



The Planning Inspectorate

---

# **Report to the Broads Authority**

**by Katie Child B.Sc. (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 15 April 2019**

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Local Plan for the Broads**

The Plan was submitted for examination on 19 March 2018

The examination hearings were held between 2 July and 28 September 2018

File Ref: PINS/E9505/429/7

## **Abbreviations used in this report**

ANA	Norfolk Caravans and Houseboats Accommodation Needs Assessment
HELAA	Housing and Employment Land Availability Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LIR	Local Infrastructure Report
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment

## Non-Technical Summary

This report concludes that the Local Plan for the Broads provides an appropriate basis for the planning of the Broads Authority area, provided that a number of main modifications [MMs] are made to it. The Broads Authority has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings the Authority prepared a schedule of the proposed MMs, carried out sustainability appraisal of them, and updated the Habitats Regulations Assessment. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them. In some cases I have amended their detailed wording.

The Main Modifications can be summarised as follows:

- Insertion of a new policy on major development which clarifies the approach to proposals in the Broads.
- Setting out the total housing requirement for the Broads, and a breakdown by Housing Market Area.
- Updates to the housing supply tables and housing trajectory, to show totals and sources for each Housing Market Area, constituent Council area and for the Broads as a whole.
- Setting out the five year housing land supply position and methodology.
- Updates to the residential moorings supply figures and insertion of a delivery trajectory.
- Insertion of a new retail policy establishing a strategic framework for retail development in the area.
- Revisions to the wording of development management policies to ensure they are effective, justified and consistent with national policy.
- Insertion of two new site allocations for permanent residential moorings.
- Deletion of site allocation PUBSOL2.
- Setting out the indicative residential capacity of site allocations, and amending/updating requirements and criteria in the site-specific policies.
- Various other changes to ensure the Plan is up-to-date, internally consistent, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Local Plan for the Broads in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) (2012) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised NPPF was published in July 2018, and further updated in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless otherwise stated, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the Local Planning Authority has submitted what it considers to be a sound plan. The Local Plan for the Broads, published for consultation in November 2017 and submitted in March 2018, is the basis for my examination.
4. The Broads is a National Park equivalent protected landscape, and was designated in 1988. The Broads Authority area consists of parts of six constituent District Councils, namely Norwich City Council, Broadland District Council, North Norfolk District Council, South Norfolk District Council, Great Yarmouth Borough Council and East Suffolk Council<sup>1</sup>.

## Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Broads Authority (the Authority) requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **M1, M2, M3** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Authority prepared a schedule of proposed MMs and carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment of them where necessary. The MM schedule was subject to public consultation for six weeks, alongside the other updated documents. I have taken account of the consultation responses in coming to my conclusions in

---

<sup>1</sup> Prior to 1 April 2019 the constituent area was within Waveney District. Waveney District Council and Suffolk Coastal District Council merged on 1 April 2019 to form 'East Suffolk Council'. This report refers to Waveney at several points in the context of the evidence base that has informed the Broads Local Plan and/or the Waveney Local Plan.

this report, and in this light I have made some amendments to the detailed wording of the MMs where necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have highlighted these amendments in the report.

## **Policies Map**

7. The Authority must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Authority is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Broads Local Plan Publication Policies Maps (LP-PUB7).
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
9. Further changes to the policies map were published for consultation alongside the MMs, in the Schedule of Modifications to Policies Maps (January 2019). When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Authority will need to update the adopted policies map to include the changes proposed in the Publication Policies Maps and necessary further changes to the Policies Map published alongside the MMs.

## **Habitats Regulations Assessment**

10. The Authority's Habitat Regulations Assessment (HRA) (2017) sets out the screening results of the submitted Plan. Following the judgement of the EU Court of Justice (12 April 2018), the Authority updated the HRA and subjected a number of policies and proposals to Appropriate Assessment. The updated HRA (2018) indicates that, subject to suitable mitigation included in the Plan, no significant adverse effects on the integrity of European protected sites is likely. Mitigation includes seeking project-level HRAs in relation to allocated sites. The Authority's revision of the HRA (January 2019), incorporating the HRA of the MMs, reaches the same overall conclusion based on the Plan as modified.
11. The Authority has confirmed that it considers that the HRA work is legally compliant, taking account of the EU Court of Justice judgement.

## **Assessment of Duty to Co-operate**

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Authority complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. The Authority has prepared a Duty to Cooperate Statement which sets out how they have cooperated with other Local Planning Authorities and additional bodies prescribed in the Regulations. Links with the six constituent District Councils are

well established, and engagement has been strong and taken various forms. It includes elected member representation from the districts and the two County Councils (Norfolk and Suffolk) on the Broads Planning Committee, and engagement through Joint Strategic Planning Member Group meetings for Norfolk and a range of officer-level forums.

14. The Duty to Cooperate Statement sets out evidence of constructive engagement and resolution of outcomes on cross-boundary issues including housing, employment, open space and retail. This is reflected in the Norfolk Strategic Planning Framework, which provides a basis for coordination and joint working on strategic planning matters in the county. The Authority has cooperated with other Councils in the preparation of the three Strategic Housing Market Assessments which relate to the Broads area, and a Duty to Cooperate Agreement has been drawn up between the Authority and Great Yarmouth Borough Council on housing. This Agreement states that Great Yarmouth will assist in meeting part of the housing needs of the Broads area that falls within the borough. This matter is covered in Issue 2 in this report. A Statement of Common Ground with Waveney District Council was also submitted.
15. Overall, I am satisfied that where necessary the Authority has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Main Issues**

16. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 10 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### **Issue 1 – Does the Plan's vision and objectives provide a positive framework which reflects the special qualities of the Broads and will contribute to the achievement of sustainable development?**

17. The Broads is an internationally important wetland and designated protected landscape, containing a network of habitats and focused on the floodplains and lower reaches of a number of rivers. Its designation as a National Park equivalent protected landscape conveys a duty on the Authority to manage the Broads for the purposes of: a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads, b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public, and c) protecting the interests of navigation.
18. The vision in the Local Plan appropriately reflects these purposes and is underpinned by the special qualities of the Broads as listed in paragraph 8.4 in the Plan. The vision is the same as that established in the Broads Plan 2017, which provides an overarching strategy for the management of the Broads and actions to benefit the environment, local communities and visitors.

19. The objectives in the Local Plan reflect the vision, and seek to protect and enhance the special qualities of the Broads whilst promoting the economic and social well-being of its communities. Overall, I consider the vision and objectives provide an appropriate framework which reflects the purposes of the Broads and strikes an appropriate balance between different aims and priorities. Nevertheless, for reasons of effectiveness a modification is necessary to ensure the objectives adequately cover geodiversity (**M9**). Linked modifications are necessary within the spatial portrait (**M8**), and to the title of chapter 16 (**M26**).
20. A map and list of parishes should be included in the Plan indicating the constituent areas, in order to provide clarity regarding the geographical coverage of the Local Plan and ensure effectiveness (**M5**).
21. Paragraph 115 in the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks and the Broads. Linked to this, paragraph 116 indicates that planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated they are in the public interest. Modifications are necessary to the Local Plan in order to reflect this test and provide local guidance. The new policy on major development in **M4** sets out criteria that will be used to define major development and assess proposals, linked to the special qualities of the Broads, and provides a clear and reasoned approach.
22. I have slightly amended **M4** to remove the 'or' between criteria a) to e) in the supporting text, and include new criterion f) relating to impact on the Broads purposes and special qualities. This is to ensure clarity and provide consistency with the approach established in the rest of the published text and policy, and does not fundamentally alter the approach.
23. The Plan contains a separate policy relating to a potential major development scheme involving upgrades to the Acle Straight (A47). Although there is some overlap, I consider it is appropriate for both policies to apply to the scheme, with the new policy providing a strategic framework consistent with national policy, and detailed site-specific requirements set out in Policy PUBSSA47. The latter policy is considered in detail under Issue 7 in this report.
24. The Authority has identified three residential allocation sites as constituting major development in the Broads, namely PUBNOR1, PUBOUL2 and PUBTHU1. Taking account of the scale of the proposed schemes and their potential to impact on the special qualities of the Broads, I concur with this categorisation. The soundness of these allocations, and other residential allocations in the Plan, is addressed later in this report.

