location for more than 28 days in a year. The vessel may occasionally/periodically go cruising and return to base'.

It goes on to say that 'for the purposes of this policy, it should be noted that there is an expectation that the moorings will be occupied by a vessel of standard construction and appearance and which is conventionally understood to be a boat. For the avoidance of doubt, the policy does not apply to houseboats. Houseboats are considered to be structures without means of independent propulsion and will be dealt with on a case by case basis due to their potential impact on character of the area'.

The Environment Agency agree that all residential boats must be capable of navigation and so function as a boat, in order for residential moorings to be classed as 'water compatible' development. In response to the first consultation on this document, the Environment Agency went on to say that If the boat is non-navigable, such as a houseboat, the Environment Agency state that they would be classed as 'more vulnerable' residential development, and therefore Table 3 of the NPPF PPG would class them as inappropriate to be located in boatyards or mooring basins, as these areas are usually classed as Flood Zone 3b Functional Floodplain. The Environment Agency state that they would object in principle to any houseboats as they would be an inappropriate 'more vulnerable' development in Flood Zone 3b Functional Floodplain. So houseboats are unlikely to be permitted, unless their proposed location is somehow not classed as Functional Floodplain, which would

67 [require the marina or mooring basin to not be at risk of flooding in a 5% \(1 in 20\) annual](#)  
68 [probability flood event.](#)

## 69 4. Acceptable location for residential moorings

### 70 4.1 Where Residential Moorings could be permitted.

71 Policy DM37 sets out where residential moorings may be acceptable (criterion a) and would  
72 apply to applications for schemes in areas not allocated in the Local Plan. This section breaks  
73 that down and provides some more information.

- 74 i) 'Is in a mooring basin, marina or boatyard...'
- 75 The reason for this requirement is to remove any potential impact on navigation  
76 because of residential moorings as well as ensure access to boating facilities such as  
77 pump outs and maintenance.
- 78 ii) '...that is within or adjacent to a defined development boundary...'
- 79 The development boundary could be one of the four in the Local Plan for the Broads<sup>4</sup>  
80 or could be set out in the adopted Local Plan of one of our 5 district councils (see  
81 below for Norwich City). Development boundaries are areas within which housing  
82 (and in this case, residential moorings) are generally supported in principle (but  
83 subject to other policies in the Local Plan) because they have good access to key  
84 services and are well related to the existing built up area of a settlement.
- 85 iii) '...or 800m/10 minutes walking distance to three or more key services...'
- 86 Key services are set out in the supporting text for the policy and copied below. They  
87 reflect the Housing and Economic Land Availability Assessment methodology:
- 88 • A primary school
  - 89 • A secondary school
  - 90 • A local healthcare service (doctors' surgery)
  - 91 • Retail and service provision for day to day needs (district/local shopping centre,  
92 village shop)
  - 93 • Local employment opportunities which are defined as follows, which reflect areas  
94 with potentially a number of and variety of job opportunities:
  - 95 ○ Existing employment areas allocated/identified in our districts' Local Plans; or

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<sup>4</sup> These are in Wroxham/Hoveton, Thorpe St Andrew, Oulton Broad and Horning. See policy DM35 of the Local Plan and see the maps here: [DMS35: Residential development within defined development boundaries Maps](#)

96           ○ City, Town or District Centre as identified in the Local Plan for the Broads or  
97           our District's Local Plan. We note that this means such centres count towards  
98           two of the three key services test; or

99           ○ These sites that are allocated in the Local Plan for the Broads: BRU2, BRU4,  
100          CAN1, HOR6, POT1, STA1, TSA3.

101          • A peak-time public transport service to and from a higher order settlement (peak  
102          time for the purposes of this criterion will be 7-9am and 4-6pm)

103 Applications will need to submit supporting information about the location of these key  
104 services.

105          • '...and the walking route is able to be used and likely to be used safely, all year  
106          round...'

107          The walking route that is 800m or 10 minutes' walk to the key services needs to be  
108          available and attractive for use all year round. In practice this will more likely mean  
109          surfaced footways rather than rural public rights of ways. This will be judged on a  
110          case by case basis in liaison with the Highways Authority. [Norfolk Police recommend](#)  
111          [that the route to the site should, where possible, be straight and have a width of 3m](#)  
112          [wide, with vegetation maintained to prevent fear of crime \(removal of potential](#)  
113          [hiding places\), and to consider lighting if appropriate \(taking into account the dark](#)  
114          [skies policy of the Local Plan and the location of residential moorings\).](#) Applications  
115          will need to submit supporting information about the quality and experience of the  
116          routes used to travel between residential mooring and services.

117          • '...or is in Norwich City Council's Administrative Area'  
118          Norwich City Council requested this addition as there are no mooring basins, marinas  
119          or boatyards in Norwich; this change now, ~~in theory,~~ allows for residential moorings  
120          in the City [\(subject to the normal planning application process\) and is consistent with](#)  
121          [the policies of the River Wensum Strategy, a partnership document adopted by both](#)  
122          [the Broads Authority and Norwich City Council \(and other partners\).](#)

123 It is important to note that applications in Norwich will need to be determined by Norwich  
124 City Council and the Broads Authority. Norwich City Council are the Local Planning Authority  
125 for the land. The Broads Authority is the Local Planning Authority for the river. Policies of  
126 both adopted Local Plans will be relevant to schemes in Norwich.

#### 127 [4.2 Location of residential moorings within a site/marina/boatyard/basin.](#)

128 [An applicant may want certain specific moorings to be permitted for residential moorings or](#)  
129 [may want an area to be permitted with a maximum number of residential moorings within](#)  
130 [that area, to reflect the operations of the marina or boatyard or site. This will need to be](#)  
131 [discussed and agreed with the Local Planning Authority. It will be for the operator of the site](#)  
132 [to control which moorings are used for residential moorings in line with the permission](#)

133 granted. The operator will need to produce a management plan (see section 6), and will also  
134 need to record the details of the residential moorings in a register (see section 7).

## 135 **5. Flood Risk and climate change**

136 The Authority will require site specific flood risk assessments including a flood response  
137 plan<sup>5</sup>. See policy DM5 of the Local Plan for the Broads as well as the Flood Risk SPD<sup>6</sup>.

138 Whilst the Authority appreciates that at times of flood the boat which is lived in will be  
139 already on water and is able to float, the issue is more to do with the risk arising because of  
140 flooding in this instance. The supporting text of DM37 identifies some issues that need to be  
141 addressed.

- a) The technique/method of mooring the vessel. The Flood Risk Assessment (FRA) should show how the boat will be moored to prevent it being too tight or too loose. If the vessel is moored too tightly it could list, and by being too loose it could float onto the landside of the quay heading or be cast adrift at times of flooding. Both scenarios have safety concerns for occupiers, possessions and other objects or vessels that could be hit by a loose boat, and should be addressed within the FRA.
- b) A Flood Response Plan needs to be produced. While it is acknowledged that residential boats will float, the access to the boat could be disrupted at times of flood, causing the occupier to be stranded on board the boat. The Flood Response Plan needs to advise what the occupier should do at times of flood to ensure their safety - whether they should evacuate the boat in advance of flooding or take refuge in the boat and therefore have supplies to help them sit out the flood.
- c) Finally, the FRA should include consideration of how the boat moored at the residential mooring will be monitored at times of flood to make sure it does not cause damage to other vessels, and to prevent damage to the belongings on board and the boat itself.

142  
143 If the FRA and Flood Response Plan proposes refuge within the boat in times of flood then  
144 the Environment Agency states that the boat will need to be capable of rising up above the  
145 extreme 0.1% (1 in 1000) climate change flood level. The FRA will need to detail what the  
146 required height of rise will be and demonstrate that the boat's mooring can enable it to rise  
147 that high without posing a hazard to the occupants of the boat. If the FRA and Flood  
148 Response Plan does not propose refuge, but instead proposes evacuation in advance of a  
149 flood, then the FRA and response plan will need to show how the occupants will be able to

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<sup>5</sup> A guide/template can be found here: [https://www.broads-authority.gov.uk/data/assets/word\\_doc/0032/298850/Appendix-D-Flood-Response-Plan-Guidance.docx](https://www.broads-authority.gov.uk/data/assets/word_doc/0032/298850/Appendix-D-Flood-Response-Plan-Guidance.docx)

<sup>6</sup> See guidance for best practice Broads Flood Risk Supplementary Planning Document: [https://www.broads-authority.gov.uk/data/assets/pdf\\_file/0019/236404/Broads-Flood-Risk-SPD-2020.pdf](https://www.broads-authority.gov.uk/data/assets/pdf_file/0019/236404/Broads-Flood-Risk-SPD-2020.pdf)

150 [receive advanced warnings and where they will be able to evacuate to in time. The](#)  
151 [Environment Agency go on to say there is always a residual risk of warnings not being](#)  
152 [received, so the FRA will need to address this risk. The ability to take refuge within the boat,](#)  
153 [as described above, is a valuable fall-back measure and, if possible, the mooring should be](#)  
154 [designed to provide this refuge as a precaution, even if the preferred option is evacuation in](#)  
155 [advance of flooding.](#)

156 Turning to climate change, you will be required to fill out a [climate change checklist](#)<sup>7</sup>. This  
157 identifies various effects that could arise in a changing climate. Flood risk may be one of  
158 them, but there are others. Filling out the checklist may ~~make~~ [help](#) you consider how you  
159 run and develop your site [in a changing climate](#). For example, how will you address risks  
160 associated with a changing climate? How will you manage high winds as a result of storms  
161 for example?

## 162 6. Management plan

163 You will be required to produce a plan that sets out how the residential moorings will be  
164 managed.

165 The management plan will help ensure the site as a whole is appropriately managed. The  
166 management plan will be a condition on the permission given to an application for  
167 residential moorings. A breach of this management plan would then be a breach of  
168 condition and could be enforced.

169 It is expected that a Management Plan will cover the following. This list is not exhaustive  
170 and there may be other aspects that need to be covered. You may already address these  
171 issues in some way [on your site](#).

- 172 a) Site rules and/or terms and conditions.
- 173 b) Noise – expectations relating to noise. This could cover aspects such as generators,  
174 when engines will run and generally any noise that could be considered a nuisance  
175 [such as boat maintenance and generally socialising at unsociable hours](#). Please note  
176 that there is a bye-law that could be of relevance: [Byelaw is 85 'Noise Nuisance' of](#)  
177 [Broads Authority Navigation Byelaws 1995. Local Council guidance on noise would](#)  
178 [also be relevant and](#) so too will the amenity policy of the Local Plan for the Broads  
179 will be of relevance.
- 180 c) Waste management – sewerage and rubbish and recycling. Methods for storage and  
181 removal need to be clearly identified.
- 182 d) Management of increased vehicular movements.

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<sup>7</sup> Climate Change checklist: [https://www.broads-authority.gov.uk/\\_data/assets/word\\_doc/0033/259917/Climate20change20checklist20template.docx](https://www.broads-authority.gov.uk/_data/assets/word_doc/0033/259917/Climate20change20checklist20template.docx)

- e) Storage provision for residential boaters – bicycles and residential paraphernalia. Details of any storage provision needs to be included. Need to consider the impact on the character of the area.
- f) Details of water safety provisions – see policy in Local Plan and any related guidance produced.
- g) Contact details of who to contact if the management requirements of the site are not adhered to.
- h) Detail how the mooring will be managed. For example, who will be the point of contact and will they be on site 24/7 or 9-5 weekdays for example.
- i) State requirements on how vessels will meet the requirements of the bye-laws and legislation for example the need for boat safety certificates and appropriate insurance.

## 7. Register

A register of those boats being lived on will be required. The register of who lives on which boat will be maintained at all times and needs to be made available for inspections by the Broads Authority as part of monitoring of conditions set on any permission. The reason for keeping this register is to ensure that only the permitted number of boats are being lived on.

## 8. Council Tax

The Broads Authority is the Local Planning Authority and does not collect Council Tax. Residential moorings may be liable for Council Tax. The [British Waterways Marinas Ltd](https://bwml.co.uk/council-tax-for-residential-moorings/) (BWML) has produced this information on residential moorings and Council Tax: <https://bwml.co.uk/council-tax-for-residential-moorings/> and the Residential Boat Owners Association (RBOA) also have information on Council Tax: <https://www.rboa.org.uk/q-a/>

**You should contact your District Council to confirm the approach to Council Tax.**

208 **9. Facilities, services and other considerations**  
209 The policy, [DM37](#), refers to the provision of facilities. This section provides some further  
210 information about [the](#) facilities and services [set out in DM37 and other relevant policies of](#)  
211 [the Local Plan and how](#) you may wish to make [them](#) available at residential moorings.

Policy DM37 says:

- b) Provides an adequate and appropriate range of ancillary facilities on site to meet the needs of the occupier of the residential moorings (for example potable water, wastewater pump out (see j below), and electricity) or provides adequate access to these ancillary facilities in the vicinity of the residential mooring;
- g) Has adequate car parking and makes provision for safe access for service and emergency vehicles and pedestrians;
- i) Makes adequate provision for waste, sewage disposal and the prevention of pollution; and
- j) Provides for the installation of pump out facilities (where on mains sewer) unless there are adequate facilities in the vicinity.

Proposals need to set out how provisions will be made for facilities associated with residential uses (such as rubbish, amenity space, external storage and clothes drying for example).

212  
213 **9.1 Potential ways to address policy DM37 requirements for facilities and services**  
214

215 Please note that the following are examples from elsewhere in England to give you an  
216 idea of how these issues are addressed. The approach of others who provide and manage  
217 residential moorings may not necessarily be relevant ~~to the Broads or may not be relevant~~  
218 to your site or may not be how you want to run your site. We strongly suggest you contact  
219 us to talk through your proposed approach in advance of putting it in place.

220  
221 [We also need this kind of information shows on plans with details included in planning](#)  
222 [applications to help us to assess the application. There is a checklist at Appendix D that](#)  
223 [applicants can work through to address the topics raised in this section.](#)

224 9.1.1 Electricity

225 By providing electricity, there will be no need for boat engines or generators to be run  
226 (which have associated noise and fumes). Some electric units come with lights on the top

**Commented [NB1]:** I think we need to keep this as it is not just about the site, but its location in the Broads.

227 which can cause light pollution so providing these at sites in more rural areas or on edge of  
228 settlements will need careful consideration.

229 **Q: How will you provide the residential moorings with electricity?**

230 **Q: How will the electricity unit impact on/add to light pollution?**



231 **Electricity meter cards dispenser and electricity (and water) unit at Cowroast Marina.**

232 9.1.2 Water

233 The Environment Agency are keen to emphasise that applications should include details of  
234 early consultation with the relevant water company to ensure there is sufficient capacity in  
235 their network to supply water to moorings in that specific location. The abstraction of 20  
236 cubic metres or more a day from either surface or groundwater source would require an  
237 abstraction licence from the Environment Agency. If the chosen site for the additional  
238 moorings already holds an abstraction licence, there would need to be consideration of the  
239 impacts from additional needs as a result of the new moorings.

240 **Q: How will you provide the residential moorings with potable water?**

241 **Case Study – Cowroast Marina**

242 Residential moorings are provided with one water tap per two boats. They use trace heating  
243 on water taps to prevent freezing in winter.

244 9.1.3 Sewerage

245 Toilets on boats may require pumping out or somewhere to empty cassettes. Your marina  
246 or boatyard may have a system or process to deal with this already. We would assess this  
247 part of the application against policy DM2 and as set out in that policy and connection to



248 [the public sewer network is the preferred approach. When considering how to address foul](#)  
249 [water, you will need to consider the potential for boats to release foul water directly to the](#)  
250 [waterbody. The Environment Agency also highlight that there is a byelaw that is relevant to](#)  
251 [the disposal of sewage from boats within the Broads which makes it illegal for boats to](#)  
252 [discharge their sewage straight to the rivers \(Water Resources Act 1963, Rivers \(Prevention](#)  
253 [of Pollution\) Acts, 1951-1961, BYELAWS Regulating the use of boats fitted with sanitary](#)  
254 [appliances\).](#)

255 **Q: How will you deal with sewerage arising from the boats on residential moorings?**

256 **Case Study – BWML moorings**

257 BWML sites tend to include one pump out per month in their residential mooring contract.

258 9.1.4 Rubbish collection

259 You will need to address how waste arising from those living on the boats is dealt with. Your  
260 marina or boatyard may have a system or process to deal with rubbish already. We  
261 recommend that you contact your District/Borough/City Council to discuss waste  
262 management.

263 **Q: How will you deal with rubbish (including recyclable materials) arising from the boats**  
264 **on residential moorings?**

265 [9.1.5 Cycle and](#) Car parking

266 You need to ensure ample car and cycle parking for those who are using residential  
267 moorings. Again, you may have car parking or cycle parking on site already. We defer to the  
268 parking standards of the relevant district. The standards at the time of adoption of the Local  
269 Plan (May 2019) are at Appendix J, page 239, of the Local Plan for the Broads. [Norfolk Police](#)  
270 [recommend that parking spaces be marked to help with correct usage \(assists with rule](#)  
271 [setting\) and suggest that you consider collapsible bollards/chain and lock, and where](#)  
272 [possible have some capability of surveillance over the area.](#)

273 **Q: How will you address car and cycle parking for those who are using residential**  
274 **moorings?**

275 9.1.6 Amenity space and landscaping

276 The Amenity policy of the Local Plan (DM21) requires schemes to provide a ‘satisfactory and  
277 usable external amenity space to residential properties in keeping with the character of the  
278 surrounding development’. It may also be appropriate to provide landscape enhancements  
279 of the land associated with the Residential Mooring to improve the amenity of the area in  
280 connection with the development.

