

Planning Committee

Agenda 06 March 2020

10.00am

Yare House, Thorpe Road, Norwich, NR1 1RY

Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 7 February 2020** (Pages 3 - 12)
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

Matters for decision

6. Chairman's announcements and introduction to public speaking
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. Request to defer applications included in this agenda and/or to vary the order of the agenda
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

BA/2020/0013/FUL Gays Staithe, Irstead Road, Neatishead – Use of land for mooring of BA passenger boat (Pages 13 -20)

Enforcement

9. **Enforcement update** (Pages 21 - 24)
Report by Head of Planning

Policy

10. **Ditchingham Maltings – prosecution** (Pages 25 - 34)
Report by Head of Planning

11. **Flood Risk Supplementary Planning Document (SPD) for adoption** (Pages 35 - 47)
Report by Planning Policy Officer
12. **Marketing and Viability SPD for consultation** (Pages 48 - 85)
Report by Planning Policy Officer
13. **Residential Moorings Guide for consultation** (Pages 86-110)
Report by Planning Policy Officer
14. **Consultation documents and proposed responses** (Pages 111-129)
Report by Planning Policy Officer
 - **Rollesby Neighbourhood Plan**
 - **Norfolk County Council Rail Prospectus**
 - **Norfolk County Council Local Transport Plan**
 - **Great Yarmouth Borough Council North Quay SPD**
15. **Neighbourhood Planning – Designating Oulton Broad as a Neighbourhood Area** (Pages 130-132)
Report by Planning Policy Officer
16. **Two Tree Preservation Orders (TPOs) at Hoveton – recommendation for site visit**
(Pages 133-137)
Report by Head of Planning

Matters for information

17. **Appeals to the Secretary of State update** (Pages 138-140)
Report by Senior Planning Officer
18. **Decisions made by Officers under delegated powers** (Pages 141-144)
Report by Senior Planning Officer
19. **To note the date of the next meeting – Friday 3 April 2020 at 10.00am at Yare House, 62/64 Thorpe Road, Norwich**

Planning Committee

Minutes of the meeting held on 07 February 2020

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Bill Dickson, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Leslie Mogford, Vic Thomson, Fran Whymark.

In attendance

Sandra Beckett – Administrative Officer (Governance), Natalie Beal – Planning Policy Officer (Minute 10, 11, 16,) Kate Knights– Historic Environment Manager (up to Minute), Jack Ibbotson – Planning Officer (Minute 8), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services (Minute 11).

Guest Speaker

Mike Burrell, the Greater Norwich Planning Policy Team Manager

Members of the public in attendance who spoke

Member of the public: Ms Melany Holloway – agent for Applicant: BA/2019/0431/REM Homestead Farm, Beccles Road, Bungay.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting. In particular she welcomed Mr Mike Burrell from Norfolk County Council who was the Greater Norwich Planning Policy Team Manager who was at the meeting for item 10.

Apologies were received from Julie Brociek-Coulton, Jacquie Burgess and Andree Gee.

Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

2. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

The Chairman asked whether Mr Knight wished to declare any other interests, apart from that stated for Item 12 relating to the appeal, in relation to Agenda Item 11 concerning the Marketing and Viability SPD, given that he was currently involved in a marketing assessment and the guide made specific reference to time periods.

Mr Knight commented that he had already recorded his interests on the register as a landowner in the Broads and he felt he had no other interests for this meeting, other than those already declared and recorded.

The Head of Planning advised that officers considered that he had an interest as a landowner, but that this was a matter for the individual member and the decision was theirs. She noted that it was useful nonetheless to have discussed and recorded this.

3. Minutes of Planning Committee meeting held on 10 January 2020

The minutes of the meeting held on 10 January 2020 were approved as a correct record and signed by the Chairman.

4. Points of information arising from the minutes

Minute 4 of 10 January 2020 and Minute 13 a of 6 December 2019: Heronby, Beech Road Wroxham. The Head of Planning reported that Historic England had visited the site to assess the building for listing. Officers had received the preliminary report concerning the facts for comments. No decision had been made as yet.

5. To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

6. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wished to speak were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented.

7. Requests to defer applications and/or vary the order of the agenda

The Chairman reported that she intended to vary the order of business to take matters in the following order after Agenda Item no 7:

- (i) Item 10 Greater Norwich Local Plan Consultation
- (ii) Item 8 Application for Planning permission
- (iii) Item 9 Enforcement Update
- (iv) Item 11 Marketing and Viability SPD workshop
- (v) Item 16 (Additional Item) - Neighbourhood Plan before item 12.

This would allow Mike Burrell to provide his presentation at the beginning of the meeting so as he could leave early and to include the additional item under the policy section of the agenda.

Item 10 was dealt with at this point in the meeting.

8. Applications for planning permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decision set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decision.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officer's report, and which were given additional attention.

(1) BA/2019/ 0431/REM Homestead Farm, Beccles Road, Bungay

Reserved matters application (following outline application BA/2019/0105/OUT) for the erection of a steel framed building to house milking parlour, including details of conditions 2, 3, 4, 8, 9 and 10. Applicant: Mr D Utting

The Planning Officer explained that the application was before the Committee as it was a major application. He provided a detailed presentation of the reserved matters relating to outline planning permission granted in May 2019 for the erection of a large steel framed agricultural building to house a dairy, milking parlour, collecting yard and associated storage and office. The access, layout and scale had been dealt with by the original outline application. The reserved matters were for a detailed landscaping scheme to be implemented and a design for the external appearance of the building. The application also included details of a surface water attenuation scheme, biodiversity enhancements, flood resilience measures and flood response plan.

Since the writing of the report the further details that had been requested on the design and landscaping of the building together with some samples of the materials to be used had been received. These involved further timber cladding to come down the sides of the building as low as possible without impeding the functionality. The landscaping incorporated some of the suggestions from the Authority's Landscape Architect, including some screening, the details of which required further examination. The Planning Officer explained that the new building would take on the use of the existing building nearest to the road. The existing building would be retained but used for dry storage of machinery during the summer and other equipment and housing cattle in the winter months.

Details relating to the conditions required for surface water drainage, biodiversity and flood response plan had been acceptable to the Environment Agency, Local Lead Flood Authority, Natural England and the BA Senior Environment Officer.

The Planning Officer concluded that the proposed milking parlour and dairy building could be constructed in accordance with relevant planning policies, based on the information provided and subject to details of clarification on some points to ensure that the impact of the development upon the landscape was addressed. It was considered that the amendments were achievable and once the final alterations to the scheme were examined and found acceptable to officers, the development could be approved. He recommended that delegated

authority be given to the Head of Planning for approval subject to the final details being acceptable.

In response to a Member's question, the agent explained that the farm was not of a scale where a biodigester would be viable, although there were other farms in the district which had this ability. The applicant's agent clarified a number of points relating to the surface water drainage and disposal of waste. There was provision for rainwater harvesting and there would be appropriate recycling and reuse on site. The slurry would be stored separately in a holding tank, with capacity for 7 months' storage.

Members complimented all concerned on the satisfactory negotiations and particularly the applicant for providing the requested details of the proposal, especially the surface water attenuation plans. They queried the need for the suggested condition for the removal of permitted development rights. The Senior Planning Officer commented that this duplicated a condition restricting use on the outline permission, so this was not needed.

Lana Hemsall proposed, seconded by Bruce Keith and

It was resolved unanimously

To delegate to the Head of Planning to agree the required amended landscaping and design scheme in consultation with the Broads Authority Landscape Architect and any other relevant consultee and issue a decision subsequently with the conditions outlined within the report without the removal of permitted development rights.

Subject to the satisfactory amendment of the schemes as detailed and conditions outlined, the application is considered to be in accordance with Policies SP1, SP6, SP10, DM5, DM21, DM23 & DM46 of the adopted Local Plan for the Broads 2019.

9. Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

Former Marina Quays, Great Yarmouth – the Marina site had been sold. The new landowner intended to carry out the development but with some changes. There was no intention to retain and convert the Marina Quays building and officers would discuss its demolition with the agent.

Blackgate Farm, High Mill Road, Cobholm- Unauthorised operational development - An appeal against the Enforcement Notice was submitted on 26 January 2020 and a Hearing had been requested by the appellant. A start date for the appeal was awaited.

The following item was dealt with before item 8

10. Greater Norwich Local Plan consultation

The Committee received a presentation from Mike Burrell, the Greater Norwich Planning Policy Team Manager. He explained that the Greater Norwich Local Plan GNLP was made up

of two documents setting out the Strategy and then Site documents with evidence base and under Regulation 18 was published as the pre-submission plan for consultation from 29 January to 16 March 2020. He explained that the Plan would supersede the Joint Core Strategy and many site allocations when adopted. He also explained that South Norfolk was in the process of producing a separate "village clusters housing sites allocation plan". He hoped that as many would respond to the consultation as possible.

He set out the main issues the plan covered such as the need for homes to include growth delivery and mix, economic growth, low carbon development in response to climate change, enhancement of the environment and infrastructure to support the growth, emphasising the importance of working closely with providers such as the Highways and the Water Authorities. The final wording and requirements for delivery of biodiversity would be dependent on the determination of the Environment Bill. The current wording was to encourage biodiversity but this could become a requirement if/when the Bill became Act. He stressed that flexibility was the key due to this time of rapid social, economic and environmental change. After adoption the plan there would be requirement for a five-year review.

Mike Burrell set out the key areas within the plan relevant to the Broads Authority area and where these were referenced including Policies 2, 3 and 4 and the East Norwich Masterplan which now included the Deal Ground, and Utilities site and linked the city to Whitlingham, water-based recreation, freight and protecting the navigation. These were only referenced since the Authority had its own policies.

In his presentation he set out the key elements of the Strategy including the spatial portrait vision and objectives, focus on delivery, key policies and housing targets and provided maps of the strategic growth area, the key service centres and the housing growth locations. He stated that this included 360 hectares of employment land with strategic sites and local sites as a tech corridor. He explained that the minimum 12 allocation was that which was required to provide affordable housing. With regard to Specific sites he said that comments on site choices and the policies were welcomed and the settlement booklet would be of assistance.

Members recognised that infrastructure was a critical need in the plan, not only for water supply but particularly with regard to transport and especially for visitor access and provision for new housing development in the village clusters, also taking account of the need to reduce carbon. This would require active encouragement from all parties. Partnership working was essential and Mike Burrell assured members that Norfolk County Council was producing a revised County-wide Local Transport Plan and one specifically for the Norwich area which were working in parallel with the GNLP in order for there to be dovetailing.

A member referred to the key initiative of Water Resources East which it was considered was one of the most significant elements of partnership working. It was clarified that Norfolk County Council and the Greater Norwich Local plan was linked into this.

It was confirmed that after March there would be high level and detailed consultation feedback reports to be considered by the Greater Norwich Local Plan Forum, the plan would

be published in early 2021 for submission to Government and it was anticipated that public examination would be in late 2021 with a view to adoption in August /September 2022.

Members were welcome to respond as individuals. The Head of Planning commented that a formal report would be prepared for the Planning Committee to consider as the Broads Authority's response to the consultation.

The Chairman thanked Mike Burrell for his interesting and helpful presentation.

11. Marketing and Viability Supplementary Planning Document SPD – Workshop

The Committee received a report setting out the comments received, the proposed responses and amendments to the Draft Marketing and Viability SPD following the public consultation from 27 September to 22 November 2019. These formed the basis for discussion at the Committee meeting. A further report would be prepared for the next Planning Committee meeting on 6 March 2020 for approval for the second round of public consultation.

The Head of Planning emphasised that the new Local Plan had been adopted in 2019. As with previous Local Plans the Authority produced a series of guides and Supplementary Planning Documents (SPD) to supplement those policies. Examples for future consideration included guides on residential moorings, light pollution and safety by the water. Examples of currently adopted guides were on the subject of moorings, biodiversity enhancement and landscaping. SPDs could only add texture and detail and were designed to help with the interpretation of the policies. The policies themselves could not be changed (other than through a review of the Local Plan, with subsequent examination) as they had been through a rigorous examination process. The Planning Officer explained that the details in the Draft Marketing and Viability SPD were based on the experience gained from the questions received in the past and to which officers had responded and therefore was designed to make clear what was required within the assessments.

The Planning Policy Officer reported that following the initial consultation, it was proposed to alter the text to remove the reference to having a longer period for marketing if the market was stagnant. Another particular area of change was the addition of reference to tourism.

Members considered it was important to be flexible and pragmatic and agreed that the Authority needed to encourage viability. One Member considered that the wording should not be over prescriptive and suggested including the words "up to 12 months". Another member supported the 12 months, but suggested using the term 'normally'. The Head of Planning stressed that the Authority was not out of step with other Authorities and assured members that each site would be considered as to its circumstances and context, according to its merits. But to change 'up to 12 months' or 'normally' would be changing policy.

In general Members considered the document to be very useful and the comments received from the consultees, including those of a member involved in development, very helpful.

Members felt that a balance needed to be struck and considered that 12 months was about right and the approach being taken was welcomed.

Members noted the amendments.

The Head of Planning confirmed that the Draft Marketing and Viability SPD would be brought to the next meeting for approval for the second stage consultation.

Item 16 was dealt with at this point in the meeting.

12. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since April 2019. The Senior Planning Officer reported that since the writing of the report, another appeal had been received on 5 February 2020 about a property in Borrow Road, Lowestoft, in a Conservation Area. The Authority had refused planning permission for the replacement of fascia, soffit, guttering and windows with anthracite coloured UPVC and replacement of a conservatory.

It was resolved to note the report.

13. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 December 2019 to 24 January 2020.

It was resolved to note the report.

14. Circular 28/83 Planning Statistics for quarter ending 31 December 2019.

The Committee received the Planning Statistics for the quarter ending 31 December 2019. It was noted that the Authority had met the government targets.

It was resolved to note the report.

15. Date of next meeting

The next meeting of the Planning Committee would be held on Friday 6 March 2020 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This would be followed by the Member Heritage Asset Review Group.

16. Designating the Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Neighbourhood area

The Committee received a report introducing the Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Neighbourhood Plan. As the proposed area covered a number of parishes, this was the subject of consultation between 6 December 2019 and 24 January 2020.

The report also included responses from Historic England and Natural England. There were no known or obvious reasons not to agree the Neighbourhood area.

Leslie Mogford proposed, seconded by James Knight and

It was resolved unanimously to agree to Mettingham, Barsham and Shipmeadow and Ringsfield and Weston becoming a neighbourhood area to produce a Neighbourhod Plan.

The meeting ended at 11.48 am.