#### *Conclusion on Issue 1*

25. In conclusion, subject to the aforementioned modifications, the Plan's vision and objectives provide a positive framework which reflects the special qualities of the Broads and will contribute to the delivery of sustainable development.

**Issue 2 – Does the Plan provide a positive spatial strategy for the delivery of housing which is justified and consistent with national policy? Is the overall housing requirement in the Plan soundly based and capable of delivery over the Plan period? Will the Plan help to provide a five year supply of housing sites?**

*Spatial strategy*

26. Policy PUBSP15 seeks to focus housing development in locations with local facilities, high levels of accessibility, and where previously developed land is utilised. This approach will help to minimise the need to travel and protect the countryside, and appropriately reflects the principles of sustainable development. The five housing allocation sites in the Plan reflect this strategy, being predominantly focused on key towns and involving the re-use of previously developed land.
27. Policies PUBSP15 and PUBDM34 seek to focus windfall development on areas within defined development boundaries and restrict development elsewhere. The four settlement areas with development boundaries are identified in the Authority's Settlement Study as sustainable locations with a range of services and facilities. The specific boundaries are based on an assessment of built-up form and sustainability and are justified. A development boundary is not proposed for the small urban part of Norwich which lies within the Broads area. However, much of this area is occupied by the proposed Utilities Site housing allocation (PUBNOR1).
28. The Broads area has a limited need for additional housing over the Plan period, as identified in the following sub-sections. Overall, and taking account of this context, I consider that the spatial strategy represents an appropriate balance between allowing an element of new housing development in the most sustainable and suitable locations, whilst protecting the special qualities of the Broads.

*Objectively assessed need*

29. The Broads falls within three different Housing Market Areas (HMA), namely, the Central Norfolk HMA, the Great Yarmouth HMA and the Waveney HMA. Housing needs relating to the Broads area as a whole are captured in the Strategic Housing Market Assessment for Central Norfolk (SHMA) (2017).
30. Nationally produced population and household projections are not available for the Broads geographical area. The Authority has therefore produced locally derived figures, based on population estimates from the 2011 census, updated using 2015 mid-year estimates, with locally derived headship rates applied to produce household projections. In the absence of nationally-derived sources of demographic projections this approach is pragmatic and reasonable, and has incorporated a range of existing sources of data.
31. The demographic starting point for the Broads is identified in the Central Norfolk SHMA as an increase in 261 dwellings between 2015 and 2036. This incorporates an applied vacancy and second home rate of 24.5%, based on Council tax data. In line with the NPPF and PPG the SHMA considers whether adjustments should



be made to the household projections to take account of local household formation rates, market signals and employment trends.

32. Adjustments are made for suppressed household formation rates, concealed families and homeless households based on overcrowding data. A further 8.5% uplift is applied for market signals, based on evidence of house prices, rents and affordability which are above national and local averages. No adjustments are made for economic reasons, as the East of England Forecasting Model projection for workers in Central Norfolk is lower than population-based figures for workers. Additional jobs provision is anticipated to be provided through a City Deal for the Norwich area, but the Broads Authority is not party to the City Deal and is not expected to make provision for it. As such the absence of an economic uplift is reasonable.
33. The SHMA concludes that, based on the uplift for overcrowding and market signals, the objectively assessed need (OAN) for housing in the Broads is 287 dwellings over the period 2015 to 2036. The Authority has confirmed that a slight adjustment in the OAN figure is needed to correct a rounding up error, and the adjusted OAN figure of 286 is accordingly referred to in the Plan. Overall, the identified OAN is informed by a wide range of local information, takes account of local circumstances and is soundly based.

#### *Housing requirement*

34. The Broads Local Plan identifies a requirement for an additional 286 dwellings between 2015 and 2036, based on OAN. This is apportioned as 163 dwellings in Central Norfolk, 66 in Great Yarmouth and 57 in Waveney. However, Great Yarmouth Borough Council has agreed to deliver 38 of these dwellings within the part of the borough that lies outside the Broads area. This approach reflects constraints relating to flood risk and the presence of European designated sites in the Great Yarmouth area of the Broads, and should help to protect the special qualities of the Broads. The review of the Great Yarmouth Local Plan is at an early stage. However, taking account of the modest scale of the figure and recent efforts by the Borough Council to increase delivery, I am satisfied that there are likely to be sufficient sustainable options and prospects to facilitate the delivery of these additional dwellings at some point over the Plan period. The signed Memorandum of Understanding between the Authorities has been secured through the Duty to Cooperate process.
35. Modifications are needed to identify the OAN/total housing requirement of 286 dwellings in Policy PUBSP15, and provide a clear breakdown by HMA (**M51**). This will ensure the Plan is clear and effective.

#### *Housing supply and delivery*

36. The delivery tables and housing trajectory in the Plan identify housing supply over the Plan period from three main sources; completions, outstanding commitments, and allocation sites. A lapse rate for outstanding commitments and allocation sites is not included. However, in the context of the small number of sites involved and evidence relating to their deliverability, I am satisfied that this approach is sound. Estimated capacity on proposed allocation sites is based on an individual assessment of site suitability, as evidenced in document EPS17. As set out under Issue 9 below, subject to modifications I am satisfied that the

proposed housing allocations are justified and soundly based. The non-inclusion of a windfall rate is justified given variable annual rates and small numbers, and provides an element of flexibility in the supply calculations.

37. The format of the housing tables and trajectory in the Plan should be modified for reasons of effectiveness to show the totals and different supply sources for each constituent Council, HMA and for the Broads overall (**M51, M120**). The evidence indicates that a total supply of 316 dwellings would be provided in the Broads over the Plan period, meeting and exceeding the overall Broads requirement. Identified needs would be met and exceeded in the Central Norfolk and Waveney areas of the Broads, and met in the Great Yarmouth area through the agreed apportionment process.
38. Modifications to the housing tables and trajectory are also needed to take account of new evidence relating to the potential start-times and phasing of individual sites (**M51, M120**). Linked amendments to detailed site-specific policies are covered in Issue 9 below. I have corrected the modified trajectory as published to refer to a completions figure of 68 dwellings, ensuring consistency with the total published elsewhere. Overall, I consider that the modified supply calculations and trajectory are based on up to date evidence of capacity and start dates, and represent achievable rates of delivery.

