



Local Plan for the Broads

Broads Authority response to Matter 7 – Water, flooding and navigation June 2018

Issue – Does the Plan set out a positively prepared strategy and policies for protecting the water environment, dealing with flood risk and facilitating navigation, which are justified, effective and consistent with national policy?

[Chapter 10 – Water and flooding: Policies PUBDM1, PUBDM2, PUBDM3, PUBSP2, PUBDM4, PUBDM5]

[Chapter 24 – Navigation: Policies PUBSP13, PUBDM30, PUBDM31, PUBSP14, PUBDM32]

[Chapter 29 – Safety by the water: Policy PUBDM45]

Questions

- a) Do Policies PUBDM1 and PUBDM2 provide effective guidance for the protection and enhancement of water quality and dealing with foul drainage? Are there any outstanding objections from Anglian Water Services and the Environment Agency?
- i. *Other than two specific issues detailed below, the policies are effective. Water quality is extremely important in the Broads, not only to biodiversity, but to the economy in general, because poor water quality will affect both the quality of the landscape and the biodiversity, and will impact adversely on the visitor experience.*
- ii. *Regarding PUBDM1, to be clear, the issue is whether the final part of the policy should say 'until it is confirmed that capacity **can be** available within the foul sewerage network' or say 'until it is confirmed that capacity **is** available within the foul sewerage network'.*
- iii. *The EA say they are 'concerned that the proposed change to: "capacity **can be** available" is too vague for Horning and doesn't reflect the specific requirements of the joint position statement. 'Can be' is the wording used in paragraph 2 of the policy, which is fine and appropriate in all other cases as it allows for development to be approved and identified improvement measures to be delivered prior to occupation. However, for Horning there is a very particular requirement. The joint position statement states that before development can take place, there needs to have been 12 months monitoring of flows following the implementation of remedial works to ensure that capacity has been made available in the foul system. It is this process that will show whether capacity is available, which is what the policy is referring to, rather than any work that may be*

able to be completed as part of a development proposal. Given the sensitivity of this site, and the difficulty in solving the ingress issues, we'd prefer to be clear and leave that part of the policy as "capacity is available". The position of the Authority is to keep the current wording.

- iv. Having discussed the matter with Anglian Water, whilst they still wish for the wording of 'can be' to be used, they are content for the word 'is' and have indicated that they will remove their objection to the Local Plan.*
 - v. PUBDM2 received a negative comment from the RSPB (LP-PUB4 page 26, rep number 104). As set out in the response to that comment, there are a range of options that can benefit the situation ranging from awareness raising to full wash down and capture systems. Proposed Change 21 (LP-SUB2) seeks to address this comment.*
- b) Are the higher water efficiency standards in Policy PUBDM3 justified on the basis of local need? Has their impact on viability been assessed?
- i. Yes and the reasoning for this approach is set out in the Local Infrastructure Report (EB19, page 3 onwards). This assesses the various data sources which indicate that the area is in water stress. Turning to the responses to this policy (LP-PUB4, page 27), these show there is support from the Environment Agency and Anglian Water Services.*
 - ii. The Norfolk Strategic Planning Framework also concludes that the area is in water stress and has an agreement (LP-SUB10, page 55) that says 'Agreement 17 –Norfolk is identified as an area of serious water stress, the Norfolk Authorities have agreed that when preparing Local Plans to seek to include the optional higher water efficiency standard (110 litres/per person/per day) for residential development'.*
 - iii. The emerging Waveney Local Plan¹ includes the 110 l/h/d standard (policy WLP8.28, page 245).*
 - iv. Turning to viability, the Viability Study (EB43, page 23 and 34) includes the 110 l/h/d standard in viability calculations of the various types of housing development assessed and estimates the extra cost is in the region of £6 to £9 per build according to MHCLG. It concludes that the policy does not have a significant cost implication.*
- c) Do the Strategic Flood Risk Assessments covering the Broads provide a suitable evidence base for managing development and flood risk? Is the precautionary approach to flood zone 3b in the Position Statement between the Broads Authority and the Environment Agency (EB33) a suitable interim measure prior to additional modelling being completed? Is the interim position and relevant area clearly explained in Policy PUBDM4 and Appendix M? Are there any implications for the assessment of and/or the selection of allocations in the Plan?