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 07 February 2020

Member	Agenda/minute	Nature of interest
L J Mogford		No interests to declare
J Knight	12	Planning Appeal ongoing
H Blathwayt		No interests to declare
T Jickells		No interests to declare

Planning Committee

06 March 2020

Agenda item number 8

BA/2020/0013/FUL Gays Staithe, Irstead Road, Neatishead – Use of land for mooring of BA passenger boat

Report by Planning Officer

Proposal

Use of land for mooring of Broads Authority passenger boat

Applicant

Broads Authority

Recommendation

Approve subject to conditions

Reason for referral to committee

Broads Authority Planning Application

Application target date

27 March 2020

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1. Description of site and proposals

- 1.1. Gays Staithe is an existing Broads Authority operated 24hr mooring located to the east of the settlement of Neatishead with access to Barton Broad and the Broads network by boat and Neatishead via Lime Kiln Dyke. The site is an area of grassed quayheading with pedestrian access along a gravel track leading to Irstead Road to the south. The site is in close proximity to the Broads Authority operated Barton Broad car park with a part surfaced part grass footpath to link the car park via Long Road and Irstead Road with the access track to Gays Staithe.
- 1.2. Planning permission is sought for the re-instatement of the previous use of the land as a mooring and embarkation/disembarkation point for a passenger trip boat run by the Broads Authority. The application sets out that the mooring would be required for use in conjunction with the passenger boat trips between the hours of 10am and 5pm during the month of April through to and including October. Outside of these hours during the months of April through to October the boat would be kept at Cox's Boat Yard. The mooring would revert to public mooring outside of the operational hours.
- 1.3. In the five off season months of November through to-March (inclusive) the mooring will be open for the general public to moor.
- 1.4. The boat proposed for the use, The Ra, is a solar electric powered boat with a capacity of 12 including one crew member. The applicant has set out that the Ra is 31' (9.45m) in length and therefore only takes up one space which would only be enough space for a small cruiser. Trips are organised on the basis of pre-booking passengers who will be given information regarding the timings of the trip, car parking and walking route to the staithe from the existing car park. Car parking would be at the existing car park to the south of the site which functions as a car park for the existing boardwalk route to Barton Broad.
- 1.5. Included in the application are details of the ramp which is used to access the boat when the moorings are in use. This will be removed outside of the operating season. Additionally, the applicant has submitted details of a flood response plan, and also noted the existing safety by the water features at the site which will be retained for the proposed use as well as the existing 24-hour public moorings.

2. Site history

- 2.1. The most relevant planning history is the previous planning approval effectively the same use, ref. BA/2002/1670/HISTAP. This allowed the Use of land for seasonal mooring of solar powered boat at Gays Staithe, permitted on the 15th April 2002. The use continued from Gays Staithe until 2011, where the Ra was transferred to Whitlingham where the boat was used for boat trips until last year.
- 2.2. Previously permission has been approved for effectively the same use. However, due to the prolonged period where the use has not continued and the intention of the Broads Authority at the time of the cessation (i.e to move from Gays Staithe on a permanent

basis), it is considered that the use had been abandoned. This means that planning permission is required to re-instate this use.

3. Consultations received

Parish Council

- 3.1. To be reported orally.

Environment Agency

- 3.2. No Objection (works may be subject to EA Permitting).

Norfolk County Council (NCC) Highways

- 3.3. Not received at the time of writing.

4. Representations

- 4.1. Broads Hire Boat Federation - Objects on the grounds that the proposed location for daytime operation of the passenger boat Ra would appear to make at least two alongside moorings not available to hire or private cabin boats at this popular spot. Short stop moorings are in short supply in this area anyway and the loss of any number, however small, should be avoided. Additionally, access for many, particularly the disabled, would appear to be quite difficult at this location and an alternative at a commercial site that is not available for short stop visitor mooring should be sought.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
- DM5 Development and Flood Risk
 - DM21 Amenity
 - SP9 Recreational Access around the Broads
 - DM23 Transport, Highway and Access
 - DM24 Recreation Facilities Parking Areas
 - SP12 Sustainable Tourism
 - DM29 Sustainable Tourism and Recreation Development
 - DM46 Safety by the water
 - SSSTAITHES Staithes

6. Assessment

- 6.1. The key issues relating to this development are the principle of development, access and highway safety, and impact upon existing public moorings. Other issues to consider are amenity of neighbouring properties and water safety. The development would not have an adverse impact upon the landscape or visual amenity as this relates to a seasonal use of an existing mooring area, and there is no significant construction involved in this scheme.

Principle of development

- 6.2. The proposed change of use would effectively re-instate a Broads Authority run visitor attraction in close proximity to existing visitor facilities, namely the Barton Broad carpark and boardwalk, as well as the existing public 24 hour moorings and open space. Policy DM29 seeks to site new tourism and recreation development in close association with existing visitor attractions or tourism sites. As such in this instance, the use of existing facilities is considered to comply with Policy DM29. The scale of the proposal being limited (capacity of 12, limited hours of operation, and timing during the year) also weighs in favour of compliance with both Policy DM29, and also the more general principles of sustainable tourism as set out in Policy SP12 of the Local Plan for the Broads.
- 6.3. The change of use has previously occurred in this location and took place for a number of years until 2011. The boat trips from Gays Staithe allow for the general public including those less mobile, to access the Broads on the water. This is in accordance with Policy SSSTAITHES as it would allow the continued access for the public, and would not obstruct the remaining areas of the staithe for mooring in line with the 24 hour mooring use.
- 6.4. In terms of the intensity of use, this is relatively low key from the data taken from the previous operation at the site (due to the capacity of the boat being 11 passengers plus skipper and the times of operation). The busiest year (2010) during the previous operation by the BA of a passenger boat at Gays Staithe had a total of 2,264 passengers with the busiest month being July with 575 passengers. This is an average of 19 passengers per day for July. The quietest months were May (99 passengers) and October (74 passengers), however during these months the boat only operated during school/bank holidays and weekends.
- 6.5. No data is available on the composition of groups/individuals or how they got to the site, however there would have been groups travelling together as well as individuals travelling to the site. As such the development is considered to be of a scale and intensity which is compatible with the location and setting which is accordance with Policy DM29 (part b xi) of the Local Plan for the Broads.

Access and Impact upon Highways

- 6.6. The proposed development would not significantly increase the number of visitors to the area due to the capacity of the boat being limited, the number of trips run from the

site also limited and the fact that Barton Broad car park and boardwalk already attracts visitor by car for walks and access to the Staithe.

- 6.7. Long Road and Irstead Road do not have lighting and do not have separated and surfaced footways. However, the boat trips will only operate in daylight hours so the lack of street lighting is not an issue. The verge is reasonably level on both of these roads and there is a footpath from the car park part way down Long Road in the direction of Irstead Road. However, anyone travelling to the boat trip by car would need to walk in part along Long Road and the section of Irstead Road.
- 6.8. On balance, this is not unacceptable as the roads are quiet country lanes with some provision of refuge in the place of the grass verge. Long Lane has a footpath separated from the road for part of the length of this route and because the section on the road is on a junction, the speed is limited. There is also an area of grass verge which acts as a footpath. Irstead Road also has in part a grass verge which acts as a footway and refuge if required.
- 6.9. The existing car park at Barton Broad is well laid out with a safe access. On balance, due to the small scale of the proposed boat the car parking facilities are considered to be acceptable for this proposed use. The scheme is therefore considered to accord with policies DM23 (Transport, Highway and Access), and DM24 (Recreation Facilities Parking Areas) of the Local Plan for the Broads.

Amenity of residential properties

- 6.10. The change of use would bring some new visitors to the site by foot from the Barton Broad carpark alongside residential properties which front onto Long Road and Irstead Road, as well as the residential property directly to the south of the application site adjacent to Gays Staithe. However, the intensity of use will be limited to maximum numbers of 12 people per trip, and only during the hours of 10:00 until 17:00 between April and October (inclusive).
- 6.11. As such, the scheme is not considered to have an adverse impact upon the amenity of any other residents or neighbours. The scheme is therefore considered to accord with Policy DM21 of the Local Plan for the Broads.

Other issues

- 6.12. Access for other boaters and visitors to the staithe is also a consideration. The mooring will continue to operate as it does currently as a 24-hour public mooring in the months of November, through to March (inclusive). Public mooring would also be possible outside of the hours of operation during the operational period as the passenger boat is to be stored at Cox's boatyard. This would allow for overnight mooring of visitors. It is also important to note that whilst the operational period has been specified April through to October (inclusive), in reality in the earlier months (April and May), and the later months (September and October) the boat trips only operate at weekends and through the week during the school holidays. As such this reduces any infringement on the 24-hour mooring. Whilst the boat is out on trips, there is no restriction for people

to use the section of the staithe for loading and unloading. The objection of the Broads Hire Boat Federation is noted, however, on balance the proposal would not restrict overnight mooring at any point in the year, and will only affect short stay mooring on a short section of the staithe during the months of April through to October (inclusive). The Ra at 31' (9.45m) is an average boat length and therefore would take up approximately 1 mooring spot for a smaller hire cruiser.

- 6.13. The applicant has considered alternative sites such as commercial boat yards. However, due to the additional costs associated with the use of a commercial boat yard, the limited options to accommodate car parking and also access for members of the public this has not been taken forward as it would make the trips unviable, or at sites where trips are already provided. On balance, therefore, the impact on short stay mooring is noted but is considered insufficient to warrant the refusal of the application.
- 6.14. The proposal would not have any adverse impact upon the landscape as the proposal (apart from the temporary positioning of an access ramp) does not include any significant physical development and relates predominantly to a change of use. The change of use would be in character and appearance very similar to the existing use and therefore there are no concerns regarding the impact upon the landscape.
- 6.15. The proposal would bring visitors in close proximity to the water. The scheme is considered to be acceptable in regards to Policy DM46 (Safety by the water) as the development would be located on an existing BA managed mooring where safety features are provided and maintained. In addition, the boat trip is manned and those using the boat are assisted by the BA trained skipper.

7. Conclusion

- 7.1. The proposed development is considered to be in accordance with the principle of sustainable tourism, and due to its limited scale would not have an adverse impact upon highway safety or access. The use of the mooring for a (solar powered) boat trip would encourage the public to experience and see a larger area of the Broads, in a low carbon emission form of craft. The proposal is considered to meet the relevant criteria of the Local Plan for the Broads.

8. Recommendation

- 8.1. Approve subject to conditions

9. Reason for recommendation

- 9.1. The proposed development accords with the Local Plan for the Broads (2019), in particular Policies DM29, DM23, DM24, SSSTAITH and SP9.

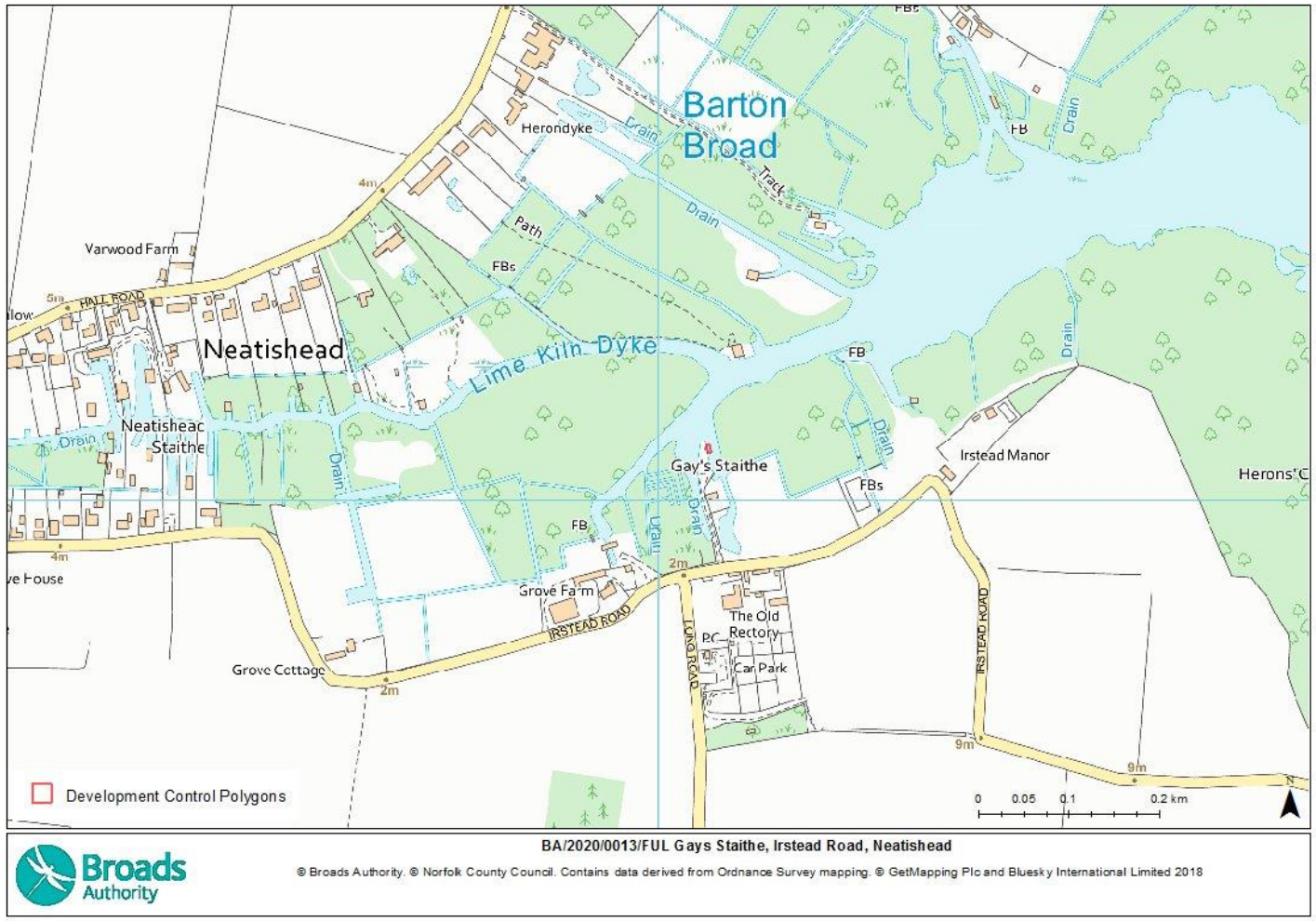
Author: Jack Ibbotson

Date of report: 24 February 2020

Background papers: Application File BA/2019/0013/FUL

Appendix 1 – Location map

Appendix 1 – Location map



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Planning Committee

06 March 2020

Agenda item number 9

Enforcement update – 6 March 2020

Report by Head of Planning

Summary

This table shows the monthly updates on enforcement matters. The financial implications of pursuing individual cases are reported on a site by site basis.

Recommendation

That the report be noted.

Committee date	Location	Infringement	Action taken and current situation
31 March 2017	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"> • Authority granted to serve Section 215 Notices. • First warning letter sent 13 April 2017 with compliance date of 9 May. • 26 May 2017: Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Monitoring 15 June 2017. Further vandalism and deterioration. • Site being monitored and discussions with landowner. • Landowner proposals unacceptable. Further deadline given. • Case under review. • Negotiations underway. • Planning Application under consideration December 2018. • Planning application withdrawn and negotiations underway regarding re-submission. • Works undertaken to improve appearance of building. • Revised planning application submitted 1 April 2019. • Planning Committee 19 July 2019: Resolution to grant planning permission • Arson at building, with severe damage 18 August 2019. • Discussions around securing building and partial demolition 19 August 2019 • Pre-demolition surveys almost completed and works commence thereafter 24 October 2019. • Works underway to secure and commence agreed demolition. 16 December 2019.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Site now sold. New landowner intends to build out with some amendments to be agreed. • New owner asked to demolish building as does not propose conversion. 12 February 2020. • Application received to demolish building (and other amendments to scheme). 20 February 2020.
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. • Site being monitored. • Planning Contravention Notices served 1 March 2019. • Site being monitored 14 August 2019. • Further caravan on-site 16 September 2019. • Site being monitored.
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and	<ul style="list-style-type: none"> • Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action. • Correspondence with solicitor on behalf of landowner 20 November 2019.