#### *Five year housing land supply*

39. The Authority's updated Five Year Land Supply Statement (EPS7) indicates there would be a deliverable supply of housing land on adoption of the Plan which exceeds the five year requirement, using either the Sedgefield or Liverpool approach (16.17 and 11.41 years respectively). The Authority's methodology takes account of the over-provision of housing against targets since the start of the Plan period, and applies a 5% buffer to the housing requirement figure. This buffer is justified given an absence of persistent under-delivery of housing against Local Plan targets.
40. Information on the Authority's updated five year housing supply position and approach should be included in the Plan, in order to facilitate effective monitoring and provide clarity for applicants and future decision-makers (**M51**).

#### *Conclusion on Issue 2*

41. In conclusion, the Plan sets out a positive spatial strategy for the delivery of housing which is justified and consistent with national policy. The total housing requirement in the Plan is soundly based, and subject to the above modifications is robustly expressed with sufficient information on delivery. The evidence shows that an adequate supply of housing will be delivered over the Plan period to meet identified needs in each HMA within the Broads and in the Broads area as a whole. The five year supply methodology is justified and the Plan will provide in excess of the minimum five year supply of housing land on adoption.

### **Issue 3 – Have boat dwelling needs been satisfactorily assessed and addressed in the Plan, in line with national policy?**

#### *Need and supply*

42. The Norfolk Caravans and Houseboats Accommodation Needs Assessment (2017) (ANA) identifies an approximate need for in the order of 63 additional permanent residential moorings in the Broads Authority area over the period up to 2036. This is additional to OAN for general housing. The assessment includes interviews with people who live on boats and other key stakeholders, and provides a broad estimate of needs. In order to be effective, the Plan should specify and seek to deliver this requirement through a modification to Policy PUBDM36 on residential moorings (**M58**).
43. The Authority's Housing Supply Topic Paper (July 2018) identifies a total of 35 new permanent residential moorings likely to come forward from four allocations in the submitted plan and from completions over the Plan period. The four proposed allocations are considered in detail under Issue 9 below, and it is concluded that, subject to modifications, the proposals are soundly based.
44. Since publication of the pre-submission Plan, the Authority has proposed the allocation of two further permanent residential mooring sites, at Somerleyton Marina and Ropes Hill in Horning. The Somerleyton site is part of an existing marina and is in a sustainable location on the edge of the village, within reasonable walking distance of services. The Horning site is close to residential development and a range of services. The scale of the proposals are commensurate with the scale of the nearby settlements. The sites have been subject to SA and HRA, and appraised against the Authority's Housing, Employment and Land Availability Assessment (HELAA) methodology. The proposals were submitted alongside the publication version Local Plan, and discussed at hearing sessions attended by a number of representors. They also formed part of the proposed modifications consultation.
45. Taking account of the evidence and representations, I am satisfied that the two proposed sites are suitable in principle for the provision of permanent residential moorings, subject to appropriate mitigation measures. In the case of the Horning site, this includes demonstrating adequate capacity at Horning Knackers Wood Water Recycling Centre for foul water flows. Anglian Water are currently working to resolve this issue, and the evidence indicates there is a reasonable prospect of the allocation being deliverable by the mid-part of the Plan period. Detailed matters including design, drainage and access could be appropriately dealt with through the planning application process.
46. There is some dispute regarding site suitability scores and SA ratings. However, there is no evidence that the scores and ratings are inaccurate to the degree that would render the sites unsound. The provision of an additional 16 moorings from the two allocations would make an important contribution to overall supply, particularly in the early/mid-part of the Plan period, and aid effective delivery of identified housing needs.
47. Overall, I conclude that the proposed modifications for additional permanent residential mooring allocations at Horning (**M1**) and Somerleyton (**M2**) are necessary and justified. Consequential amendments to Policy PUBDM34 are

needed to refer to these allocations (**M53**). In the case of Horning I have altered the Authority's proposed milestone wording to clarify that delivery can take place after provision of wastewater infrastructure, thereby aligning with the rest of the policy.

48. Taking account of the two new allocations, the revised projections indicate there would be a shortfall of some 12 permanent residential moorings sites over the Plan period. The Plan also allows an element of windfall development through Policy PUBDM36, with proposals assessed on a case by case basis. Linked to this the Plan also suggests a number of potential 'windfall' locations, where sites are identified as being suitable in principle for residential moorings but availability/deliverability is not demonstrated. New highways evidence shows that two of these sites have access problems and modifications are necessary to delete reference to their potential suitability for residential moorings (**M75, M76** for PUBBRU2, **M77, M78** for PUBBRU4). The remaining two sites, PUBHOR6 and PUBSTA1, are dealt with under Issue 9 below.
49. Overall, Policy PUBDM36 applies strict locational and other criteria, as discussed below, and there is some uncertainty regarding the precise extent of and likely delivery rate from windfall supply. However, taking account of the length of the Plan period, I am satisfied that the shortfall of 12 moorings is likely to be met over the Plan period. The target of 63 moorings is not expressed as a maximum figure and is based on an initial broad estimate of needs. On-going monitoring and future reviews of the Local Plan will provide an opportunity to re-appraise and revisit identified requirements and provision.
50. The updated position on supply should be specified in the supporting text to Policy PUBDM36 (**M58**), and a residential moorings trajectory should be included (**M121**). This will facilitate monitoring and ensure the Plan is effective. The trajectory should also incorporate new information on estimated start-times for the submitted allocations, as detailed under Issue 9 below. Overall, I am satisfied that the trajectory as modified is based on up to date evidence on start dates and phasing, and represents achievable rates of delivery.

#### *Policy PUBDM36*

51. Criterion a) in Policy PUBDM36 specifies that permanent residential mooring windfall sites should be in existing mooring basins, marinas and boatyards within or adjacent to defined development boundaries (including development boundaries within adjoining local authority areas). The approach seeks to focus moorings in sustainable locations with access to services. However, development would not be permitted on sites which are close to, but not immediately adjoining such settlements, and on sites adjoining other settlements without development boundaries but which may provide access to a range of services and facilities within reasonable walking distance. In order to be effective and proportionate, the policy should be widened to provide greater flexibility, and facilitate proposals that are within reasonable walking distance of a range of key services in a settlement, and where the walking route is usable and safe (**M58**). The policy as modified requires provision of at least 3 key services within 800 metres/10 minutes walking distance. Whilst this would not facilitate development adjoining every settlement, it would provide an appropriate balance between allowing residential moorings in suitable/sustainable locations to meet identified needs, whilst protecting the special qualities and character of the Broads. Consequential

modifications are necessary to other policies to reflect the altered wording (PUBHOR6 in **M89**, PUBSTA1 in **M107** and **M107a**, PUBHOR7 in **M91x**).

52. The narrow width of local rivers and the need to ensure safe navigation, coupled with the need to safeguard landscape character and the special qualities of the Broads, means that the requirement to locate residential moorings within existing mooring basins, marinas and boatyards is broadly justified. However, the Authority has indicated there may be opportunities in Norwich for suitable riverside permanent residential moorings, providing that navigation issues, along with other issues such as character and amenity, can be satisfied. Taking account of the built-up nature of parts of the riverside in Norwich, and locational sustainability, I concur. The provision of such moorings could assist regeneration and accord with the aims of the emerging River Wensum Strategy. Accordingly, for reasons of effectiveness, criterion a) should be modified to allow permanent residential mooring sites on the main river within the Norwich administrative area, subject to other criteria being satisfied (**M58**).
53. A number of further modifications are necessary to Policy PUBDM36, for reasons of effectiveness. Firstly, to clarify that access to services relates to the provision of ancillary facilities such as potable water, wastewater pump-out and electricity. Secondly, to specify that management plans will be sought, and conditions will be used to restrict the number, scale and size of boats. These would be realised through **M58**. The policy makes appropriate reference to the need to make provision for safe access for service and emergency vehicles.

