



Local Plan for the Broads
Broads Authority response to Matter 9 – Natural and historic environment
June 2018

Issue – Does the Plan set out positively prepared policies for conserving and enhancing the natural and historic environment which are justified, effective and consistent with national policy?

[Chapter 14 - Soils: Policy PUBDM9]

[Chapter 15 - Historic environment: Policies PUBSP5, PUBDM10, PUBDM11]

[Chapter 16 - Biodiversity: Policies PUBSP6, PUBDM12]

Questions

- a) Where there is harm/loss to peat soils, is the requirement for biodiversity enhancement to outweigh carbon loss justified, as set out in Policy PUBDM9?
- i. In the original approach set out in PUBDM9, the enhancement of biodiversity was required when considering development on sites of peat soils and this has been reconsidered with a proposed change to the policy.*
 - ii. In response to the NFU's representation (LP-PUB4, page 38, rep number 207) the Authority proposes a change (change 34 of LP-SUB2): remove iv) and the following text is added as separately but after the list: 'Development that seeks to enhance biodiversity but may result in some peat removal will still need to demonstrate the criteria i to iv (*excluding the current iv*) and that the biodiversity benefit will outweigh carbon loss'. With this change, the policy is improved.*
- b) Do Policies PUBSP5, PUBDM10 and PUBDM11 provide an effective framework for conserving and enhancing heritage, which is in line with national guidance? Is the requirement to consider employment, recreation or tourism uses in preference to residential use, as set out in Policy PUBDM11, justified and soundly based?
- i. The policy approach addressing the historic environment and heritage assets is generally the same as the Development Management DPD policies (AP2), but updated to reflect experience and changes to national policy. Since adoption in 2011, the Development Management DPD policy approach has been effective in conserving and enhancing the historic environment.*

- ii. *Historic England requested amendments to PUBSP5 (rep number 138 page 39 of LP-PUB4) which seem reasonable (see LP-SUB2 proposed change 35) and can be taken forward.*
 - iii. *Norfolk County Council requested amendments to PUBDM10 (rep number 76 page 40 of LP-PUB4) which seem reasonable (see LP-SUB2 proposed change 36) and can be taken forward.*
 - iv. *In relation to PUBDM11, the policy seeks to promote the re-use of historic buildings as this is the best way to protect them. Where the location does not meet the criteria for permanent residential use (outside of development boundaries), appropriate alternative uses need to be found, which may be employment, recreation or tourism.*
 - v. *Whilst the provision of new uses is often an effective way to protect historic buildings the Authority must be mindful of the impact of various uses on the significance of the asset both from the actual conversion and the subsequent use. Uses other than permanent residential often impact less on significance as they can require less alteration initially and a different expectation of the standard of accommodation required, and can avoid the introduction of ancillary / additional domestic paraphernalia which can adversely impact on significance. This is particularly the case in remote locations.*
 - vi. *In relation to impact of development on communities, the criteria in the Plan overall seek to protect existing residential properties from adverse impacts which includes inappropriate land uses (through the Amenity policy PUBDM20), however holiday accommodation is not considered to necessarily cause the issues which are considered in PUBDM20.*
 - vii. *It is also noted that existing dwellings can usually be used as holiday accommodation without planning permission.*
 - viii. *The Authority therefore considers the hierarchy system is the best way to protect these assets as it results in minimising the alteration of their character.*
 - ix. *It is noted that agricultural buildings in the Broads Authority are not covered by the Part 3 Class Q permitted development rights that allow conversion to a C3 (dwelling houses) use.*
- c) Do Policies PUBSP6 and PUBDM12 provide an effective framework for protecting and enhancing biodiversity and geodiversity?
- A. *Yes and Norfolk Geodiversity Partnership has requested some amendments and these seem reasonable (Proposed changes 42 and 43 of LP-SUB2) and can be taken forward*
 - i. Are local ecological networks clearly identified and mapped in the Plan, in line with paragraph 117 in the NPPF?

- A. No. Under the auspices of the Norfolk Strategic Planning Framework (LP-SUB10 from page 69) work relating to ecological networks within the County is being finalised so no map is currently available. Waveney District Council has produced a Green Infrastructure Strategy¹ (2015) that applies to the entire district. The Broads has an Integrated Access Strategy² that is also of relevance.
- B. To respond to the ecological network requirement of the NPPF it is intended to produce a Supplementary Planning Document or guide relating to the ecological network and green infrastructure studies and how they apply to the Broads. It is intended to complete this within a year of adopting the Local Plan.
- ii. Is the approach to previously developed/brownfield sites with high open mosaic habitat of high environmental value justified?
- iii. What is land of 'high environmental value' and how would this be assessed?
- A. Either through replacements/conversions or comprehensive regeneration of sites (for example the Oulton Broad site), development on previously developed/brownfield land is very common in the Broads and therefore a policy to reflect that such brownfield sites could be of high environmental value is justified. Furthermore, the Authority's first statutory purpose is to 'conserve and enhance the natural beauty, wildlife and cultural heritage of the Broads'. The policy approach is therefore justified.
- B. The policy is designed to reflect the requirements of NPPF paragraph 11 by providing a definition of 'high environmental value' to enable the policy direction of the NPPF and this policy to be applied in practice.
- C. Land of 'high environmental value' is included in the NPPF at paragraph 111. There is no definition in the NPPF so the Wildlife and Countryside Link produced a definition which this Local Plan adopts - with links to relevant references in footnote 47 of the Local Plan. The Countryside Links' definition refers to priority habitats under section 41 of the Natural Environment and Communities Act 2006 (NERC Act) and open mosaic habitat on previously developed land is a priority habitat in the NERC Act (2006).
- D. Turning to the process of addressing the NPPF paragraph 111 and the policy in the Local Plan, the Authority does not consider this onerous on applicants. Sites may be required to be assessed using on site surveys. As stated on page 59 of the Local Plan, in the third paragraph, such surveys will need to be completed by a suitable qualified ecologist. An initial screening will be undertaken following site visits by Development Management Officers in liaison with in-house Ecologists. If the site is recently vacant or there is no flora on site, then a survey is probably not required. If a site has been vacant for many years, it could be that open

¹ <http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Background-Studies/Green-Infrastructure-Strategy.pdf>

² <http://www.broads-authority.gov.uk/looking-after/managing-land-and-water/recreation-and-tourism/access>

mosaic habitat on previously developed land may occur and a survey could be required to assess the habitat.

- E. Fundamentally, this is not about preventing development on brownfield land, but to make sure development has considered the potential habitats and takes it into consideration in its design and delivery.*
- F. The RSPB recommend an improved definition of brownfield land. This appears to be a reasonable suggestion and LP-SUB2 sets out the proposed change (41).*