281 **Q. How will you address amenity space and landscaping?**

282 9.1.7 Storage

283 Scheme promoters/operators are required to address storage of residential paraphernalia.  
284 Unless a system for storing kit and possessions is put in place, the residential moorings  
285 could become cluttered with residential paraphernalia which will alter the character of the  
286 area. [Norfolk Police recommend storage is of robust construction with secure locks \(e.g. Sold Secure or equivalent\). If possible consider fencing off the area \(with lockable gate for residents only\) to provide an additional layer for what is to be stored within – these items will no doubt be portable with possible value to an offender\).](#)

290 **Q: How will you provide storage for those who are using residential moorings?**



291 **Storage lockers at Priory Marina**

292 [9.1.8 Light pollution](#)

293 [Schemes for residential mooring may include lighting. But sites for residential moorings may be on the fringe of settlements, where there is a transition from urban to rural and so the impact of lighting may be significant. The Authority also seeks dark waterways to protect the wildlife in the area. The need for such lighting needs to be justified in line with Local Plan for the Broads policy DM22. If lighting is justified and agreed, then the design needs to ensure no impact on the dark skies of the Broads. The Authority plans to produce light pollution guidance, but in the meantime, the policy requirements of the Local Plan will guide how applications are determined and assessed.](#)

301 **[Q: How does your scheme address light pollution? How does your scheme maintain dark skies?](#)**

303 9.2 Other facilities/extras

304 Depending on your specific circumstances, you may wish to provide other facilities for those  
305 who are living on the residential moorings at your site. This may depend on the location of  
306 your site as well as what buildings you already have on site. Examples include drying of  
307 clothes, post boxes and communal facilities. You will need to consider the impact on the  
308 character of the area. You may wish to ensure you have a fire or emergency evacuation  
309 procedure too.

310 **Case Study - Cowroast Marina**

311 There is a communal lounge with kitchenette. The lounge tends to be used once a month for  
312 functions.

313 **Case Study – Priory Marina**

314 Facilities on site for those living on boats include toilets, showers, library, post boxes  
315 (reception collects the parcels), large storage boxes, launderette, parking, cycle parking,  
316 electricity and water.

317 Part of contract includes 6 weeks out of water on hard standing for anti-fouling. The marina  
318 organises a crane company to come and remove boats and put them back in. The marina  
319 coordinate crane and dates – probably five boats at a time. Boats are lived on outside of the  
320 water.



321 **Post boxes**

322 [In relation to post boxes, Norfolk Police say that there is an increasing rise in crime](#)  
323 [associated with post-delivery so post boxes should be of robust construction with max](#)  
324 [aperture size of 260mmx40mm and have anti-fishing properties \(Secured by Design](#)  
325 [recommends letter boxes certificated to TS 009\).](#)

326 **[9.3 Other considerations](#)**

327 **[9.3.1 Informative – Environmental Permit for Flood Risk Activities](#)**

328 [An environmental permit for flood risk activities will be needed for any proposal that wants](#)  
329 [to do work in, under, over or within 8 metres \(m\) from a fluvial main river and from any](#)  
330 [flood defence structure or culvert or 16m from a tidal main river and from any flood](#)  
331 [defence structure or culvert. Application forms and further information can be found at:](#)  
332 <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying  
333 out these activities without a permit where one is required, is breaking the law.

334 **[9.3.2 Security](#)**

335 [You should ensure you consider security at your site. This may already adequately be in](#)  
336 [place.](#)

337 **[9.3.3 Low Impact Life on Board](#)**

338 In response to the consultation on this guide, the RBOA were keen to emphasise Low Impact  
339 Life On Board and, through RBOA, there is a wealth of advice in that respect. Low impact life  
340 on board is an expression from UK waterways boaters who care about the environment.

## 10. Key messages

- a) You need to consider flood risk through a flood risk assessment and flood response plan.
- b) You need to consider the impacts of Climate Change.
- c) A management plan is required that details how you will manage the residential moorings. A template is included at [Appendix C](#).
- d) You need to keep a register of those who are living on the residential moorings.
- e) You should contact your District Council to confirm the approach to Council Tax.
- f) You need to provide adequate facilities for those living at the residential moorings. You may already have many of these in place.
- g) There are many permitted residential moorings around the country who have systems in place. They may not necessarily be relevant to the Broads or may not be relevant to your site or may not be how you want to run your site. But they give you an idea of how to do things. We strongly suggest you contact us to talk through your proposed approach in advance of putting it in place.
- h) A template to address many of the requirements in the policy and guide is included at [Appendix D](#).

## 11. Helpful links and where to go to get advice

The Residential Boat Owners' Association (RBOA), the British Waterways Marinas Limited (BWML) and Canal and Rivers Trust (CRT) have many useful webpages that cover a variety of topic areas or issues that may be relevant to you.

**Please note that just because the BWML, CRT or RBOA suggest a certain approach, it may not necessarily be acceptable in the Broads or indeed it may not be how you wish to run your site. The point of sharing these websites with you is to give you information on how things are done elsewhere. We strongly recommend that you contact us to talk about any specific approach you wish to take to make sure it is acceptable here in the Broads.**

This webpage covers many aspects of living on a boat: <https://bwml.co.uk/guides/a-guide-to-residential-living/>

This webpage talks about **Council Tax**. <https://bwml.co.uk/council-tax-for-residential-moorings/>

**You should contact your District Council to confirm the approach to Council Tax.**

372 This webpage shows **where the BMWL residential moorings are**. It also states what you get  
373 when you stay at one of their Marinas. <https://bwml.co.uk/residential-moorings/>

374 Life Afloat; Ever wondered what life is like living on a boat? This webpage has **videos about**  
375 **life afloat**: <https://bwml.co.uk/life-afloat/?src=residential>

376 This webpage shows how BWML approach **charging for electricity**:  
377 <https://bwml.co.uk/electricity/>

378 This website contains **BWML's Terms and Conditions and policies**:  
379 <https://bwml.co.uk/customer-info/>. And this website contains the **Terms and Conditions for**  
380 **the Canals and Rivers Trust**:  
381 <https://www.watersidemoorings.com/Home/TermsAndConditions>

382 This website talks about **insurance**. It talks about a specific deal that BWML have with one  
383 particular policy provided. You may or may not be entitled to that deal, but the webpage  
384 may contain advice useful for those who live on boats: [https://bwml.co.uk/marine-](https://bwml.co.uk/marine-insurance-for-bwml-berth-holders/)  
385 [insurance-for-bwml-berth-holders/](https://bwml.co.uk/marine-insurance-for-bwml-berth-holders/).

386 **The Residential Boat Owners' Associations (RBOA)**. Their website says: 'Established in 1963  
387 the Residential Boat Owners' Association is the only national organisation which exclusively  
388 represents and promotes the interests of people living on boats in the British Isles. We  
389 represent all those who have chosen to make a boat their home'. The RBOA ensure they  
390 liaise with Navigation Authorities like the Broads Authority. <https://www.rboa.org.uk/>

391 **RBOA Code of Good Practice**. The Association would encourage all boaters who live afloat  
392 to follow this Voluntary Code of Good Practice: [https://www.rboa.org.uk/code-of-good-](https://www.rboa.org.uk/code-of-good-practice/)  
393 [practice/](https://www.rboa.org.uk/code-of-good-practice/)

394 **BOATSHIELD (& Outboard Engine Cover)**. This weblink from Norfolk & Suffolk Police offers  
395 advice on boat safety and security, also information about the Boatshield Scheme.  
396 <https://www.norfolk.police.uk/advice/roads-and-vehicles/boats>

397 **AWEIGH App**. Thousands of people enjoy the Broads throughout the year and the AWEIGH  
398 app has been designed to help those on and around the waterways.  
399 [apps.apple.com>app>aweigh](https://apps.apple.com>app>aweigh) Or [play.google.com>store>apps>details>id=com.aweigh](https://play.google.com>store>apps>details>id=com.aweigh)

400 **BOAT SECURITY ADVICE - NORFOLK & SUFFOLK POLICE**. Norfolk & Suffolk Police advice on  
401 water safety and boat security:  
402 [https://www.norfolk.police.uk/sites/norfolk/files/boatshield\\_v1.pdf](https://www.norfolk.police.uk/sites/norfolk/files/boatshield_v1.pdf)

403 **Appendix A – Adopted Policy DM37 – New Residential**  
404 **Moorings**

405 **Policy DM37: New residential moorings**

406 The Authority will endeavour to enable delivery to meet its assessed need of 63 residential  
407 moorings.

408 Applications for permanent residential moorings will be permitted provided that the  
409 mooring:

- 410 a) Is in a mooring basin, marina or boatyard that is within or adjacent to a defined  
411 development boundary or 800m/10 minutes walking distance to three or more key  
412 services (see reasoned justification) and the walking route is able to be used and  
413 likely to be used safely, all year round or is in Norwich City Council's Administrative  
414 Area.
- 415 b) Provides an adequate and appropriate range of ancillary facilities on site to meet the  
416 needs of the occupier of the residential moorings (for example potable water,  
417 wastewater pump out (see j below), and electricity) or provides adequate access to  
418 these ancillary facilities in the vicinity of the residential mooring;
- 419 c) Would not result in the loss of moorings available to visitors/short stay use;
- 420 d) Would not impede the use of the waterway;
- 421 e) Would not have an adverse impact upon:
- 422 i) the character and appearance of the site or the surrounding area arising from the  
423 moorings and the use of adjacent land incidental to the mooring;
- 424 ii) protected species, priority habitats and designated wildlife sites;
- 425 iii) the amenities of neighbouring occupiers; or
- 426 iv) bank erosion.
- 427 f) Provides safe access between vessels and the land without interfering with or  
428 endangering those using walkways;
- 429 g) Has adequate car parking and makes provision for safe access for service and  
430 emergency vehicles and pedestrians;
- 431 h) Would not prejudice the current or future use of adjoining land or buildings;
- 432 i) Makes adequate provision for waste, sewage disposal and the prevention of  
433 pollution; and

**Commented [NB2]:** Do we need to repeat this here in the guide? It is 5 pages long and copied over from the local plan.

434 j) Provides for the installation of pump out facilities (where on mains sewer) unless  
 435 there are adequate facilities in the vicinity.

436 If more than one residential mooring is proposed, the proposal must be commensurate with  
 437 the scale of development proposed for that settlement (as a whole).

438 Converting an entire basin, marina or boatyard to residential moorings would be judged on  
 439 a case by case basis to assess and take account of the impact on infrastructure in the area  
 440 (such as highways) and the impact on neighbouring uses.

441 Whilst the policy contains a general presumption in support of residential moorings in  
 442 Norwich, the cumulative impact resulting from any proposal will be considered, along with  
 443 the impact on the infrastructure and amenity of the area.

444 The economy policies of the Local Plan will also be of relevance and in Norwich, so too will  
 445 the City Council's policies for proposals in Norwich.

446 Conditions will be used to restrict the number, scale and size of boats using the residential  
 447 moorings. A management plan for the site and a register of those who live on boats will be  
 448 required and will be covered by a planning condition imposed on any planning permission  
 449 granted.

450 Proposals need to set out how provisions will be made for facilities associated with  
 451 residential uses (such as rubbish, amenity space, external storage and clothes drying for  
 452 example).

453 All such development will meet the requirements of the Water Framework Directive.

454 (Note: Refer to [www.gov.uk/guidance/pollution-prevention-for-businesses](http://www.gov.uk/guidance/pollution-prevention-for-businesses) for information  
 455 on pollution prevention measures)

456 **Reasoned Justification**

457 The Authority acknowledges that the high environmental quality of the Broads and wide  
 458 range of opportunities it offers for boating make the area a popular location. As a  
 459 consequence, there is a significant associated demand for residential moorings. The  
 460 provision of residential moorings must, however, be carefully managed to make sure the  
 461 special qualities of the Broads and their enjoyment are protected.

462 Tourism makes a valuable contribution to the local economy, and a statutory purpose of the  
 463 Broads is to provide opportunities for the understanding and enjoyment of the special  
 464 qualities of the area by the public. To make sure there are sufficient facilities to allow  
 465 visitors to enjoy the Broads, the Authority will resist proposals for permanent residential  
 466 moorings where they would result in the loss of visitor/short term moorings or boatyard  
 467 services.



468 To ensure that people living on boats have access to adequate facilities and services such as  
 469 education, recreation, and domestic waste collection, and to minimise impact of new  
 470 development on landscape character, the Authority will require new residential moorings to  
 471 be directed to mooring basins, marinas or boatyards within walking distance of at least  
 472 three of the key services listed below or in or adjacent to defined development boundaries  
 473 (which could be within the Broads Authority Executive Area or in the planning area of our  
 474 constituent districts). Residential moorings may also be appropriate on parts of the river in  
 475 Norwich, subject to other policy considerations in particular the impact on neighbouring  
 476 uses and impact on navigation of the river. Proposals for residential moorings will be  
 477 expected to be commensurate in scale with the size of the settlement and the level of  
 478 residential development proposed for the settlement by the relevant Local Planning  
 479 Authority. Furthermore, converting an entire marina, basin or boatyard, or in Norwich the  
 480 entirety of the river banks, may not be appropriate because of the potential impact on  
 481 neighbouring uses and infrastructure in the area, as well as the consequences of the loss of  
 482 the facility for non-residential boaters; the Authority will consider such proposals on a case  
 483 by case basis.

484 The key services referred to in the policy could be three or more of the following. These key  
 485 services reflect the Housing and Economic Land Availability Assessment methodology:

- 486 • A primary school
- 487 • A secondary school
- 488 • A local healthcare service (doctors' surgery)
- 489 • Retail and service provision for day to day needs (district/local shopping centre,  
 490 village shop)
- 491 • Local employment opportunities which are defined as follows, which reflect areas  
 492 with potentially a number of and variety of job opportunities:
  - 493 ○ Existing employment areas allocated/identified in our districts' Local Plans; or
  - 494 ○ City, Town or District Centre as identified in the Local Plan for the Broads or  
 495 our District's Local Plan. We note that this means such centres count towards  
 496 two of the three key services test; or
  - 497 ○ These sites that are allocated in the Local Plan for the Broads: BRU2, BRU4,  
 498 CAN1, HOR6, POT1, STA1, TSA3.
- 499 • A peak-time public transport service to and from a higher order settlement (peak  
 500 time for the purposes of this criterion will be 7-9am and 4-6pm)

501 Residential moorings that have the potential to affect a protected site or species will only be  
502 permitted where a project level Appropriate Assessment (under the Habitats Directive) can  
503 successfully demonstrate that there are no adverse effects on qualifying features on the site  
504 or a detrimental impact on the species.

505 Where permission is granted for a new permanent residential mooring, planning conditions  
506 and/or obligations will be used to secure agreements for the management of the mooring  
507 and surrounding land. This will be done to protect visual and residential amenity and make  
508 sure the use of residential moorings does not compromise public safety. The use of  
509 surrounding land for incidental purposes such as storage and seating can have a negative  
510 impact if incorrectly managed. Proposals will need to set out how they will address areas for  
511 the drying of clothes and amenity space, as well as any other related facilities for those  
512 living on the boats. The Authority does not expect marinas and boatyards to subdivide or  
513 demarcate areas of land to be associated with residential moorings.

514 Policy DM50 provides guidance on the forms of development permissible on the adjacent  
515 waterside environment associated with a mooring.

516 For the purposes of this policy, a 'residential mooring' is a mooring where someone lives  
517 aboard a vessel (capable of navigation), where the vessel is used as the main residence, and  
518 where the vessel is moored in one location for more than 28 days in a year. The vessel may  
519 occasionally/periodically go cruising and return to base.

520 For the purposes of this policy, it should be noted that there is an expectation that the  
521 moorings will be occupied by a vessel of standard construction and appearance and which is  
522 conventionally understood to be a boat. For the avoidance of doubt, the policy does not  
523 apply to houseboats. Houseboats are considered to be structures without means of  
524 independent propulsion and will be dealt with on a case by case basis due to their potential  
525 impact on character of the area.

526 The policy requires a management plan for the site as well as a register of those boats being  
527 lived on. These will be required through conditions on planning application(s). The  
528 management plan will help ensure the site as a whole is appropriately managed. This would  
529 normally cover things like noise, waste, delivery times etc. and would have contact details of  
530 who to contact if the management requirements of the site are not adhered to. A breach of  
531 this management plan would then be a breach of condition and could be enforced. The  
532 register of who lives on which boat will be maintained at all times.

533 Proposals for residential moorings must ensure they have adequately considered the  
534 following:

- 535 a) The technique/method of mooring the vessel. The Flood Risk Assessment (FRA)  
536 should show how the boat will be moored to prevent it being too tight or too loose.  
537 If the vessel is moored too tightly it could list, and by being too loose it could float

538 onto the landside of the quay heading or be cast adrift at times of flooding. Both  
539 scenarios have safety concerns for occupiers, possessions and other objects or  
540 vessels that could be hit by a loose boat, and should be addressed within the FRA.

541 b) A Flood Response Plan needs to be produced. While it is acknowledged that  
542 residential boats will float, the access to the boat could be disrupted at times of  
543 flood, causing the occupier to be stranded on board the boat. The Flood Response  
544 Plan needs to advise what the occupier should do at times of flood to ensure their  
545 safety - whether they should evacuate the boat in advance of flooding or take refuge  
546 in the boat and therefore have supplies to help them sit out the flood.

547 c) Finally, the FRA should include consideration of how the boat moored at the  
548 residential mooring will be monitored at times of flood to make sure it does not  
549 cause damage to other vessels, and to prevent damage to the belongings on board  
550 and the boat itself.

551 The Authority intends to produce a guide for residential moorings as well as a template to  
552 assist with the production of management plans. The Authority is aware of guidance being  
553 produced by other organisations on residential moorings and we will ensure we are involved  
554 with those guides and reflect them in our own guide.

555 Development proposals for residential moorings should provide a biodiversity net gain as a  
556 result of the development as there are likely to be significant opportunities for waterside  
557 biodiversity enhancement.

