

Submission of the Local Plan
Report by Planning Policy Officer

<p>Summary: This report introduces Local Plan submission documents, discusses the comments made at pre-submission consultation and explains the submission and examination process.</p> <p>Recommendation: It is recommended that Planning Committee agree to recommend to Full Authority that the Broads Local Plan be submitted to the Planning Inspectorate for examination.</p>

1 Introduction

- 1.1 The Local Plan has been the subject of three rounds of public consultation: Issues and Options, Preferred Options and Pre-submission Consultation.
- 1.2 The most recent consultation, the Pre-submission Consultation, ended on 5 January 2018.
- 1.3 The comments received have been assessed and draft responses made. Proposed changes to the Local Plan have been suggested.
- 1.4 This report introduces Local Plan submission documents, discusses the comments made at pre-submission consultation and explains the submission and examination process.
- 1.5 More information on the examination process can be found here: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

2 Pre-submission consultation

- 2.1 The consultation ran from 9 November 2017 to 5 January 2018. The comments received and the proposed response can be found at Appendix A. As a visual summary of the comments received, a matrix has been produced to show who commented, the nature of their comment and to which policy the comment was made against. This can be found at Appendix B. Of particular importance are the comments in red – these are areas where there is some disagreement between the Authority and the person or the organisation making the representation. Overall, the level of support is to be noted. The schedule of proposed changes is included at Appendix C. **Members' views on the responses and the proposed changes are requested.**
- 2.2 The following table summarises the key proposed changes:

- The proposed changes below are expressed in the form of a red ~~strikethrough~~ for deletions and blue underlining for additions of text.
- Other instructions or explanations are set out in *italics*.
- The page numbers and paragraph numbering below refer to the publication local plan, and do not take account of the deletion or addition of text.
- For the avoidance of doubt, these changes will only come into force, if indeed they are supported through the examination of the Local Plan, on adoption of the final Local Plan.

Page No. (From Broads Local Plan Pre- Submission)	Policy/ Para. No. (From Broads Local Plan Pre- Submission)	Proposed Change
	PUBSSA47	<i>Amendments to policy to reflect comments received. See Appendix G of Schedule of Proposed Changes.</i>
-	New Policy	<i>New policy allocating residential moorings at Horning for 6 residential moorings. See Appendix D of Schedule of Proposed Changes.</i>
-	New Policy	<i>New policy allocating residential moorings at Somerleyton. For 12 residential moorings. See Appendix E of Schedule of Proposed Changes.</i>
Inset map 11	PUBHOV1 inset map 11	<i>Extend area that this policy applies to. See map at Appendix C of Schedule of Proposed Changes.</i>
27	PUBDM1	<i>Correction to wording.</i> The Authority encourages proposals to consider the use of constructed reed beds as a filtration system to remove nutrients before the waste water from small sewage treatment plants <u>and</u> package treatment works and septic tanks enters waterbodies.
33	PUBDM4	<i>Correct wording to better reflect when a FRA is required.</i> Development proposals of one hectare or greater, less than 1ha in Flood Zone 1 when a site is at risk from other sources of flooding not related to rivers or the sea e.g. surface water, and all proposals for new development in Flood Zones 2 and 3, will be accompanied by a site specific Flood Risk Assessment (FRA), except those covered by Environment Agency standing advice.
35	PUBDM5	<i>Correct to add more detail about the risk assessment:</i> i) Use a risk assessment on treatment stages to reflect the type of proposed development and how surface water run-off and drainage will affect the receptor. <u>A 1.2m clearance between the base of infiltration SuDS and the peak seasonal groundwater levels is required;</u>
35	PUBDM5	<i>Correct to reflect conversations with LLFA, AWS and EA.</i> The surface water run-off runoff rates that will occur as a consequence of the development are <u>is</u> required