#### *Conclusion on Issue 3*

54. In conclusion, subject to the aforementioned modifications, boat dwelling needs have been satisfactorily assessed and addressed in the Plan, in line with national policy. In this context I have not considered it necessary to give further consideration to any additional permanent residential mooring allocations (omission sites) within this report.

#### **Issue 4 - Have affordable housing needs, traveller needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with national policy?**

##### *Affordable housing*

55. The SHMAs for each HMA identify affordable housing needs by district. District Councils have responsibility for the housing function of their entire area, including the sections within the Broads Authority area. The Broads area cuts across parish areas and therefore data relating to homelessness, overcrowding and benefit claimants is not available at the Broads Authority area level. Therefore there is no identified affordable housing need figure for the Broads.
56. The SHMAs identify high levels of need for additional affordable housing over the Plan period, and the Broads Local Plan seeks to support additional affordable housing provision. Policy PUBDM33 seeks the delivery of affordable housing as part of general market schemes, and through rural exception development.
57. Policy PUBDM33 specifies that developments of 6 to 10 dwellings in the Broads are required to contribute a commuted sum towards affordable housing. This is

lower than the national threshold for seeking affordable housing, as established in the Written Ministerial Statement dated 28 November 2014. However, most development in the Broads is likely to be relatively small scale and opportunities for development are limited due to the National Park equivalent status of the Broads. In this context such sums, although modest in scale, would be proportionally significant and would make an important contribution towards additional affordable housing in the Broads.

58. The viability evidence shows that schemes of 6+ dwellings could support affordable housing contributions, based on a percentage of 33% as established in the Greater Norwich Core Strategy, and the policy allows flexibility to deal with circumstances where viability is an issue. The Greater Norwich rate falls within the range of different percentages sought by other districts, albeit towards the upper end. As such it represents a reasonable basis for assessment. North Norfolk is a designated rural area, and therefore lower thresholds may be explored through the review of the North Norfolk Local Plan. Overall I am satisfied that, in the case of the Broads, the proposal to seek commuted sums towards affordable housing from schemes of 6-10 dwellings is justified. The Authority has proposed that the commuted sum threshold should be adjusted to align with the amended threshold of 10+ for seeking affordable housing, as set out in the NPPF 2019. Although the Plan is being examined under transitional arrangements and against the 2012 NPPF, I consider this approach provides clarity and is justified. The policy as modified in **M52** therefore seeks commuted sums from schemes of 6-9 units.
59. I have amended **M52** as published to clarify that commuted sums from schemes of 6-9 units will be sought consistently across the Broads Executive Area. This reflects the approach specified in the supporting text, the table in Policy PUBDM33 and in the Authority's evidence base, and removes the inconsistent and unclear text relating to North Norfolk.
60. The submitted policy does not specify that affordable housing will be sought from larger schemes above the commuted sum threshold, but defers to 'requirements of the adopted standards and policies of the relevant District Council including thresholds'. In the context of the requirement for off-site contributions and commuted sums from smaller schemes in Policy PUBDM33, this is not logical and fails to provide sufficient clarity. In order to be effective and clear, and as supported by the viability evidence, modifications to PUBDM33 are needed to specify that on-site affordable housing will be sought from schemes of 10 or more units (**M52**).
61. I have made a slight adjustment to the modified policy, as published by the Authority, to clarify that an applicant's viability appraisal should be assessed independently and not 'by the relevant Council as appropriate'. Planning applications for housing are submitted to the Broads Authority, and the amendment reflects the approach outlined in the published supporting text.

### *Travellers*

62. The Norfolk ANA (2017) indicates that there are no gypsy and traveller or travelling showpeople sites within the Broads, and concludes there is no identified need for the provision of gypsy and traveller or travelling showpeople accommodation in the Broads Authority area up to 2036. The ANA suggests that

needs for travelling showpeople identified in the Greater Norwich area could be addressed across the study area. However, no requests have been received from relevant Councils to make provision for travelling showpeople within the Broads Authority area, and having regard to the special qualities of the Broads I consider that absence of an allocation is not a critical soundness issue. The Suffolk ANA (2017) identifies a need for 17 pitches for gypsies and travellers in the non-Broads area of Waveney over the Plan period 2016 to 2036. The Council has not requested that the Broads Authority should assist in meeting this need.

63. In this context I consider the proposed criteria-based policy, Policy PUBDM35, represents a reasonable approach that is consistent with national policy, and will allow any potential future applications to be dealt with. However, in order to be effectively applied the policy should be widened to support proposals which meet 'an identified need' rather than relating solely to evidence in an ANA, as such assessments are only periodically produced (**M55, M56**). Criterion d, which requires proposals to be located on brownfield land, is not justified, fairly-based, or consistent with national policy, and should be deleted (**M54, M57**).

#### *Other housing needs*

64. Policy PUBSP15 seeks to ensure that a suitable mix of dwellings is secured on schemes, in terms of size and type, to meet local needs. Policy PUBDM41 also provides specific support for custom/self-build housing schemes.
65. The ageing population is a key issue facing the Authority. Policy PUBDM40 supports the provision of elderly and specialist needs housing in sustainable locations. At the hearing the Authority confirmed that the policy is intended to focus such developments within development boundaries. In order to clarify this position and be effective, the policy should be modified accordingly (**M59, M60**).
66. Policy PUBDM42 on design seeks to secure housing which is accessible and adaptable, thereby meeting people's changing needs and allowing people to stay in their own homes for longer. The Authority has confirmed that the policy contains an error, and should specify the provision of 20% accessible homes on schemes of 5+ dwellings. The Authority's updated viability evidence demonstrates that this corrected level of provision is deliverable. Whilst data sources relating to disability and housing needs are not available at a Broads Authority level, Census data indicates that the Broads population is generally older than adjoining districts, and it is reasonable to assume that older people may experience mobility and other health issues. The census also shows that some 23% of people living in the Broads assess that their daily activities are limited by health issues. Accordingly, and taking account of the overall statistics on disability and housing needs for each district, I am satisfied that the provision of accessible homes to meet Building Regulations M4(2) in the Broads Local Plan is justified.
67. Modifications to Policy PUBDM42 are necessary to correct the error in the percentage/threshold described above, and ensure effectiveness by qualifying the needs and viability justification and amalgamating the separate criteria on accessibility and adaptability (**M61, M62**). I have amended the Authority's published wording in **M62** to refer to the updated Viability Assessment 2018. This amendment does not materially alter the thrust of the policy but ensures the correct evidence base is referenced.

68. Policy PUBDM42 refers to Lifetime Homes Standards. These have been superseded by the technical standards, and accordingly references should be deleted from the Plan. This is dealt with in **M61** and **M62**.

*Conclusion on Issue 4*

69. In conclusion, subject to the aforementioned modifications, affordable housing, traveller needs and the housing needs of other groups have been satisfactorily assessed and addressed in the Plan, in line with national policy.