558 **Meeting the need for residential moorings**

559 The Accommodation Needs Assessment completed in 2017 identifies a need for 63  
560 residential moorings. This figure needs to be interpreted with some caution, as it is based on  
561 limited interviews with boat dwellers and on anecdotal estimates rather than a  
562 comprehensive count or survey of the people who live on boats.

563 The study also indicates that those living on boats do so from choice, rather than from an  
564 ethnic background, and that most are single people or childless couples.

565 The Local Plan seeks to address the need for residential moorings in several ways:

566 • Ten residential moorings have been permitted on appeal at Waveney River Centre  
567 and six sites have been allocated for residential moorings amounting to around 41  
568 residential moorings. See Appendix K for the residential moorings trajectory which  
569 shows the total identified supply as 10 residential moorings.

570 • Some areas of the Broads have been identified in this Local Plan as suitable in  
571 principal for residential moorings and these are policies STA1 and HOR6. Although  
572 they are potentially suitable in principle, deliverability is not confirmed, therefore  
573 they are not allocated in the Plan and do not appear in the identified supply figures.

574       • The Authority also intends to meet with marinas and boatyards that meet the  
575       locational criteria of the policy to discuss the potential for residential moorings.

576   The [Residential Moorings Topic Paper](#) (revised 2017)<sup>8</sup> and its [addendum](#)<sup>9</sup> has more  
577   information on meeting the need for residential moorings.

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<sup>8</sup> [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0019/1020475/Assessment-of-resi-moorings-nominations-update-and-topic-paper-July-2017.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0019/1020475/Assessment-of-resi-moorings-nominations-update-and-topic-paper-July-2017.pdf)

<sup>9</sup> [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0010/1356778/EP520-Assessment-of-residential-moorings-nominations-received-during-the-Publication-Consultation-January-2018-Amended-July-2018.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/1356778/EP520-Assessment-of-residential-moorings-nominations-received-during-the-Publication-Consultation-January-2018-Amended-July-2018.pdf)

## 578 Appendix B – Privacy notice

### 579 Personal data

580 The following is to explain your rights and give you the information you are entitled to under  
581 the Data Protection Act 2018. Our [Data Protection Policy](#) is available on the Broads  
582 Authority website..

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

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

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

#### 590 2. Why we are collecting your personal data

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

#### 595 3. Our legal basis for processing your personal data

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

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

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

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

#### 603 5. For how long we will keep your personal data, or criteria used to determine the retention 604 period.

605 Your personal data will be held for 16 years from the closure of the consultation in  
606 accordance with our [Data and Information Retention Policy](#).

#### 607 6. Your rights, e.g. access, rectification, erasure

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

610 a) to see what data we have about you

611 b) to ask us to stop using your data, but keep it on record

- 612 c) to ask to have all or some of your data deleted or corrected
- 613 d) to lodge a complaint with the independent Information Commissioner (ICO) if you
- 614 think we are not handling your data fairly or in accordance with the law. You can
- 615 contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.
- 616 7. Your personal data will not be used for any automated decision making.

617 **Appendix C – Residential Moorings management plan checklist**  
618 It is expected that a Management Plan will cover the following. This list is not exhaustive  
619 and there may be other aspects that need to be covered.

Checklist	✓
1. Site rules and/or terms and conditions.	
2. Noise – expectations relating to noise.	
3. Waste management – sewerage and rubbish and recycling.	
4. Management of increased vehicular movements.	
5. Storage provision for residential boaters.	
6. Details of water safety provisions.	
7. Contact details of who to contact if the management requirements of the site are not adhered to.	
8. State requirements on how vessels will meet the requirements of the bye-laws and legislation for example the need for boat safety certificates and appropriate insurance.	

## Appendix D – Residential moorings questionnaire

This simple questionnaire template covers most of the policy and guide requirements. It should be filled in and accompany applications for residential moorings.

Question	Answer
1. Have you completed a flood risk assessment?	
2. Have you completed a flood response plan?	
3. Have you completed a management plan?	
4. How will you provide the residential moorings with electricity? <a href="#">How will the electricity unit impact on/add to light pollution? Please mark on a plan of the site.</a>	
5. How will you provide the residential moorings with potable water? <a href="#">Please mark on a plan of the site.</a>	
6. How will you deal with sewerage arising from the boats on residential moorings? <a href="#">Please mark on a plan of the site.</a>	
7. How will you deal with rubbish (including recyclable materials) arising from the boats on residential moorings? <a href="#">Please mark on a plan of the site.</a>	
8. How will you address car and cycle parking for those who are using residential moorings? <a href="#">Please mark on a plan of the site.</a>	
9. How will you address amenity space and landscaping? <a href="#">Please mark on a plan of the site.</a>	
10. How will you provide storage for those who are using residential moorings? <a href="#">Please mark on a plan of the site.</a>	
11. <a href="#">How does your scheme address light pollution? How does your scheme maintain dark skies?</a>	



## Appendix 2 – First draft Residential Moorings Guide – comments and proposed responses

Ref	Name	Organisation	Comment	BA response
#1	Trevor Warren	-	In the Draft, there are references to preserving/enhancing the local area amenity and character; e.g., lines 312 - 314 in Appendix A. I wonder if noise and light pollution have been sufficiently stressed. Section 6, line 127, refers to noise from generators; there are plenty of other source such as boat maintenance and normal social life. Similarly,	Comment noted. The Local Plan for the Broads has a policy on amenity which would be used to determine applications, but agree that there needs to be better mention of other sources of noise.
#2	Trevor Warren	-	Section 9.1, line 178, mentions light pollution from generators. More significant might be general safety lighting required in a quayside setting. Both these conditions are made more conspicuous in a peaceful broads location.	Comment noted. The Local Plan for the Broads has a policy on dark skies which would be used to determine applications, but agree that there needs to be better mention of light pollution.
#3	Alistair Lipp	-	I am actually not in favour of residential moorings, but considering it is in the plan to have 63, then the proposals suggested seem to be a reasonable way of creating quality moorings.	Response noted.
#4	B J Du Brow	-	In these constrained times we are unable to give any useful comments.	Response noted.
#5	Jeremy Burton	Bungay Town Council	I confirm that the members of Bungay Town Council Planning, Environment and Highways Committee have considered these Documents and have no additional comments to make.	Response noted.
#6	Shamsul Hoque	Highways England	No comment	Response noted.
#7	Penny Turner	Norfolk Police	My main concern for residential moorings is potential vulnerability of uninvited access: (The lack, or reduction in perimeter security of a residence (mooring) due to nature of the site (i.e. open access of quay side) may make it vulnerable to 'attack' from would be offenders).	See following comments.
#8	Penny Turner	Norfolk Police	The location of residential moorings next to defined a defined development boundary for support of key services, together with the potential lack of 'usual' residential perimeter boundaries may open up access opportunities for uninvited visitors – being able to move along the same access routes as genuine users. Therefore it is essential to acknowledge what can be done to prevent would-be offenders entering residential boats. Proposed solutions would be individual to a site and its layout, but I recommend if possible that boatyards/Marinas control access to these moorings via a lockable gate (with resident access only) to the particular quay/boardwalk involved; and that individual boat owners also be aware of further protection/security products designed for boats to increase 'home' security. That this information be linked to 'Helpful links/advice (Section 11).	Comment noted. Security should be considered on a site by site basis. Sites in the Broads tend to be relatively small and many of them are adjacent to other facilities so there tends to be a high level of surveillance. We don't consider that there is a need for the guide to promote this level of security, but we will make reference to security.
#9	Penny Turner	Norfolk Police	Also, the proposed walking route of 800m/10 mins (usable all year round) should were possible be straight and a width of 3m wide, with vegetation maintained to prevent fear of crime (removal of potential hiding places), and to consider lighting if appropriate.	Agreed. Text to be added.

Ref	Name	Organisation	Comment	BA response
#10	Penny Turner	Norfolk Police	I support management of sites with rules/terms of conditions, this together with the potential presence of staff would increase guardianship/ownership of area.	Support noted.
#11	Penny Turner	Norfolk Police	Again I support the proposal to provide parking and storage facilities to prevent moorings becoming cluttered.	Support noted.
#12	Penny Turner	Norfolk Police	I recommend that parking spaces be marked to help with correct usage (assists with rule setting) – consider collapsible bollards/chain & lock, and where possible have some capability of surveillance over the area.	Agreed. Text to be added.
#13	Penny Turner	Norfolk Police	With regards external storage facilities, I recommend they are of robust construction with secure locks (e.g. Sold Secure or equivalent). If possible consider fencing off the area (with lockable gate for residents only) to provide an additional layer for what is to be stored within – these items will no doubt be portable with possible value to an offender).	Agreed. Text to be added.
#14	Penny Turner	Norfolk Police	Post-boxes – there is an increasing rise in crime associated with post delivery so post boxes should be of robust construction with max aperture size of 260mmx40mm and have anti-fishing properties (the examples pictured look good, Secured by Design recommends letter boxes certificated to TS 009).	Agreed. Text to be added.
#15	Penny Turner	Norfolk Police	<p>As mentioned above, I would like links to boat security to be included, but would wish to consult with my police colleagues on BroadBeat as to which should be included. (1st Principles boat security; BoatShield and Aweigh).</p> <p>LINK FOR BOATSHIELD (&amp; Outboard Engine Cover)  This weblink from Norfolk &amp; Suffolk Police offers advice on boat safety and security, also information about the Boatshield Scheme.  <a href="https://www.norfolk.police.uk/advice/roads-and-vehicles/boats">https://www.norfolk.police.uk/advice/roads-and-vehicles/boats</a></p> <p>AWEIGH App  Thousands of people enjoy the Broads throughout the year and the AWEIGH app has been designed to help those on and around the waterways.  apps.apple.com&gt;app&gt;aweigh  play.google.com&gt;store&gt;apps&gt;details&gt;id=com.aweigh</p> <p>BOAT SECURITY ADVICE - NORFOLK &amp; SUFFOLK POLICE  Norfolk &amp; Suffolk Police advice on water safety and boat security:  <a href="https://www.norfolk.police.uk/sites/norfolk/files/boatshield_v1.pdf">https://www.norfolk.police.uk/sites/norfolk/files/boatshield_v1.pdf</a></p>	Agreed. Text to be added.

Ref	Name	Organisation	Comment	BA response
#16	David Broad	-	Section 3. – I think that continuing to make a distinction between boats suitable for residential moorings and houseboats might become somewhat artificial and unnecessary with the passage of time. (a bit like mobile homes and caravans where the former have residual wheels and tow bar stored underneath but are still classed the same for The Caravan Act/ planning purposes). The BA hung on to this motor and moving thing when the working party initially considered the issue, but I would suggest it is now unnecessary and that it is the matters of controlling the use and appearance which is common and important to both.	We consider houseboats to be floating caravans or floating sheds on a pontoon and these will be dealt with on a case by case basis. We do not promote or expect these at residential moorings around the Broads. This is set out in the Local Plan.
#17	David Broad	-	Item 7 – Register – It might be helpful and save unnecessary administration and enforcement if the policy stating that guests staying less than, say, 30days, were exempt	It does not seem onerous to write down the details of the person visiting or staying in a register.
#18	David Broad	-	Item 9.3 Pump Out and Sewerage – It could be inviting non-compliance by allowing holding tanks and pump-outs as an alternative to mains drainage. History and experience shows that valves are often used for illegal discharge. There could be a strong planning policy preference for the latter and the register extended for logging genuine pump out occurrences.	Noted. Whilst areas of residential moorings may provide toilets and shower blocks, the boats themselves are probably going to have toilets on them. It is not clear how we can stop that from happening through planning. Because they will have toilets on them, the sewerage and foul water need to go somewhere and that is what we are referring to - the provision on site of somewhere to dispose of foul water. We do have policies that promote the connection to the public sewer network as the preference, as set out in that policy, that the facilities provided for pump out to be connected to the public sewer network. If this is not possible, then we set out a hierarchy for disposal methods and seek thorough justification for the method used. If Mr Broad is suggesting that there should be some kind of mechanism that attaches to the on-board toilets and the like and connects to the public sewer network, then that would be something for the management to address as they plan the scheme. We could add some text to raise the issue of valves and illegal discharge and cross refer to the policy that seeks connection to the public network.
#19	David Broad	-	Notwithstanding the above, you are to be congratulated in producing such a comprehensive and thoughtful draft policy and I look forward to hearing of its progress.	Support noted.
#20	Judith Davidson	Norwich City Council	I just have one comment / suggested change to make in relation to lines 81-84 of the document: <ul style="list-style-type: none"> <li>I would suggest deleting the words “in theory” from this sentence, and adding to the end “and is consistent with the policies of the River Wensum Strategy, a partnership document adopted by both the Broads Authority and Norwich City Council (and other partners).”</li> </ul>	Agreed. Text to be added.

Ref	Name	Organisation	Comment	BA response
#21	Liam Robson	Environment Agency	We agree that all residential boats must be capable of navigation and so function as a boat, in order for residential moorings to be classed as 'water compatible' development. If the boat is non-navigable, such as a houseboat, then they would be classed as 'more vulnerable' residential development, and therefore Table 3 of the NPPF PPG would class them as inappropriate to be located in boatyards or mooring basins, as these areas are usually classed as Flood Zone 3b Functional Floodplain. It may be beneficial to include this reason within the explanation as to why the boats on the residential moorings need to be navigable.	Agreed. Text to be added.
#22	Liam Robson	Environment Agency	Also, the last sentence of Section 3 states that 'Houseboats are considered to be structures without means of independent propulsion and will be dealt with on a case by case basis due to their potential impact on character of the area'. We would object in principle to any houseboats as they would be an inappropriate 'more vulnerable' development in Flood Zone 3b Functional Floodplain, so it may be beneficial to make it clear that houseboats are unlikely to be permitted, unless their proposed location is somehow not classed as Functional Floodplain, which would require the marina or mooring basin to not be at risk of flooding in a 5% (1 in 20) annual probability flood event.	Response noted. That wording is from the Local Plan. But we will add it to the guide.
#23	Liam Robson	Environment Agency	We support the need for a Flood Risk Assessment (FRA) and Flood Response Plan with all applications for residential moorings. If the FRA and Flood Response Plan proposes refuge within the boat in times of flood then the boat will need to be capable of rising up above the extreme 0.1% (1 in 1000) climate change flood level. The FRA will need to detail what the required height of rise will be and demonstrate that the boat's mooring can enable it to rise that high without posing a hazard to the occupants of the boat.	Agreed. Text to be added.
#24	Liam Robson	Environment Agency	If the FRA and Flood Response Plan does not propose refuge, but instead proposes evacuation in advance of a flood, then the FRA and response plan will need to show how the occupants will be able to receive advanced warnings and where they will be able to evacuate to in time. There is always a residual risk of warnings not being received, so the FRA will need to address this risk. The ability to take refuge within the boat, as described above, is a valuable fall-back measure and, if possible, the mooring should be designed to provide this refuge as a precaution, even if the preferred option is evacuation in advance of flooding.	Agreed. Text to be added.
#25	Liam Robson	Environment Agency	The LPA and their Emergency Planners will need to ensure that they are satisfied with the proposed residential moorings and the proposed measures to ensure the safety of the future occupants should a flood occur.	Noted. The Broads Authority does not have Emergency Planners in house. It is not clear how the District Emergency Planners are able to assist the Broads Authority. This issue is something that is being looked into currently.
#26	Liam Robson	Environment Agency	Line 131 refers to waste management. We would highlight that there is a byelaw that is relevant to the disposal of sewage from boats within the Norfolk and Suffolk Broads which makes it illegal for boats to discharge their sewage straight to the rivers.	Response noted. Text to be added.

Ref	Name	Organisation	Comment	BA response
#27	Liam Robson	Environment Agency	It may be beneficial to include the need for Flood Response signs in this section, so that everyone is aware of the flood risk and the actions to take.	Noted. The Flood Risk SPD has recently been updated and applicants would be directed to the FRP guidance in that.
#28	Liam Robson	Environment Agency	9.2 Water The management plans should include details of early consultation with the relevant water company to ensure there is sufficient capacity in their network to supply moorings in that specific location. The abstraction of 20 cubic metres or more a day from either surface or groundwater source would require an abstraction licence. If the chosen site for the additional moorings already holds an abstraction licence, there would need to be consideration of the impacts from additional update as a result of the new moorings.	Agreed. Text to be added.
#29	Liam Robson	Environment Agency	9.3 Sewage This section should be strengthened by stating that 'toilets on board will require pumping out' and if possible it would be beneficial to add – 'to either an appropriate package treatment plant, a containment tank emptied by registered waste carrier or to main sewer'.	Agreed. Text to be added.
#30	Liam Robson	Environment Agency	Informative – Environmental Permit for Flood Risk Activities An environmental permit for flood risk activities will be needed for any proposal that wants to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a> . Anyone carrying out these activities without a permit where one is required, is breaking the law.	Agreed. Text to be added.
#31	Kate Wood	Pegasus Group on behalf of Crown Point Estate	We welcome the Guide's intention to provide guidance that builds on already-adopted policy DM37 – New Residential Moorings. We note that this policy is extremely comprehensive in setting out requirements for location and facilities.	Noted.
#32	Kate Wood	Pegasus Group on behalf of Crown Point Estate	The proposed Residential Moorings Guide adds little to the policy, but provides a helpful checklist which would be a useful basis for the planning officer's consideration of the individual elements requiring consideration.	We would suggest it adds to the policy and elaborates on many parts of the policy as well as many other aspects of a successful residential mooring scheme. But yes, it is also a useful basis as stated.
#33	Kate Wood	Pegasus Group on behalf of Crown Point Estate	We would like to see additional text in relation to management accommodation and the Council's commitment to engagement with the applicant, particularly at pre-application stage.	We offer a free pre-application advice service. The very nature of our role as a Local Planning Authority means we engage with applicants. Regarding management accommodation, DM38 covers that and refers to residential moorings. DM37 and this guide would then be used.
#34	Kate Wood	Pegasus Group on behalf of Crown Point Estate	Policy DM37 is a relatively self-contained policy. However, there may be circumstances, particularly with larger mooring developments, where the applicant considers that residential management accommodation would be necessary to ensure the moorings are well-managed, maintained and monitored. Such accommodation could, for example, be part of a larger building accommodating post boxes, storage lockers and other facilities.	Noted. If a scheme requires this, then DM38 would be used as would all other relevant policies of the Local Plan and all relevant SPDs and Guides. One point to note however the storage building might be in a high risk flood zone, so accommodation might not necessarily be appropriate there.