Committee date	Location	Infringement	Action taken and current situation
		standing and use of 5 static caravan units for residential use for purposes of a private travellers' site.	<ul style="list-style-type: none"> • Correspondence with planning agent 3 December 2019 • Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020. • Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal.

Author: Cally Smith

Date of report: 20 February 2020

Planning Committee

06 March 2020

Agenda item number 10

Ditchingham Maltings- prosecution

Report by Head of Planning

Summary

There has been a longstanding and persistent failure to implement the approved landscaping scheme (including maintenance) at Ditchingham Maltings. This is having an adverse impact on the appearance and enjoyment of the area for local residents and complaints have been received. A Breach of Condition Notice (BCN) was served, but has not been complied with.

Recommendation

That the Authority prosecute for failure to comply with the BCN and take direct action in respect of parts of the maintenance programme.

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1. Introduction

- 1.1. In January 2012 a planning application was submitted for the redevelopment of the former Ditchingham Maltings site on the edge of Bungay (BA/2012/0005/FUL). The application proposed the conversion of the remaining former Silk Mill and the construction of new residential units on the remainder of the site to provide 13 apartments and 92 new houses in total. Parking would be provided to all units and the houses would have small gardens. There is a small stream (Alma Beck) running through

the site and this was to be cleared out, with the land downstream being reprofiled to create additional flood compensation areas. A triangular area of land to the eastern area to the site was to be provided as public open amenity space, with mown paths, and informal play area and a small community orchard. At one hectare in area, this element was considered to provide an attractive feature within the development. Finally, a comprehensive landscaping scheme was proposed with a variety of tree and shrub species offering year round interest and biodiversity benefits.

- 1.2. The permission was granted in July 2012 with a number of planning conditions. Condition 15 required the submission of a landscaping scheme within 4 months of commencement and that "... the landscaping shall be carried out and maintained in accordance with the approved Landscaping Scheme for the lifetime of the development". The Landscape Management and Maintenance Plan was submitted in August 2016 and agreed. It then formed a part of the approved scheme.

2. Implementing the permission

- 2.1. Work to implement the permission commenced in late 2012. A number of applications were received proposing minor changes to the scheme (for example elevational amendments or changes to the materials), but the overall scheme remained broadly the same. No changes were proposed to the landscaping. The landscaping scheme was planted in 2016.

3. Implementation of the landscaping scheme and maintenance

- 3.1. As the scheme was built out, issues arose with regard to the implementation of the landscaping scheme. In particular, there were considerable delays in constructing the flood compensation areas and clearing and laying out the open amenity space. The file records considerable correspondence on this matter between the applicant company and the Local Planning Authority (LPA) as well as a number of site meetings in 2017 and 2018; no wholly satisfactory resolution was achieved.
- 3.2. In addition, the Parish Council were reporting incomplete and irregular maintenance of the scheme. For example, the mown paths which were to be created through the amenity area were not being regularly cut or maintained so residents and parishioners were unable to access this area. In response to these complaints, the applicant company advised in October 2018 that "... (our landscape contractor) assures me that everything is going to plan and that he has meetings with the Parish Council on a regular basis, but they were working off an old drawing ...". In response the Parish Council advised: "1. I have emailed (NAME REDACTED) at Greenleaf services several times since the meeting on 6th September requesting the maintenance contract he promised to email me. He has not answered any of the emails or sent the contract. 2. The maintenance is minimal and always have been, we are pretty sure the contract is

not being met. The footpath is unfit for purpose and the edges of the site stand should (sic) high with weeds. The beck cannot even be seen”.

- 3.3. Again, the file records considerable correspondence on this in 2018, with the LPA pressing the contractor for the schedule of maintenance so this could be compared with the approved scheme. Limited information was provided.
- 3.4. In March 2019 the LPA did a survey of the landscaping scheme on site, intending to use this information as a baseline against which to monitor maintenance over the year. It was found that the scheme as planted was not the scheme which had been agreed – in fact, not one single tree which had been planted was as shown on the plan. Instead of a variety of species, it was mainly silver birch which had been planted and some trees identified on the plan were missing. In the amenity and natural landscaping areas there was no habitat planting, the native hedging was different to as shown (being ornamental not mixed species) and the grassed area was unmanaged, whilst over 50% of the new hedging on the boundary had failed due to poor maintenance.
- 3.5. The applicant company was advised of this by letter on 18 March 2019, with photographs provided. They were advised that they would need to either:
 - Replant to the agreed schedule; or
 - Pursue the scheme as planted and apply to vary the condition on the planning permission; or
 - Pursue an amended scheme (the details of which would need to be agreed) and apply to vary the condition on the planning permission.
- 3.6. The applicant company commissioned a survey of the as-planted scheme to confirm the information provided by the LPA and this was carried out in May 2019 by Norwich City Council. In June 2019 they advised that they had received the information and would be putting together a scheme for the Authority’s consideration, with submission anticipated within a couple of weeks. Nothing was received.
- 3.7. Over the next few months, minimal maintenance was carried out. Complaints continued to be received from the Parish Council about the condition of the area and site visits by the LPA confirmed that there had been very little maintenance and certainly nothing regular. It transpired in conversation that the appointed contractor was based in Ireland, so contact details for local companies were provided by the LPA; no alternative appointment was made.
- 3.8. On 9 September 2019 the LPA served a Planning Contravention Notice (PCN) on the applicant company. The purpose of this was to obtain a schedule of exactly what works had been carried out and by whom, and to find out what was planned for the next six months.
- 3.9. The response was received on 30 September 2019 and the information provided was then compared with the agreed schedule in the management plan. Significant

discrepancies were found. For example, the approved management plan showed the grassed amenity area being cut to 30 – 50mm twice monthly, whilst the schedule showed it cut to 10mm three times per year (March, September and November). The applicant company was advised that the works were not in accordance in a letter on 9 October 2019 and warned that the LPA was intending to serve a Breach of Condition Notice (BCN). No response was received.

3.10. On 22 October 2019 the BCN Notice was served.

4. The Breach of Condition Notice

- 4.1. A BCN is a simple tool. It identifies a planning breach and details the steps required to remedy it. There is no right of appeal against a BCN and failure to comply is a criminal offence, with a fine on conviction at a Magistrates Court of up to £1,000. The level of fine is not always a deterrent, but the criminal conviction is.
- 4.2. The BCN here identified the planning breach as non-compliance with Condition 15, in that the planting was not in accordance with the approved scheme, neither the flood compensation area nor Alma Beck had been maintained in an appropriate and unobstructed condition and the maintenance of the whole area had not been in accordance with approved scheme.
- 4.3. The BCN set out 5 requirements:
 - a. In the planted areas (residential areas, natural landscape zone and informal play area) where the planting was not in accordance with the approved plan, to either remove the existing planting and replant as approved or submit and have approved an alternative scheme of planting and then implement this; and
 - b. Remove all dead, damaged and diseased planting in the hedgerow area and replant; and
 - c. Clear the flood compensation area; and
 - d. Clear Alma Beck; and
 - e. Implement the approved landscape management plan.
- 4.4. The deadlines for compliance were one month for items (c) and (d) plus the clearance of the informal play area, and three months for the remainder.
- 4.5. The LPA visited the site on 28 November 2019 and found that items (c) and (d) above had been completed. The applicant company was advised of compliance with this deadline.
- 4.6. On 14 January 2020 the applicant company was reminded by email that the deadline for the remainder of the work was 21 January 2020.
- 4.7. On 21 January 2020 the applicant company submitted a revised landscaping scheme for the site. The scheme outlined was the as-planted scheme, so effectively this was an

application to retain the status quo. The application was on an incorrect form, did not seek to vary the condition (as required) and was not accompanied by a fee. The application was invalid.

- 4.8. The LPA visited the site on 23 January 2020. No further works had been undertaken.
- 4.9. On 24 January 2020 the LPA wrote to the applicant company advising that the BCN had not been complied with. A copy of this letter is attached at Appendix 2. No response has been received.

5. Proposed actions

- 5.1. As outlined above, the LPA has been endeavouring to secure compliance with the landscaping scheme on this site since 2017. This is not simply an issue of principle, but is to achieve the high standard of amenity and appearance of the development as planned, and to ensure that the residents of the development and wider area can use and enjoy the public open space which was to be provided as part of the scheme. Access to a high quality environment improves the experience of place and offers multiple benefits to communities.
- 5.2. The LPA has engaged with the applicant company informally through correspondence and multiple site meetings; these have not been effective. It has therefore served both a PCN and, subsequently a BCN in an effort to force compliance, but these have not achieved very much either, despite the punitive measures associated with non-compliance with the latter. The LPA is able to prosecute the applicant company for failure to comply with the BCN.
- 5.3. Prosecution in a matter such as this is a blunt tool. Essentially the Court will consider whether or not the condition has been complied with and, to do this, will look at the facts of the case. The facts here are clear and there is a high chance of a successful prosecution. A successful prosecution, however, is just that and is not compliance, but the advantage of a successful prosecution is that it does tend to prompt compliance. The reasons for this can be multiple, and will include reputational risk and to avoid further court action. It also demonstrates the commitment of the LPA to upholding the planning requirements.
- 5.4. The issue here which has most exercised local residents is the inadequate maintenance of the amenity area, which impacts directly on the use and enjoyment of the development. This will start to become an issue again in April. Prosecution may prompt adherence to the agreed schedule. If it does not, there is an option for the LPA to engage a contractor to do this work and recharge it to the applicant company as a form of direct action; these costs can be raised through the prosecution process.

6. Conclusion and recommendation

- 6.1. The Ditchingham Malting scheme is a sensitively designed and well-constructed development. However, the failure to correctly complete the landscaping scheme or to

undertake the maintenance is having a direct and adverse impact on the enjoyment of the amenity area. This failure is long standing and persistent.

- 6.2. The applicant company has failed to respond adequately to any of the approaches of the LPA, either informal or formal. Prosecution is therefore recommended in order to address the previous failure and to prompt compliance.
- 6.3. Should there be continued failure to comply with the scheme, it is recommended that the LPA engage a contractor to undertake item (e) at 4.3 and recharge the applicant company. In taking this approach, the LPA will liaise with the Parish Council.

Author: Cally Smith

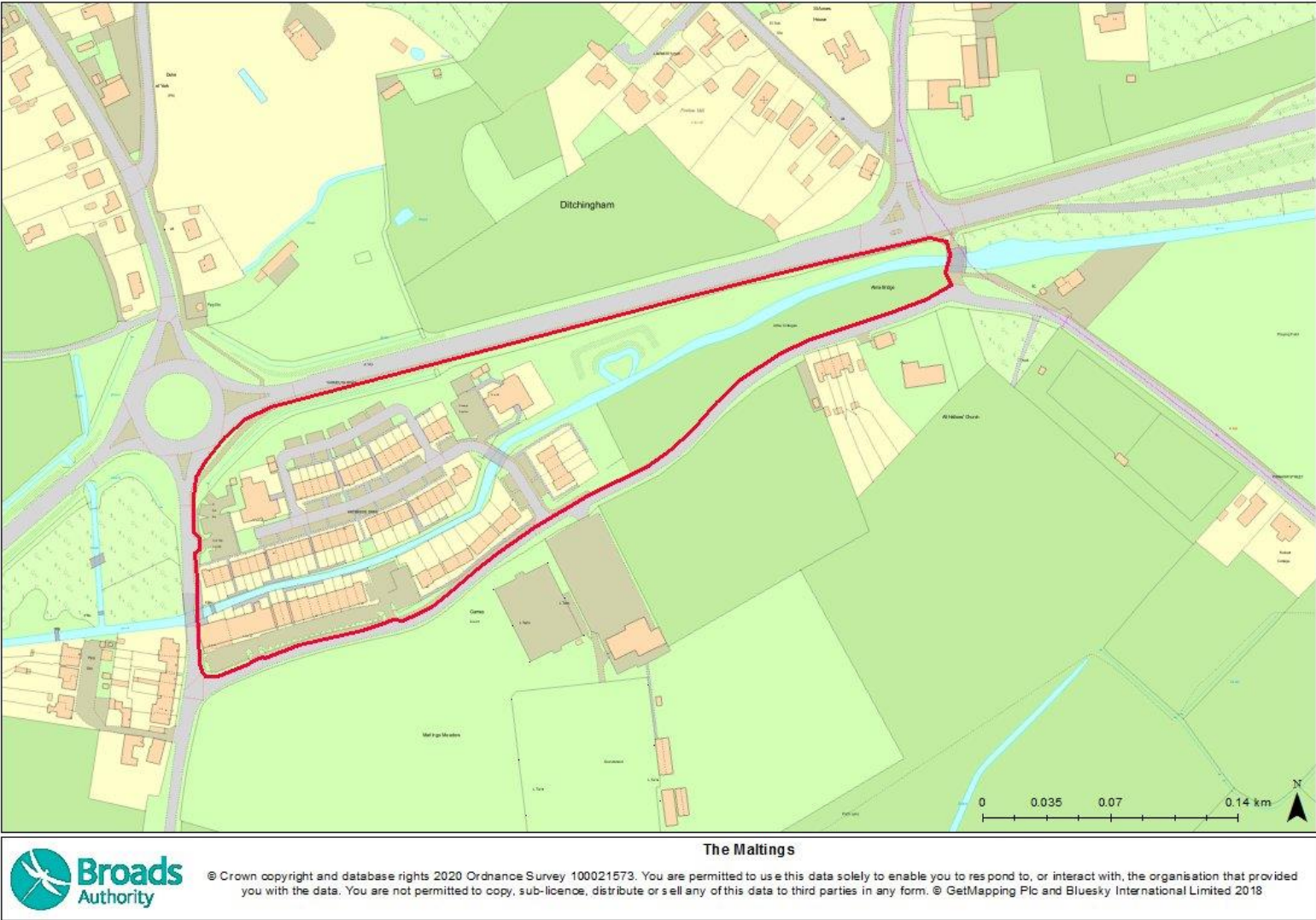
Date of report: 24 February 2020

Background papers: enforcement file BA/2018/0059/INFENF

Appendix 1 – Site plan

Appendix 2 – letter to applicant company

Appendix 1 – Site plan



Appendix 2 – letter to applicant company



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SCANNED
BROADS AUTHORITY
PLANNING & STRATEGY

Mr R Wilshaw
Planning Manager
PJ Livesey Holdings Limited
Beacon Road
Trafford Park
Manchester
M17 1AF

Date 24 January 2020

Our ref BA/2018/0059/INFENF

Your ref

Dear Mr Wilshaw

Breach of Condition Notice at Ditchingham Maltings

You will be aware that the Broads Authority served a Breach of Condition Notice (BCN) in respect of the above development on 22 October 2019.