**Issue 5 – Does the Plan set out a positively prepared strategy and policies for employment development, which are justified, effective and consistent with national policy?**

70. The employment strategy and policies in the Plan seek to retain existing premises and support rural businesses, whilst protecting the special qualities of the Broads. The Plan does not identify an employment target or identify specific new employment allocations. However, the employment studies for the constituent Councils do not identify a separate jobs target for the Broads, and employment growth in the Broads is anticipated to be modest over the Plan period, and likely to arise from small-scale developments.
71. Employment is defined in the Plan as B1, B2, B8 and A1 uses. However, the NPPF seeks to focus retail development in town and village centres, and A1 uses have different characteristics and locational requirements to B uses. The application of the employment policies to A1 retail would, in some cases, be contrary to national policy. This includes Policy PUBDM24 which supports new employment development on land within or adjoining existing employment sites, and Policy PUBDM27 which permits employment uses within boatyard sites. Accordingly, in order to be consistent with national policy the definition of employment uses in the Plan should be amended to exclude A1 uses. This would be realised through modifications to Policies PUBSP10 (**M36**), PUBDM24 (**M38**) and PUBDM35 (**M39**).
72. In order to be consistent with national policy, criterion ii) in Policy PUBDM24 should be modified to refer to biodiversity and heritage (**M37**). Policy PUBDM27 should be modified to clarify the definition of waterside commercial sites and the Authority's approach to this form of development (**M40**), to ensure effectiveness.

*Conclusion on Issue 5*

73. In conclusion, subject to the above modifications, the Plan sets out a positively prepared strategy and policies for employment development, which are justified, effective and consistent with national policy.

**Issue 6 – Does the Plan set out a positively prepared strategy and policies for retail development, which are justified, effective and consistent with national policy?**

74. The Broads contains part of Hoveton town centre and Oulton Broad District Shopping Centre, and a range of retail provision in other smaller settlements and localities. Inclusion of a generic retail policy in the Plan is necessary to provide a clear strategy and framework to guide sustainable retail development in the



Broads, in line with the NPPF (**M3**). The new policy reflects the town centre first approach in the NPPF, and establishes how the sequential test and impact assessment would be applied in the Broads.

75. Policy PUBHOV5 sets out the approach to retail proposals and town centre uses in Hoveton. The impact assessment threshold of 500 square metres (m<sup>2</sup>) is locally derived and proportionate to the existing and proposed scale of development in Hoveton, as evidenced in the North Norfolk Retail and Main Town Centre Uses Study (2017). Modifications to the policy are necessary to clarify that the sequential test and impact assessment will be applied to the entire town centre, update retail supply figures, specify the policy applies to new development, and provide a clearer town centre inset map within the Plan which shows 'areas adjacent to the town centre' and land outside the Broads area. These amendments are captured in **M96** and will ensure the policy is effective and consistent with national policy. The modified inset map reflects the Policies Maps as modified.
76. Policy PUBOUL3 sets out a positive framework for protecting existing shops and services in Oulton Broad District Shopping Centre, whilst supporting new cafes and restaurants where they would not undermine the vitality of the centre. In order to be effective, modifications are necessary to clarify the approach to A3 retail development, identify the policy applies to new development, and specify that change of use restrictions relate to ground floor premises (**M104**).
77. Policy PUBPOT1 establishes an appropriate framework for dealing with retail and tourism-related proposals in the Potter Heigham Bridge area. Modification **M105** is necessary to insert a cross reference to the new generic retail policy.

#### *Conclusion on Issue 6*

78. In conclusion, subject to the insertion of a new generic retail policy and other aforementioned modifications, the Plan sets out a positively prepared strategy and policies for retail development, which are justified, effective and consistent with national policy.

### **Issue 7 – Does the Plan provide a robust framework for the delivery of infrastructure and viable development?**

#### *Infrastructure*

79. The Authority's Local Infrastructure Report (2016) (LIR) identifies capacity issues at the Horning Knackers Wood Water Recycling Centre. Anglian Water Services is working to resolve this issue, and allocations in the catchment area are phased to come forward later in the Plan period. The Broads is also identified as an area of water stress, and the Plan accordingly seeks higher water efficiency targets through Policy PUBDM3 (as covered in Issue 8 below).
80. The Plan proposes modest amounts of housing, employment and other development over the Plan period. The LIR concludes that this level of growth will not create a need for additional health, education or other specific infrastructure facilities in the Broads area over the Plan period. Development proposals will be assessed at the time of application, and Section 106 agreements may be sought if justified to deal with localised requirements, under Policy

PUBDM46. The specific list of obligations in the policy is prescriptive and for reasons of effectiveness should be removed through modification **M66**. The proposal to seek an administrative contribution is not consistent with paragraph 204 in the NPPF and legal tests and should be deleted (**M66**).

81. The LIR and Policy PUBSSA47 in the Plan identify the Acle Straight A47 upgrade as a key transport infrastructure project located within the Broads area, which is of wider strategic importance. The Broads Authority will not be the determining body, but the policy provides a local framework and highlights key issues. Modifications are necessary to the policy to reflect the approach to major development in designated areas, as set out in paragraph 116 in the NPPF. Amendments are also necessary to clarify the range of issues that need to be addressed, and the application process. These changes will ensure the policy is effective and consistent with national policy (**M116**).
82. The Plan identifies a number of specific open spaces, recreation facilities, car parks, community facilities and key transport infrastructure for retention, along with new sites for cemetery and playing field provision in Acle. Site-specific policies are addressed under Issue 9 below. The Plan also seeks to protect existing open spaces, community and recreation facilities through generic Policies PUBSP16, PUBDM43 and PUBDM6, as dealt with under Issue 8 below.

#### *Viable development*

83. The Authority's updated Viability Assessment (2018) provides a broad assessment of Local Plan viability, taking account of the types of development likely to come forward over the Plan period and requirements of local and national policies. The Assessment indicates that most typologies of housing development are likely to be viable across the Broads, based on a contribution of 33% affordable housing where appropriate (as discussed under Issue 4). Policy PUBDM33 on affordable housing provides flexibility to deal with situations where viability is marginal. Overall, the evidence is proportionate to its purpose and indicates that Local Plan policies would not put the implementation of the Plan at serious risk.

#### *Conclusion on Issue 7*

84. In conclusion, subject to the above modifications, the Plan provides a robust framework for the delivery of infrastructure and viable development.

### **Issue 8 - Does the Plan set out positively prepared policies on water, flooding and navigation, open space and community facilities, natural and historic environment, other environmental policies, transport and tourism which are justified, effective and consistent with national policy?**

#### *Water, flooding and navigation*

85. Policy PUBDM1 establishes a framework for protecting water quality and providing appropriate foul drainage provision. In order to be effective modification **M10** is necessary to clarify that wastewater from septic tanks should not enter waterbodies. Policy PUBDM2 should also be amended for reasons of effectiveness, to clarify the range of measures for tackling the issue of anti-fouling paint entering watercourses (**M11**).