Ref	Name	Organisation	Comment	BA response
#35	Kate Wood	Pegasus Group on behalf of Crown Point Estate	There is no mention in the Guide of the Authority's pre-application service. We consider this should be included as an option for potential applicants to be aware of. With that option, we request that the Authority includes a commitment to provide advice in a timely manner and stand by its advice unless there have been significant material changes in policy circumstances since the advice was issued. This will enable applicants to have faith in the pre-application system. As you know, pre-application advice, especially when provided in an iterative way, ensures that a proposal can be refined to be the best scheme possible. This ultimately results in greater buy-in from consultees such as Parish Councils and neighbours, a greater likelihood of an efficient and successful application process, and improved development quality when implemented.	Noted. Any advice given on a proposal is as presented and its conformity with current policies. It will remain relevant unless the policy or other material considerations or the details of the application itself change. Pre-application advice is an officer level opinion and given without prejudice.
#36	James Knight	Individual	Although the Guide is presented as a planning document for adoption, the majority of its content falls into the category of helpful guidance for operators hoping to provide residential moorings, and is not directly related to planning.	Noted.
#37	James Knight	Individual	There is an over-riding tendency, both in the policy and in the Guide, to treat residential moorings as materially different to ordinary leisure moorings. In fact, the use of the land is identical - mooring a boat – and the risks are broadly the same, since people live & sleep aboard for many weeks at a time, regardless of whether the boat is their primary residence. The differences from a planning perspective are: a) the fact that the vessel is used as a primary, rather than temporary, residence – which could result in increased demand on local services; b) the fact that residential paraphernalia can accumulate around the moorings, potentially changing the character of the surroundings	The policy treats them as different because the uses are different.
#38	James Knight	Individual	Whilst pleased to have the opportunity of providing input, this Guide ought more properly to be a living document which evolves over time to provide guidance to marina operators – not just as part of the planning process but for promoting ideas and best practice to all operators.	Noted. It will be used for both purposes. We will review guides over time, update and amend and re-consult as required.
#39	James Knight	Individual	The formal consultation process is really designed for strategic planning documents which are adopted for more than a few years, rather than for detailed guidance which, necessarily, should change over time.	The Broads Authority has undertaken consultation on many other guides that are used in planning and intends to produce more guides in future and intends to consult on them as well. We will review guides over time, update and amend and re-consult as required. The purpose of consultation is two fold. Firstly, people may have some really useful comments or observations that will improve the guide or correct it. Secondly, adoption reflects the fact that it has been through this process.
#40	James Knight	Individual	The relevant strategic planning policies for residential moorings are set out in policy DM37. By contrast, this Guide is largely concerned with providing opinions and guidance about current practices and has very little to do with planning.	The purpose of the guide is to provide information to support the policy and requirements and advice that may be useful.

Ref	Name	Organisation	Comment	BA response
#41	James Knight	Individual	Planning relates to the use and development of land (which includes the land beneath water such as rivers, moorings and basins). The specific characteristics of vessels moored over land will generally fall outside the ambit of planning.	Noted.
#42	James Knight	Individual	Whilst accepting that the definition is set out in the adopted policy, there are still significant grey areas surrounding the meaning of “main residence”. For example: a) Does “main residence” really mean “main UK residence”? If a person lives abroad for 6 months and on their boat on the Broads for 6 months, is this a residential mooring? b) If a person stays on their boat during the summer and in a (UK) house during the winter, where is their main residence?	Noted. This is assessed on a case by case basis.
#43	James Knight	Individual	Since it is the boat itself which is “residential” and not the mooring, and the policy wording ties the mooring to a specific singular vessel, the policy could easily be circumvented by moving boats from one mooring to another every 28 days.	The policy is related to the use of the land.
#44	James Knight	Individual	A more sensible and enforceable future policy might instead want to consider limiting the overall number of moorings which could be used for residential purposes within a given marina or location, rather than trying to define individual moorings as residential - which is essentially impossible.	Noted. There are a number of possible approaches. These can be discussed through the determination process.
#45	James Knight	Individual	In reviewing the policy direction, officers ought to consider what it is that they are trying to achieve by drawing distinctions between different types of mooring and by treating residential moorings as some kind of special case.	We will note this as and when the policy/Local Plan is reviewed and seek views during any consultation.
#46	James Knight	Individual	Acceptable location for residential moorings 4.1. This section is simply a summary of the adopted policy and is therefore not open for consultation.	Noted.

Ref	Name	Organisation	Comment	BA response
#47	James Knight	Individual	<p>The Guide requires mooring operators to detail the technique/method of mooring vessels in the FRA.</p> <p>It is an established fact of maritime law – and the Broads Authority’s own navigation byelaws – that responsibility for the safe mooring of a vessel lies at all times with the master of a vessel. Broads Authority byelaw 58(1) (moored vessels to be properly secured) refers. Any planning condition which required the landowner to be responsible for the safe mooring of a navigable vessel would fail the NPPF para 55 tests because it would:</p> <ul style="list-style-type: none"> <li>a) not be relevant to planning;</li> <li>b) attempt to duplicate non-planning controls (the Navigation Byelaws);</li> <li>c) be unreasonable as the landowner could not be expected to exercise the necessary degree of monitoring or control over the master of a vessel;</li> <li>d) be unenforceable by virtue of the above.</li> </ul> <p>It would be perfectly reasonable to ask mooring operators to provide guidance on safe mooring techniques to their customers, but there can be no transfer of responsibility.</p>	<p>The flood risk assessment and flood response plan will more than likely be required early on in the process so they can be used to determine the application. The Local Plan says that the FRA should show how the vessel will be moored so it does not cause issues at times of flooding. The Guide and Local Plan do not require a condition for a site manager to take over the mooring of a vessel; simply to show/discuss/state how, vessels will be checked to ensure the way they are moored will not impact on the vessel and its contents or other boats etc. nearby. It may be that the responsibility of mooring lies with the master, but if a manager of a site sees something that could need improving in terms of mooring a vessel, especially when a flood event is likely/is happening, it seems reasonable that they may discuss this with the master perhaps. The Manager has responsibility for the site and a poorly moored vessel may impact others on the site. It might be, for example, that the applicant simply says that from time to time, and even more so when flooding could ensue, they will check how vessels are moored.</p>
#48	James Knight	Individual	<p>The Climate Change Checklist link on the Guide is broken, and the document does not appear to exist on the Broads Authority website. There is a climate change checklist within Local Plan policy DM9, which I take to be the relevant list. Whilst this is a very useful checklist for new land-based developments, it is hard to see how very much of it could be applied to residential moorings in any practical way – or indeed to moorings more generally.</p>	<p>Will check the link and amend. The Checklist is here: <a href="https://www.broads-authority.gov.uk/_data/assets/word_doc/0009/1603656/Climate20change20checklist20template.docx">https://www.broads-authority.gov.uk/_data/assets/word_doc/0009/1603656/Climate20change20checklist20template.docx</a> and in the Local Plan. It is for the applicant to determine what aspects of the checklist are relevant and could be addressed in their scheme. If they think part is not relevant or does not apply, they have the option of ticking 'nil'.</p>
#49	James Knight	Individual	<p>Clearly the existence of a management plan is of benefit to mooring operators, as well as to their residents and other berth holders.</p>	<p>Noted.</p>
#50	James Knight	Individual	<p>What is less clear is why the content of such a management plan could or should be within the ambit of planning. Planning authorities cannot prescribe the way in which businesses or moorings are managed. Management plans are operational documents, written to ensure that a business is run safely, efficiently, profitably and lawfully (including compliance with planning conditions).</p>	<p>The requirement for a Management Plan is in the adopted policy and this guide expands on what a Management Plan could address.</p>
#51	James Knight	Individual	<p>Planning conditions need to relate to planning and pass the NPPF para 55 tests. Amongst other things, they need to be specific, enforceable and not covered by other regulatory regimes. They should only be applied where they are necessary to make an unacceptable development acceptable. They can’t simply be “nice to have”.</p>	<p>Noted.</p>
#52	James Knight	Individual	<p>Boat safety certificates &amp; insurance are matters for individual boat owners and are covered by the Broads Authority’s own boat registration regulations. They cannot be turned into planning conditions imposed upon the mooring operator.</p>	<p>Noted. This is not the intention of the guide.</p>



Ref	Name	Organisation	Comment	BA response
#53	James Knight	Individual	Similarly, noise pollution is covered by navigation byelaws as well as by district councils who are responsible for environmental protection - including waste management.	Noted. It is also addressed in the Local Plan as part of the Amenity policy, DM21.
#54	James Knight	Individual	Therefore, although the list is useful to an operator in terms of “things to consider”, it would be inappropriate for any planning condition to require the existence of a management plan which featured such a list.	Noted and this will be considered on a case by case basis.
#55	James Knight	Individual	7.1. Where a planning condition restricts the number of residential moorings, it will be necessary to keep a register to ensure compliance with that planning condition. 7.2. The nature of the information made available for inspection to the LPA will need to be carefully considered to ensure compliance with GDPR and other privacy laws. It is important for the Broads Authority to consider what information it could require the operator to provide, and the reasons for requiring it.	Noted. The Authority is mindful of the requirements of other legislation.
#56	James Knight	Individual	Council Tax 8.1. This isn't a planning matter and there is no proposal upon which to consult, but it is useful information to provide in a guide.	Noted.
#57	James Knight	Individual	Facilities 9.1. This is all useful guidance and it is helpful to know how other marinas outside the Broads operate and provide facilities. 9.2. It might also be useful to provide details of relevant arrangements at marinas within the Broads, which offer residential moorings.	Noted. This information will be available on the operator's websites.
#58	James Knight	Individual	The questions within this section are posed as consultation queries but are really matters for individual planning applicants to consider. I cannot see how answers to these questions, provided as part of this consultation exercise, could inform the final version of a planning guidance document.	These questions are prompts for the applicant to answer as set out in Appendix D. They will remain as part of the final document. They are not consultation questions.
#59	James Knight	Individual	This Guide should not be considered as a planning document requiring adoption, but rather something to be continuously updated, intended to provide helpful guidance to new and existing residential mooring operators.	The purpose of this guide, like the other adopted guides, is to provide advice and information. It will be updated as required.
#60	James Knight	Individual	Planning (and other) documents from the LPA should not seek to prescribe the operational practices of businesses unless they directly relate to planning and are necessary in planning terms.	Noted.
#61	James Knight	Individual	Planning conditions must be limited to matters which are within the lawful control of the marina operator. They should never require the operator to be responsible for the conduct or actions of boat owners or others. Planning conditions which impose requirements on the operator relating to noise, boat safety, insurance, payment of tolls or mooring techniques would all probably be unlawful.	Noted.
#62	James Knight	Individual	Clarity is required on the nature of personal information which the operator can reasonably be asked to provide relating to individual berth holders.	Noted.

Ref	Name	Organisation	Comment	BA response
#63	James Knight	Individual	The Guide as it stands is a hybrid document containing a mixture of planning policy, guidance, links, and questions aimed at specific applicants. It isn't capable of being "adopted" in the formal sense.	The purpose of the guide is to provide information to support the policy and requirements and advice that may be useful. By undertaking consultation, we get wider views which will strengthen the document. Adoption reflects the fact that it has been through this process.
#64	James Knight	Individual	The majority of the guidance (as distinct from the policy) is applicable to all moorings (not just residential ones), and the document ought to be re-imagined as a means of providing evolving guidance and best practice for marina operators - rather than seeking to prescribe operational procedures under the guise of planning conditions.	Noted. The suggestion about the potential wider role of the document is noted. But at this point, it is intended to focus primarily on residential moorings.
#65	James Knight	Individual	I am a Fellow of the Royal Institution of Chartered Surveyors and I have lived and worked around the Broads for all of my life. In addition to enjoying recreational boating activities, I have worked in a professional capacity advising on planning matters. During the past 17 years, I have been a Director of three successful Broads tourism businesses, each employing over 60 people, and have engaged with the planning system as an applicant on numerous occasions. One of these businesses includes a marina which operates 10 residential moorings on the southern Broads. I am a former member of the RICS Governing Council, a South Norfolk District Councillor, and an appointed member of the Broads Authority and its Planning Committee. My response to this consultation is in my capacity as a private individual, property developer and company director. I am not responding in my capacity as a member of the Broads Authority or its Planning Committee.	Noted
#66	Hayley Goldson	Chedgrave Parish Clerk	The content of Marketing and Viability Supplementary Planning Document (SPD) and Residential Moorings Guide was considered by Chedgrave Parish Council on 7th May 2020. I can advise that councillors support the document as long as the guidelines described in the document are adhered to (particularly in relation to residential moorings).	Support noted.
#67	William Hollocks	Loddon Marina	Can you please give me some background on why these are being proposed as you have just produced an excellent document on the Broads Plan that went through an extensive review by every party and then the Inspector for the Secretary of State and then approved at the highest level of government.	Guides and SPDs provide more detail on certain policies in Local Plans. For example, the moorings and riverbank stabilisation guide that we adopted a few years back and the Flood Risk SPD we soon adopted all provide much more detail than would be appropriate in a Local Plan. Policies in the Local Plan provide the hooks for the guides and SPDs. SPDs and Guides help with the implementation of policies. A Local Planning Authority does not need to produce them, but can do.
#68	William Hollocks	Loddon Marina	With regards the residential moorings there is every kind of boat currently on the Broads many used as residential and the BA already has bye law on this so why are the Planning Department trying to be a dictator on a matter which is under another departments jurisdiction (Lucy). The criteria for our residential moorings is well covered in policy LOD1. Does this mean that every boat that does meet this policy will be excluded from the Broads.	The policies relate to the use of the land, not the use of the boat. The Guide elaborates on already adopted policy (the Local Plan for the Broads was adopted in May 2019).

Ref	Name	Organisation	Comment	BA response
#69	William Hollocks	Loddon Marina	Can you please confirm that any policy you end up will be approved by the Secretary of State though his Inspector as an approved amendment to your Broads Plan. Without this as far as I can see it will be another attempt by the Planning Dictatorship to control the further deterioration of the business's on the Broads and will not be worth the paper it is written on.	These are not policies. These documents help to implement policies. Guides are not prescribed by regulations, but SPDs are. SPDs have a set procedure (see the regulations: <a href="http://www.legislation.gov.uk/ukxi/2012/767/part/5/made">http://www.legislation.gov.uk/ukxi/2012/767/part/5/made</a> and the Planning Inspector is not part of the process.
#70	William Hollocks	Loddon Marina	By copy of this e-mail to DR Packman, Lucy as the responsible manager for navigation and bye laws on boats and Marie as the boss of the out of control Planning Department I am asking to put a stop to these amendments as it is a complete waste of money and has no justification to be in the public interest.	Noted
#71	William Hollocks	Loddon Marina	I am more than happy to start a campaign of getting support not for comments to the policies but to get them stopped. We are happy to lobby every Parish Council, BA members, Councils, MP's etc. I have also copied Mr Tarry as he is working with various parties to contribute to the consultation process.	Noted. But guides and SDPs are not policies. They help with the implementation of adopted policies
#72	Thomas Foreman	Thorpe St Andrew Town Council	The Committee welcomed the consultation by the Broads Authority on its Residential Moorings Guide and felt it was a very well-considered document.	Support noted.
#73	Thomas Foreman	Thorpe St Andrew Town Council	The Committee noted the important difference between houseboats and residential moorings, however, it was queried how the policy would apply to mixed sites with both houseboats and residential mooring.	The Local Plan at page 118, second para says that we expect schemes for residential moorings to be occupied by vessels regarded as boats and that houseboats will be dealt with on a case by case basis. That would be the same for mixed schemes, if any were to come forward as a planning application.
#74	Thomas Foreman	Thorpe St Andrew Town Council	The Committee felt that the management plan was a positive step, particularly with site rules explaining who is resident and how waste will be managed. As part of this section, it was felt the need for an Emergency Evacuation Plan should be included. If safe access for emergency service vehicles is important, it is also important to consider how people might evacuate prior to (or when) the emergency services arrive.	Noted. Access by emergency services would be considered as part of determining the application as per criterion g of DM37.
#75	Alan Wildman	Residential Boat Owners' Association	RBOA is keen to work with the Broads Authority with a view to demonstrating how, with good management controls at site level, residential boaters are of considerable benefit to moorings operators, other berth holders, local communities and the Norfolk Broads as a whole. It is to be hoped that if demand for residential moorings exceeds the 63 already identified, then BA might consider increasing the figure in order to meet that demand.	If applications come forward, they will be determined against the policies of the local plan. The number of 63 is not a maximum and we would not deny applications because we have permitted 63 residential moorings.