¹ http://consult.waveney.gov.uk/gf2.ti/f/911330/35229029.1/PDF/-/Waveney_Local_Plan_Final_Draft.pdf

- i. *The information is the most up to date flood risk information available. The SFRA's and their methodology have been endorsed by the Environment Agency so yes they provide suitable evidence.*
- ii. *The Waveney SFRA has been delayed. Advice from the Environment Agency is to use the Norfolk SFRA until the Waveney SFRA is in place. This is because the Norfolk SFRA included Waveney district and the Norfolk SFRA takes a precautionary approach to flood risk 3b in the absence of the updated BESL model. It is intended that the Waveney SFRA will be completed during the examination of the Local Plan and therefore it is proposed that the policies maps are updated to reflect the Waveney SFRA. It should be noted that the sites allocated in Waveney have been checked against draft Waveney SFRA flood risk layers and the flood risk is the same as the Norfolk SFRA.*
- iii. *The interim measure is suitable prior to the additional modelling being completed as the Position Statement has been produced with the Environment Agency. They are content with the Local Plan policies referring to flood risk when required. The EA however have updated the Authority on the timeline for the BESL model which is now 2021 rather than mid 2019 but confirm that apart from amending the date in the Position Statement, the position in the Statement is still correct. The text in the Local Plan will need to be changed to the correct estimated timing of the updated BESL model and the Position Statement will be updated and re-issued.*
- iv. *The supporting text of PUBDM4 (page 35) summarises the situation in the BESL model area with more information at Appendix M and in the Position Statement itself. The Authority considers that the situation is expressed clearly. No comments were received in relation to the BESL model area modelling and flood risk approach. This section will need updating to reflect the 2021 modelling date.*
- v. *RSPB have suggested an improvement to the supporting text which seems reasonable and LP-SUB2 proposed change 22 addresses this comment.*
- vi. *The Broads Reed and Sedge Cutters Association (BRASCA) consider that the Local Plan should provide more detail on actual functional floodplain on the ground rather than using an SFRA (see LP-PUB5, page 12). Local Plans are required to be based on up to date SFRA's and this Local Plan is. The Environment Agency support the approach of the Local Plan for the Broads especially as the SFRA takes a precautionary approach and classifies FZ3 as indicative FZ3b where there is no detailed modelling. Therefore, BRASCA should be reassured that as part of any development proposals, the applicants will be required to demonstrate through a site specific FRA that the site is not functional floodplain.*
- vii. *Most of the policies in the sites allocations section have been rolled forward from the adopted Sites Specifics Local Plan 2014. Of the new sites in the new Local Plan:*