86. The Authority has elected, through Policy PUBDM3, to apply the optional technical water efficiency standard of 110 litres per day. This is justified by local evidence in the LIR relating to need, and evidence in the Viability Assessment (2018).
87. Strategic Flood Risk Assessments (SFRA) have been prepared by the constituent Council's, incorporating the Broads area. However, the Broadland Environmental Services Limited model which covers much of the Broads requires additional work to enable it to inform a SFRA, and this is unlikely to be completed by the Environment Agency until the end of 2021. The Environment Agency has advised application of a precautionary approach in these areas in the interim, based on Flood Zone 3 being wholly indicatively classed as Flood Zone 3b functional floodplain. This approach is pragmatic and reasonable, and requires applicants to provide a site-specific flood risk assessment to ensure risks are appropriately investigated. In order to be effective, this approach should be explicitly referenced and explained in Policy PUBDM4 (**M12**) and Appendix M in the Plan (**M122**). For the same reason PUBDM4 should be amended to clarify the risks associated with flooding, and reference other forms of legislation and permits (**M12**). The Authority's published modifications to the Policies Maps seek to include the most up to date SFRA layers.
88. Policy PUBDM5 seeks to secure appropriate measures to attenuate surface water run-off. Modifications are necessary for reasons of effectiveness, to clarify the risk assessment process (**M13**), run-off rates (**M14**) and effective forms of water management (**M15**).
89. Policies PUBDM30 and PUBDM31 provide a positive framework for the provision of development, incorporating infrastructure for navigation, staithes and slipways, and riverbank stabilisation. In order to be effective, amendments are necessary to clarify that support is subject to other policies in the Local Plan (**M44**, **M45**, **M47**). Restricting the piling of banks to locations within 'established settlements' is not justified and should be widened to permit works where piling/quay heading is part of the character of the area (**M46**).
90. There is a need for additional visitor moorings across the Broads to cater for increasing demand from tourists and recreational users. Policy PUBDM32 seeks the provision of at least 10% or a minimum of two new short stay moorings at nil cost to the Authority, as part of proposals for new moorings within commercial mooring basins or marinas. This requirement is potentially onerous and could prevent effective delivery of smaller scale developments. The modified set of thresholds and contributions, as set out in **M49** and **M50**, take account of scheme size. Comparable levels of visitor moorings have been secured from recent commercial mooring schemes, indicating that the modified approach is deliverable.
91. Overall, subject to the modified thresholds and contributions in **M49** and **M50**, I am satisfied the policy approach is justified and soundly based. I have made a small change to **M50** to ensure the monitoring indicator reflects the revised percentages. This will ensure clarity and consistency with the modified policy as published.
92. Modification **M48** to Policy PUBDM32 is necessary for reasons of effectiveness, in order to clarify the nature of ancillary services required in association with commercial moorings.

### *Open space and community facilities*

93. Policy PUBDM6 is underpinned by open space evidence produced by each constituent District Council. The policy accordingly defers to standards in constituent Council's Local Plans and other documents. This approach ensures consistency across District Council areas and prevents needs assessments being skewed. However, in order to be effective, modifications are necessary to reference these open space standards in an appendix to the Plan (**M7**).
94. Policy PUBDM6 seeks to protect existing open spaces, as identified on the Broads Local Plan Policies Maps. However, whilst these reflect the current evidence base of constituent Councils, new open spaces in the Broads may be identified by these Councils in forthcoming open space reviews (as part of Local Plan production). Modifications are therefore necessary for reasons of effectiveness, to clarify that such open spaces will also be protected through PUBDM6 (**M17**). Clarification that a prior groundwater protection risk assessment is required in relation to cemetery provision will also ensure effectiveness (**M16**).
95. Local Green Spaces are identified and protected under Policy PUBSSLGS, on the basis of demonstrable local significance. In order to be consistent with national policy, modifications are needed to specify that development should only be approved in 'very special' rather than 'exceptional' circumstances (**M114, M115**).
96. The Authority intends to produce guidance on ecological networks. This, along with existing sources of evidence, should be referenced in Policy PUBDM7 on green infrastructure to ensure the policy is effectively applied (**M18**). The same amendment is necessary in Policy PUBSP6 (**M27**).
97. Criterion d in Policy PUBDM43 allows the loss of community facilities where an equivalent facility is available. This could lead to the loss of valuable facilities in villages and fail to protect rural communities. The criterion should therefore be deleted, in order to ensure the policy is effective and consistent with national policy relating to the rural economy and healthy communities (**M63**). Amendments are also needed to clarify that pubs are excluded and are covered by a separate policy in the Plan (**M64, M65**). Linked to this, Policy PUBSSPUBS on pubs should be re-titled to clarify it relates to pubs across the Broads, and not just those by the waterside (**M113**).

### *Natural and historic environment*

98. Peat soils are an important resource in the Broads, and Policy PUBDM9 seeks to protect, enhance and preserve their provision. The requirement that biodiversity loss should outweigh carbon loss may not be key in all cases, but is relevant where peat scrapes take place for nature conservation benefits. In order to be justified and effective, the criteria should be amended to apply to such operations (**M19, M20**).
99. The process of survey and assessment of biodiversity on brownfield sites, as expressed in Policy PUBDM12, needs to be clarified, and reference included to local sites of geological importance. These changes are captured in modification **M28** and are necessary for the policy to be effective.

100. Policies PUBSP5, PUBDM10 and PUBDM11 provide protection for the historic environment. Modifications are necessary to refer to the Conservation Area at Risk (**M21**), to seek the dissemination of information arising from archaeological remains (**M22**), and to require that schemes to re-use historic buildings involve high quality design and contribute to character (**M23**). Holiday accommodation involves similar conversion requirements to residential development. Policy PUBDM11 should therefore be amended to clarify that, for the purposes of this policy, holiday accommodation is classified as residential use (**M24**). These changes will ensure the policies are effective and consistent with the NPPF.

#### *Other environmental policies*

101. Policy PUBDM13 seeks energy demand and efficiency measures and broadly accords with the Written Ministerial Statement dated 25<sup>th</sup> March 2015. The Plan and supporting evidence do not identify areas of specific suitability for wind energy development. Therefore, in order to comply with national policy, the supporting text to Policy PUBDM14 on renewable energy should be amended to clarify the policy does not apply to wind turbines (**M29**). I have amended paragraph 2 of the Authority's published modification slightly to refer to 'areas' rather than 'sites'. This reflects the evidence base and clarifies the published policy approach.

102. In order to be effective, Policy PUBDM16 should be amended to clarify that land raising is not permitted within Flood Zone 3b, as this would prevent the floodplain from functioning (**M30**). Policy PUBDM18 on utilities development should be amended to refer to the need to protect the character of the historic environment, in order to be effective and consistent with the NPPF (**M32**).

103. Much of the Broads area has good quality dark skies, and Policy PUBDM21 seeks to protect and enhance this characteristic. In order to be effective, modifications are necessary to clarify the difference between Dark Sky Zone category 1 and category 2 areas (**M33, M34**).

104. Policy PUBDM47 provides a framework for the conversion of non-historic buildings and complements Policy PUBDM11. To ensure effective application, cross reference should be included in each of the policies (**M25, M67**), and specific historic references should be deleted from PUBDM47 (**M68**).

#### *Transport*

105. Policies in Chapter 21 of the Plan seek to support improvements to transport and safe recreational access. The Plan also includes an appropriate range of site-specific policies which seek to protect highway safety, existing railway stations/halts, former rail trackways and staites. In order to be effective, modifications are necessary to Policy PUBDM22 to clarify the adopted parking standards of the constituent districts, linked to the insertion of a new Appendix in the Plan (**M6, M35**).

#### *Tourism*

106. Policy PUBDM28 seeks to promote tourism in sustainable locations across the Broads. The brownfield first approach in the policy should be deleted as it is not sufficiently flexible and could prevent the development or extension of tourist

facilities on sustainable greenfield sites. The requirement relating to demand for a proposed facility is restrictive and would prevent competition and should be deleted. These changes under modification **M41** ensure the policy is effective and justified.