The BCN required the following works to be completed by 22 November 2019:

- (i) Natural landscape plan - remove all existing planting around and within the area identified as 'Informal Play' on plan SR 655.4.1OC dated December 2012; and
- (ii) Flood Compensation Areas - Clear all obstructions, debris, litter, fly tipping to enable the area to operate unobstructed and able to store flood water; and
- (iii) Alma Beck - Clear all obstructions, debris, litter, fly tipping to enable the area to operate unobstructed and able to store flood water.

My colleague Linda Ibbitson-Elks visited the site on 26 November 2019 and found the following in respect of compliance:

- (i) None of the planting had been removed and compliance with this requirement had not been achieved;
- (ii) Some clearance work had been undertaken and whilst this was not comprehensive, it was sufficient to enable the area to store water and therefore, on balance, it was concluded that compliance has been achieved;
- (iii) Some clearance had been undertaken to remedy obstructions and a demonstrable improvement could be seen. It was concluded that compliance had been achieved.



The BCN required the following works to be completed by 22 January 2020:

- (iv) Residential areas - remove all existing planting as required in order to implement in full the planting scheme shown on plan SR 655.40 Dec 2012; or submit and have agreed in writing with the Local Planning Authority an alternative Landscaping Scheme for residential areas as shown on plan 655.40 Dec 2012; and
- (v) Residential areas - implement in full the planting scheme shown on plan 655.40 Dec 2012; or such alternative Landscaping Scheme as shall be agreed in writing with the Local Planning Authority in pursuance of (i) as above; and
- (vi) Natural landscape zone - remove all existing planting to the south of Alma Beck as required in order to implement in full the planting scheme shown on plan 655.4.10C dated December 2012; or submit and have agreed in writing with the Local Planning Authority an alternative Landscaping Scheme for residential areas as shown on plan 655.4.10C dated Dec 2012; and
- (vii) Natural landscape zone - implement in full the planting scheme shown on plan 655.4.10C dated December 2012; or such alternative Landscaping Scheme as shall be agreed in writing with the Local Planning Authority in pursuance of (vi) as above; and
- (viii) Natural landscape zone - implement in full the planting scheme shown around and within the area identified as 'Informal Play' on plan 655.4.10C dated December 2012; and
- (ix) Natural landscape zone - Remove all dead, damaged and diseased planting and implement in full a scheme for hedge planting in gaps along the boundary shaded in blue on the attached plan 655.4.10C dated December 2012; and
- (x) Undertake maintenance in accordance with the Landscape Management Maintenance Plan Rev D dated August 2016.

I have viewed the documents that you submitted on 21 January 2020, including the explanatory letter. I have also visited the site. I have found the following in respect of compliance:

- (iv) The BCN was framed in the alternative and required that you either remove all existing planting as a precursor to replacing it with the planting as shown on the approved scheme or that you submit and have approved an alternative scheme by the compliance date.

On 21 January 2020 you submitted an application for approval of details accompanied by an incomplete plan purporting to show the scheme as planted and indicating that you proposed to retain this.

Not only does this not meet the requirement of the BCN in either alternative, but the form is incorrect and so the application cannot even be validated. I would also remark that the simple retention of the scheme as planted with no amendments is unlikely to prove acceptable to the Authority. I have advised you of this previously.

The requirement of 6 (iv) of the BCN has not been met.

- (v) The BCN required either the implementation of the landscaping scheme as originally approved, or an alternative scheme agreed with the LPA under requirement (iv) above.

No planting has taken place so the requirement of 6 (v) of the BCN has not been met.

- (vi) The BCN was framed in the alternative and required that you either remove all existing planting as a precursor to replacing it with the planting as shown on the approved scheme or that you submit and have approved an alternative scheme by the compliance date.

On 21 January 2020 you submitted an application for approval of details accompanied by an incomplete plan purporting to show the scheme as planted and indicating that you proposed to retain this.

Not only does this not meet the requirement of the BCN in either alternative, but the form is incorrect and so the application cannot even be validated. I would also remark that the simple retention of the scheme as planted with no amendments is unlikely to prove acceptable to the Authority. I have advised you of this previously.

The requirement of 6 (vi) of the BCN has not been met.

- (vii) The BCN required either the implementation of the landscaping scheme as originally approved, or an alternative scheme agreed with the LPA under requirement (vi) above.

No planting has taken place so the requirement of 6 (vii) of the BCN has not been met.

- (viii) The BCN required the implementation of the landscaping scheme as previously agreed. No planting has taken place so the requirement of 6 (viii) of the BCN has not been met.

- (ix) The BCN required the removal of all dead, damaged and diseased planting within the hedgerow area and the implementation of a replacement planting scheme.

No planting has taken place so the requirement of 6 (ix) of the BCN has not been met.

- (x) The BCN required the maintenance of the site in accordance with the approved Landscape Management Plan Rev D.

There are a range of actions in the Landscape Management Plan, some of which require action at specific trigger points, whilst others are ongoing. From my inspection it is not clear whether all the weekly actions are being undertaken, so I intend to serve you with a Planning Contravention Notice so I have all the necessary information.

Notwithstanding the comments in respect of 6 (x) above, where there is outstanding information which I need, I conclude that there has not been compliance with the BCN.

As you are aware, the Authority served the BCN following a long period of discussions about this site, during which we have repeatedly expressed our significant concerns about the absence of meaningful action to address the issues around landscaping and maintenance. I am disappointed that the BCN has failed to elicit any timely or meaningful response and can advise you that I will be preparing a report for my Planning Committee seeking authority to prosecute for non-compliance.

Yours sincerely



Cally Smith
Head of Planning

Planning Committee

06 March 2020

Agenda item number 11

Flood Risk Supplementary Planning Document for adoption

Report by Planning Policy Officer

Purpose

The Flood Risk Supplementary Planning Document (SPD) was adopted in 2017. Following the adoption of the Local Plan for the Broads in May 2019, the SPD is being reviewed and updated. The SPD has been subject to two rounds of public consultation.

Recommended decision

That Planning Committee endorse the Flood Risk SPD and recommend that it is adopted by the Broads Authority.

1. Introduction

- 1.1. The Local Plan for the Broads was adopted in May 2019, and the Broads Authority is now looking in more detail into the interpretation and implementation of its policies.
- 1.2. The Flood Risk Supplementary Planning Document (SPD) was adopted in 2017. Under the new Local Plan this SPD is out of date, and is acting as a guide rather than a supplementary planning document. We are therefore reviewing and updating the SPD.
- 1.3. The end date for the second consultation on the SPD is 4 March at 4pm. It is intended that soon after that date, the comments received and the proposed responses to these comments, as well as an amended SPD will be sent to Planning Committee Members and put on the website. This is with the aim of the SPD being considered for adoption at the March Broads Authority meeting, rather than the May 2020 one.

2. Flood Risk Supplementary Planning Document

- 2.1. The NPPG 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 (SEA) may be required when producing a Supplementary Planning Document.'

- 2.2. A full SEA of the Flood Risk SPD has not been completed, reflecting the responses from the Consultation Bodies. The responses to the SEA screening request are in the [Consultation: Flood Risk Supplementary Planning Document \(SPD\) report](#) to Planning Committee on 13 September 2019. No comments were received on the SEA Assessment during the first consultation period and therefore no changes have been made.
- 2.3. The draft SPD was subject to first stage public consultation for 8 weeks from 27 September to 22 November 2019. The responses received are in Appendix 1.
- 2.4. The draft SPD was amended to reflect responses from the first round of consultation before being subject to a second round of consultation between 31 January and 4 March 2020. In the interest of expediency in adopting the SPD and because the deadline for comments was after the deadline for the Planning Committee papers, the responses received as part of the second consultation, as well as additional proposed changes to the SPD, will be reported to Planning Committee verbally.

3. Conclusion

- 3.1. The SPD has been consulted on twice, with comments read, responded to and amendments made where relevant.
- 3.2. It is recommended that Planning Committee endorse the final SPD and recommend that it is adopted by Full Authority.
- 3.3. As and when it is adopted, we will undertake the remaining stages of producing a SPD as required by the regulations. The changes that are marked in the SPD will be accepted and the SPD formatted before being placed on the website and used in determining planning applications.

Author: Natalie Beal

Date of report: 31 January 2020

[Broads Plan](#) objectives

Appendix 1 – Comments received as part of the first round of consultation

Appendix 1 – Comments received as part of the first round of consultation

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#1	Laura Waters	Norfolk County Council	On 3rd January this year we responded directly to Natalie Beal on the Broads SPD as consulted on at the time. Elaine Simpson had various short comments to make on the document and we welcome that these comments have been included/utilised in the current document. Having had this opportunity to review the most recent consultation, as LLFA, we have no further comments to make on the SPD.	Support noted.	No change to Flood Risk SPD
#2	Lorraine Houseago	Norfolk County Council	We have no other comments to make.	Noted.	No change to Flood Risk SPD
#3	Nathan Makwana	Anglian Water Services	Having previously had the opportunity to comment and be involved on the development of the previous draft, I note that this iteration incorporates previously suggested comments. On this basis, Anglian Water have no further comment to make. We of course welcome any further opportunity to comment.	Support noted.	No change to Flood Risk SPD
#4	Penny Turner	Norfolk Policy ACLO	We have no comments on the above at this stage.	Noted.	No change to Flood Risk SPD
#5	Charlette Hounsell	Norwich City Council	Section 6.2 – it may be useful to reference in this section that consultation with neighbouring/overlapping authorities at pre-application stage is advised	Agree. Will incorporate into SPD.	6.2.2 It will also be appropriate to consult neighbouring Local Planning Authorities if scheme proposals are on or near to the border.
#6	Charlette Hounsell	Norwich City Council	Section 6.5.5 – in setting out what should be considered for a site to be reasonably available, there is no mention of site ownership or whether the owners of sites have any intention of them being developed. If owners of sites have no intention of developing them, can they be considered as reasonably available sites?	This is covered to some extent by the first bullet point, but we will expand this to address this comment.	6.5.5 A site is considered to be reasonably available if all of the following apply: <ul style="list-style-type: none"> The site is available to be developed (including considering site ownership or whether the owners of sites have any intention of them being developed);

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#7	Charlette Hounsell	Norwich City Council	Section 6.5.9 & Section 7.1.3 – Suggest inclusion of reference to the need to comply with relevant planning policies of any relevant local authorities to the development site/proposal	Noted. This is a given, but we have added some text.	6.5.9 It is acknowledged that the area of search could be outside of the Broads Authority Executive Area and would require discussions with other Local Planning Authorities (and proposals would therefore need to comply with relevant planning policies of the relevant Local Planning Authorities). 7.1.3 It should be noted that all aspects of the development need to comply with policies of the Local Plan (adopted 2019) and that conformity with policies SP2 and DM5 does not override applicability of other policies (of the Broads Authority and other relevant Local Planning Authority).
#8	Charlette Hounsell	Norwich City Council	Section 6.10.6 – The last sentence of this paragraph refers to flood resistance and resilience of buildings information to be found at section 5. I believe this information is found at section 7.	Agreed.	Change from 5 to 7
#9	Charlette Hounsell	Norwich City Council	Section 9 – Suggest inclusion of web links to local authorities and LLFAs	It is not clear what links are required. The changes to the SPD as a result of other comments from Charlotte may help raise awareness of other LPAs.	No change to SPD.
#10	Charlette Hounsell	Norwich City Council	Does this document take account of ADEPT and EA Flood Risk Emergency Plans for New Development guidance? https://www.adeptnet.org.uk/floodriskemergencyplan	The guide has been reviewed and a link included in the SPD and parts referenced throughout Appendix D. Generally, we feel the Broads SPD covers the thrust of the guide, but if any specific changes are required, please let us know as part of the next round of consultation on the SPD.	Text added to section 1. Link added to Section 3 of Appendix D.
#11	Charlette Hounsell	Norwich City Council	Part of utilities site is within Broads Authority area and adjacent to the East Norwich Area as defined in JCS 12 – should there be some reference to this?	The issue of cross boundary sites (which after clarification with Charlotte was what this comment sought to address) is covered by the other changes to the comments from Charlotte.	No change to SPD.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#12		Marine Management Organisation	<p>Page 16, Section 5.5.4: Refers to the tidal influence within the Broads, as well as the National Planning Policy Framework. We would also recommend you mention the East Inshore and East Offshore Marine Plans here, or elsewhere in section 5.5.</p> <p>Asked for clarification: As these are recommendations, I am not able to provide specific text. We suggest that your own interpretation of the East Marine Plans informs your plans, and refer to the Marine Plans where you deem appropriate. Coastal, and tidal flooding is covered across multiple policies within the East Marine Plans such as SOC1, CC1 and Objectives 6 and 9. Other signposting includes Paragraph 249 –Coastal change management.</p>	Noted and we will include some text.	5.4 Marine Management Organisation and flood risk 5.4.1 Coastal, and tidal flooding is covered across multiple policies within the East Marine Inshore and Off Shore Plans such as SOC1, CC1 and Objectives 6 and 9. Other references include Paragraph 249 – Coastal change management.
#13		Marine Management Organisation	<p>Page 67: You refer to Environment Agency permits. It may also be appropriate to refer to Marine Licences from the Marine Management Organisation, as this may be relevant to applicants.</p> <p>Asked for clarification: With regards to referencing the Marine Management Organisations Marine Licences, lines 1552-1556 refer to the appropriate requirements for a “a permit under the Environmental Permitting 1554 (England and Wales) Regulations 2010 from the Environment Agency”. As there are exemptions, particularly within the Broads, I cannot suggest specific text. However, as this is directed at applicants this seems to be an appropriate place to note that a Marine Licence may be required for works that are carried out on tidal rivers.</p>	Noted and we will include some text.	As requested, we will add this to the Flood Risk Tick Sheet: Also note that a Marine Management Organisation Marine Licence may be required for works that are carried out on tidal rivers.
#14	Ben Wright	East Suffolk	Para 5.4.2 refers to the Waveney SFRA (2018). This SFRA was produced for both Councils and may be better referred to as the East Suffolk SFRA.	Agree - will change text.	Change to say 'East Coast'.
#15	Ben Wright	East Suffolk	Para 5.4.3 refers to Waveney. This reference should be changed to “the former Waveney area”.	Agree - will change text.	Change to say 'the Waveney part of East Suffolk'
#16	Ben Wright	East Suffolk	Para 5.4.4 – the joint statement with the EA continually refers to Waveney. This should be changed to either East Suffolk or the former Waveney area.	Noted and that is because it was produced in 2018. It is not proposed to go through all old documents adopted put in place before April 2019 to change the refence. But as and when documents like this are updated then we will make the amendment.	No change to Flood Risk SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#17	Jessica Nobbs	Water Management Alliance	<p>Section 8.3.5 of the document refers to Land Drainage Consent. It is identified that consent would be required from the relevant Internal Drainage Board (IDB) where alterations to a watercourse (including infilling, culverting or amending) are proposed as per the Board's Byelaws (specifically Byelaw 4) and Section 23, Land Drainage Act 1991. In addition to this, we feel it would be relevant to refer to other consents that may be required from the Board by including the two following statements:</p> <ul style="list-style-type: none"> - If a surface water (or treated foul water) discharge is proposed to a watercourse within an Internal Drainage District (IDD) (either directly or indirectly), then the proposed development will require a Land Drainage Consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment a surface water development contribution fee, calculated in line with the Board's charging policy. - If there is a Board Adopted watercourse within/adjacent to the site boundary and should works be proposed within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). 	Noted and will amend text.	<p><u>Other consents that may be required from the IDB include:</u></p> <ul style="list-style-type: none"> • <u>If a surface water (or treated foul water) discharge is proposed to a watercourse within an Internal Drainage District (IDD) (either directly or indirectly), then the proposed development will require a Land Drainage Consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment a surface water development contribution fee, calculated in line with the Board's charging policy.</u> • <u>If there is a Board Adopted watercourse within/adjacent to the site boundary and should works be proposed within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).</u>
#18	Jessica Nobbs	Water Management Alliance	<p>Maps of the Broads (2006) Internal Drainage District and the Norfolk Rivers Internal Drainage District are available here and here. These maps show which watercourses are designated as Adopted Watercourses by each Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB. This maintenance is not necessarily carried out on an annual basis but on a recurrence deemed necessary to meet water level management requirements. The designations are made under permissive powers (meaning there is no obligation for IDBs to fulfil any formal maintenance requirement and there is no change in the ownership or liability associated with the watercourse).</p>	Noted and will amend text.	<p><u>4.8.4 Maps of the Broads (2006) Internal Drainage District and the Norfolk Rivers Internal Drainage District are available here and here. These maps show which watercourses are designated as Adopted Watercourses by each Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB. This maintenance is not necessarily carried out on an annual basis but on a recurrence deemed necessary to meet water level management requirements. The designations are made under permissive powers (meaning there is no obligation for IDBs to fulfil any formal maintenance requirement and there is no change in the ownership or liability associated with the watercourse</u></p>
#19	Liam Robson	Environment Agency	<p>In relation to paragraph 5.5.8 it should be noted that Environment Agency flood warnings cover both tidal and fluvial flooding.</p>	Noted and will amend text.	<p>Although tidal surges can develop rapidly within 6-12 hours because of the movements of weather systems in the North Sea, the Environment Agency Flood Warning System covers the whole of the Broads area which could provide early warning <u>(for fluvial and tidal flooding).</u></p>