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		to be no more than the <u>existing pre development</u> greenfield rate for the equivalent event for <u>runoff rate</u> . <u>Brownfield sites should aim to reduce runoff as close to greenfield sites or, if the site is brownfield, then</u> rates as possible. The discharge rate for brownfield sites should be no more than the rates prior to <u>any new</u> development. However, applicants <u>Applicants</u> are encouraged to seek betterment in surface water run-off <u>runoff</u> as part of their proposals <u>for brownfield sites</u> . <u>The runoff rate should be agreed with the Local Planning Authority, in conjunction with the Lead Local Flood Authority and where relevant sewerage undertaker.</u>
39	PUBDM6	<i>Add this text as new c) i)</i> <u>Are subject to a prior groundwater protection risk assessment in accordance with Environment Agency Guidance: Assessing Groundwater Pollution for Cemetery Developments (or successor document or advice);</u>
48	PUBDM9	<i>Amend to clarify policy.</i> i) There is not a less harmful viable option; ii) The amount of harm has been reduced to the minimum possible; iii) Satisfactory provision is made for the evaluation, recording and interpretation of the peat before commencement of development; iv) Enhancement of biodiversity outweighs the carbon loss; and v) The peat is disposed of in a way that will limit carbon loss to the atmosphere. <u>Development that seeks to enhance biodiversity but may result in some peat removal will still need to demonstrate the criteria I to iv and that the biodiversity benefit will outweigh carbon loss.</u>
51	PUBDM10	<i>Change point c viii) to say:</i> Satisfactory provision is made for the evaluation, excavation, recording, and interpretation, <u>dissemination and archiving</u> of the remains before the commencement of development.
69	PUBDM18	<i>Amend to refer to historic environment:</i> a) There is no adverse impact on the character of the locality, the wider landscape, <u>character and significance of the historic environment</u> and the amenity of neighbours;

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77	PUBDM22	<i>Add as last part of policy:</i> <u>Where a development proposal could have an impact on a trunk road, it will be assessed by Highways England in accordance with policies of the relevant Department for Transport Circular¹.</u>
80	PUBSP11	<i>Change to reflect comment received at pre-submission consultation.</i> v) Recreational facilities (<u>such as moorings and access for anglers</u>)
81	PUBDM24	<i>Add to policy:</i> ii) Proposals do not have an adverse impact on landscape character, <u>protected areas, biodiversity and the wider environment</u>
84	PUBDM27	<i>Change to reflect comment received at pre-submission consultation.</i> d) There is no loss of local or visitor facilities, such as moorings, <u>access for angling</u> and access to the waterside.
85	PUBDM27	<i>Add to policy:</i> d) There is no loss of local or visitor facilities, such as moorings, <u>access for angling</u> and access to the waterside.
103	PUBDM33	<i>Improve wording to aid clarity:</i> Developments of 6 to 10 dwellings will be required to contribute a commuted sum towards the provision of affordable housing. <u>Developments of 6 to 10 dwellings will be required to contribute a commuted sum towards the provision of affordable housing in accordance with the affordable housing part of the full requirements of the adopted standards and policies of the relevant District Council in relation to thresholds and level (%) of dwellings which should, subject to viability, be affordable. The commuted sum should reflect the subsidy required to deliver the affordable housing requirement off site (to include the cost of land and construction).</u>
106	PUBDM34 and associated map in Development Boundary map bundle	<i>Remove development boundary at Thorpe St Andrew from policy and supporting text. Remove map from policies map bundle.</i>
108	Policy PUBDM35	<i>There is no need in the Broads Authority Executive Area, but might be in the constituent district's area.</i>

¹ currently 02/2013: THE STRATEGIC ROAD NETWORK AND THE DELIVERY OF SUSTAINABLE DEVELOPMENT: www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development