Ref	Name	Organisation	Comment	BA response
#76	Alan Wildman	Residential Boat Owners' Association	<p>Quite apart from the legal requirement and the many general benefits of having water based residents, to Navigation Authorities and to moorings providers, responsible residential boaters are particularly known to provide:</p> <ul style="list-style-type: none"> <li>Added security: Not just in terms of property - land dwellers, walkers, boaters and other waterway users often confirm that they feel safer knowing there are people living on the water, close by.</li> <li>Local knowledge: Visitors to areas where there are live-aboards frequently interact and benefit from the available local knowledge, usually freely given, to enhance the visitors' enjoyment of the region.</li> <li>Safety: Where there are residential craft moored, by nature usually occupied by necessarily safety aware individuals, others who might get into trouble near, in or on the water have potential assistance immediately at hand.</li> </ul>	Noted.
#77	Alan Wildman	Residential Boat Owners' Association	We welcome the distinction between houseboats and other residential craft and would suggest a good, clear description be used to clarify what constitutes those other residential craft. RBOA suggests - traditional in that they would be identified as boats by "the man on the Clapham Omnibus".	The Local Plan described what is expected at these moorings in the supporting text of DM37. Any changes to that wording would need to be as part of the Local Plan review.
#78	Alan Wildman	Residential Boat Owners' Association	It is hoped that planning restrictions on houseboats might be negotiable with the applicants, rather than overly dictatorial, something that could be made clear in The Guide.	The Local Plan is clear that houseboats will be judged on a case by case basis.
#79	Alan Wildman	Residential Boat Owners' Association	Some marinas and boatyards already have on-line moorings. To locate a small number of residential slots in amongst those already existing moorings would impede neither navigation nor access to facilities. Perhaps this could be made clearer in The Guide.	Planning applications will be determined against relevant policies in the Local Plan. Policy SP13 will be relevant and impact on navigation is included on DM37 at criterion d. Again, the policy DM37 sets out where residential moorings will be acceptable and other than in Norwich, that is in marinas or boatyards rather than on line. if the RBOA wish for that to be changed, it is something to discuss as part of the review of the Local Plan.
#80	Alan Wildman	Residential Boat Owners' Association	Some residential boaters have little need for nearby access to most "key" services; for instance, BA acknowledges that many residential boaters are single, perhaps slightly older (without children on board) and/or even fully retired. It is hoped that BA will look favourably on applications for residential berths in areas that are a little remote from such services and could state that fact in The Guide.	The Local Plan for the Broads was adopted in 2019. The policy sets out the requirements for the location of residential moorings and this guide cannot change policy. DM37 is clear about where residential moorings will be deemed acceptable. Indeed, access to services was a key consideration when assessing the allocations in the Local Plan for residential moorings.
#81	Alan Wildman	Residential Boat Owners' Association	Flood Risk and Climate Change BA comments in The Guide are clear.	Noted

Ref	Name	Organisation	Comment	BA response
#82	Alan Wildman	Residential Boat Owners' Association	<p>RBOA will readily offer advice to operators who may need assistance with creating Management Plans covering “responsible” residential boating. RBOA acknowledges BA’s reference to our Association and/or our website and would like to see that reference strengthened within The Guide. RBOA anticipates no commercial benefit from providing such advice.</p> <p>Follow up: As regards what you might further comment on RBOA, perhaps just a mention that we do liaise with most major Navigation Authorities would suffice - if you agree and feel it appropriate, then all well and good</p>	Agreed, will add the extra wording to the RBOA paragraph.
#83	Alan Wildman	Residential Boat Owners' Association	<p>RBOA acknowledges that clear, strong and fair site management is the key to acceptable live-aboard craft. Good management will encourage responsible site maintenance and preservation of natural habitat and biodiversity. Reference in The Guide to LILo (Low Impact Living Aboard) might be advisable – RBOA can provide guidance in this respect if required.</p> <p>Follow up: For us, the points we would like to get across are that we (RBOA) are keen to lead operators and customers in the direction of Low Impact Life On Board and, through RBOA, there is a wealth of advice in that respect. Many will hopefully recognise the anachronism (LILo) and seek us out for such free advice.</p>	Agree. Will add reference to LILo.
#84	Alan Wildman	Residential Boat Owners' Association	RBOA believes that boats used as primary residences should not stand out from leisure craft moored in the same vicinities. We would support BA in taking a similar stance and including such advice in The Guide.	The policy and guide seek to influence and guide the moorings and use of land rather than what boats look like. It seems that is will be down to the owner of the boat and management of the moorings.
#85	Alan Wildman	Residential Boat Owners' Association	RBOA believes that moorings operators should have absolute (but reasonable) control of boat placements within their operational sites and would like to see this mentioned in The Guide.	Agreed. Will add text.
#86	Alan Wildman	Residential Boat Owners' Association	It is reasonable to expect that any proposed inspection of moorings operators’ records should only be requested with a good reason so to do. Such request should be negotiable with the operator, which fact should be made clear in The Guide.	Noted. See #96, 97, 98 and 99.
#87	Alan Wildman	Residential Boat Owners' Association	RBOA has extensive experience of Council Tax issues; again RBOA would be happy for The Guide to refer to our Association and/or our website for advice.	Agreed. Will add text.

Ref	Name	Organisation	Comment	BA response
#88	Alan Wildman	Residential Boat Owners' Association	Some facilities which may not be available "on site" but are available just a short cruise away from base are perfectly acceptable to many live-aboards. This is often the case on other waterways. RBOA suggests that point be clearly made within The Guide. We believe it reasonable to acknowledge that many live-aboard requirements, such as laundry, clothes drying, storage, etc. are often fully catered for within the confines of the craft (boat) itself. Moorings operators might be advised, via The Guide, that such a requirement could be part of their own Management Plan.	The guide is clear in that it says the section relating to facilities are things that an operator may wish to make available. It gives examples and case studies. The elements of this section tend to relate to policy criteria and so the application will need to show how they are addressed. It is up to the operator to consider how the needs of those living on their boats will be catered for.
#89	Alan Wildman	Residential Boat Owners' Association	Key Messages A good summary.	Noted
#90	Alan Wildman	Residential Boat Owners' Association	Helpful links and where to go to get advice RBOA would encourage emphasis on the fact that we are a wholly volunteer group unlike other (commercial) organisations – our focus is not on RBOA revenue generation, but is solely on achieving our aims, as declared at the head of this response paper – RBOA is dedicated solely to the protection, promotion, universal acceptance and continued development of "responsible" residential boating (living-aboard).	Noted. Consider the reference to the various organisations adequately addressed in the Guide.
#91	Jason Beck	East Suffolk Council	East Suffolk Council, Planning Policy Department has no comments to make on this document.	Noted
#92	Emily Curtis	Loddon Parish Council	Councillors welcomed a management plan for the sites with residential moorings. LPC believes that a management plan would ensure the site was is well managed and will help protect land and boat residents from anti-social behaviour.	Support noted.
#93	Emily Curtis	Loddon Parish Council	Councillors welcomed that consideration is being given to climate change, and agreed that it is important to consider the necessity for a site to have adequate provision for waste, sewage disposal and the prevention of pollution. How will these considerations be monitored?	The ability to meet these requirements will be part of the assessment and form part of planning conditions which are routinely monitored.
#94	Emily Curtis	Loddon Parish Council	Councillors consider it is important that a safety plan for flooding is taken into consideration for the safety of the residents on the boat.	Support noted.
#95	Emily Curtis	Loddon Parish Council	Councillors welcomed the policy regarding the necessity for facilities and services available for residential moorings, it is important for people living on land or water to have access to adequate services and facilities.	Support noted.

Ref	Name	Organisation	Comment	BA response
#96	Emily Curtis	Loddon Parish Council	Councillors raised concerns over the necessity of a register and have asked why it is necessary for this information to be held by the site owner?	The site owner will log who is on what mooring and whether they are residential moorings or other types of moorings they offer, just like any business would keep records. The Broads Authority would request to see this register from time to time to ensure that only the permitted number of boats are being lived on. It would be for the operator to ensure they kept their register in line with GDPR requirements. This approach is similar to the requirement that holiday accommodation operators have - to keep a log of those who stay, including the time period for periodic inspection by the Broads Authority, again to ensure the accommodation is being used as permitted.
#97	Emily Curtis	Loddon Parish Council	What purpose does holding this register have for site owners?	
#98	Emily Curtis	Loddon Parish Council	Is this retention of register data inline with GDPR and should this information be held securely, and for what length of time the data be stored.	
#99	Emily Curtis	Loddon Parish Council	Why do the Broads Authority need to inspect this register?	
#100	Emily Curtis	Loddon Parish Council	We would note that management of any antisocial behaviour by occupants of residential boats is dependent on the quality of designated site manager and what further control measures could be put in place to help the site manager deal with anti-social behaviour?	Operators will no doubt use a contract that sets out the requirements of staying on a boat at their site, including why and how such contract could be terminated. Perhaps anti-social behaviour may be such a reason for termination of a contract. Also such behaviour can be reported to the police or Council just the same as one would if there was anti-social behaviour from those living in a house on land.
#101	Emily Curtis	Loddon Parish Council	Will the Broads Authority have the power to withdraw a site owners licence to accommodate residential boats in the event of recurrent anti social behaviour?	Planning permission, once granted, cannot be revoked like a licence might be. Anti-social behaviour by those living on their boats will be down to the management of the site. Anti-social behaviour will be dealt with in the same way it will be dealt with in any other sort of housing.
#102	Rachel Card	NSBA	The Norfolk and Suffolk Boating Association (NSBA) thanks the Broads Authority for the opportunity to participate in consultation on the above planning policy guide. The NSBA has no comment to make with regard to the advice and policies in this document.	Noted.
#103	Paul Harris	SNDC and BDC	I note that the document is referred to as a Guide, and whilst it is expressly 'designed to help implement the policies of the Local Plan' and seeks to elaborate on the adopted Broads Local Plan Policy DM37 - New Residential Moorings, it does not appear that you intend to adopt the Guide as a Supplement Planning Document, with the status which that confers.	Correct. We have a few other guides as well: <a href="https://www.broads-authority.gov.uk/planning/planning-permission/design-guides">https://www.broads-authority.gov.uk/planning/planning-permission/design-guides</a>
#104	Paul Harris	SNDC and BDC	Overall the Guide contains a range of useful information; however, at various points throughout the document, it is not entirely clear what issues the Broads Authority consider to be material to determining planning applications, and what is useful background information. The document could give the impression that a significant amount of information will be required to support a planning application, where this may not actually be the case.	The purpose of the guide is to provide information to support the policy and requirements and advice that may be useful.

Ref	Name	Organisation	Comment	BA response
#105	Paul Harris	SNDC and BDC	<p>Section 5 – Flood risk and Climate Change</p> <p>The aims of this section, to ensure that safety considerations are assessed as part of any Flood Risk Assessment and Flood Response Plan, are supported. The Guide relates this section to Local Plan Policies DM5 and DM37, but it is not clear how much of the suggested information would actually be required to support a planning application; if this information is being required for planning purposes, consideration needs to be given as to (a) how requirements will be monitored, (b) whether they are enforceable under planning legislation and (c) whether they might already be covered by other legislation.</p>	<p>This section generally copies over text from the Local Plan. However amendments following this consultation, as detailed at #23 and #24 provide greater detail. Also see response to #47.</p>
#106	Paul Harris	SNDC and BDC	<p>Section 6 – Management Plan</p> <p>Whilst it could be useful to condition a management plan as part of any planning permission, the list of issues covered would appear to extend beyond those related to the planning aspects of development; for example, conditioning a management plan that incorporates the ‘site rules’ or ‘terms and conditions’ could be requiring information that is largely concerned with non-planning issues. In addition, a number of the issues the Guide suggests the management plan could cover would appear to be seeking/requiring a level of detail that would not be required for a more regular residential development, even where that development has shared/communal/public space – the Guide does not make it clear why this level is required, and how it might be used to enforce a planning condition.</p>	<p>The points made are noted. And it is accepted that there is a level of detail set out in the guide, and required to help assess a planning application and this level of details goes beyond that which would be requested for a land based dwelling. However, as a unit of accommodation, residential moorings are different. Facilities required aren't routinely provided on sites which may be used for residential moorings (e.g. waste, pollution prevention, electricity) so we need to see how they will be provide. And there is a level of risk for example from drowning which is not usually present with bricks and mortar accommodation. The purpose of the guide is to prompt people to think about these things.</p>
#107	Paul Harris	SNDC and BDC	<p>Section 7 – Register</p> <p>Again the Guide does not make it clear why a register of who lives on each boat is required for residential moorings (as opposed to a register of the moorings themselves), this would only seem relevant if the Broads Authority was applying specific occupancy conditions to a site; however, this is not clear from the Guide.</p>	<p>Noted. See #96, 97, 98 and 99.</p>
#108	Paul Harris	SNDC and BDC	<p>Section 8 – Council Tax</p> <p>It is useful to highlight need to speak with relevant Local Authorities regarding Council Tax, although it may be worth highlighting that this does not affect the planning decision on a particular site.</p>	<p>This section gives information and provides links to find out more as well as advising operators to contact the relevant district. There is nothing in the text to say that we require the applicant to do something.</p>
#109	Paul Harris	SNDC and BDC	<p>Section 9 – Facilities</p> <p>This sets out a useful checklist for site providers. Again, what is not entirely clear is which of these issues could be material to any decision on a planning application e.g. car parking, or amenity space provision and which provides useful sources of background information e.g. methods of potable water supply.</p>	<p>Section 9.1 to 9.8 relate to topics quoted in the policy. The section is also quite clear in that it uses some examples from elsewhere, but to discuss the approach favoured by the operator with the Broads Authority. 9.9 refers to other facilities/extras to consider.</p>



Ref	Name	Organisation	Comment	BA response
#110	Paul Harris	SNDC and BDC	In conclusion, the document contains a lot of useful information for the providers of residential moorings. By linking the document closely to adopted Local Plan Policy DM37, it gives the impression that the Guide is setting out the information that will be required to determine planning applications under that policy; however, in some instances this appears not to be the case. As such, it would be useful if the document were more clearly structured to emphasise that information which might be used to determine a planning application, and that information which is a useful resource to site providers about good practice and achieving the best quality of provision.	This is a summary comment and the issues raised have been addressed in previous comments.
#111	Paul Fletcher	Beccles Parish Council	I realise that I have missed the deadline for responses on the above document, (Neighbourhood Plan and Beccles Society have taken up too much of my time). Nevertheless, I thought that you might like to know that we felt that it was a very comprehensive all encompassing document and we had no adverse comments to make.	Support noted.

# Planning Committee

11 September 2020

Agenda item number 12

## Planning policy – Guide to understanding and addressing the impact of new developments on peat soil

Report by Planning Policy Officer

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### Summary

The adopted Local Plan for the Broads includes a policy that seeks a reduction in the amount of peat that is excavated as part of a development proposal. If peat is excavated, it requires that the special characteristics of the peat are assessed, recorded and considered when disposing of it. This Guide seeks to elaborate on the policy and help with its implementation.

### Recommendation

It is recommended that the Planning Committee endorses the Guide and supports its going out to consultation and that it recommends this to the Broads Authority.

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## 1. Introduction

- 1.1. The Local Plan for the Broads includes a policy that seeks a reduction in the amount of peat that is excavated as part of a development proposal. If peat is excavated, it requires that the special characteristics of the peat are assessed, recorded and considered when disposing of it. This Guide seeks to elaborate on the policy and help with its implementation. It intended as a tool to assist potential applicants and others who may be considering development on peat.

## 2. About Peat

- 2.1. Peat is a finite resource. It has many special qualities. Peat is one of the main soil types in the Broads and an important asset with important qualities, providing many **ecosystem services**<sup>1</sup>.

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<sup>1</sup> The diverse benefits that we derive from the natural environment are sometimes referred to as ecosystem services. Examples of these services include the supply of food, water and timber (provisioning services); the regulation of air quality, climate and flood risk (regulating services); opportunities for recreation, tourism and

- 2.2. The soils formed by the Broads wetland vegetation store 38.8 million tonnes of carbon<sup>2</sup>. Peat soils release stored **carbon** if they are drained and allowed to dry out. The protection of peat soils is therefore critical to help address climate change.
- 2.3. Peat soils support internationally important fen, fen meadow, reedbed, wet woodland and lake **habitats**. For example, milk parsley, the food plant of the Swallowtail caterpillar, tends to grow only on peat soils in the Broads.
- 2.4. Historic England has identified the Broads as an area of 'exceptional waterlogged heritage'. Because of the soil conditions in the Broads, there is great potential for **archaeology** to be well preserved, giving an insight into the past.
- 2.5. The peat has accumulated over time and incorporates a **record** of past climatic and environmental changes that can increase knowledge of the evolution of the landscape.
- 2.6. Peaty soils help prevent flooding by absorbing and holding **water** like a sponge as well as filtering and purifying water.

### 3. About the Guide

- 3.1. The Guide is about understanding and addressing the impact of new developments on peat soils. It relates to policy DM10 of the Local Plan. Policy DM10 is effectively a 'reduce, re-use, recycle' kind of policy, but in relation to the excavation of peat.
- 3.2. The Guide talks through the stages set out below, with the aim of ensuring that the minimum amount of peat is excavated, that the special qualities are considered and addressed and the peat is disposed of in a way that does not turn the peat, which is a carbon sink, to a carbon source. The stages are:

- Stage 1: Assessing if the site to be developed is on peat soil;
- Stage 2: Developing on or removing peat; and
- Stage 3: Things to do if your development will be affecting peat soils.

### 4. About the consultation

- 4.1. It is anticipated that the consultation will run for 8 weeks. This is likely to be from 25 September to 20 November 2020.
- 4.2. The consultation will be carried out as follows:
  - It will be advertised using social media, placing an advert in the EDP and writing/emailing to all on our contact database.

