



Local Plan for the Broads

Broads Authority response to Matter 1 – Legal and procedural matters June 2018

Issue – Has the Plan been prepared in accordance with statutory procedures and Regulations?

Questions

- a) Has the Authority submitted robust evidence to demonstrate that they have met the duty to cooperate?¹ Are there any outstanding strategic matters?
- i. Yes. The Duty to Cooperate Statement (LP-SUB6) sets out how the requirements of the Duty to Cooperate have been met. Furthermore, the Norfolk Strategic Planning Framework (which covers the Norfolk part of the Broads) shows how Norfolk Authorities have cooperated and planned strategically (LP-SUB10). Whilst no equivalent document covers Suffolk and there is not a Heads of Planning Policy group that operates in Suffolk on a regular basis, LP-SUB6 shows how we have cooperated with Waveney District Council and Suffolk County Council. There are no outstanding strategic matters.*
- b) Has the Plan's formulation been based on a sound process of sustainability appraisal?
- i. Yes. The SA Scoping Report (LP-SUB11) was consulted on between October 2014 and 14 November 2014. An additional scoping report style consultation was undertaken on amendments to the SA Objective SOC6 (LP-SUB12).*
- ii. Sustainability appraisals were produced to inform and accompany each stage of the Local Plan production:*
- Issues and Options: LP-IO2 Issues and Options Interim Sustainability Appraisal*
 - Preferred Options: LP-PO2 Preferred Options Sustainability Appraisal*
 - Publication version: LP-PUB2 Publication Sustainability Appraisal*
- c) Are the likely effects of the Plan adequately and accurately assessed in the Habitat Regulations Assessment (HRA) (2017) (LP-PUB3)? Is the process of

¹ Section 20(5)(c) and Section 33A of the Planning and Compulsory Purchase Act 2004.

seeking project-level HRA from individual schemes, as set out in Policy PUBSP15, robust?

- i. Notwithstanding the answer to the question from the Inspector in relation to the recent European Court ruling which is included at EPS1c, the Authority and indeed Natural England consider the HRA to be adequate and accurate. Natural England says 'We fully support the findings of the exemplary Habitats Regulations Assessment (HRA) of the Local Plan'.*
 - ii. As set out in document LP-PUB4, various organisations identify that there are revisions to the boundary and features of the Outer Thames Estuary SPA. As set out in the response to these comments, the representations were forwarded to Footprint Ecology who undertook the HRA of the Local Plan. They have undertaken an assessment and do not consider the change to affect their HRA of the Local Plan. There will be a need for an addendum to the HRA to assess the changes that come about as a result of the Examination and the comments on the Publication version of the HRA can be further addressed in that addendum.*
 - iii. In response to the HRA for the Preferred Options version of the Local Plan (PO-PUB3, page 39, PODM31) such wording was added to policy PODM31. On receipt of comments from Waveney District Council (LP-PO4, page 170) the policy was merged into the existing strategic policy. So the requirement originated from the HRA.*
- d) Has consultation on the Plan been undertaken in accordance with the Statement of Community Involvement (LP-SUB8) and statutory requirements?
- i. Yes. The approach taken at each stage of the production of the Local Plan is set out in the Consultation Statement (LP-SUB1a and 1b). The Authority considers that the minimum requirements as set out in the Regulations have been exceeded.*
- e) Is Plan preparation in line with the Authority's latest Local Development Scheme?
- i. Yes. The LDS is at document LP-SUB7. An important step of the preparation phase was the approval of the Publication Local Plan and supporting documents by the full meeting of the Broads Authority and this decision was indeed taken on 29th of September 2017, as indicated on the timeline. It should be noted that the timing for the Publication of the Local Plan was delayed slightly due to delays in finalising the Strategic Flood Risk Assessment. The LDS estimated that the Examination of the Local Plan was due end in June 2018 but this is not the case as the hearings are due to take place in July.*

- f) Does the Plan provide clear articulation regarding the areas covered by constituent District Councils, and allow policies which cross reference to other plans to be effectively applied?
- i. *There are instances when the Authority defers to the Local Plan policy of our districts (such as open space and affordable housing), and in such situations, the reference to the district councils' policies is indicated in the text. For example, PUBDM6, section b: "The Broads Authority will have regard to the approach and/or standards set by the relevant constituent district council..."*
 - ii. *In response to your question f), two additional ways to address the articulation with district policies are proposed for the Inspector's consideration which could be included in the Local Plan if they were deemed useful (see points iii & iv below).*
 - iii. *A map could be included in the Local Plan that shows which part of the Broads Authority is within which district. There is not such a map in the submitted Local Plan. This could be produced and inserted if required.*
 - iv. *In the instances when the Authority defers to the Local Plan policy of our districts (such as open space and affordable housing) no link to the Local Plan of our districts is provided, because it was deemed that the link would not remain up-to-date. All districts are producing new Local Plans so such links would become obsolete and would not take the user to the correct document in future. However additional wording could be added along the lines of 'please contact the Broads Authority for advice regarding where to find the Local Plan policies of our districts'.*