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		<i>The Authority could conceivably assist in meeting this need, subject to meeting the other policy requirements in the Local Plan. Improve wording to reflect this.</i> Where there is a proven need (which could arise from the Authority's Executive Area or the constituent district's area), appropriate development will be allowed where the following criteria are met:
110	PUBDM36	<i>Add the following text:</i> Conditions will be used to restrict the number, scale and size of boats using the residential moorings.
112	DM36 Supporting text	<i>Wording change reflects sites permitted on appeal and proposed additional allocations for residential moorings.</i> <ul style="list-style-type: none"> • Ten residential moorings have been permitted on appeal at Waveney River Centre. • Four Six sites have been allocated for residential moorings amounting to around 25 41 residential moorings. <i>**please note that if the residential moorings allocation at Loddon Marina is reduce to 5 from ten the above figures will need amending accordingly**</i>
120	PUBDM42	<i>Remove reference to lifetime homes. Remove criterion h 'adaptability' and combine with criterion k:</i> Accessibility and adaptability: Developments shall be capable of adapting to changing circumstances, in terms of occupiers, use and climate change (including changes in water level). In particular, dwelling houses should be able to adapt to changing family circumstances or ageing of the occupier(s) and commercial premises should be able to respond to changes in industry or the economic base. Applicants are required to consider if it is appropriate for their proposed dwelling/ some of the dwellings to be built so they are accessible and adaptable and meet Building Regulation standard M4(2) and M4(3). If applicants do not consider it appropriate, they need to justify this. For developments of more than 20 dwellings, 5% will be built to meet Building Regulation Standard M4(2).
130	PUBDM46	<i>Changes to reflect comments received. See Appendix H of Schedule of Proposed Changes.</i>
140	PUBDM36 and all residential mooring allocations	<i>Add the following text:</i> Conditions will be used to restrict the number, scale and size of boats using the residential moorings.
141	PUBBEC2	<i>Improve wording to aid clarity:</i> Proposals must ensure no adverse effects on water quality and the conservation objectives and qualifying features of the nearby SSSI (site is within SSSI Impact Zone) and have regard to the setting of the conservation area.

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146	PUBCAN1	<i>Improve reference to nearby heritage assets</i> d) Improves the appearance of the works, particularly in views from the river and other receptors in the locality, through design, materials and landscaping <u>and have regard to the setting of the nearby designated heritage assets.</u>
153	PUBGTY1	<i>Improve reference to nearby heritage assets</i> Careful consideration will be given to the design, scale and layout of any redevelopment, its potential additional impacts on nearby residents <u>and setting of the Halvergate Marshes Conservation Area</u> , and its role as a landscape buffer between the Bure Park and more urban areas.
153	PUBGTY1	<i>Reflect potential for archaeology by adding this as last part of policy:</i> <u>An archaeological assessment may be required as part of any application.</u>
169	PUBLOD1 supporting text	<i>Reduce allocation at LOD1 to 5 residential moorings. If this is agreed, the residential moorings trajectory will need amending and this is reflected at Appendix A of the Schedule of Proposed Changes.</i> The Broads Authority would support up to ten <u>five</u> of the moorings at Loddon Marina being converted to residential moorings in line with policy PUBDM36.
170	PUBNOR1	<i>Improve reference to nearby heritage assets</i> b) Protect and enhance natural assets <u>and the historic environment and setting of heritage assets</u>
174	OUL3	<i>New first paragraph to policy so policy aligns with Waveney District Council's emerging policy:</i> <u>New Town Centre Use Development (falling within use classes A1, A2, A3, A4, A5, C1, D2 and B1a) will be permitted within the Oulton Broad District Centre where the scale and function of the development is consistent with the role of the District Centre and would not impact on the vitality and viability of Lowestoft Town Centre.</u>
184	PUBTSA2	<i>Amendments to aid clarity.</i> <i>See Appendix F of Schedule of Proposed Changes that shows the changes.</i>
202	PUBSSA47	<i>Add Outer Thames Estuary SPA to constraints and features.</i> • <u>Outer Thames Estuary SPA</u>
202	PUBSSA47	<i>Amendments to aid clarity.</i> <i>See Appendix G of the Schedule of Proposed Changes that shows the changes.</i>