- *PUBBEC1 – seeks retention of use and not residential and refers to flood risk within the policy. The Waveney SFRA shows this as being within flood risk zone 3b (modelled).*
 - *PUBDIT1 and PUBFLE1 – the policy highlights flood risk.*
 - *PUBHOR2 – flood risk is 3a and 2*
 - *PUBHOV4 and 5 – flood risk is modelled.*
 - *PUBSOL2 – says that proposals need to address the flood risk in the area.*
 - *PUBSTO1 – at low risk of flooding.*
 - *PUBTSA2 – flood risk is modelled.*
 - *The residential moorings allocations, by their very nature, are in areas at high risk of flooding.*
- viii. *More generally, after each allocation policy there is a summary of the constraints and features on site or nearby and flood risk is included. Within the policies there is wording relating to flood risk where appropriate.*
- ix. *Most of the area of the Broads is at risk of flooding and so the Broads Authority and the Environment Agency locally are very experienced at ensuring flood risk is assessed adequately when determining planning applications. Over the last five years, no permissions were granted contrary to Environment Agency advice.*
- d) Does Policy PUBDM5 provide an effective framework for dealing with surface water run-off?
- i. *Yes, the policy is effective and has been produced in liaison with Norfolk County Council as the Lead Local Flood Authority for most of the Broads.*
- ii. *Initially, Anglian Water Services requested a change, but following discussions with them, Norfolk County Council and Environment Agency, all parties agreed to keep the wording as it is to reflect that deep infiltration is not regarded as a routinely appropriate disposal option for surface water due to the potential pollution risk to groundwater. In addition the LLFA does not consider deep infiltration or borehole soakaways as infiltration systems that meet the requirements for the first level of drainage hierarchy. AWS therefore withdrew this comment.*
- iii. *The Authority therefore considers the policy effective.*
- e) Do Policies PUBDM30 and 31 apply to all forms of residential/commercial schemes which also incorporate waterways facilities and/or riverbank stabilisation? What is the definition of 'an established settlement' as referred to in Policy PUBDM31?
- i. *These policies apply to any development that meets the criteria for the policy to apply:*
- *DM30 first part applies to development that encourages the use of waterways and mentions jetties, moorings and walkways as examples. The second part applies to staithes and slipways and the third part to freight related infrastructure.*

- *DM31 refers to any scheme that has an element of river bank stabilisation.*
- ii. *'Established Settlement' wording has been rolled forward from the Development Management DPD policy. On reflection, the terminology could be improved. The aim is to avoid the introduction of quay heading in areas where it is inappropriate in terms of landscape and/or ecology. The acceptability of quay heading somewhere is not necessarily dependent on whether that area is rural or urban as there are some rural areas where quay heading is not appropriate and some areas where it can be acceptable. It is therefore proposed that this criterion be amended to say: 'k)~~The site is within an established settlement~~ where piling/**quay heading** is part of the character of the area'.*
- f) Do Policies PUBSP14 and PUBDM32 provide a suitable framework for protecting and increasing the number of visitor/short stay moorings in the Broads? How were the 10%/15% short stay requirements determined, and is there a size threshold?
- i. *The general approach of the Development Management DPD (2011) (AP2) has been rolled forward and since its adoption its application has ensured that short stay moorings have been protected and that more short stay moorings have been delivered.*
- ii. *The 10% requirement was also rolled forward from AP2 but amended to improve its effectiveness following experience over the years. This approach has been successful in delivering extra short stay moorings as detailed in the table below:*

Application number	Location	Detail
BA/2015/0244/COND	Barnes Brinkcraft, Hoveton	6 moorings now available.
BA/2012/0121/FUL	Brundall Church Fen	25m provided.
BA/2013/0163/FUL	Pyes Mill, Loddon	2 visitor moorings to be provided.
BA/2014/0426/FUL	Sutton Staithe	2 visitor moorings provided.
BA/2015/0172/FUL	Swancraft,	2 visitor moorings provided
BA/2014/0010/FUL	Eastwood Marine, Brundall	2 visitor moorings provided.

- iii. *The demand for short stay visitor moorings out of season² is low whereas the demand for long stay rented moorings for private boats is high. During the season, boats that would have been moored in basins are out on the water in use, either by their owners or rented by visitors, which means in theory there is mooring space within basins. This potential availability in basins coincides with the period of maximum pressure on*

² Out of season is October to April and in season is April to October.

short stay visitor moorings so there is a potential opportunity. The 15% seasonal approach is a pragmatic approach to the provision of short stay moorings within basins or marinas that acknowledges the fluctuating seasonal demand for such moorings in the system and in basins.

- iv. *There is no size threshold – this policy applies to all new or extended commercial basins and marinas. The reason for no threshold is because there is an identified need to provide additional moorings and any development which increases the number of boats on the system will increase the need for short stay visitor moorings given that such short stay visitor moorings will be required when the vessel is out on the water around the Broads.*