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#20	Liam Robson	Environment Agency	Paragraph 5.5.9 states the standard of protection in the Broads area. It should be noted that some defences have a 1 in 200 standard or higher.	Noted and will amend text.	5.6.9 Existing flood defences in the Broads area offer a low standard of protection (typically up to a 1 in 7-year standard <u>and some defences have a 1 in 200 standard or higher</u>), so they may be overtopped during a flood event.
#21	Liam Robson	Environment Agency	The tidal flood risk section of this document states that "...the prior has defences to protect up to the 0.5% annual probability tidal flood". It should be noted that not all defences may be up to this standard.	Noted, although this was copied verbatim from the SFRA. Will amend text.	There is acute risk of tidal flooding in Great Yarmouth and across the Broads within the study area; the prior has defences to protect up to the 0.5% annual probability tidal flood (<u>although not all defences may be up to this standard</u>).
#22	Liam Robson	Environment Agency	The fluvial section of this table states how climate change will significantly influence the predicted flood levels as a consequence of changes to mean sea level. As this is in the fluvial section, it should mention climate change increasing river flows (between 25% and 65% increase).	Noted, but that is the fluvial column in a few tables, not just Great Yarmouth's. In the absence of a suggestion that addresses all of the tables, some text will be added to section 4.1.	4.1.1 Fluvial flood risk is flooding from rivers because of a river overflowing or its banks being breached. <u>It should be noted that climate change is likely to result in increased river flows (between 25% and 65% increase)</u>
#23	Liam Robson	Environment Agency	It is good to see the inclusion of paragraph 6.3.2 however, it is unclear that this is the only flood risk issue mentioned in detail in this summary section. This could therefore be moved to a more detailed section. Section 7.6.1 would be best, as it links to the need to let water in and adopt flood resilient construction measures if more than 600mm of water around the building.	Agree. Will move text.	6.3.2 moved to 7.6.1.
#24	Liam Robson	Environment Agency	In relation to point i in paragraph 6.10.3, the FRA should show the accurate location of the flood zones on their site based on a comparison of EA flood levels and GPS site survey, not just using our flood maps.	Noted and will amend text.	i. Flood risk zones 1 – 3 within the site with reference to the SFRA/EA Flood Zone maps. <u>The FRA should show the accurate location of the flood zones on the site based on a comparison of EA flood levels and GPS site survey;</u>
#25	Liam Robson	Environment Agency	It appears that the document states that what is considered to be safe will be taken on a case-by-case basis. You may want to consider further what safe specifically looks like.	EA were asked for their thoughts about what safe would look like but replied saying they did not object to the SPD. They were asked again for wording changes but did not provide any by the deadline for Planning Committee.	If any further comments are received then these will be reported to Planning Committee. Otherwise, no change.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#26	Liam Robson	Environment Agency	The mention of whether less vulnerable development at risk of flooding would be safe seems to indicate that you will not allow more vulnerable to flood. The SPD could therefore be enhanced by explicitly saying this as we require more vulnerable flood levels to be above actual risk 1%/0.5 cc flood levels (unless replacement dwellings). It should probably be under 6.10.5, could be under 6.10.6 but does not relate to residual risk, just actual risk. Perhaps a new paragraph between the two referring to the need for new more vulnerable development to not flood in the actual risk 1%/0.5% climate change flood event, through defences, raised land or raised floor levels.	Noted. Will add a new paragraph	6.10.6 It is important to note that the Environment Agency need new more vulnerable development to not flood in the actual risk 1%/0.5% climate change flood event, through the provision of defences, raised land or raised floor levels.
#27	Liam Robson	Environment Agency	In terms of safe refuge, we require all more vulnerable developments to have safe refuge above the extreme climate change flood level, unless agreed in consultation with emergency planners that it can be made safe through a flood response plan without refuge. It could be beneficial if the SPD were to have comments on refuge requirements e.g. are stairwells acceptable and when is refuge required?	Asked for clarification on this. Currently, Emergency Planners of the districts are not involved in Flood Response Plans/applications in the Broads. EA were asked for their thoughts about if stairwells are acceptable and when a refuge is required but replied saying they did not object to the SPD. They were asked again for wording changes but did not provide any by the deadline for Planning Committee.	Liaise with Emergency Planners regarding this comment. If any further comments are received then these will be reported to Planning Committee. Otherwise, no change.
#28	Liam Robson	Environment Agency	Paragraph 6.11.3 states that a Flood Risk Assessment should propose mitigation measures. These should be provided up to the design flood event (1% fluvial/0.5% tidal) including climate change for the lifetime of the development.	Noted and will amend text.	6.11.3 A Flood Risk Assessment should consider whether this will happen and propose mitigation measures which should be provided up to the design flood event (1% fluvial/0.5% tidal) including climate change for the lifetime of the development . These may include for example the provision of compensatory floodplain storage, although this can be difficult to achieve in the Broads area. Compensatory floodplain storage is the lowering of higher land levels to provide additional flood storage at the same level as the flood storage is removed. Therefore, this is
#29	Liam Robson	Environment Agency	Paragraph 6.11.3 also references compensatory storage. It would be beneficial to define what compensatory storage is here i.e. the lowering of higher land levels to provide additional flood storage at the same level as the flood storage is removed. Therefore, this is difficult to achieve in the Broads as the floodplain is very flat with little higher land available to lower.	Noted and will amend text.	

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#30	Liam Robson	Environment Agency	Paragraph 6.11.3 also includes a sentence which states “such measures would need to be designed to ensure that water is always stored under the building and can empty after a flood”. This is not compensatory storage and is instead providing a void under the building to reduce the volume of flood storage removed. There should therefore be a sentence before this one saying that ‘one of the only options in the Broads is the raising of buildings on stilts to provide voids underneath and not remove flood storage’.	Noted and will amend text.	difficult to achieve in the Broads as the floodplain is very flat with little higher land available to lower. One of the only options in the Broads is the raising of buildings on stilts to provide voids underneath and not remove flood storage. Such measures would need to be designed to ensure that water is always stored under the building and can empty after a flood. This would require intermittent boarding, no storage under the building and regular maintenance.
#31	Liam Robson	Environment Agency	The Flood Response Plan may be one aspect of the proposed management measures that make a development safe and acceptable in flood risk terms. So the development might not be acceptable terms until the Flood Response plan is submitted and considered.	Noted.	No change to Flood Risk SPD
#32	Liam Robson	Environment Agency	The Environment Agency and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) have produced some joint guidance on flood risk emergency plans for new development which can be downloaded at https://www.adeptnet.org.uk/floodriskemergencyplan . The SPD should ensure that it follows the requirements.	The guide has been reviewed and a link included in the SPD and parts referenced throughout Appendix D. Generally, we feel the Broads SPD covers the thrust of the guide, but if any specific changes are required, please let us know as part of the next round of consultation on the SPD.	Text added to section 1. Link added to Section 3 of Appendix D.
#33	Liam Robson	Environment Agency	Raising Floor Levels In relation to paragraph 7.2.3; we require raised floor levels (above 1% cc/0.5% cc) for residential building conversions, unless it is confirmed in consultation with emergency planners that the safety of the development can be managed through other means such as resilience/resistance measures and flood response plan. It could be beneficial if the SPD specifies when this would be acceptable and when raised floor levels required?	Asked for clarification on this. Currently, Emergency Planners of the districts are not involved in Flood Response Plans/applications in the Broads. EA were asked what specific changes they would like but replied saying they did not object to the SPD. They were asked again for wording changes but did not provide any by the deadline for Planning Committee.	Liaise with Emergency Planners regarding this comment. If any further comments are received then these will be reported to Planning Committee. Otherwise, no change.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#34	Liam Robson	Environment Agency	In terms of paragraph 7.2.4 We require the finished floor levels of new residential development to be above the actual risk design flood level including 100 years of climate change (1% fluvial plus cc / 0.5% tidal plus cc). We also require higher refuge above the extreme 0.1% cc flood level, unless in consultation with emergency planners that the development can be safe without higher refuge through evacuation and the Flood Response Plan. The SPD could therefore be enhanced by specifying when higher refuge is required.	Asked for clarification on this. Currently, Emergency Planners of the districts are not involved in Flood Response Plans/applications in the Broads. EA were asked what specific changes they would like but replied saying they did not object to the SPD. They were asked again for wording changes but did not provide any by the deadline for Planning Committee.	Liaise with Emergency Planners regarding this comment. If any further comments are received then these will be reported to Planning Committee. Otherwise, no change.
#35	Liam Robson	Environment Agency	Please note the sentence for citation 50 at the bottom of the page under line 962 is incomplete.	It is, it just is on the next page.	No change to Flood Risk SPD
#36	Liam Robson	Environment Agency	Environment Agency This paragraph states the Agency has principle responsibility for river flooding. This should also state tidal/coastal flooding.	Noted and will amend text.	The Agency has principle responsibility for river, tidal and coastal flooding.
#37	Liam Robson	Environment Agency	Chapter 1: Flood Response Plan Guidance The Environment Agency and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) have produced some joint guidance on flood risk emergency plans for new development which can be downloaded at https://www.adeptnet.org.uk/floodriskemergencyplan . This appendix should ensure that it follows the requirements of the ADEPT guidance. The ADEPT guidance goes into more detail on how information on safe access routes and refuge provision should be included in the Emergency Plan, perhaps some of this can be included? But the minimum is to ensure the ADEPT guidance is referenced in Appendix D.	The guide has been reviewed and a link included in the SPD and parts referenced throughout Appendix D. Generally, we feel the Broads SPD covers the thrust of the guide, but if any specific changes are required, please let us know as part of the next round of consultation on the SPD.	Text added to section 1. Link added to Section 3 of Appendix D.
#38	Liam Robson	Environment Agency	Introduction Line 1264 states that "...if not submitted with an application, are often required by planning condition if permission is issue". ADEPT guidance says this is not allowed, the Flood Response Plan needs to be submitted upfront, as it is necessary to determine the safety of the development.	Noted and will amend text.	This guidance has been produced to assist with the preparation of Flood Response Plans (FRP). FRPs should need to be provided as part of a Flood Risk Assessment where this is necessary to accompany a planning application or, if not submitted with an application, are often required by planning condition if permission is issued.
#39	Charlie Middleton	Beccles Town Council	The Planning Committee, replying on behalf of Beccles Town Council, consider all three documents provide comprehensive support for the planning policies of the Broads Authority.	Support noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#40	Iain Withington	North Norfolk District Council	Section 5.1.1 and 5.2.1: Could usefully insert into both paragraphs text around Climate change flood extents, that are incorporated in the SFRA and that development should also have regard to these food risk extents from all sources of flooding.	Noted and will amend text.	Add this text to 5.1.1: Development should also have regard to the climate change flood extents (from all sources of flooding) and these are mapped in the Strategic Flood Risk Assessment (see 5.5). Add this text to 5.1.2: As mentioned previously, the impact of climate change needs to be considered (see 5.1.1)
#41	Iain Withington	North Norfolk District Council	5.3: CC flood extents are mentioned here but greater emphasis that the SFRA demonstrates the CC flood extents and these should also be used as a basis for further comment and assessment i.e. through site specific FRAs	Noted and will amend text.	Add this text to 5.3.1: (and the SFRAs demonstrate the climate change flood extents).
#42	Iain Withington	North Norfolk District Council	5.4.1: Could use the wording climate change flood extents rather than impacts	Noted and will amend text.	Change to say: they consider the impacts of climate change flood extents
#43	Iain Withington	North Norfolk District Council	5.4.3: Could mention that CC allowances have been agreed with the Environment Agency and LLFA in the SFRA and with all the Norfolk authorities	Noted and will amend text.	Add: In Norfolk, climate change allowances have been agreed with the Environment Agency and LLFA in the SFRA and with all the Norfolk authorities.
#44	Iain Withington	North Norfolk District Council	5.4.4: Add text around the precautionary approach adopted by the SFRA and expected time line for the updated modelling rather than as time goes by wording.	Noted and will amend text.	Amend text as follows: If a proposed development is shown to be in Flood Zone 3, further investigation should be undertaken as part of a detailed site specific Flood Risk Assessment to define and confirm the extent of Flood Zone 3b. This may require detailed hydraulic modelling. so a site-specific flood risk assessment is required to assess actual flood risk to the site. To cover this, a joint position statement has been produced between the Broads Authority and the Environment Agency. The Joint Position Statement indicates that modelling on the Broadland Flood Alleviation Project Area (much of the area without modelling) will be completed by the end of 2021.
#45	Iain Withington	North Norfolk District Council	6.3: Include reference to CC flood extents.	Noted and will amend text.	Amend text to say: Developers should carefully assess the full range of issues associated with all sources of flood risk when producing development proposals, including climate change flood extents.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#46	Iain Withington	North Norfolk District Council	<p>Horning development: I can see no reference to the joint position statement with Anglian water on the development restrictions in the Horning water recycling centre catchment , i.e. Knackers wood WRC</p> <p>Reference should be given to the SCG which states that : 'New development likely to give rise to additional foul drainage output will not be permitted where either (a) this intensifies the use of non-mains foul drainage arrangements, or (b) this intensifies the use of mains foul sewer ahead of essential sewerage infrastructure works and demonstration that there is sufficient capacity at the sewage treatment works to serve the proposed development without harming nearby designated sites.'</p> <p>The SCG goes on to say "This means that there will be a presumption against developments that increase flows to the WRC in the short term. Similarly, there will be a presumption against developments that rely upon stand alone foul water treatment solutions as they too have the potential to adversely affect water quality."</p> <p>As far as I am aware the situation has not moved on and this still stands .see below AW text</p>	Noted. This SPD is about flood risk, not wastewater. The Position Statement is heavily referenced in the Local Plan. We will reference this in the table for North Norfolk under foul sewer.	Add this text: Of relevance to the North Norfolk area is the Joint Position Statement relating to Horning Knackers Wood Water Recycling Centre. To summarise, due to capacity issues, development that increases foul drainage output is not likely to be permitted.
#47	Iain Withington	North Norfolk District Council	<p>Hoveton Anglian water have also commented on proposals in our emerging local plan with regard Hoveton, where it is understood they are developing a position statement . these comments stem from the acknowledgment of particular issues of discharge and flooding from the river into the drainage systems. "Policy DS13 states that a wider water catchment strategy and foul water drainage strategy are required for this allocation site. However the supporting text refers to the water catchment strategy being aligned with the overall catchment strategy. Any site specific strategy would need to be aligned with any wider catchment strategy. Anglian Water asks that the wording relating to foul drainage be amended to ensure it is effective. To be effective there is a need to clarify what is the requirement for the applicant in relation to foul drainage and how this relates to any further technical work or investigation(s) undertaken by Anglian Water rather than the developer." You may like to flag these issues for consideration in your NNDC tables for foul sewer and WRC</p>	Noted and will amend text. Also will request that NNDC keep us informed of the progress on this issue.	Add this text: At the time of writing, there are early discussions between the Environment Agency, North Norfolk District Council and the Broads Authority about particular issues of discharge and flooding from the river into the drainage systems.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#48	Iain Withington	North Norfolk District Council	Comment to NNDC Local Plan consultation from Anglian Water Services - for information. Horning WRC: There have been a number of recorded incidents of flooding within the Horning sewerage catchment from surface water, groundwater and fluvial sources which are the responsibility of multiple agencies. This reduces the available capacity of foul sewerage network for additional foul flows from additional development within the catchment as outlined in the Joint Position Statement for Horning. Anglian Water has undertaken CCTV surveys of the existing public sewerage network at Horning to investigate the cause(s) of these flooding incidents. Following the completion of surveys we have undertaken repairs in February/March 2018 to mitigate surface water ingress where it interacts with the foul sewerage network in Anglian Water's ownership. We have also been actively working with relevant (flood) risk management authorities to address historic flooding in the Horning sewerage catchment where it relates to Anglian Water's assets. As part of which we have been liaising with North Norfolk District Council to enable the removal of existing surface water connections to the foul sewerage network from existing residential and commercial properties so that existing surface water flows can be discharged to suitable alternatives e.g. watercourses. The Environment Agency has also committed to undertaking threshold surveys within the sewerage catchment to establish flood risk from the Broads for every household within the catchment. The Joint Position Statement for Horning is to be updated to reflect the current position relating to the investigation and works undertaken to date by Anglian Water and by other risk management authorities within the catchment.	Noted.	No change to SPD
#49	Iain Withington	North Norfolk District Council	Comment to NNDC Local Plan consultation from Anglian Water Services - for information. Hoverton: Anglian Water is currently preparing a position statement relating to Hoverton catchment which follows recent discussions with Cllr Dixon. It is intended to set out the current position relating to this catchment including historic issues within the network and the implications for new development.	Noted.	No change to SPD