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education (cultural services); and essential underlying functions such as soil formation and nutrient cycling (supporting services). [Payments for Ecosystem Services: A Best Practice Guide](#)

<sup>2</sup> NCA Profile 80, Natural England and the Broads Authority's Carbon Reduction Strategy: [www.broads-authority.gov.uk/data/assets/pdf\\_file/0011/400052/Carbon-reduction-strategy.pdf](http://www.broads-authority.gov.uk/data/assets/pdf_file/0011/400052/Carbon-reduction-strategy.pdf)

- We will send hard copies to those who request it for free.
  - People can call the Planning Policy Officer to discuss the document or arrange a video call.
- 4.3 Hard copies will not be available at Yare House or other public venues. This is due to the Covid 19 pandemic.
- 4.4 The consultation will be in accordance with the revised Statement of Community Involvement (SCI).

## 5. Financial implications

- 5.1. There will be a cost from advertising the consultation in the EDP. There will also be printing and postage costs for any hard copies requested.
- 5.2. There will potentially be cost implications to scheme promoters from coring, analysis and using or disposing of the peat in certain ways to address the special qualities of the peat. It is important to note that the guide relates to adopted policy.

## 6. Risk implications

- 6.1. Not having hard copies of the Guide available at venues and Yare House is unfortunate, but the approach is in line with the SCI. There could be a risk to the public and staff or contracting COVID19 if hard copies were made available.

## 7. Conclusion

- 7.1. The adopted Local Plan for the Broads includes a policy that seeks the reduction in the amount of peat that is excavated as part of development proposals. If peat is excavated, it requires that the special characteristics of the peat are assessed, recorded and considered when disposing of it. This Guide seeks to elaborate on the policy and help with its implementation.
- 7.2. It is recommended that the Planning Committee endorses the Guide and supports its going out to consultation and recommends this to the Broads Authority.

Author: Natalie Beal

Date of report: 25 August 2020

Appendix 1 – Draft Peat Guide for consultation

## Guide to understanding and addressing the impact of new developments on peat soil

**Draft for second consultation  
Xxx 20202 to xxx 20202**

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# 1. Introduction

Historically peat was extracted for fuel. The diggings were eventually abandoned and left to flood creating the shallow stretches of water now known as the broads (lakes). Today peat is considered as a finite and precious resource. In the Broads, development can take place in areas where peat might be developed on, excavated or removed.

Peat is formed from plant material that decays slowly in a waterlogged environment. Over thousands of years, peat becomes several metres thick. Because the main component is organic matter, peat is very spongy, highly compressible, and combustible. Here we use the definition used by soil scientists who define peat as organic soil with organic content of greater than 35% organic matter.

Peat soils have many important qualities (see section 3). The Local Plan for the Broads includes a policy (see [Appendix A](#)) that aims to reduce the impact on these important qualities by reducing the amount of peat removed. It goes on to ensure that any peat excavated is disposed of in a way that takes into consideration and protects its properties and qualities.

This guide provides additional information to help applicants meet the requirements of the policy. The process for considering schemes that are located on peat is as follows and this guide talks through the stages in more detail.

Stage	Section of this report
A. Assess if the scheme/proposal is situated on peat	Section 4
B. Does the scheme need to go there? What other locations could be considered?	Section 5
C. Can you reduce the amount of peat affected? Consider the format, scale and layout of the proposal.	Section 5
D. Can you justify why the scheme should go ahead?	Section 5
E. How have you considered and addressed archaeology, biodiversity, research (paleo-environment data), water and carbon qualities of the peat?	Section 6
F. Can you dispose of peat on site so it does not emit the carbon locked in?	Section 6
G. Can left over peat be used in other schemes in the area?	Section 6

Stage	Section of this report
H. Can left over peat be put to a suitable re-use?	Section 6

## 2. Consultation

This consultation document and consultation process have been developed to adhere to the Broads Authority's Statement of Community Involvement<sup>1</sup>. We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:

- If you wish to discuss the document, you can still call on 01603 610734 and ask to speak to Natalie Beal. You can also contact Natalie Beal to request a video conference appointment to talk about the document.
- No hard copies will be in libraries.
- No hard copies will be in Yare House<sup>2</sup>.
- If you wish to have a hard copy, we can send this to you. This will initially be for free, but if we get many requests, we may have to consider charging for postage and printing. Please contact the number above to ask to speak to Natalie Beal to request a hard copy.

The second consultation on this document is for **x weeks from xxxx to xxxx**. We will then read each of the comments received and respond. We may make changes if we agree with you. If we do not make changes we will set out why. The final Guide will be adopted at a future meeting of the Broads Authority. Please email us your comments: [planningpolicy@broads-authority.gov.uk](mailto:planningpolicy@broads-authority.gov.uk).

Information provided by you in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004). Please see [Appendix B](#) for the Privacy Notice. We will make your name and organisation public alongside your comment.

<sup>1</sup> Current Statement of Community Involvement is here [https://www.broads-authority.gov.uk/data/assets/pdf\\_file/0024/209337/Final\\_adopted\\_SCI\\_formatted\\_July\\_2020.pdf](https://www.broads-authority.gov.uk/data/assets/pdf_file/0024/209337/Final_adopted_SCI_formatted_July_2020.pdf)

<sup>2</sup> Whilst this Guide is not a local plan or SPD, we still consult in the same way as we would those documents. The Government recently amended regulations saying that until 31 December 2021, Local Planning Authorities do not need to make hard copies of planning documents available in head offices or other venues.



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

### 3. Why should we protect peat?

Peat is one of the main soil types in the Broads and an important asset with important qualities, providing many **ecosystem services**<sup>3</sup>.

The soils formed by the Broads wetland vegetation store 38.8 million tonnes of carbon<sup>4</sup>. Peat soils release stored **carbon** if they are drained and allowed to dry out. The protection of peat soils is therefore critical to help address climate change.

Peat soils support internationally important fen, fen meadow, reedbed, wet woodland and lake **habitats**. For example, milk parsley, the food plant of the Swallowtail caterpillar, tends to grow only on peat soils in the Broads.

Historic England has identified the Broads as an area of 'exceptional waterlogged heritage'. Because of the soil conditions in the Broads, there is great potential for **archaeology** to be well preserved, giving an insight into the past.

The peat has accumulated over time and incorporates a **record** of past climatic and environmental changes that can increase knowledge of the evolution of the landscape.

Peaty soils help prevent flooding by absorbing and holding **water** like a sponge as well as filtering and purifying water.

### 4. Assessing if the site to be developed is on peat soil – Stage 1.

#### 4.1. The British Geological Society Peat Layer

The British Geological Society peat layer (which is accessible through our internal mapping system and here: <http://mapapps.bgs.ac.uk/geologyofbritain3d/>) is the starting point, but it is not accurate in all locations, particularly around the boundaries of the peat shown. We would use this mapping system to check if a site is located on peat soils. A map showing the British Geological Society peat layer is at [Appendix B](#).

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<sup>3</sup> The diverse benefits that we derive from the natural environment are sometimes referred to as ecosystem services. Examples of these services include the supply of food, water and timber (provisioning services); the regulation of air quality, climate and flood risk (regulating services); opportunities for recreation, tourism and education (cultural services); and essential underlying functions such as soil formation and nutrient cycling (supporting services). [Payments for Ecosystem Services: A Best Practice Guide](#)

<sup>4</sup> NCA Profile 80, Natural England and the Broads Authority's Carbon Reduction Strategy: [www.broads-authority.gov.uk/data/assets/pdf\\_file/0011/400052/Carbon-reduction-strategy.pdf](http://www.broads-authority.gov.uk/data/assets/pdf_file/0011/400052/Carbon-reduction-strategy.pdf)

#### **4.2. The need for sampling**

If you (the applicant) disagree that your site is on peat soils, we will ask you to undertake soil core sampling. If your site is towards the edge of an area of peat (either inside or outside of the area) as shown on the BGS maps, we may ask you to obtain soil core samples<sup>5</sup>.

#### **4.3. How to take samples**

Where soil core samples are required, these samples would be to the depth of the proposed excavation. You should use a specialised soil corer or spade or excavator depending on the depth and area/volume of the scheme proposals. If the development is going to involve shallow excavation (0-30cm) or the proposals will cover peat, surface examination with a spade is sufficient. Development that will excavate to a greater depth (deeper than 30cm) will need a core sample. There may need to be multiple cores depending on the extent of the proposed scheme and the location. The depth and number of core samples will be agreed with the Authority in advance.

Please note that at the time of writing, there are wider discussions nationally regarding the potential to standardise how peat is assessed. Such standard, as and when it is in place, will be of relevance when considering schemes located on peat.

#### **4.4. Using suitable experienced Consultants or Contractors**

You may wish to engage the help of a consultant/contractor who is expert/experienced in soils and soil cores. There are numerous consultants/contractors listed on the internet. We are aware that taking cores of peat will result in a cost to you the applicant. The number of cores required and depth, as discussed previously, will be proportionate and will be agreed with the Broads Authority.

Costs will vary for different consultants.

#### **4.5. Reporting your findings.**

A report setting out the method used, including photographs of the soil cores and an assessment of the soil stratigraphy (layers) is required for submission to the Broads Authority to accompany planning applications. A minimum assessment would need to include datum level of the top of the ground surface where the core was collected; general description of the core stratigraphy and depths where distinct layers start and finish; detailed characterisation of each distinct layer, e.g. soil classification type; organic matter and mineral content of the layers may be required to identify degraded or peat mixed with other materials within the profile.

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<sup>5</sup> Please note that both Norfolk and Suffolk Historic Environment Record Services have confirmed that they do not consider the taking of cores as a concern due to the relative size of the cores. The knowledge-gain obtained from the cores will in most cases outweigh any adverse impact.

Ultimately it will conclude if the soil to be affected is peat soils. Again, the report would be proportionate to the size and scale of the scheme.

Please note that the document will be public and will be shared with Norfolk and Suffolk Historic Environment Records Services and Norfolk and Suffolk Biodiversity Information Services for their records. It will also be passed on to Cranfield University who hold the national survey data.

#### 4.6. Other sources of data

The Authority is in the process (at the time of writing) of commissioning work to produce more detailed peat mapping. This may be considered, when it is completed, in assessing if a site may or may not be on or near to peat. But until that point, the British Geological Layer will be the starting point, as discussed at 4.1.

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## 5. Developing on or removing peat – Stage 2

### 5.1. Consider the location of your scheme

The Authority's preference is not to develop on, excavate or remove peat. As such, can your scheme go elsewhere?

- a. Why does the development have to go where it is proposed?
- b. What **alternative locations** have you considered? Why have you discounted these alternative locations?

If there are no other suitable **locations** for the proposal that are not on peat soils, and you can evidence this and justify your conclusion, the next stage is to **reduce** the amount of peat that is developed.

### 5.2. Consider the layout and scale of your scheme

It may be that another part of your site is not peat soils. The **layout** of your development could be changed to avoid developing on or excavating peat soils. The **scale** of the development or part of the development on peat soils could be reduced.

- c. How can you reduce the amount/volume of peat that is to be developed? Please provide details. If you cannot reduce the volume, please say why.
- d. How can you change the **layout** of development to reduce the amount of peat soils affected? Please provide details. If you cannot change the layout, please say why.
- e. How can you reduce the **scale** of development to reduce the amount of peat soils affected? Please provide details. If you cannot change the scale, please say why.
- f. If amending the layout/scale of the site is not feasible, practical or viable and you intend to still develop on peat soils, you need to provide a robust justification for doing so.
- g. What volume of peat (m<sup>3</sup>) will be excavated? How is this different to your initial plans?

**When planning your scheme, you must consider what will be done with the left over peat/material. You need to be aware that if you intend to move the peat off site, you may need an Environmental Permit.**

## 6. Things to do if your development will be affecting peat soils – Stage 3.

If you have gone through the steps set out in the document and you can justify thoroughly why peat soils will be developed then you need to address the following.

### 6.1. Archaeology

Contact Norfolk or Suffolk Historic Environment Records Services to find out if there is any potential for archaeology. The following links may be of use:

- Norfolk Heritage Explorer: This website offers a unique opportunity to access an abridged version of the Norfolk Historic Environment Record database online.  
<http://www.heritage.norfolk.gov.uk/>
- Heritage gateway: <https://www.heritagegateway.org.uk/gateway/chr/>
- Suffolk Heritage Explorer: <https://heritage.suffolk.gov.uk/simple-search>
- Suffolk Historic Environment Record is a collection of information about the nature and location of archaeological sites in Suffolk: <https://www.suffolk.gov.uk/culture-heritage-and-leisure/suffolk-archaeological-service/what-is-the-historic-environment-record/>

- h. How have you considered and addressed archaeology on this site?
- i. Is there potential for archaeological finds on this site?

### 6.2. Research - Climatic records (paleo-environment) and geodiversity

The cores you extract (and associated report), the peat you excavate and/or the 'pit' that is the result of excavation might be of interest to several people/organisations. Such organisations include Universities, British Geological Survey, British Soil Society, Cranfield University, Norfolk and Suffolk Biodiversity Information Services, Norfolk and Suffolk Historic Environment Record Services and Norfolk Geodiversity Partnership.

We will share information (in line with GDPR) of schemes that we permit on peat with these organisations. They may contact you to arrange to visit the site when it is being excavated. We will also share any information provided by you (such as core reports) with organisations. The Authority does not consider this a burden on you. The sharing of information or allowing pits to be visited at a mutually convenient stage of the process are in the interest of helping with research and education. You will be able to arrange visits at a suitable time for you.

### 6.3. Biodiversity

One of the three main purposes of the Broads Authority is to conserve and enhance the natural beauty, wildlife and cultural heritage of the Broads.

The peat soils of the Broads support some of the most important habitats for wildlife conservation including fen, fen meadow, reedbed, wet woodland and the shallow lakes or 'Broads'. A quarter of the rarest species in the UK are found here.

These peaty habitats are recognised for their exceptional nature conservation importance, and hold conservation designations on national and international levels<sup>1</sup>. Outside of these designated areas peat habitats are still considered to be or have the potential to be restored to high biodiversity value, providing important habitat corridors for wildlife across the National Park and beyond.

The Natural Environment and Rural Communities (NERC) Act 2006 requires government departments to have regard to the purposes of conserving biodiversity. This may include enhancing, restoring or protecting a population or a habitat. In the Broads the habitats above are recognised under the NERC act as Section 41 / Biodiversity Action Plan (BAP) habitats. These areas should be protected and restored, with no loss to development.

The usual planning process will be followed in terms of habitat surveys, seeking biodiversity enhancements and, when the details are finalised, any requirement of biodiversity net gain.

j. How have you considered the biodiversity enhancement options on your peat site?

#### 6.4. What to do with the excavated peat

You need to identify and explain as part of your peat report, how the peat excavated from your scheme will be re-used or disposed of. Peat will need to be re-used or disposed of in a way that ensures it keeps its important qualities. There are two ways to do this. The first, and this is the preference, is to re-use the peat so it stays wet. The second, and this is least preferred, is beneficial re use of peat that may result in it drying out, but make use of its qualities. These are discussed in more detail in the next sections.

##### 6.4.1. Re-using peat on your site

The peat needs to go somewhere it will be kept wet. It cannot be left piled up to dry out. If it dries out then it becomes a source of carbon dioxide and this is something we need to avoid.

Are there any voids on your site and could the peat go there? Are there any areas of your site that have sunk that could receive your peat (although see the land raising policy DM17)?

- i. These voids could be behind quay heading or underneath decking (subject to a suitable retainer) for example.
- ii. The receiving void will need to ensure the peat is kept wet for the long-term.

- iii. You will need to mark receiving areas on a plan that shows the anticipated volume of peat these receiving areas can take. Peat is very wet and the actual volume of excavated peat could realistically be greater than anticipated.
- iv. You will need to talk to your contractor about the relocation of the peat. It is important to note that this is a new approach and contractors are used to drying out the peat so the volume of material is reduced, which must be prevented. They may also have suggestions on how and where to dispose of peat.
- v. You will need to prepare the receiving areas before you excavate the peat. This is because you will need to put the peat in these receiving areas before the peat dries out. The time period for this depends on the season. The Authority acknowledges that excess water may need to drain away so the material is manageable; we are advised that 14 days to allow excess water to drain is acceptable. We will need to understand and agree the timeframe for moving peat, once drained.
- vi. You may need to place a tarpaulin over the peat to prevent it drying between excavation and backfilling or depositing the peat.
- vii. We will require you to tell us when you will be excavating so we can come and check on the progress and the method.

- k. Where do you intend to dispose of the excavated peat soils on site? Please show on a plan with anticipated volume of each receiving area.
- l. How will these areas ensure the peat is kept wet?
- m. When will the receiving areas be ready to receive peat soils? What is the time-period between excavation and backfilling/depositing? Have you arranged for the peat to be covered with tarpaulin for this period?

#### 6.4.2. Re-use of peat

The Authority accepts that peat can be used in a way that uses its qualities. This will only be considered when disposal/use on site or elsewhere (that keeps the peat wet) is not possible. The rationale for requesting re-use of peat must be accepted by the Authority before it is developed further. Alternatively, if suitable disposal can be found for some of the excavated material but not all, the remaining amount could be used..

It is acknowledged that re-use will probably result in the CO<sub>2</sub> being held in the peat being emitted which although is undesirable, the re-use will at least provide other advantages such as improving soil for local food growing and reducing food miles.

The main way to dispose of/re-use the peat is to incorporate it into agricultural land or local allotments. There is also the potential to dispose of some peat into soak dykes. Again, you will need to consider the Environmental Permitting section of this guide – 6.5.

In terms of re-use, you may want to speak to the following organisations to see if they or their associates are willing to receive and make use of the excavated material. They may be able to make a use out of the peat. These are in no particular order. Please also see the Environmental Permitting section of the guide.