- 2.3 The following summarises the 'red' comments in the matrix. Wording in italics is the general reply to these comments.
- a) Vision – geodiversity needs to be mentioned in the vision. *The vision is copied verbatim from the Broads Plan to ensure the documents are fundamentally linked.*
 - b) SP2 – the Authority needs to investigate in detail functional flood plains. *The Local Plan is required to be based on a Strategic Flood Risk Assessment that has been completed.*
 - c) DM13 – disagrees with policy seeking to address energy use and renewable energy for housing and employment schemes. *The policy meets legal requirements and has been proven to be effective in the past by virtue of delivery of the Ditchingham Maltings site and permission granted to the Pegasus site which both used the approach in the policy to address energy usage.*
 - d) SP12 – considers certain towns and villages should be mentioned in the policy. *The policy is a strategic policy, applicable to all the Broads. Many towns and villages provide sustainable access to the Broads - more than the five or so listed.*
 - e) SP13 – suggest that guide produced for Norwich City Council is references in the Local Plan. *The guide is bespoke for Norwich City Council to help deliver the River Wensum Strategy. Could be scope for a similar guide for the Broads, but not part of the Local Plan.*
 - f) DM34 – queries the need for development boundaries. *Development boundaries direct development to locations with good access to services and facilities and where landscape impacts are more likely to be minimal.*
 - g) DM36 – query development boundary and marina or boatyard locational requirements. *See above re development boundary. Being located within a boatyard ensures no impact on navigation and that the more 'intensive' use of a residential mooring when compared to a short stay mooring could be contained better within a marina.*
 - h) DM42 – concern that requirement for building regulations M4(2) not fully justified. *Noted and we intend to look into this post-submission.*
 - i) DM44 – considers that if all other policies in Local Plan are addressed then so are health considerations. *That is not necessarily the case and the NPPF raises the importance of addressing health in planning.*
 - j) DM11 and DM47 – concern that holiday homes is allowed but market residential not allowed. *The locations tend to be isolated from services and facilities that someone living in a house may need hence market residential is not the preferred use.*
 - k) GTY1 – should allow market and holiday residential and policy should apply to larger area. *The area allocated applies to the brownfield land in need of regeneration. Discussions also ongoing through the application route with another party involved. Has been subject to much pre-application discussion.*

- l) HOV5 – Hoveton Town Centre and areas adjacent to the Town Centre. The Parish Council feels that the “areas adjacent to the town centre” area in Wroxham considers Wroxham only in the context of the boundary of the Broads Authority and perpetrates the dominance of Hoveton town centre. Point v says it will consider proposals that contribute to the “vitality and viability of the Town Centre” – that Town centre being Hoveton not Wroxham. Wroxham becomes a conduit for traffic into Hoveton and a provider of car parking. *The policy not only addresses the town centre but also areas on the periphery of the town centre that were subject to a policy in the Sites Specifics 2014 which are deemed necessary to be covered by a policy to guide proposals in that area.*
- m) CHE1 and LOD1 – concern about upkeep of boats, management of moorings, anti-social behaviour and impact of traffic. *It does not necessarily follow that people living on boats leads to anti-social behaviour. Formalising moorings for residential use could lead to improvements. Highways Authority have commented on proposals from a traffic perspective and consider mitigation is possible. Management of moorings is not a planning consideration. But taking on board comments, propose to reduce allocation at Loddon Marina to 5 moorings rather than 10.*
- n) NOR1 – queries housing development here in relation to flood risk. Considers it ideal for a renewable energy power station. *Not subject to flooding and the original plan for the wider site (including the part within Norwich City Council’s area) did include a renewable energy station. Also policy does refer to a mix of uses.*
- o) TSA2 – concern about the detail of the policy and considers island ideal for residential moorings. *Site has not been put forward for consideration for residential moorings through the Local Plan formally. General disagreement on some of the points raised which have been raised before to the Authority.*
- p) TSA3 - need for a more flexible approach when considering any applications for industrial development on the site. *Noted although there are significant highway constraints and the policy reflects this.*
- q) PUBSSA47 – concern that the policy may prevent the dualling of the Acle Straight. *Discussions ongoing with those who commented.*

2.4 Whilst these comments are acknowledged, in the view of Officers, none of the comments raise fundamental soundness concerns that prevent the Authority from submitting the Local Plan. Whilst these comments will be debated through the Examination in Public and some changes to the Local Plan may ensue as a result of the examination, it is recommended that Planning Committee agree to recommend that Full Authority submit the Local Plan for the Broads to the Planning Inspectorate.

