

Broads Authority

27 September 2019

Agenda item number 11

Draft planning documents for consultation

Report by Planning Policy Officer

Summary

The Authority has produced two Supplementary Planning Documents to help with the interpretation and implementation of the Broads Local Plan. It has also updated its Statement of Community Involvement. All documents will be subject to consultation.

Recommendation

To approve the draft documents for public consultation.

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1. Introduction

- 1.1. Now that the Broads Local Plan is adopted, it is considered that some requirements or policies in the Plan would benefit from supporting information to help with their interpretation and implementation.
- 1.2. Two draft Supplementary Planning Documents (SPDs) and the updated draft Statement of Community Involvement (SCI) are presented to this meeting. If approved by members, the documents will be published for public consultation and the final documents adopted at a future meeting.

2. About Supplementary Planning Documents

- 2.1. National Planning Policy Guidance states that: ‘Supplementary Planning Documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. [Regulations 11 to 16 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) set out the requirements for producing Supplementary Planning Documents. In exceptional circumstances a [Strategic Environmental Assessment](#) may be required when producing a Supplementary Planning Document.’

3. About Strategic Environmental Assessment

- 3.1. SPDs must be screened for impacts on the environment with the ‘Consultation Bodies’ of Natural England, Environment Agency and Historic England. Their responses to the draft SPDs are shown below.

4. Draft Marketing and Viability SPD

- 4.1. Several policies in the Local Plan will require applicants or agents to carry out a robust marketing strategy and/or a viability assessments and/or equivalent tests if the scheme which is being proposed is promoting something different to the adopted policy position. This SPD explains what is meant by marketing and viability, and which Local Plan policies have this requirement.
- 4.2. The draft Marketing and Viability SPD is at Appendix 1.
- 4.3. The Consultation Bodies were consulted on the screening, as set out in Appendix B of the SPD. Their responses are below.
- a) **Historic England:** ‘Given the nature of the SPD and on the basis of the information provided in this consultation, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA’.
 - b) **Environment Agency:** ‘It elaborates on already adopted policy. We therefore agree with the conclusions you have drawn in that a SEA likely is not required’.
 - c) **Natural England:** No response received
- 4.4. A full SEA has not been completed, reflecting the responses from the Consultation Bodies and the SEA screening.

- 4.5. The draft SPD was also discussed at Planning Committee on 13 September 2019. The discussion was wide ranging and the comments are summarised below
- The 12-month period is too long and this could negatively affect businesses and properties in the Broads.
 - The reference to a longer period of 18 months if the market is stagnant is onerous; it is also unclear how 'stagnant' would be defined.
 - The term 'viability assessment' as we use it on some occasions is not quite right.
 - It is too prescriptive.
 - What is required needs to be clear.
 - More discussion might be needed about this.
- 4.6. Following the discussion, it was resolved by the Planning Committee that the SPD should go out for consultation as it is. The Planning Committee endorsed the draft SPD for consultation. It was agreed that the consultation should be with a wide group of stakeholders in order to obtain as much relevant expertise and input as possible. It was agreed that, after the consultation the comments will be collated, proposed responses and potential amendments to the SPD prepared and a further report setting this all out presented to Planning Committee for full discussion, potentially in a workshop format. Following that session, a final SPD could be agreed with the potential for it to go out to consultation again if required.

5. Draft Broads Flood Risk SPD

- 5.1. The Broads Flood Risk SPD adopted in 2017 has been reviewed because the policy it is based around is no longer in place. We have also taken this opportunity to update and amend parts of the SPD.
- 5.2. The Consultation Bodies were consulted on the screening, as set out in Appendix H of the SPD. Their responses are below.
- a) **Historic England:** In terms of our area of interest, given the nature of the SPD and on the basis of the information provided in this consultation, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would advise that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.
 - b) **Environment Agency:** we are satisfied that in itself the SPD will not have additional significant environment effects further than those assessed as part of the Local Plan. The SPD outlines the approach to take in order to comply with the Local Plan.

Therefore, our view would be that the Flood Risk SPD does not require a specific SEA to be undertaken.

- c) **Natural England:** I agree with your assessment, as set out in your email dated 1 July 2019, that a SEA is not required for the Broads Flood Risk SPD, and have cut and pasted the same response that we gave last time below. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan on sensitive sites that Natural England has a statutory duty to protect.

- 5.3. A full SEA has not been completed, reflecting the responses from the Consultation Bodies and the SEA screening.
- 5.4. The draft SPD was also discussed at Planning Committee on 13 September 2019. There were no comments on the SPD and it was endorsed for consultation.
- 5.5. The draft Flood Risk SPD is at Appendix 2.

6. Draft Statement of Community Involvement (SCI)

- 6.1. Local Planning Authorities must produce a Statement of Community Involvement (SCI) and review it every five years to make sure it is up to date. The Authority's SCI was adopted in 2014 and is now under review.
- 6.2. The SCI sets out how the Authority will engage with stakeholders and the local community in the production and review of the Broads Local Plan and Broads Plan, and in the planning application process.
- 6.3. National Planning Policy Guidance states that:

'Local planning authorities must set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan-making, specifically survey stage and Local Development Scheme. This does not apply to those plans which have passed Regulation 18(1) stage of the Town and Country Planning (Local Planning) (England) Regulations 2012 before 31 July 2018 in respect of that particular plan / Statement of Community Involvement. Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement. A local planning authority may review and update their Statement of Community Involvement at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan'.

6.4. The draft SCI was also discussed at Planning Committee on 13 September 2019 and it was endorsed for consultation. It was suggested that a review of the SCI should be made at the start of the review of the Local Plan.

6.5. The draft SCI is at Appendix 3.

7. Consultation and next steps

7.1. It is proposed that the Authority consults on the draft planning documents for a period of 8 weeks, likely to be 27 September to 22 November 2019.

7.2. We will log and respond to all representations on the draft documents, and log any changes to the documents. It is intended that the final documents, together with consultation responses, will be presented to Planning Committee and subsequently to the Broads Authority for adoption.

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[Broads Plan](#) objectives

Appendix 1 – [Draft Marketing and Viability SPD](#)

Appendix 2 – [Draft Broads Flood Risk SPD](#)

Appendix 3 – [Draft Statement of Community Involvement 2019](#)