- **Local allotment associations.** Contact the local Parish/Town Council for details of local allotment associations. They may be willing to receive some peat for the members to then use on their plots.
- **Norwich Farm Share's** vision is to support food systems that educate, connect and empower local communities to be healthier and more resilient, to be rooted to the land and to each other, and to experience a direct relationship with how our food is produced.
- **National Farmers' Union (East Anglia).** Probably for large quantities of peat, but get in touch with the NFU to discuss the potential for a farmer to make use of the peat.
- **Wayland Prison, working with Greener Growth CIC.** They are recovering two unused poly-tunnels to create a commercial herb-growing project. From this they will be able to provide transferable skills to residents within the Prison and create a space that will help with residents' wellbeing.
- **Crangleford community food growing.** Small-scale growing vegetables with a small poly-tunnel and raised beds. Working with lots of volunteers and getting children involved in the project.

It will be for the applicant to contact the organisations above regarding the potential for re-use of peat. The receiver may need assurances of the physical and chemical quality of the material. In terms of transporting the peat, that will need to be something that the applicant discusses with the receiver as well as timing of delivery and volume they will be willing to receive.

- |   |
|---|
| <ul style="list-style-type: none"><li>n. Have you contacted any operators to see if they are willing and able to receive and use the excavated peat?</li><li>o. Have you contacted local allotment organisations to see if they can make use of the peat?</li><li>p. Have you looked into the need for an Environmental Permit for moving the excavated peat off site for re-use?</li><li>q. What is the contingency plan for any peat left over after reducing the amount of peat excavated in for the first place, using the peat on site so it keeps wet, using the peat locally so it keeps wet and re-use of the peat?</li></ul> |
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#### 6.4.3. Disposing of peat - elsewhere

If there is nowhere on your site suitable then you may wish to talk to your neighbours to see if they have anywhere to dispose of your peat so it remains wet – again, under decking or backfilling for example.

There may be other areas locally that could receive the peat and keep it wet – for example, schemes planned by the Environment Agency, Norfolk or Suffolk Wildlife Trust and the Broads Authority<sup>6</sup> as well as other local contractors. You will need to discuss this option with the Broads Authority.

It is acknowledged that moving the peat elsewhere will emit greenhouse gasses, but see section 6.8 about transporting peat and associated emissions.

In all instances, you will need to consider the need for Environmental Permits (see 6.5) and also respond to the bullet points above. The receiving site may require planning permission as well.

If there is nowhere in your local area where peat could be disposed of in a way that keeps it wet then it is worth rethinking whether you should proceed with your development. The cost of transporting wet peat soil and obtaining a waste licence can be significant.

- r. Have you contacted neighbouring landowners or Operational teams in the Environment Agency, Norfolk and Suffolk Wildlife Trust and Broads Authority to check what local opportunities may exist for receiving peat and keeping it wet?
- s. How have you discussed your approach to dealing with the excavated peat with your contractor? Have they confirmed the approach is feasible?
- t. Have you looked into the need for an Environmental Permit for moving the excavated peat offsite?

#### 6.5. Moving peat - Environmental Permitting

Excavated peat that you no longer require for use on the same premises will likely be considered waste. If it is intended to reuse the waste peat at another location please be minded that the reuse may be subject to regulation by the Environment Agency.

You can find more information about environmental permits and waste exemptions granted by the Environment Agency here <https://www.gov.uk/topic/environmental-management/environmental-permits>.

If, after reading the information about permits and waste exemptions you are still unsure as to whether a permit or other regulatory control is required contact the Environment Agency

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<sup>6</sup> When we receive applications for development on peat that involved excavating material, we will circulate the details of the scheme internally as the Operations team may be aware of schemes that need material.

Customer Enquiries Team on 03708 506506 or send an email to [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

The information the Environment Agency requires to assist with identifying the appropriate regulation should include as a minimum, a description of the waste, in this case peat, the volume of material in tonnes, and a description of the intended use e.g. spreading on an agricultural field.

If you pass on your waste to a third party you should make sure that the carrier of the waste is registered as a waste carrier and that the carrier provides you with documentation identifying the movement; most commonly a waste transfer note. If you are in doubt as to the legitimacy of the waste carrier you can check their validity on the Environment Agency's public register here <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or alternatively contact the Environment Agency Customer Enquiries team.

- u. If you are moving peat soils from site, how have you ensured you are going to be in accordance with Environmental Permitting requirements?

#### 6.6. Moving peat - Biosecurity

Biosecurity refers to a set of precautions that aim to prevent the introduction and spread of harmful organisms. These include non-native tree pests, such as insects, and disease-causing organisms, called pathogens, such as some bacteria and fungi. When moving material, such as peat soils and associated vegetation from site to site, an assessment of the risk to spreading disease and non-native species and their propagules (such as seeds and roots) needs to be considered.

To prevent the spread of invasive, non-native plants, you must not cause certain invasive and non-native plants to grow in the wild. This can include moving contaminated soil or plant cuttings. You can be fined or sent to prison for up to 2 years. Further details:

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

<https://www.gov.uk/government/publications/treatment-and-disposal-of-invasive-non-native-plants-rps-178>.

- v. If you are moving peat soils from site, how have you addressed biosecurity?

#### 6.7. Proposals that deposit material on peat/develop over peat

This guide has tended to address scenarios where peat is removed. It could be that, for example, a car park is developed on peat so the peat is covered by tarmac or concrete. There are also instances in the Broads where excavated material has been disposed of on peat causing significant soil compaction and habitat damage.

In terms of developing over peat, there may be a need for some element of digging or piling and the peat policy and this guide will still apply. In general, however, other than the impact of removing the existing surface of the peat (which could be a habitat and therefore other policies/Acts come into force as set out in this guide) the other qualities of the peat are not adversely affected.

In terms of disposing of excavated material from elsewhere on peat, Policy DM18 of the adopted Local Plan relating to Excavated Material is of relevance.

So, schemes that do not necessarily excavate peat, but develop over peat may have a negative impact on peat. As applications are determined, this impact will be a key consideration.

#### **6.8. Transporting peat - emissions**

Please note that the amount of carbon dioxide that peat can emit if dried out is very much more than the motor vehicle emissions associated with loading and moving peat elsewhere, locally, even considering the return journey of the particular vehicle.

Peat, if dried out, will emit 174kg of CO<sub>2</sub> per cubic metre of peat. This is a UK wide average figure and a standard estimate developed by Richard Lindsay of University East London for the RSPB. The actual amount of CO<sub>2</sub> of peat at a given site will vary, as peat is a spectrum and the wetter and more mineral the peat, the less CO<sub>2</sub> in a cubic metre.

A mid-sized HGV (rigid, up to 17 tonnes) has emissions of 0.88kgCO<sub>2</sub>/mile empty, 1.01kgCO<sub>2</sub>/mile 50% loaded, and 1.13kgCO<sub>2</sub>/mile 100% loaded.

Using excavated peat of 20 cubic metres as an example: The peat will emit 3.5 tonnes of CO<sub>2</sub> if left to dry out. Presuming the vehicle used to transport the peat off site is fully loaded and comes back empty (so double miles) (and excluding the fuel used to load and unload the vehicle), it is estimated that the peat can be moved up to 1,500 miles to result in less CO<sub>2</sub> emitted than if the peat is left to dry out.

We therefore consider moving peat to another area locally where it will be kept wet, subject to environmental permitting, is an option for disposing of excavated peat.

## 7. Key messages

- Peat has many important qualities and is a valuable resource.
- The Broads Authority aims to leave peat in situ.
- Schemes need to thoroughly justify why peat may be excavated.
- If a scheme needs to remove peat, it needs to be the minimal amount.
- The layout and scale of development and peat affected needs to be considered.
- If peat is excavated its properties need to be considered and protected.
- We will put organisations interested in peat (in terms of the properties, research and paleoenvironment) in touch with you.
- Any excavated peat needs to be placed in areas where it will remain wet.
- If this can't be achieved, you need to consider re-use of peat.
- You need to think about environmental permitting and biosecurity when moving soil off site.
- We urge all applicants to take advantage of our free pre-application advice.

## 8. Helpful links and where to go to get advice

NCA Profile: 80 The Broads (NE449), Natural England:

[publications.naturalengland.org.uk/publication/11549064](https://publications.naturalengland.org.uk/publication/11549064)

Positive Carbon Management of Peat Soils, Broads Authority: [www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0010/416494/BA\\_PeatCarbonManagement.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/416494/BA_PeatCarbonManagement.pdf)

Peatlands and Climate Change, Worrall et al, Scientific Review, December 2010: [www.iucn-uk-peatlandprogramme.org/sites/www.iucn-uk-peatlandprogramme.org/files/Review%20Peatlands%20and%20Climate%20Change,%20June%202011%20Final.pdf](https://www.iucn-uk-peatlandprogramme.org/sites/www.iucn-uk-peatlandprogramme.org/files/Review%20Peatlands%20and%20Climate%20Change,%20June%202011%20Final.pdf)

Fen Plant Communities of Broadland. Results of a Comprehensive Survey 2005-2009 (Broads Authority and Natural England): [www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0006/416391/Fen-plant-report-summary.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/416391/Fen-plant-report-summary.pdf)

Wetland and Waterlogged Heritage Survey NHPP Activity 3A5, Historic England, 2011 to 2015: [historicengland.org.uk/research/research-results/activities/3a5](https://historicengland.org.uk/research/research-results/activities/3a5)

## Appendix A – Adopted Policy DM10 Peat Soils

See map: Appendix B: Location of peat soils

Sites of peat soils will be protected, enhanced and preserved. Where development is proposed on sites within the areas on the map, it may be necessary for an evaluation to be submitted to assess the impact of the proposal in relation to palaeoenvironments, archaeology, biodiversity provision and carbon content.

There will be a presumption in favour of preservation in-situ for peat, and development proposals that will result in unavoidable harm to, or loss of, peat will only be permitted if it is demonstrated that:

- i. There is not a less harmful viable option;
- ii. The amount of harm has been reduced to the minimum possible;
- iii. Satisfactory provision is made for the evaluation, recording and interpretation of the peat before commencement of development; and
- iv. The peat is disposed of in a way that will limit carbon loss to the atmosphere

Development that seeks to enhance biodiversity but may result in some peat removal will still need to demonstrate the criteria i to iv and that the biodiversity benefit will outweigh carbon loss.

Proposals to enhance peat and protect its qualities will be supported.

### Reasoned justification

Peat is an abundant soil typology in the Broads and an important asset, providing many ecosystem services:

- **Climate change:** The soils formed by the Broads wetland vegetation store 38.8 million tonnes of carbon<sup>7</sup>. Peat soils release previously stored carbon when they are dry. UK peats therefore represent both a threat and an opportunity with respect to greenhouse gas emissions. Correct management and restoration could lead to enhanced storage of carbon and other greenhouse gases in these soils, while mismanagement or neglect could lead to these carbon sinks becoming net sources of greenhouse gases.
- **Biodiversity:** Peat soils support internationally important fen, fen meadow, wet woodland and lake habitats. 75% of the remaining species-rich peat fen in lowland Britain is found in the Broads. Milk parsley, the food plant of the Swallowtail

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<sup>7</sup> NCA Profile 80, Natural England and the Broads Authority's Carbon Reduction Strategy:  
[www.broads-authority.gov.uk/data/assets/pdf\\_file/0011/400052/Carbon-reduction-strategy.pdf](http://www.broads-authority.gov.uk/data/assets/pdf_file/0011/400052/Carbon-reduction-strategy.pdf)

caterpillar, grows only on peat soils. Fen orchids have their UK stronghold in the Broads so the peat soils are critical for the survival of this species. Other rare and important plant and invertebrate communities (collection of species) are supported by the peaty soils.

- **Archaeology:** Historic England has identified the Broads as an area of **exceptional waterlogged heritage**. Because of the soil conditions in the Broads, there is great potential for archaeology to be well preserved, giving an insight into the past. Archaeology is discussed in more detail in the Heritage section of this Plan.
- **Palaeoenvironments:** The peat has accumulated over time and thus incorporates a record of past climatic and environmental changes that can be reconstructed through, for example, the study of its stratigraphy and pollen content, leading to increased knowledge of the evolution of the landscape.
- **Water:** Peaty soils help prevent flooding by absorbing and holding water like a sponge as well as filtering and purifying water. Peat can absorb large quantities of nutrient and other pollutants, although peat soils can under certain conditions release these chemicals back into the surrounding water.

While there is a certain irony in protecting the peat soils in an area where the lakes originated from peat extraction, peat is a finite resource. Land management that could impact on the quality of the peat soil includes land drainage, introduction of polluted water, burying the peat under hard surfaces or gardens, compacting peat and peat removal to change the land use.

Lowland fen is a priority habitat under the UK Biodiversity Action Plan and the EU Habitats Directive because of the quality and diversity of species it supports. Peat is not a habitat that can be recreated elsewhere as the deep soils take many thousands of years to form.

On occasion, for nature conservation benefits, peat can be removed to create shallow turf ponds or scrapes (areas of temporary open water) on areas of fen or scrub habitat to maximise the biodiversity value and hold back succession to woodland habitat. The removal of peat can also be necessary for conservation management – for example, the most biodiverse areas of UK fen occur on areas where the turf has been stripped and vegetation subsequently grown back. This policy allows for such operations, provided they can justify the proposal against the criteria set out in the policy.

The NPPF and NPPG only mention peat soils in relation to its excavation as a mineral resource, rather than the issue in the Broads relating to impact due to groundworks from development and inappropriate land management.

The policy seeks protection of peat soils through changes in the location of development in the first instance and then designing proposals to minimise disturbance to the qualities of

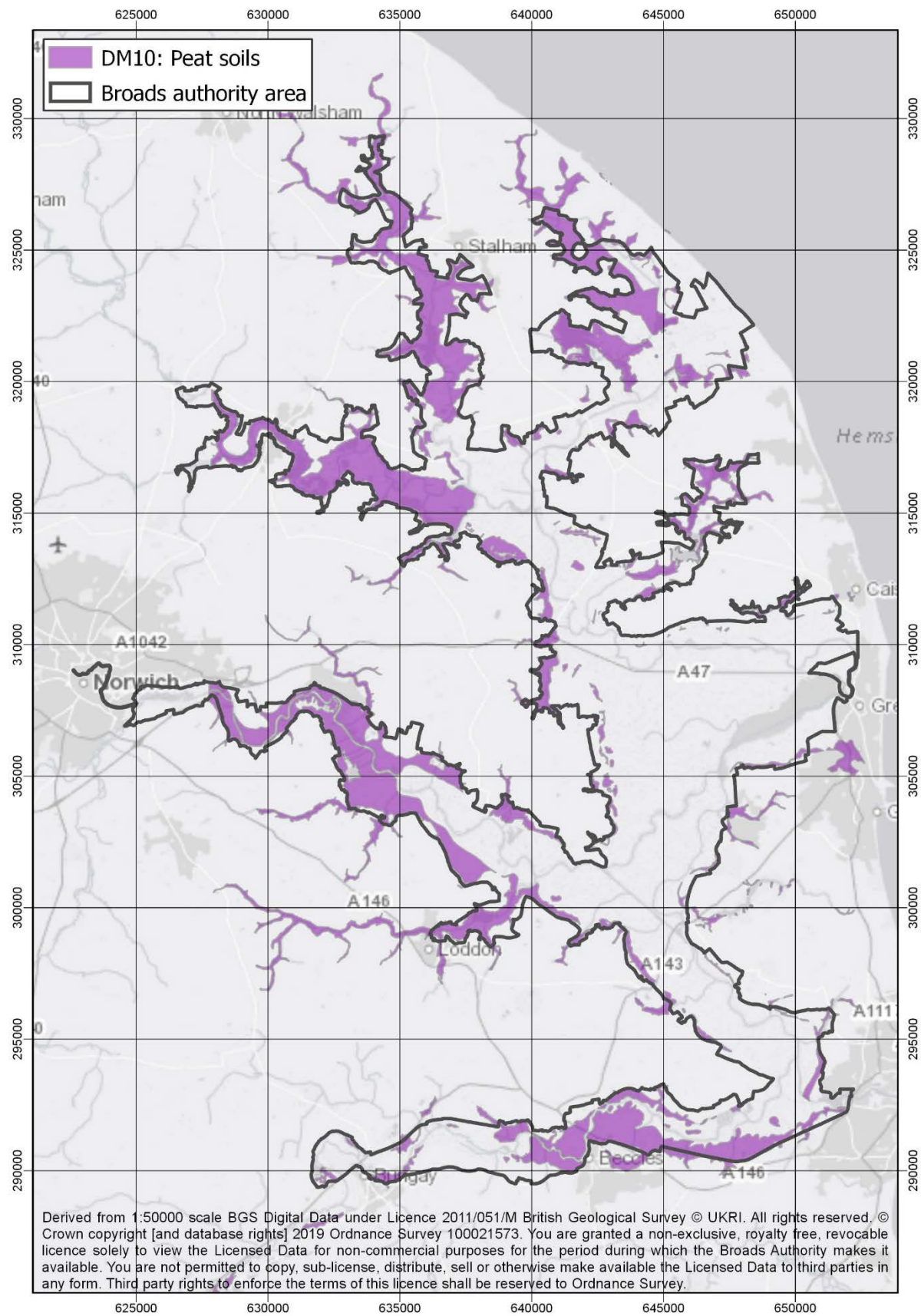
the peat and the amount of peat removed. Development proposed on areas of peat would require justification for the need to site the development on peat, and subsequently a peat assessment that shows how efforts have been made to reduce adverse impacts on peat. Proposals that would result in removal of peat are required to assess the archaeological and paleoenvironmental potential of peat and make adequate recordings prior to removal.

To prevent the loss of carbon to the atmosphere that is sequestered in peat soils, disposal is of great importance. The Authority expects peat to be disposed of in a way that maintains the carbon capture properties. Peat needs to go somewhere where it can remain wet (and hence retain its function to lock up carbon and prevent it being released into the atmosphere) or potentially provide a seedbank (the potential for ancient peat to provide a viable seedbank may need to be evidenced) or be reused for local benefit (for example by boosting organic matter in degraded arable soils). When dry, peat changes its properties and oxidizes, so transfer to the receiving site would need to be immediate.