Planning Committee

06 March 2020

Agenda item number 12

Marketing and Viability Supplementary Planning Document for consultation

Report by Planning Policy Officer

Summary

The Marketing and Viability Supplementary Planning Document (SPD) was subject to public consultation late 2019. This report includes the comments received and the proposed responses and proposed amendments to the draft SPD.

Recommendation

That Planning Committee endorse the Marketing and Viability SPD and recommend that Broads Authority agree to the SPD being consulted on.

1. Introduction

- 1.1. Several policies in the Local Plan will require applicants or agents to carry out a robust marketing strategy and/or a viability assessment if the proposed scheme 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.

2. Public consultation to date

- 2.1. The SPD was subject to public consultation from 27 September to 22 November 2019. The comments received and the Authority's proposed responses are included at Appendix 1. An amended draft Marketing and Viability SPD is included at Appendix 2.

3. Planning Committee workshop, 7 February 2020

- 3.1. When supporting the SPD for the first round of consultation, Planning Committee resolved to hold a workshop on the SPD to discuss comments received during the public consultation.
- 3.2. Overall, Planning Committee supported the proposed amendments to the draft SPD. The following comments were made as part of the discussion.
 - Support the removal of wording relating to 'stagnant market'.

- Some members felt that 12 months marketing period was too long and others that it was acceptable. Potential to use the word 'normally'. Potential for flexibility when dealing with applications. This was noted and the period can be looked into when the Local Plan is next reviewed, but we cannot change policy through the SPD process.
- The marketing strategy may be too detailed. The content reflects the usual conversations that Development Management Officers have with applicants and by setting out what is expected, could save time in the marketing period.

4. Financial implications

- 4.1. The consultation will require a press advert, but it might be at the time of other documents being out for consultation so effectively the cost will be shared. Officer time in producing the SPD.

5. Conclusion

- 5.1. It is recommended that Planning Committee endorse the Marketing and Viability SPD and recommend that Broads Authority agree to the SPD being consulted on.
- 5.2. The consultation could be at the same time as the Residential Mooring Guide that is being considered at this Committee.

Author: Natalie Beal

Date of report: 25 February 2020

[Broads Plan](#) objectives

Appendix 1 – Comments received from the consultation on the draft SPD, with proposed Broads Authority responses.

Appendix 2 – Amended second draft Marketing and Viability Guide

Appendix 1 – Comments received from the consultation on the draft SPD, with proposed Broads Authority responses, for discussion.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#1	Laura Waters	Norfolk County Council	The LPA needs to be clear when they will accept a Viability Report's conclusions over provision of flood risk mitigation or SuDS.	<p>Further clarification was sought from NCC and it seems that in some areas surface water flood risk may not have been addressed because of viability concerns in doing so.</p> <p>The Broads Authority has a recently adopted Local Plan with a strong surface water policy. It also has a Flood Risk SPD that is out for consultation at the same time as this and the LLFA seem content with it (and they helped to produce it). So in the absence of suggested text, in the absence of examples of where surface water has not been addressed in the Broads due to viability and in the presence of a recently adopted strong surface water policy and in the presence of a SPD that refers to surface water and is supported by the LLFA it is concluded, with Norfolk County Council LLFA that no change is needed.</p>	No change to SPD
#2	Joy Brown	Norwich City Council	With regards to the length of period for marketing although I would have no objection to the extension to 18 months within a stagnant market, I would suggest that 18 months is a long time to expect someone to market something before a change of use or redevelopment can be considered. Within Norwich City although we don't specify a time within our Local Plan we would only normally expect something to be marketed for around 9-12 months as within this time adjustments can be made to the marketing strategy if there is very little interest initially.	Comment noted. We agree that a longer period if the market is stagnant should be removed from the SPD.	Remove the reference to a longer period if the market is stagnant.
#3	Joy Brown	Norwich City Council	The SPD could clarify how benchmark land value will be calculated and what won't be considered.	The area of the Broads is very mixed. We currently do not specify a process; we rely on guidance and the check by the independent person/district valuer. If the respondent would like to propose some wording and suggest where it goes then we can consider this.	No change to SPD
#4	Joy Brown	Norwich City Council	The SPD could set out what is a reasonable profit level	The area of the Broads is very mixed. We currently do not specify a process; we rely on guidance and the check by the independent person/district valuer. If the	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				respondent would like to propose some wording and suggest where it goes then we can consider this.	
#5	Joy Brown	Norwich City Council	The SPD could explain when viability would be reviewed if development hasn't commenced/been occupied i.e. is there a review mechanism built into s106 agreements?	We would expect the developer to come to us if they are experiencing issues. If sites do not come forward we will contact them as part of monitoring process	No change to SPD
#6	Lorraine Houseago	Norfolk County Council	We have no other comments to make.	Noted	No change to SPD
#7	Penny Turner	Norfolk Policy ACLO	We have no comments on the above at this stage.	Noted.	No change to SPD
#8	James Knight	Individual	I am a former member of the RICS Governing Council, a South Norfolk District Councillor, and an appointed member of the Broads Authority and its Planning Committee. I am responding to this consultation in my capacity as a private individual, property developer and company director. I am not responding in my capacity as a member of the Broads Authority or its Planning Committee.	Noted.	No change to SPD
#9	James Knight	Individual	<p>3.1. Viability assessments have a limited and specific scope, which is to determine the level of planning contributions which might be appropriate for a proposed development whilst maintaining its viability and deliverability.</p> <p>3.2. The use of viability assessments to prove that an existing use is not viable appears to be a misuse of the principle of viability assessments as envisaged by the NPPF.</p> <p>3.3. This may simply be a case of semantics (i.e. the SPD means 'marketing assessment' when it says 'viability assessment'). But there is a significant difference between proving that there is no demand for a property, and proving that an existing business which happens to trade from a property is viable. The first is clearly within the ambit of planning, whereas the second is not.</p>	Noted. Perhaps in the next Local Plan we could say 'assessment of the viability of continuing the current use' or something like that. We could also add some explanatory text along those lines in the SPD as well. In general, assessing the viability of an existing use is an accepted approach when considering change of use applications. See response to comment #11 for local examples and National Park examples.	Add a section to clarify what we mean by viability assessments in this instance along the lines of 'assessment of the viability of continuing the current use'