107. Policy PUBDM29 seeks to prevent the loss of hotel and guest houses to permanent residential accommodation where five or more bedspaces are lost. The principle of the approach is justified in the context of identified tourism needs. However, there is insufficient evidence to support the specific threshold, and accordingly it should be deleted (**M42**). In order to be sustainable and effective, modifications are also necessary to specify that static caravan development should be of a scale compatible with location and setting (**M43**).

#### *Conclusion on Issue 8*

108. In conclusion, subject to the above modifications, the Plan's policies on water, flooding and navigation, open space and community facilities, natural and historic environment, other environmental policies, transport and tourism are justified, effective and consistent with national policy.

#### **Issue 9 – Are the other proposed site-specific policies, including allocations for housing and residential moorings, justified, effective and consistent with national policy?**

109. This section covers the remaining range of site-specific policies in the Plan, including allocations for housing and residential moorings and existing commercial/leisure sites for retention. The first sub-section looks at the general process of site assessment, whilst soundness matters relating to specific sites are covered in the remaining sub-sections.

110. For the avoidance of doubt, many of the allocations are not specifically referenced below. In such cases, having taken account of the evidence and representations before me, I am satisfied that they are soundly based and capable of delivery over the Plan period.

#### *Site assessment process*

111. A range of potential housing sites from the Site Specifics Local Plan 2014, new regeneration sites and other sites put forward by landowners were assessed in the Authority's Housing and Economic Land Availability Assessment (HELAA). Potential sites for permanent residential moorings were also assessed following a call for sites process. The HELAA methodology was agreed by the Norfolk Councils and is consistent with that of Waveney. Other factors such as extant permissions and the level of supply against needs were taken into account.

112. In some instances representors have questioned the accuracy and consistency of scoring in the site assessment work. However, notwithstanding the MMs, there is no evidence to suggest that the process has been fundamentally flawed or resulted in inappropriate site selection. Overall, I am satisfied that the process of housing and residential mooring site assessment has been reasonable and robust.

113. The Authority's Sequential Test document demonstrates that a sequential approach for flood risk has been applied for all of the accepted site allocations. A

number of housing/mixed use sites contain small areas of Flood Zone 3, but have sufficient scope to accommodate the proposed uses. In some cases sites are in Flood Zone 3a but involve the retention of existing development and/or regeneration, and therefore development may be appropriate subject to the exception test. Specific wording relating to flood risk constraints or requirements are incorporated in the site-specific policies where necessary. Sites for permanent residential moorings are categorised by the Environment Agency as water compatible. However, in order to provide sufficient protection for occupants Policy PUBDM36 requires all proposals for new residential moorings to provide a Flood Response Plan, and include details of mooring techniques and monitoring during flooding in a Flood Risk Assessment. Taking account of these measures, I am satisfied that the Plan effectively deals with flood risk relating to specific allocation sites.

114. Potential and accepted site options, and MMs where necessary, were subject to a wide-ranging SA process. Overall, I consider that the Authority's site-specific SA work is fit for purpose and appropriate.

#### *Housing/mixed use allocations*

115. PUBNOR1, Utilities Site, Norwich – This mixed use allocation site is part of a wider industrial area on the edge of Norwich which offers opportunities for regeneration and redevelopment. The Authority is working in conjunction with Norwich City Council, Norfolk County Council and other neighbouring Councils to facilitate the development of the area, and the establishment of a delivery vehicle is currently being explored with Homes England and the Local Economic Partnership.

116. Access to the site is constrained and may potentially require the construction of a bridge over the river to the nearby Deal Ground site and coordination with other developments in the area. Accordingly, the modified phasing schedule indicates that delivery of the site is likely towards the latter part of the Plan period. The access solution has yet to be finalised and funding identified. However, having regard to the on-going partnership work, evidence of cooperation between the landowners, and strength of the local housing market, I am satisfied that the site is likely to come forward within these timescales.

117. The housing chapter in the Plan indicates that the site could potentially accommodate about 120 dwellings. Policy PUBNOR1 should reference this figure and the updated delivery timescales, clarify the access constraints, and specify protection for the historic environment in order to be effective (**M100**). The policy includes appropriate mitigation measures to ensure that other constraints such as ground contamination and flood risk can be effectively dealt with through the planning application process. Taking this into account, and having regard to the economic and visual benefits arising from the regeneration of this part of Norwich and the provision of additional housing, in principle I am satisfied that the proposal is in the public interest and exceptional circumstances are demonstrated to justify major development in line with paragraph 116 in the NPPF.

118. PUBOUL2, Pegasus Site, Oulton Broad – The site has planning permission for 76 dwellings and offices and moorings, and the housing trajectory as modified estimates delivery by the end of 2024. In order to be effective, the scale of residential development and potential timings should be referenced in the

supporting text through **M103**. Modifications which highlight the need to protect and enhance the Oulton Broad Conservation Area are necessary for the policy to be effective and consistent with national policy (**M102**). Subject to these modifications, and taking account of the economic, social and environmental benefits arising from redevelopment of this brownfield site, in principle I am satisfied that development is in the public interest and exceptional circumstances are demonstrated to justify major development in line with paragraph 116 in the NPPF.

119. PUBTHU1, Hedera House, Thurne – The site contains a small holiday complex and is allocated for continued tourist accommodation use, with an element of general market housing as enabling development. Planning permission has been granted for redevelopment of the site to provide 16 dwellings, comprising 10 holiday homes and 6 market dwellings. In order to be effective, the residential capacity and estimated delivery timescales should be specified in Policy PUBTHU1 (**M112**). Modifications are also necessary to clarify the approach to nearby listed buildings, to ensure the policy is effective and consistent with national policy (**M111**).
120. The site is brownfield land, and redevelopment would bring economic benefits as well as improving the appearance of the site. In this context, in principle I consider that the scheme is in the public interest and exceptional circumstances are demonstrated to justify major development in line with paragraph 116 in the NPPF.
121. PUBSTO1, Land at Tiedam, Stokesby – This small infill site is located between properties on Croft Hill and The Street, and provides an opportunity for the delivery of additional housing without harming the character of the countryside or the special qualities of the Broads. In order to be effective the policy should be modified to specify the number of units and estimated delivery timescales (**M108, M109**).
122. PUBHOV3, Station Road, Hoveton – Redevelopment of the allocation land for mixed use purposes could help to enhance the vitality and appearance of the town centre. The Authority has estimated capacity for 6 or so dwellings, with delivery by 2023. In order to be effective the policy should be modified to refer to these numbers and timescales (**M94, M95**). In order to be effective and consistent with national policy, modifications are also necessary to specify protection of the nearby Wroxham Bridge Scheduled Monument (**M93**) and the need for project-level HRA (**M92**).

#### *Residential mooring allocations*

123. PUBBEC2, H.E. Hipperson's Boatyard, Beccles – In order to be effective the policy should specify the number of residential moorings, refer to heritage constraints and require the provision of a management plan for the site (**M71, M72**). A requirement to undertake project-level HRA should be included, in accordance with recommendations in the Authority's HRA (**M72**). Updated evidence on timescales will ensure the policy can be effectively monitored (**M74**).
124. PUBBRU6, Brundall Gardens – The correct number of residential moorings should be referenced and specified within the policy (**M80, M79**). As for PUBBEC2, reference should be included to a project-level HRA (**M81**). Updated evidence on timescales will ensure the policy can be effectively monitored (**M81a**).