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## Appendix B – Map of peat





## Appendix C – Peat report template

### About the planning application/scheme

Planning Application Number:	
Address:	
Summary of application:	

### About this report

Report produced by:	
Date of report:	

### If you have completed on site peat assessments

Have you completed coring samples of the site?	
Provide details of how the coring was carried out and what the findings are. This could be a cross reference to the report.	

### About your development proposal

a. Why does the development have to go where it is proposed?	
b. What <b>alternative locations</b> have you considered? Why have you discounted these alternative locations?	
c. How can you reduce the amount/volume of peat that is to be developed? Please provide details. If you cannot reduce the volume, please say why.	
d. How can you change the <b>layout</b> of development to reduce the amount of peat soils affected? Please provide details. If you cannot change the layout, please say why.	

e. How can you reduce the <b>scale</b> of development to reduce the amount of peat soils affected? Please provide details. If you cannot change the scale, please say why.	
f. If amending the layout/scale of the site is not feasible, practical or viable and you intend to still develop on peat soils, you need to provide a robust justification for doing so.	

#### About the peat that is to be excavated

g. What volume of peat (m <sup>3</sup> ) will be excavated? How is this different to your initial plans?	
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#### Addressing the special qualities of peat

h. How have you considered and addressed archaeology on this site?	
i. Is there potential for archaeological finds on this site?	
j. How have you considered the biodiversity enhancement options on your peat site?	

#### Disposal of the excavated peat

k. Where do you intend to dispose of the excavated peat soils on site? Please show on a plan with anticipated volume of each receiving area.	
l. How will these areas ensure the peat is kept wet?	
m. When will the receiving areas be ready to receive peat soils? What is the time-period between excavation and backfilling/depositing? Have you	

arranged for the peat to be covered with tarpaulin for this period?	
n. Have you contacted any operators to see if they are willing and able to receive and use the excavated peat?	
o. Have you contacted local allotment organisations to see if they can make use of the peat?	
p. Have you looked into the need for an Environmental Permit for moving the excavated peat off site for re-use?	
q. What is the contingency plan for any peat left over after reducing the amount of peat excavated in for the first place, using the peat on site so it keeps wet, using the peat locally so it keeps wet and re-use of the peat?	
r. Have you contacted neighbouring landowners or Operational teams in the Environment Agency, Norfolk and Suffolk Wildlife Trust and Broads Authority to check what local opportunities may exist for receiving peat and keeping it wet?	
s. How have you discussed your approach to dealing with the excavated peat with your contractor? Have they confirmed the approach is feasible?	
t. Have you looked into the need for an Environmental Permit for moving the excavated peat offsite?	
u. If you are moving peat soils from site, how have you ensured you are going to be in accordance with	

Environmental Permitting requirements?	
v. If you are moving peat soils from site, how have you addressed biosecurity?	

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## Appendix E – Privacy notice

### Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018. Our Data Protection Policy can be found here:

[http://www.broads-authority.gov.uk/data/assets/pdf\\_file/0003/1111485/Data-Protection-Policy-2018.pdf](http://www.broads-authority.gov.uk/data/assets/pdf_file/0003/1111485/Data-Protection-Policy-2018.pdf).

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

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

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

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

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

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

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

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

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

Your personal data will not be transferred outside the EU.

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

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

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

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

- a) to see what data we have about you

- b) to ask us to stop using your data, but keep it on record
  - c) to ask to have all or some of your data deleted or corrected
  - d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.
7. Your personal data will not be used for any automated decision making.

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# Planning Committee

11 September 2020

Agenda item number 13

## Filby Neighbourhood Plan

Report by Planning Policy Officer

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### Summary

This report informs the Committee of the officers' proposed response to planning policy consultations recently received, and invites any comments or guidance the Committee may have.

### Recommendation

That the report be noted and the nature of proposed response be endorsed.

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## 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 endorsement, comments or guidance are invited.

Author: Natalie Beal

Date of report: 24 August 2020

Appendix 1 – Planning Policy consultations received

# Appendix 1 – Planning Policy consultations received

**Organisation:** Filby Parish Council

**Document:** Filby Neighbourhood Plan <http://www.filbyparishcouncil.org.uk/neighbourhood-plan/4594998144>

**Due date:** 20 September 2020

**Status:** Draft Plan – pre-submission

**Proposed level:** Planning Committee endorsed

## Notes

Filby Parish Council are now consulting on their Pre-Submission Draft of the Neighbourhood Plan. This consultation is in line with Regulation 14 of the Neighbourhood Planning Regulations (2012) and will run for a period of just over eight weeks from 27 July to 20 September.

The consultation offers a final opportunity for you to influence Filby's Neighbourhood Plan before it is submitted to Great Yarmouth Borough Council.

All comments received by 20 September will be considered by the Parish Council and may be used to amend this draft. A Consultation Statement, including a summary of all comments received and how these were considered, will be made available alongside the amended Neighbourhood Plan at a future date.

The full draft Neighbourhood Plan contains policies on the following topics:

- Housing and Design
- The Natural Environment
- The Built Environment
- Access and Transport

## Proposed response

The authors have given good consideration and a comprehensive assessment of the environment, with ecological corridor opportunities mapped out which is exemplary.

The reference to the need to provide safe horse riding routes for the riding businesses in the Broads, benefiting hundreds of riders is useful.

Para 9 – Local Plan for the Broads does not allocate land for development in Filby, but does have a policy on the Trinity Broads. It is appropriate to mention that.

Para 14 – and the Local Plan for the Broads does not allocate land for housing.

Para 26 - and the Local Plan for the Broads does not allocate land for housing.



H1 – why five dwelling threshold? Seems housing in the area will be in 1s and 2s going by permissions in the past, so will many schemes trigger this threshold? Also, the M4(2) standard is only a 'should' so it is not a set requirement so it might be difficult for the Local Planning Authorities to require. I see what you said in response to previous comment on this saying that elsewhere an Examiner said to be flexible, but you need to decide if it is something you really want and need as opposed to something that is not an absolute requirement. The policy also says 'For the whole of this policy, separate proposals on contiguous sites that are in the same ownership and/or control, or have a planning history indicating that they have been considered together, will be considered as single proposal.' I do not understand this part of the policy. What does it actually mean in practice?

Para 34 – and the Broads Authority has a policy on M4(2) as well, as mentioned before. You might want to mention that.

Paragraph 35 – when the report says 'timber panels' do you mean timber cladding? And 'sloping dormers' perhaps pitched-roof dormers? And a minor thing – perhaps they should have the list of materials and then put 'use of hedges for boundary treatments', as otherwise it sounds a bit like hedges are another building material.

H2 – again, how many electric charging spaces per dwelling? You say in your response to our comments, 1 per dwelling, and it says that in para 38. But the policy does not say that. Strongly recommend that the information in para 38 is included in the policy.

E1 starts using the word should. See previous about using firmer wording.

Para 48 - There may be some TPOd trees in the BA area so please can this be amended to say that the BA can also be contacted for a TPO check.

Community Policy 1 - Protection of Trees – again it states 'the protection of trees through the Borough Council but should read 'or the Broads Authority'.

Figure 7 – some views do not have images – is that intentional?

Policy BE1- Heritage Assets – the first line should perhaps be changed to state 'Development should preserve' rather than 'conserve' so that the wording is in accordance with other national policies. Also, rather than stating in policy b)'to make up for the loss of a heritage asset', they could perhaps change it to 'mitigate the harm caused by the loss of a heritage asset'? In terms of the related text to BE1 and its context, the NPPF would require a Heritage Statement to be submitted for an application for works to any heritage asset including a locally designated one, and again in both the Local Plan DM11 and the NPPF the presumption is in favour of the retention and protection of heritage assets (including locally listed ones) and 'putting them to uses consistent with their conservation'.

As and when this is adopted/made then please can you make sure you send over the GIS layers that are important for example Local Green space and non-designated heritage assets?

Para 73 – as this is a planning document, best not to say 'Broads National Park'. Just say 'the Broads'.

Para 74 – peak hour bus services? Provide some detail about the bus services to higher order settlements I suggest.

# Planning Committee

11 September 2020

Agenda item number 14

## Appeals to Secretary of State update- September 2020

Report by Senior Planning Officer

### Summary

This report sets out the position regarding appeals against the Authority since January 2020.

### Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
<b>APP/E9505/C/20/3245609</b>	Larry Rooney	Appeal submitted 26 January 2020. Awaiting start date	Black Gate Farm, Cobholm, Great Yarmouth NR31 0DL	Appeal against Enforcement Notice: Change of use and standing of seven caravans for residential use	Committee decision 8 November 2019. Request for Hearing.

<b>Application reference number</b>	<b>Applicant</b>	<b>Start date of appeal</b>	<b>Location</b>	<b>Nature of appeal/ description of development</b>	<b>Decision and dates</b>
<b>APP/E9505/X/20/3246539 BA/2019/0458/CLEUD</b>	Mrs Amanda Jefferies	Appeal submitted 7 February 2020 Start date 6 May 2020	Plot K, Bureside Estate, Crabbetts Marsh, Horning	Appeal against refusal of Certificate of Lawful Use of use as a boathouse (C3dwellinghouse)	Delegated decision 28 January 2020 Questionnaire submitted. Statement submitted 12 June 2020.
<b>APP/E9505/W/19/3240574 BA/2018/0012/CU</b>	Mr Gordon Hall	Appeal submitted 14 February 2020 Start date 26 May 2020	Barn Adjacent Barn Mead Cottages Church Loke Coltishall.	Appeal against refusal of planning permission: Change of Use from B8 to residential dwelling and self contained annexe.	Delegated decision 15 April 2019 Request for Hearing Statement submitted 30 June 2020
<b>APP/E9505/W/20/3256122</b> Appeal Receipt 16/07/2020 <b>BA/2018/0463/FUL</b>	Henry Harvey	Appeal submitted 16 July 2020 Awaiting start date	Land east of Brograve Mill Coast Road, Waxham NR12 0EB	To retain a scrape which has already been dug on land to the east of Brograve Mill	Delegated decision 5 February 2020
<b>APP/E9505/D/20/3257711 BA/2020/0148/HOUSEH</b>	Mr Neil Bradford	Appeal submitted 13 August 2020 Awaiting start date	48 The Sidings Norwich NR1 1GA	Erection of external balcony to replace existing south facing juliet balcony.	Delegated decision 28 July 2020

Author: Cheryl Peel

Date of report: 26 August 2020

Background papers: BA appeal and application files

# Planning Committee

11 September 2020

Agenda item number 15

## Decisions made by Officers under delegated powers

Report by Senior Planning Officer

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### Summary

This report sets out the delegated decisions made by officers on planning applications from 01 August 2020 to 28 August 2020.

### Recommendation

That the report be noted.

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### Decisions made by officers under delegated powers

Parish	Application	Site	Applicant	Proposal	Decision
Ashby, Herringfleet And Somerleyton PC	BA/2020/0170/HOUSEH	Woodland St Margarets St Olaves Road Herringfleet NR32 5QS	Mr and Mrs J Block	Proposed cart lodge with storage/games room/office at first floor	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Barsham And Shipmeadow Parish Council	BA/2020/0050/CLEUD	Nunnery Farm Locks Lane Shipmeadow NR34 8HJ	Mr Drake	Lawful Development Certificate for 4 years for the installation of a 195kWth biomass boiler & construction of 4 existing buildings housing various biomass boilers & storage/drying of logs, straw and hay.	CLUED Issued
Barton Turf And Irstead Parish Council	BA/2020/0188/HOUSEH	Ice House The Shoal Irstead Norfolk NR12 8XS	Mr Andrew Lodge	Proposed replacement of temporary canopy with permanent canopy over existing boat dock	Approve Subject to Conditions
Barton Turf And Irstead Parish Council	BA/2020/0198/HOUSEH	Grove House Hall Road Irstead NR12 8XP	Mr & Mrs E Hutchinson	Repair and convert stable outbuilding into ancillary accommodation reinstating hay loft floor and openings and the stopping up of the existing eastern access.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council	BA/2020/0199/LBC	Grove House Hall Road Irstead NR12 8XP	Mr & Mrs E Hutchinson	Repair and convert stable outbuilding into ancillary accommodation reinstating hay loft floor and openings and the stopping up of the existing eastern access.	Approve Subject to Conditions
Beccles Town Council	BA/2020/0179/HOUSEH	21 Northgate Beccles NR34 9AS	Ms J Neylan	Partial demolition and rebuild to a section of a boundary wall serving the property following storm damage	Approve Subject to Conditions
Beccles Town Council	BA/2020/0120/HOUSEH	Primrose Cottage The Score Northgate Beccles Suffolk NR34 9AR	Mr James Hartley	Erection of a garden room	Approve Subject to Conditions
Brundall Parish Council	BA/2020/0138/FUL	39 Riverside Estate Brundall Norwich NR13 5PU	Mr Keith Wheeler	Replacement riverside chalet.	Approve Subject to Conditions
Ditchingham Parish Council	BA/2020/0073/COND	Land At The Maltings Pirnhow Street Ditchingham Norfolk NR35 2RT	Mr Wilshaw	Alternative landscaping scheme, variation of Condition 15 of permission BA/2012/0005/FUL	Approve Subject to Section 106 Agreement



Parish	Application	Site	Applicant	Proposal	Decision
Fleggburgh Parish Council	BA/2020/0192/HOUSEH	Rose Farmhouse Broad Road Fleggburgh Norfolk NR29 3DD	Mr Pete Best	Replacement of dilapidated softwood conservatory with brick orangery/conservatory.	Approve Subject to Conditions
Gillingham Parish Council	BA/2018/0344/FUL	Hill Farm House Yarmouth Road Gillingham Norfolk NR34 0EE	Mr Robin Bramley	Barn conversion and extension to form a dwelling house.	Refuse
Gillingham Parish Council	BA/2018/0405/LBC	Hill Farm House Yarmouth Road Gillingham Norfolk NR34 0EE	Mr Robin Bramley	Barn conversion and extension to form a dwelling house.	Refuse
Horning Parish Council	BA/2020/0175/APPCON	Heron Lodge 98 Lower Street Horning Norfolk NR12 8PF	Mr & Mrs Ken & Gail Pitts	Details of Condition 4: balustrade of the terrace, balcony and entrance ramp specifications, Condition 5: landscaping scheme of permission BA/2019/0410/FUL	Approve

Parish	Application	Site	Applicant	Proposal	Decision
Horning Parish Council	BA/2020/0162/FUL	24A Ropes Hill Estate Ropes Hill Horning Norfolk NR12 8PB	Mr Robert Harris	Change of use of Plot 24A joining it into the adjacent plot 25 to form one residential unit or domestic curtilage. Obtain planning consent for a boat shed on plot 24A.	Approve Subject to Conditions
Hoveton Parish Council	BA/2019/0343/COND	Haughs End Road Lower Street Hoveton Norfolk NR12 8JG	Mr Scott Hardy	Amendment to monitoring plan and wording regarding weather conditions, variation of conditions 7 and 14 of permission BA/2016/0228/COND.	Approve Subject to Conditions
Hoveton Parish Council	BA/2020/0195/HOUSEH	Mayfield Meadow Drive Hoveton Norfolk NR12 8UN	Mr Dave Bray	Replacement of the mooring cut timber quay heading with steel pile and timber capping	Approve Subject to Conditions
Hoveton Parish Council	BA/2020/0174/HOUSEH	4 Bure Court, Hickling House Marsh Road Hoveton NR12 8UH	Mr Paul Rayner	Replacement Summerhouse (with a Barbeque Summerhouse).	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Martham Parish Council	BA/2020/0178/HOUSEH	31 Riverside Martham NR29 4RG	Mr Max Manners	Installation of a Vortex 4 sewage treatment unit, British Water certified EN 12566-3 2005	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2020/0206/FUL	Waveney And Oulton Broad Yacht Club Nicholas Everitt Park Bridge Road Oulton Broad Lowestoft Suffolk NR33 9JR	Waveney And Oulton Broad Yacht Club Ltd	Alterations & extensions to the existing building, replacement of existing balconies & new external staircases.	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2020/0206/FUL	Waveney And Oulton Broad Yacht Club Nicholas Everitt Park Bridge Road Oulton Broad Lowestoft Suffolk NR33 9JR	Waveney And Oulton Broad Yacht Club Ltd	Alterations & extensions to the existing building, replacement of existing balconies & new external staircases.	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2020/0105/HOUSEH	Gunton Lodge Broadview Road Lowestoft Suffolk NR32 3PL	Mr N Hannant	Second floor balcony	Refuse

Parish	Application	Site	Applicant	Proposal	Decision
Oulton Broad Parish Council	BA/2020/0210/APPCON	Broad View Marina Broadlands Marsh Road Lowestoft Oulton Broad NR33 9JY	Mr Steve Arber	Details of Condition 3: details of pontoons, and Condition 12: details of signs of permission BA/2018/0149/FUL	Approve
Repps With Bastwick Parish Council	BA/2020/0145/HOUSEH	Bastwick Tower House Tower Road Bastwick Repps With Bastwick NR29 5JN	Mr Luke Christodoulides	Erection of greenhouse	Approve Subject to Conditions
Stalham Town Council	BA/2020/0222/FUL	Wayford Bridge Inn Wayford Road Wayford Bridge NR12 9LL	Mr Kris Heavens	Proposed retractable awning.	Approve
Wroxham Parish Council	BA/2020/0221/FUL	Broom Haven (boat House) Adjacent To Willow Bend Beech Road Wroxham Norwich Norfolk	Mr David Bowler	Extension of boat shed to provide workshop and store	Approve Subject to Conditions

Author: Cheryl Peel

Date of report: 02 September 2020