3 Submission documents

- 3.1 For a list of all documents that form the examination library and that will be submitted to the Planning Inspector as part of the Examination in Public, please go to Appendix D. Some documents are discussed below and some form appendices to this report.
- a) **Submission Duty to Cooperate Statement** – this is the final DTC Statement and has been updated to reflect the recent formal agreement with Great Yarmouth² as well as the progress on the Norfolk Strategic Planning Framework³ (and some other minor changes). Changes are shown as tracked changes but when submitted, these changes will be accepted. See Appendix E.
 - b) **Legal and Soundness Checklists** – template produced by the Planning Advisory Service, these checklists act as a check during the production of the Local Plan to show how the various requirements have been met. See Appendix F and G.
 - c) **Consultation Statement** (including comments received from the pre-submission consultation). Also called the regulation 22(c) statement, this sets out who was consulted, how they were consulted, the comments received and how the comments informed the Local Plan and if not, what the reasons were. This includes the pre-submission consultation representations. See Appendix H.
 - d) **Schedule of proposed changes** – The Authority cannot change the Local Plan that was consulted on at the pre-submission consultation. The Authority can propose that some modifications are made. These will be considered by the Inspector. Some of these have originated from the representations received and others from the Authority. See Appendix C for the schedule of proposed changes.
 - e) **Equalities Statement** – this came before Members on 13 October 2017 and has not changed⁴.
 - f) **Local Plan, Sustainability Appraisal, Habitats Regulation Assessment and Evidence Base**⁵ – these have not changed since the Local Plan was consulted on⁶. These documents will be submitted for examination. Please note that some comments were made in relation to the HRA and these will be addressed in detail when the HRA is updated

² This came before Planning Committee on 8 December and papers can be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-8-december-2017>

³ This came before Planning Committee in February 2018 and the papers can be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-2-february-2018>

⁴ 13 October Planning Committee Papers: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/1017699/Broads-Local-Plan-October-Bite-Size-Pieces-pc131017.pdf

⁵ For the consultation documents and evidence base, go here: <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan>. These documents have been before Planning Committee throughout the production of the Local Plan.

⁶ Members will recall that the SFRA was received at the end of October but some errors were spotted (which did not materially affect the proposed policies) and was subsequently reissued in November.

to reflect any changes that come about as a result of the examination (such as the Schedule of Proposed Changes).

4 Submission process

4.1 If Full Authority agrees that the Local Plan is submitted to the Planning Inspector for the Examination in Public, the following steps will be completed:

- The submission documents will be put into an examination library and printed off where required. All submission documents will be submitted on a DVD.
- Documents will be submitted to the Planning Inspectorate via courier.
- A Programme Officer will be in place. This Officer is the point of contact on behalf of the Inspector – effectively a ‘go-between’.
- The Local Plan page of the website will be kept up to date.

5 Examination process

5.1 The following table covers the first ten or so weeks of the examination process⁷. At this stage, we do not know the dates of the examination meetings or when the matters and issues will be issued from the Inspectorate. The table gives a guideline. Examinations can take any length of time from say 5 months to up to a year. Planning Committee will be kept informed of the progress of the examination.

Timing	Key Actions
Week 1	<ul style="list-style-type: none"> • LPA submits the plan to the Secretary of State (in practice to the Planning Inspectorate) including a full and complete proportionate, evidence base and regulation 22(c) statement.
Week 2	<ul style="list-style-type: none"> • The Planning Inspectorate will seek to appoint an Inspector. The Planning Inspectorate will carry out an initial scoping of the plan (procedure and content).
Weeks 3-4	<ul style="list-style-type: none"> • The Inspector will commence early appraisal of the plan. • The Inspector will look for any fundamental or cumulative flaws in the plan such as the DTC and write to the LPA in the first instance where there are major concerns. • The Inspector will give consideration to the matters and issues for examination, the structure of hearings, allocate participants to hearing sessions and decide whether additional material is needed from participants. The date for submission of responses to the Inspector will usually be the same for all parties – the process is to