125. PUBCHE1, Greenway Marine, Chedgrave and PUBL0D1, Loddon Marina – The proposals represent a modest addition in a sustainable location, which is proportionate to the size of Chedgrave and Loddon. As such the schemes are not predicted to give rise to traffic congestion in the locality. In the case of PUBCHE1, it is currently unclear whether suitable visibility splays can be achieved to enable safe access. However, solutions may be found in the long term, and I am therefore satisfied that there is a reasonable prospect that the proposal will be delivered within the Plan period.
126. The insertion of a requirement for a management plan is necessary for reasons of effectiveness and should help to ensure that the sites are appropriately-run and subject to suitable controls (**M84, M85** for PUBCHE1) (**M97, M99** for PUBL0D1). Overall, I conclude that both sites are suitable for the proposed use, and taking account of mitigation measures in the modified policies and Policy PUBDM36, that any impacts on the environment, the landscape, the quality of people's lives and recreational opportunities could be satisfactorily dealt with.
127. The sites are allocated for residential moorings, and therefore the superfluous references to locational requirements should be deleted for reasons of effectiveness (**M84a** for PUBCHE1, **M98a** for PUBL0D1). As above, reference should be included to a project-level HRA in both policies (**M86** for PUBCHE1, **M98** for PUBL0D1).

*Other site specific policies*

128. PUBBEC1, Former Loaves and Fishes, Beccles – The policy supports the retention of the building as a public house. Modifications are necessary for reasons of effectiveness to clarify the other types of uses that may be appropriate on the site, taking account of flood risks (**M70**). Amendments are also needed to refer to character as well as the appearance of the area, in order to be consistent with national policy (**M69**).
129. PUBCAN1, Cantley Sugar Factory – In order to be effective and consistent with the NPPF, the policy should be amended to refer to the setting of nearby designated heritage assets (**M82, M83**). The allocation area is appropriately focused on the main built-up part of the site.
130. PUBGTY1, Marina Quays, Great Yarmouth - In order to be effective and consistent with the NPPF, the policy should be amended to refer to the Halvergate Marsh Conservation Area and the requirement for archaeological assessment (**M87, M88**).
131. PUBHOR6, Ferry Road and Ferry View Road, Horning – The policy seeks to protect existing boating and ancillary services, and identifies the site as being potentially suitable for new permanent residential moorings. This approach is justified as the landowner has not confirmed the site is available for residential moorings. Modifications are necessary, for reasons of effectiveness, to refer to the potential limit of ten residential moorings on grounds of access, clarify locational criteria, and reference constraints relating to the nearby SPA/SAC site, the nearby sewage pumping station and capacity at the Horning Knackers Wood Water Recycling Centre (**M89, M90, M91**). As covered in Issue 3, consequential changes to the policy are needed to reflect modified locational criteria in Policy PUBDM36 (**M89**).

132. PUBOUL1, Boathouse Lane Leisure Plots – Although the site is within a minerals consultation area for sand and gravel, site constraints mean it is not likely to be economically viable as a mineral extraction site. Modifications are necessary, for reasons of effectiveness, to clarify this position (**M101**).
133. PUBSOL2, land adjacent to A143 Beccles Road, St. Olaves – The policy seeks refurbishment or redevelopment for restaurant, public house, boating use or holiday accommodation. However, a previous permission for residential use has come to light since submission of the Plan and the site is no longer available for the other identified uses. The proposed policy is therefore not justified or deliverable, and should be deleted (**M106**).
134. PUBSTA1, land at Stalham Staithe, Stalham – The submitted evidence indicates that the site is suitable in principle for residential moorings. The policy does not specifically allocate the site for this purpose as the landowner has not confirmed the site is available for residential moorings. As covered in Issue 3, consequential changes to the policy are necessary to reflect modified locational criteria in Policy PUBDM36 (**M107, M107a**).
135. PUBTSA2, Thorpe Island, Thorpe St. Andrew - The island contains a mix of open areas, boatyard usage, sheds and mooring areas, and is connected to the mainland by a bridge. The policy recognises the sensitive nature of much of the island, and seeks to protect existing uses whilst maintaining and enhancing the character and appearance of the area.
136. Modifications are necessary, for reasons of effectiveness, to clarify that continued boatyard usage will be facilitated in the eastern part of the island, and to define 'low key uses' relating to the central and western sections (**M110**). The policy as modified relating to the central area allows limited development and replacement of buildings, and provides an appropriate balance between on-going boating requirements and protection of local character. In order to facilitate good quality and effective development, amendments are also necessary to clarify that appropriate carparking, waste storage and collection facilities and provision for pump out in association with new private moorings in the western basin will be supported subject to suitable design (**M110**).
137. The site has a number of constraints relating to access, character and amenity which could limit proposals for permanent residential moorings. However, there is insufficient evidence before me to wholly rule out future schemes, and proposals would, as elsewhere, be assessed against windfall policy PUBDM36. As such the references to the western end only being suitable for private moorings, and moorings only being permitted within the basin, should be deleted (**M110**). These modifications are necessary for the policy to be justified and effective.

### *Conclusion on Issue 9*

138. In conclusion, the site assessment process has been robust and appropriate. Subject to the above modifications, the housing/mixed use, residential moorings and other site-specific policies in the Plan are justified, effective and consistent with national policy.

## **Issue 10 - Does the Plan set out a robust monitoring and implementation framework?**

139. The monitoring and implementation framework in the Plan sets out a range of delivery mechanisms and monitoring indicators. Additional entries are necessary for the two new residential mooring sites at Horning and Somerleyton (**M1, M2**) and new policies on retail (**M3**) and major development (**M4**).

140. In order to ensure effective monitoring of housing supply, additional monitoring indicators are needed relating to five year supply, and delivery of housing against overall targets (**M117**). Adjustments are necessary to enable the type of units, rather than just vacant units, to be monitored in Hoveton town centre and Oulton Broad (**M118, M119**).

### *Conclusion on Issue 10*

141. In conclusion, subject to the above modifications, the Plan provides a robust and appropriate monitoring and implementation framework.

## **Public Sector Equality Duty**

142. During the course of the examination I have had due regard to the aims set out in Section 149(1) of the Equality Act 2010. This includes consideration of the Plan's provision to meet the accommodation needs of gypsies and travellers, and the need for accessible and adaptable housing and inclusive design.

## **Assessment of Legal Compliance**

143. My examination of the legal compliance of the Plan is summarised below.

- The Local Plan has been prepared in accordance with the Council's Local Development Scheme (2017). The adoption date is later than anticipated, but this is due to a short period of about four months being estimated between submission and adoption.
- The Authority has carried out extensive consultation with community groups, residents and the public. This includes on draft versions of the Plan as well as the submission version and the recent MMs. The Authority has taken steps to explain the process and engage with local people. Overall, I am satisfied that consultation has been undertaken in accordance with the Authority's Statement of Community Involvement and the relevant regulations.
- SA has been carried out and is adequate.
- As identified above, the HRA (2018) and the HRA of the MMs (January 2019) indicate that, subject to suitable mitigation included in the Local Plan as modified, no significant adverse effect on the integrity of European protected sites is likely.
- The Local Plan includes policies designed to ensure that the development and use of land in the Broads contributes to the mitigation of, and adaptation to, climate change. This includes Policy PUBSP3, policies which seek to reduce the need to travel, promote energy efficiency and address flood risk, and the requirement in Policy PUBDM8 to submit a Climate-Smart Checklist.

- The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

144. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

145. The Authority has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Local Plan for the Broads satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Katie Child*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.