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#10	James Knight	Individual	3.4. The SPD lists 13 policies which contain viability requirements, including changes of use on any historic building, waterside site, employment land or holiday property. This represents a substantial proportion of all land within the Broads Executive Area. Notwithstanding the fact that the Plan has been adopted, this appears to be excessive by comparison with the policies of other local authorities, and demonstrates an overly prescriptive approach to planning which is contrary to the overriding presumption in favour of sustainable development.	Noted. As Mr Knight says, the Local Plan is adopted. The SPD cannot change policy - it seeks to help the implementation. As such, the SPD cannot change policy, but the comment is noted for the next Local Plan. These are important uses which contribute to the special character of the Broads and are protected under planning policy for that very reason. However, we do accept that things change and planning does not seek to stop change, but to facilitate appropriate change where it can be demonstrated that an existing use is no longer viable.	No change to SPD
#11	James Knight	Individual	3.5. In particular, the focus on requiring viability assessments when seeking changes of use in so many different circumstances demonstrates a pre-disposition against change, which is contrary to the principle of ensuring viability and sustainability, and in conflict with other policies designed to protect and enhance the Broads. Preventing or delaying change does not protect businesses. The Broads owes its historical success to its ability to evolve over time, and it must be allowed to continue to do so.	Noted. See answer to previous comment. The use of viability assessments in considering proposals for change is a well-established planning approach which has been used, for example, to protect town centre uses since around the 1980s. We looked at the local plans of our districts and some National Parks. Here are some examples from other LPAs that follow a similar approach. <ul style="list-style-type: none"> • Broadland Council, Development Management DPD, Policy CSU2, page 54. Requires change of use of community facilities to prove no longer viable. 12 month marketing period. • South Norfolk, Development Management DPD, Page 34 onwards. Employment use – evidence not viable and at least 6 months active professional marketing. Page 97 onwards. Community use – 6 months. • North Norfolk, Core Strategy and Development Management DPD, Page 97 onwards. Tourism accommodation – 12 months. Page 103 onwards. Local facilities and services – 12 months • Former Waveney area, Local Plan, Page 58 – change of use of employment at a particular site – 12 months. Page 205, 8.22 – self build plots – 12 months. Page 220 – employment – 12 months. Page 228 – tourist accommodation - 12 months. Page 237 – community facilities -12 months. Appendix 4 – marketing requirements. 	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				<ul style="list-style-type: none"> • Great Yarmouth, Core Strategy Local Plan, Page 54 – employment – 18 months. Page 97 – community facilitates ‘thorough’ but no timescale. • Norwich City, Development Management DPD, Page 155 onwards – community facilities – 9 months • Exmoor National Park, Local Plan, Page 195 - local commercial services and community facilities - 12 months. Page 213, employment land, 12 months. Page 228, serviced accommodation, 12 months. • Peak district, Development Management Document, Page 109, shops, community services and facilities, 12 months. Page 63, employment sites, 12 months. 	
#12	James Knight	Individual	3.6. Small businesses are rarely cash rich. Owners will often fail to spot the early signs of decline, hoping each year that the next will be an improvement. It is often the case that they can be on the verge of failure before they consider the necessity of making significant changes. The cost and delay of producing a viability assessment could easily be the final nail in the coffin of a business which might otherwise be saved through a (possibly partial) change of use or other development.	This comment seems to suggest that when a business is in decline, the cost and time required to produce a viability assessment could be 'fatal'. It doesn't explain how not doing a viability assessment would alter this trajectory. If it is not viable then the outcome of the viability assessment will be to allow it to change to another use.	No change to SPD
#13	James Knight	Individual	3.7. The same is true in the case of historic buildings - in the absence of grant or charitable aid, historic buildings must continue to have an economic value in order to ensure their future. Resisting 'inappropriate' changes of use must be balanced against the need to ensure that the building has some future. There is a danger that, whilst lengthy viability assessments are being carried out, a building may continue to deteriorate to the point where it is no longer economically viable to save it.	<p>Heritage assets are of importance locally and nationally and it has been long recognised by the planning system that the best way to protect them is keep them in a viable use. For the use to be an appropriate means to protect the building, it does not have to be the most economically viable use (i.e. the most profitable), but it needs to be one that recognises and balances the specific constraints of the building. A viability assessment is a way of doing this.</p> <p>The NPPF is clear in relation to change of use of a heritage asset. 192. In determining applications, local planning authorities should take account of:</p>	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				<ul style="list-style-type: none"> a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. 	
#14	James Knight	Individual	3.8. Whilst recognising the value and importance of policy-led planning, sometimes it is obvious that an existing use is neither viable nor, in many cases, even desirable when considering location and other factors. Under those circumstances, insisting on lengthy marketing or viability periods to “prove” what is already obvious can be an unhelpful box ticking exercise which is of no value to the applicant, future occupiers or the local community.	Planning relies on the presentation and consideration of evidence in favour or against a particular development. It will rarely be the case that something was so obvious that evidence was not needed. If evidence was not required and the planning system accepted assertions made without evidence, it may act as an incentive to run businesses down to get another use. See row #11 that shows the 12-month marketing period is consistent with other LPAs.	No change to SPD
#15	James Knight	Individual	3.9. Great care should be taken to ensure that requirements placed upon applicants to demonstrate viability of existing businesses, as distinct from demonstrating demand (or lack of it) for the property, are reasonable, proportionate and in accordance both with the NPPF and National Planning Guidance.	Noted. The approach of the Local plan is consistent with the NPPG and NPPF as the Local Plan has been assessed by an Independent Planning Inspector who concluded the plan to be sound. Conformity with the NPPF and NPPG is a key consideration.	No change to SPD
#16	James Knight	Individual	4.1. Where a marketing assessment is considered necessary, it is helpful for applicants to know in advance what is required of them, and this fundamental purpose of the SPD is therefore supported.	Support for SPD noted.	No change to SPD
#17	James Knight	Individual	4.2. The marketing instructions in section 5.4 are, however, far more prescriptive than should be expected from a planning document. The guidance significantly over-reaches itself into the detail of the work of an estate agent or surveyor, which is not only beyond the scope of a planning authority but will also rapidly become out of date. This section should simply identify the requirement for the applicant to use their	The SPD clearly says that 'if you do not wish to use a particular method, you will need to fully explain and justify this in your strategy'. So, this allows the marketing strategy to reflect the site being marketed. We can also make reference to the need for proportionality in relation to what is provided.	Make reference to proportionality.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
			best endeavours to use all appropriate methods to maximise exposure to the market.		
#18	James Knight	Individual	4.3. Paragraph 5.5 is unreasonable in its requirements and exceeds those required by most other planning authorities. Some wealthy landowners holding vacant sites may be able to wait for 12 months, but for a majority of small business owners, this delay could be terminal. The concept of making the marketing period even longer when the market is stagnant – and the occupier is likely already to be suffering financial hardship – shows a breath-taking lack of understanding of the harsh realities facing businesses.	Comment noted. The 12 month period is consistent with many other Local Planning Authorities as set out at the response to comment #11. The SPD cannot change Local Plan policy. We will note this comment for when the Local Plan is reviewed. We agree that a longer period if the market is stagnant should be removed from the SPD.	Remove the reference to a longer period if the market is stagnant. In relation to the 3 month interval, add text that says along the lines of 'unless otherwise agreed with the Broads Authority as LPA'.
#19	James Knight	Individual	4.4. The arbitrary imposition of a 12-month (or even longer) marketing period, regardless of site-specific circumstances or other material considerations, is unnecessary and disproportionate. It would be better to specify a range (from say 3 to 12 months), which allows officers some flexibility in interpretation and the ability to negotiate with the applicant.	Comment noted. The 12 month period is consistent with many other Local Planning Authorities as set out at the response at row #11 and previous answer where we propose to add some flexibility to re-advertising.	No change to SPD
#20	James Knight	Individual	5.1. There are of course times when grants or other external interventions are useful and desirable in order to make improvements to a business which would otherwise be unaffordable. 5.2. It is rare, however, for an unprofitable business to be rendered profitable in the long term through public subsidy, and planning authorities should not – as a matter of policy - be encouraging businesses to seek external financial support in order to make a business viable. “Viable” means making a business capable of standing on its own feet for the foreseeable future, rather than just finding a way of making it last a few years longer in order to satisfy a regressive planning policy.	The planning system does not operate to support individual businesses, but to manage land use and protect land uses that are important to the character and operation of an area. The success or otherwise of a business can be dependent on the activities of its owner; operator 2 may make a success of a business where operator 1 has failed and this needs to be recognised. The reference to the potential for business rate relief came from a Member of Planning Committee who is a Councillor in one of our district councils.	No change to SPD
#21	James Knight	Individual	6.1. The principle of having a guide to assist planning applicants in ensuring that applications contain all relevant information at the outset is supported.	Support for SPD noted.	No change to SPD
#22	James Knight	Individual	6.2. Viability Assessments are a useful tool for determining an appropriate level of planning contributions for new development.	Noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#23	James Knight	Individual	6.3. Marketing Assessments can be useful under limited circumstances in order to protect historic assets or the underlying character of culture the Broads.	Noted.	No change to SPD
#24	James Knight	Individual	6.4. The need to protect character and culture needs to be balanced against practicality and economic reality. It is not in the interests of residents, businesses or visitors for the Broads to become a decaying museum of past glories.	Noted.	No change to SPD
#25	James Knight	Individual	6.5. Marketing periods must be reasonable and proportionate in relation to the individual site. An arbitrary “one size fits all” period of 12 months (or more) is not conducive to positive planning.	Noted. It is proposed to remove the reference to longer periods if the market is stagnant. Also, this SPD cannot change things in the Local Plan. Interestingly, these are the periods used in our district's local plans: Broadland DC: 12 months South Norfolk DC: 6 months North Norfolk: 12 months WDC/East Suffolk: 12 months GYBC: 18 months for employment; no set time for community facilities Norwich CC: 9 months	No change to SPD
#26	James Knight	Individual	6.6. Good planning means identifying genuinely viable and sustainable uses for land and buildings - which might entail changes of use – rather than relying on public interventions and grants to maintain the status quo.	Noted. Policies allow change of use if certain criteria are met. The reference to public interventions and grants is an option and was suggested a few years ago by a Planning Committee Member as something to consider.	No change to SPD
#27	James Knight	Individual	6.7. The Broads Authority must become less prescriptive and more flexible in its approach to planning, accepting that generalised policies might not be appropriate or desirable in certain locations and could result in perverse outcomes if applied rigidly.	This SPD cannot change policy. We will note this comment down for when we produce the next Local Plan.	No change to SPD
#28	Ben Wright	East Suffolk Council	The Council is broadly supportive of the details in the SPD. East Suffolk has similar requirements but these are set out in the appendices of the Local Plan covering the former Waveney area and the emerging Local Plan covering the former Suffolk Coastal area. The basis for this approach is the Council’s Commercial Property Marketing Best Practice Guide which was published in August 2016.	Support for SPD noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#29	Ben Wright	East Suffolk Council	Business rate relief (lines 281-284). The SPD highlights that district councils may provide business rate relief. Although this is possible, it is a different approach from that of East Suffolk. Therefore, would suggest that we consider ways to ensure greater consistency particularly in parts of East Suffolk that are within the Broads Authority.	Asked for clarification. This was an observation. ES were saying that seeking business rate relief is not a requirement in their Local Plan. It was explained to ES that the point of this section is for the applicant to consider ways of trying to improve the success of their business by trying the suggested 'interventions'. One of the interventions is to ask the district council for rate relief. The SPD does not say that this relief will be granted, but asks the applicant to consider asking for it. The District may agree or not and that discussion and outcome will help inform any decision making. ES clarified that they were not after any changes and did not suggest any changes; rather they wanted to highlight this.	No change to SPD
#30	Ben Wright	East Suffolk Council	Confidentiality (lines 294-303). The Council support the intention that viability assessments are made available – this is consistent with the approach set out in the Local Plan for Waveney and the emerging Local Plan for Suffolk Coastal.	Support for SPD noted.	No change to SPD
#31	Ben Wright	East Suffolk Council	Proposals relating to Public Houses (lines 318-330). Although we support the requirements set out, the section should probably include reference to public houses that may be identified as Assets of Community Value. My understanding is that the district council would identify these (even if within the Broads Authority) and therefore probably should be referenced in this SPD.	Agree with proposed change.	<u>It is also important to note that some public houses may be listed as Assets of Community Value. These are allocated as such by the District Council, in liaison with the Broads Authority. There are certain requirements relating to these Assets which can be found here: https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/</u>

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#32	John Walchester and Simon Marjoram	Broadland District Council and South Norfolk District Council	An issue of concern is Para. 5.5 of the “Supplementary Planning Document on Marketing and Viability Assessment Requirements (Draft Consultation Version) September 2019”. This appears to set out a marketing period of a minimum of 15 months. If this were to apply solely to a loss of commercial activity to residential use then this could help protect the potential commercial use of the site. However, Para. 5.1 of the document seems to indicate that this applies to any change of use – even from one commercial use to another (where planning permission is required). If this is the case, this seems excessive and it may be advisable to reduce this e.g. to a marketing period of 6 months. A period of 15 months for a commercial change of use could drive any potential developer/tenant elsewhere and leave the site stagnated and not responsive to economic trends.	Comment noted. We agree that a longer period if the market is stagnant should be removed from the SPD. The period of 12 months is consistent with other LPAS - see row #11.	Remove the reference to a longer period if the market is stagnant.
#33	Charlie Middleton	Beccles Town Council	The Planning Committee, replying on behalf of Beccles Town Council, consider all three documents provide comprehensive support for the planning policies of the Broads Authority.	Support noted.	No change to SPD
#34	Simon Marjoram	South Norfolk District Council	The Council would also highlight that many sites within the Broads Authority area include multiple uses. Some of these uses are core functions, important to the role, function and character of the Broads, and others are more ancillary in nature. As such, the SPD should explicitly include the potential for sites to be subdivided, with its requirements only applied to those elements that are the subject of any application, rather than the whole land holding and also reflecting the greater desirability of retaining those core functions.	On sites in a mixed use where change is proposed, we would always encourage a landowner to submit a comprehensive scheme and information covering the range of activities and always seek to be proportionate.	No change to SPD
#35	Yvonne Wonnacott	Bramerton Parish Council	No comment	Noted.	No change to SPD
#36	Ian Withington	North Norfolk District Council	Section 5.4 implies that the BA may request other ways of marketing. Could usefully say that the marketing strategy will need to be agreed in advance with the Broad’s Authority.	We do say this in section 5.3. But see no harm in adding it again at 5.4.	Add: The Marketing Strategy will be agreed with the Broads Authority in advance.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#37	Ian Withington	North Norfolk District Council	<p>Section 6.2</p> <p>Early on in the section it should set out that the Local Plan underwent viability testing and the national guidance's states that the assumptions and approach used in the plan wide viability should also form the basis of any site specific viability assessment submitted. The contextual information could also spell out in what circumstances site specific viability appraisals could be submitted.</p> <p>i.e. that where up to date policies have set out the contributions expected from development, planning applications that comply with them will be assumed to be viable. hence no need to include an assessment unless contesting the council's position.</p> <p>Consider adding: The Local Plan Viability Assessment also sets the preferred standard approach to appraisals. Any viability assessment for specific applications must refer back to the assessment of the Plan and the standard methodology used, and be transparent. In all cases, submitted assessments will be made publicly available in accordance with paragraph 57 of the NPPF.</p>	<p>Some text added about the viability assessment for the Local Plan. It should be noted that the Local Plan was assessed against the 2012 NPPF and so the NPPG relating to viability appraisals and Local Plans was slightly different to what is in place now.</p> <p>Section 5 refers to policies that have an element relating to viability assessments and shows the circumstances when site specific viability assessments will likely be required.</p>	<p>Add this text to the start of section 7: It is important to note that the Local Plan and its policies underwent a viability appraisal as part of the production and examination. The viability appraisal and its assumptions should be an important consideration when producing a site-specific viability assessment.</p> <p>Footnote: By way of background, the Local Plan for the Broads was examined using the 2012 NPPF. It is noted that the NPPG and the new NPPF have specific requirements relating to viability appraisals and these are noted. When determining the specifics of a site-specific viability appraisal, the current NPPF and NPPG will be referred to, noting that the Local Plan was examined under the 2012 NPPF.</p>
#38	Ian Withington	North Norfolk District Council	<p>Line 270 – it would be preferable if the optional approach indicated by the word “ideally” is not used. The SPD should clearly set out what is expected and also include an executive summary that brings it all together in descriptive form.</p> <p>i.e. Any assessments submitted should include an executive summary and include a spreadsheet version of the viability assessment model that can be 270 opened and interrogated in Microsoft Excel and similar spreadsheet software applications. We 271 strongly recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet 272 that anyone can use.</p>	<p>Noted. Will amend text.</p>	<p>Amend text to say: Any assessments submitted needs to include an executive summary and ideally, the appraisal will include a spreadsheet version of the viability assessment model that can be opened and interrogated in Microsoft Excel and similar spreadsheet software applications. We strongly recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet that anyone can use.</p>

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#39	Ian Withington	North Norfolk District Council	It would also be useful to place emphasis on the fact that viability assessments must now not be based on information specific to the developer, and therefore need not be treated as commercially sensitive. If commercially sensitive information is included, then it should be aggregated in published viability assessments and executive summaries.	Noted. Will amend text.	Add: Viability assessments must now not be based on information specific to the developer, and therefore need not be treated as commercially sensitive. If commercially sensitive information is included, then it should be aggregated in published viability assessments and executive summaries.
#40	Ian Withington	North Norfolk District Council	You may also wish to include text around land values and the onus now being on site promoters and developers to ensure that the price paid for land does not negatively affect the delivery of this Local Plan's objectives. Government advice clearly states that the "price paid for land is not a relevant justification for failing to accord with relevant policies in the plan" PPG, Section on Viability, para. 002. Reference ID: 10-002-20180724 revision 24.07.18. and where necessary the Local Planning Authority will require submission of viability and option agreements. Where land with planning permission is subsequently sold, the price paid for land should not be inflated to such an extent that it compromises the existing permission. Such land transactions should remain at a price that ensures that the development remains policy compliant.		<p>Add a new section as follows:</p> <p>7.2 Land Values</p> <p>Site promoters and developers need to ensure that the price paid for land does not negatively affect the delivery of this Local Plan's objectives. The NPPG says:</p> <ul style="list-style-type: none"> • ‘The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions’ • ‘It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan’ • ‘Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan’. <p>Where land with planning permission is subsequently sold, the price paid for land should not be inflated to such an extent that it compromises the existing permission. Such land transactions should remain at a price that ensures that the development remains policy compliant.</p>