⁷ This table is taken from the Procedural Practice in the Examination of Local Plans: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Timing	Key Actions
	<p>inform the Inspector, not create counterarguments and rebuttals.</p> <ul style="list-style-type: none"> • If the plan is very straightforward and not contentious, the Inspector may be able to deal with the examination by means of written representations, negating the need for hearing sessions. • The LPA (and representors) may be asked to provide papers or responses on specific issues highlighted by the Inspector. However, these papers should not be put forward if not asked for by the Inspector (e.g. if the LPA wishes to produce topic papers, these should be part of the evidence base submitted with the plan). • The Inspector takes charge of the process of what may be submitted. • The Inspector will confirm the hearing start date. The LPA will ensure that the start of the hearing sessions is notified i.e. at least 6 weeks in advance of commencing.
Week 5	<ul style="list-style-type: none"> • The Programme Officer (PO) sends the initial letter to participants (if not sent earlier on in the examination), the programme for hearing sessions including matters/issues and circulates the Inspector's Guidance Notes. • The LPA and participants will start work on providing any material requested by the Inspector, including statements. The LPA prepares answers to any questions raised by the Inspector in the early correspondence. The LPA and other participants in the examination have around 2-3 weeks to produce their statements for the hearing session, if the Inspector has asked for them.
End Week 7	<ul style="list-style-type: none"> • Responses and statements from the LPA and participants are due. • The PO clarifies and confirms attendance at the hearings.
Week 8	<ul style="list-style-type: none"> • The PO checks that the statements have been received and ensures that they are placed on the examination website. It is important that the statements from the LPA and other participants should be available before the hearings commence, so that everyone (including the Inspector) is fully aware of the evidence/points being made.
Week 9	<ul style="list-style-type: none"> • The Inspector ensures that the programme for the hearing sessions including the agendas for the hearings is updated as necessary and placed on the examination website. • The PO circulates final agendas for the discussions at each of the hearing sessions to the relevant participants
Week 10+	<p>HEARING SESSIONS COMMENCE.</p> <ul style="list-style-type: none"> • The hearing sessions form an important part of the examination process; participants should attend on the relevant day or session. • The number of hearing days required will be largely dependent on the type of plan, the number of issues which need to be discussed

Timing	Key Actions
	<p>and the number of participants: Typically:</p> <ul style="list-style-type: none"> ○ Plans dealing with development management policies, area action plans or thematic plans may require anything from a single day up to 5 sitting days; ○ Plans dealing with strategic polices, site allocations plans and mineral and waste plans may require hearings over 5-9 days; and ○ Full plans under para 153 of the NPPF may require up to 20-25 sitting days, and in complex cases, occasionally more. <ul style="list-style-type: none"> ● Inspectors may also split the hearing sessions into two tranches: the first dealing with strategic policies and sites, and the second dealing with detailed site allocations, development management policies and other matters.
Later on in the process	<ul style="list-style-type: none"> ● There may be a consultation on the modifications to the Local Plan, carried out in the usual way for at least 6 weeks. ● The Inspector will then take everything into account and prepare their report. ● The report will be sent to the LPA for fact checking. ● The report will then be published and this includes the decision as to whether the Local Plan is sound or not and what changes are required to make it sound. ● The Local Plan is then adopted by resolution of Full Authority.

The Local Plan page of the website will be kept up to date.

6 Financial Implications

6.1 The Examination will take place next financial year and there is a budget earmarked for the Examination of around £60,000.

Background papers: None

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Appendices: [Appendix A – Pre-submission consultation responses received](#)
[Appendix B – Pre-submission comments matrix](#)
[Appendix C – Schedule of Proposed Changes](#)
[Appendix D – Submission Examination Library](#)
[Appendix E – Submission Duty to Cooperate Statement](#)
[Appendix F – Legal Checklist](#)
[Appendix G – Soundness Checklists](#)
[Appendix H – Consultation Statement. Also called the regulation 22\(c\) statement.](#)