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#41	Ian Withington	North Norfolk District Council	<p>Section 6.5</p> <p>Disagree planning practice guidance is now clear that viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even when there are exceptional circumstances (i.e. the BA's is satisfied that the information is commercially sensitive) the executive summary should be made public. In such publications the commercially sensitive information should be aggregated into costs in the executive summary. This DOES NOT mean that the information is not split out in the appraisal - just that it is not published in agreement with the BA's. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509 Revision date: 09 05 2019.</p> <p>Suggest that references to the BA's keeping some or all of the appraisal confidential are removed</p>	Noted. Will amend text.	<p>7.6 Confidentiality</p> <p>Planning practice guidance is now clear that viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. In general, viability assessments are published online (as part of the supporting documents for planning applications on the Broads Authority's website) and are kept in the planning application file with the other studies, plans and information contained within the planning application. Members of the public may ask to see these files.</p> <p>In exceptional circumstances, where the publication of information would harm the competitiveness of a business due to the necessity to include commercial information unique to that business, the Authority will consider keeping some or all of the viability assessment confidential. In such cases, the applicant will need to provide full justification as to why the harm caused would outweigh the public interest in publishing the information.</p> <p>Even when there are exceptional circumstances (i.e. the Authority is satisfied that the information is commercially sensitive) the executive summary should be made public. In such publications, the commercially sensitive information should be aggregated into costs in the executive summary. This does not mean that the information is not split out in the appraisal; just that it is not published in agreement with the Authority. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509 Revision date: 09 05 2019.</p>
#42	Ian Withington	North Norfolk District Council	Section 6.8 – welcome the clarification that independent verification will be at the expense of the applicant.	Support noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#43	Ian Withington	North Norfolk District Council	Policy DM34 surely the BA's wish to maximise affordable housing provision. if so the text should stipulate that the viability assessment should show the highest viable percentage and also using the transfer values used in the Local Plan viability testing along with an assessment of each type / mix of tenures to maximize the position and provision. Assessment should not just take the lowest transfer value i.e. social rented.	Noted. Will amend text.	Add text to say: Policy DM34: Affordable housing reasoned justification says that effectively, the district's percentage will be a starting point for assessment. If viability is an issue, the assessment can assess lower percentages. <u>In assessing lower percentages, the assessment should demonstrate at what percentage the scheme becomes unviable. Any assessment should use different tenures as they have different transfer values. For example, shared equity may be 50% market value; Low Cost Home Ownership may be 80 % market value. Where a developer is suggesting a scheme is unviable and seeking to reduce affordable housing they should model the highest transfer values in order to maximise the choice.</u>
#44	Ian Withington	North Norfolk District Council	Consider adding text that if no viability assessment is submitted then it will be assumed that the application is policy compliant and full policy ask is being delivered / not contended	Noted. Will amend text.	Add text to say: <u>If no viability assessment is submitted then it will be assumed that the application is policy compliant and full policy ask is being delivered / not contended</u>

Broads Authority
A Supplementary Planning Document on marketing and viability assessment requirements
Second ~~D~~raft consultation version
~~September 2019~~ February 2020

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1) Introduction

Several policies in the Local Plan for the Broads¹ will require you, as an applicant or agent, to carry out a robust marketing strategy and/or a viability assessment if your proposed scheme is promoting something different to the adopted policy position. This Supplementary Planning Document (SPD) explains what is meant by marketing and viability, and which Local Plan policies have this requirement. It highlights how to carry out these processes and provide information in the way the Broads Authority requires. Following this SPD will reduce the chances of a delay in determining your application in relation to these requirements.

The Broads Authority is the Local Planning Authority within the Broads area and this Supplementary Planning Document (SPD) applies only to land within the Authority’s executive boundary.

The NPPF 2018 defines supplementary planning documents as ‘documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.’

The Authority considers that this SPD will help applicants consider the issue of marketing and viability in an appropriate way. The SPD should be read alongside relevant policies of the Local Plan for the Broads (adopted 2019). The SPD is a material consideration in determining planning applications. The advice and guidance herein will not add unnecessary financial burden to development.

In the Local Plan, we refer to ‘viability assessment’. This effectively has two meanings. The first is an assessment of the viability of continuing the current land use, when a proposal is submitted to change the use. The second is to determine the level of planning contributions that might be appropriate for a proposed development whilst maintaining its viability and deliverability.

2) About this consultation

This version is the draft for consultation. Please tell us your thoughts and suggest any changes you think would make the SPD better and set out your reasons. We welcome any thoughts you have on this document, ~~but we have some specific questions to ask you:~~

- ~~Question 1: Are we clear with what we need from applicants when they produce a marketing strategy? Do you have any suggestions to improve this document?~~

~~Question 2: We refer to a longer period or marketing of around 18 months if the market is stagnant – do you have any thoughts on that draft requirement?_~~

We consulted on the first draft of this document back in September 2019. We have made some amendments following the comments we received as part of that consultation. As the regulations for producing a SPD require two stages of consultation, we are consulting you again.

¹ The Local Plan is here: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

40 This consultation runs from ~~27 September to 4pm on 22 November~~xxx to xxxx. We will then read to
41 each of the comments received with our responses. We may make changes if we agree with you. If
42 we do not make changes we will set out why. Please email us your comments:
43 planningpolicy@broads-authority.gov.uk. Please feel free to quote the line number in this document
44 in your response.

45 This consultation document and consultation process have been developed to adhere to the
46 Broads Authority's Statement of Community Involvement².

47 Information provided by you in response to this consultation, including personal data, may be
48 published or disclosed in accordance with the access to information regimes (these are primarily the
49 Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental
50 Information Regulations 2004). Please see [Appendix A](#) for the Privacy Notice.

51 **Are you satisfied that this consultation has followed the Consultation Principles?** If not, or you
52 have any other observations about how we can improve the process, please contact us at
53 planningpolicy@broads-authority.gov.uk.

54 Historic England, Natural England and the Environment Agency were asked for their opinions
55 relating to the need for a Strategic Environment Assessment. Historic England replied saying 'we
56 would advise that it is not necessary to undertake a Strategic Environmental Assessment of this
57 particular SPD'. The Environment Agency said 'an SEA likely is not required'. Natural England did not
58 response. The SEA Screening is at [Appendix B](#).

59 **3) National Planning Policy on viability and marketing**

60 The National Planning Policy Guidance (NPPG)³ states that: 'Viability assessment is a process of
61 assessing whether a site is financially viable, by looking at whether the value generated by a
62 development is more than the cost of developing it. This includes looking at the key elements of
63 gross development value, costs, land value, landowner premium, and developer return'.
64

65 The Local Plan for the Broads was examined under the 2012 National Planning Policy Framework
66 (NPPF). However, all planning applications submitted to the Broads Authority will be considered
67 against the most up-to-date version of the NPPF, published in 2019.

68 Regarding viability, the 2019 NPPF⁴ (para 57) states that: 'Where up-to-date policies have set out
69 the contributions expected from development, planning applications that comply with them should
70 be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the
71 need for a viability assessment at the application stage. The weight to be given to a viability
72 assessment is a matter for the decision maker, having regard to all the circumstances in the case,

² Our current SCI is here: http://www.broads-authority.gov.uk/data/assets/pdf_file/0006/576609/Final-Adopted-Statement-of-Community-Involvement-November-2014.pdf

³ National Planning Policy Guidance on viability: <https://www.gov.uk/guidance/viability>

⁴ NPPF 2019:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

73 including whether the plan and the viability evidence underpinning it is up to date, and any change
74 in site circumstances since the plan was brought into force. All viability assessments, including any
75 undertaken at the plan-making stage, should reflect the recommended approach in national
76 planning guidance, including standardised inputs, and should be made publicly available.’

77 More information from the NPPG relating to viability assessments can be found here: Standardised
78 inputs to viability assessment: [https://www.gov.uk/guidance/viability#standardised-inputs-to-](https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment)
79 [viability-assessment](https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment).

80 Whilst not necessarily National Policy, the Royal Institute of Chartered Surveyors have a guidance
81 note⁵ and are intending to update it.

82 Regarding marketing, the NPPF and NPPG seem to only refer to marketing relating to the use of
83 heritage assets (NPPF paragraph 195).

84 **4) When do you need to assess marketing and viability?**

85 If you are required to prepare a marketing and viability assessment, this should be completed before
86 a planning application is submitted. Marketing and viability assessments carried out after an
87 application has been submitted to justify a new use or development, will inevitably lead to a delay in
88 determination of the application due to the sustained period required for marketing.

89 It will be necessary to provide information on how a site has been marketed and to assess the
90 viability of the site in these circumstances:

- 91 a. When a policy of the Local Plan for the Broads requires appropriate marketing of a
92 site (and evidence of this marketing to be provided) to assist in proving to the Broads
93 Authority that the current use of the site is no longer appropriate.
- 94 b. When a policy requires the submission of viability evidence to demonstrate that a
95 use of a site is not viable.
- 96 c. When a policy requires something to be provided as part of a scheme (such as
97 affordable housing and planning obligations) and a promoter assesses the impact of
98 this provision on the viability of the scheme.

99 **5) Relevant policies in the Local Plan**

100 The following policies of the Local Plan for the Broads refer to marketing/rent and viability
101 requirements. If your scheme is promoting something different to the position set out in these
102 policies, you will need to carry out a marketing strategy and/or a viability assessment. The objective
103 is to assess the economic viability of the existing business/use and, if necessary, market it at a
104 reasonable price to find a new owner/occupier and retain that use.

105 Policies containing marketing/rent requirements:

⁵ Financial Viability in Planning, 1st edition <https://www.rics.org/uk/upholding-professional-standards/sector-standards/land/financial-viability-in-planning/>. **PLEASE NOTE THAT AT THE TIME OF THIS CONSULTATION, THIS DOCUMENT HAS BEEN REVIEWED AND AMENDED AND IS OUT FOR CONSULTATION, WE WILL UPDATE THE SPD ACCORDINGLY TO REFLECT THE SITUATION AT ADOPTION OF THE SPD** (<https://consultations.rics.org/consult.ti/financialviabilitygn/consultationHome>)

- 106 • Policy DM12: Re-use of Historic Buildings
- 107 • Policy DM26: Protecting general employment
- 108 • Policy DM30: Holiday accommodation – new provision and retention
- 109 • Policy DM38: Permanent and temporary dwellings for rural enterprise workers
- 110 • Policy DM44: Visitor and community facilities and services
- 111 • Policy DM48: Conversion of buildings

112 Policies containing viability requirements:

- 113 • Policy DM4: Water Efficiency
- 114 • Policy DM12: Re-use of Historic Buildings
- 115 • Policy SP11: Waterside sites
- 116 • Policy DM26: Protecting general employment
- 117 • Policy DM30: Holiday accommodation – new provision and retention
- 118 • Policy DM34: Affordable housing
- 119 • Policy DM38: Permanent and temporary dwellings for rural enterprise workers
- 120 • Policy DM43: Design
- 121 • Policy DM44: Visitor and community facilities and services
- 122 • Policy DM48: Conversion of buildings
- 123 • Policy HOR8: Land on the Corner of Ferry Road, Horning
- 124 • Policy THU1: Tourism development at Hedera House, Thurne
- 125 • Policy SSPUBS: Waterside pubs network

126 **6) Preparing and delivering a Marketing Strategy**

127 **5.1 Introduction**

128 This section sets out the detailed requirements for marketing a site to show that there is no demand
129 for the existing use and to justify a change of use.

130 **5.2 The requirement to market tourist accommodation**

131 We note that the marketing requirement is slightly different for tourist accommodation. The policy
132 seeks marketing the accommodation to potential customers for 12 months to understand the
133 demand for the accommodation rather than marketing it for 12 months to sell it on the open
134 market.

135 If you believe that your tourist accommodation is not successful or not viable enough, then we will
136 need to understand why this is. We need to understand, in order to be successful and take into
137 account the various costs associated with the accommodation, what % occupancy (in days or weeks
138 in a year) is the 'break even' level. When marketing the accommodation for 12 months, we can then
139 see how the occupancy level rates against that 'break even' level in that time.

140 Tourist accommodation permitted in the first few months of a calendar year may not receive many
141 bookings for the following summer/peak period because people may book their holidays well in
142 advance. Therefore, the 12-month period for marketing is best to start from the following December
143 (1st) to be available for booking when people may book their holidays.

144 When marketing your accommodation, we would expect the accommodation to be available for rent
145 on at least three well-known holiday accommodation websites. These may include Air BnB and
146 bookings.com for example. You will need to explain and justify the websites you use. We would

147 expect good quality photos posted on those websites to help the accommodation be attractive to
148 those looking for somewhere to stay.

149 The price charged per night needs to be reasonable and a level that is acceptable and one that
150 someone is likely to pay to stay at your accommodation. This price will require justifying.

151 The property should be able to be let for a variety of time periods (for example 1 night, 2 nights, 7
152 nights etc), in accordance with any planning conditions attached to the property. Again, these time
153 periods need to be justified.

154 If the property is unavailable for rent during the 12 months, you need to contact the Broads
155 Authority to discuss this. The policy does say that a sustained period of 12 months is required. We
156 may require the time the property is unavailable to be added on to the end of the 12 months.

157 The marketing report presented to the Broads Authority at the end of the 12 month period will need
158 to detail what bookings were made and for how long. The report needs to say how many days or
159 weeks in a year the accommodation was rented for and how that relates to what was expected to be
160 successful year for the accommodation. This could usefully include information from the websites
161 used to advertise the property. Indeed, information of the reviews received for the holiday
162 accommodation will be of interest and relevance. If a negative review raises issues that can be
163 addressed, how have you addressed those issues?

164 A different approach as stated above could be acceptable, but would need agreeing with the Broads
165 Authority in advance.

166 The rest of this section (section 6) may not necessarily apply to changes of use of tourist
167 accommodation, but we advise you to speak to the Planning Team (who offer free pre-application
168 advice).

169 ***Specific questions for this section:***

170 a) How do we define a well-known website?

171 b) Is there a cost associated with advertising on these websites? Is there a fair number to require?

172 c) Do any website companies have exclusivity demands? Do they say that you should not advertise
173 on other websites?

174 d) When should the 12-month period start from; as soon as permission is granted, or a date like the
175 following 1 December?

176 e) How do we address the quality of marketing? For example, should we say something about the
177 standard of pictures on websites that advertise the property? What about the actual provisions
178 of the property itself? How do we consider if a site is run-down and negative reviews on
179 websites?

180 **5.3 Permitted Development**

181 Permitted Development rights allow changes of certain uses to other uses, subject to particular
182 criteria. As part of marketing the site, the site will need to be marketed and/or investigated in terms
183 of its potential for other uses permitted by the General Permitted Development Order⁶ as well as for
184 its current use.

⁶ https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2

185 **5.4 The marketing strategy**

186 How you market the site will vary based on the type of premises being advertised. The scope of the
 187 marketing exercise and how you intend to market the site needs to be set out in the marketing
 188 strategy and agreed with the Broads Authority beforehand. This will ensure the marketing strategy
 189 meets the requirements set out in this SPD/section, and will avoid the need to repeat the marketing
 190 exercise should the Authority consider the marketing is not up to standard, saving you time and
 191 money.

192 The marketing strategy will need to explain why the property is being marketed and its location, a
 193 description of the site, a summary of the planning history of the site including any restrictions, how
 194 the site will be advertised and markets and guide terms. More detail is provided in the following
 195 paragraphs.

196 The strategy will need to include a marketing matrix like the template below.

Marketing initiative	Budget	Year: 20xx											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Marketing board	£xxx												
Targeted mailing	£xxx												
Online advertisement	£xxx												
...etc. etc.	£xxx												

197 **5.5 How to market your site**

198 As a minimum, the following initiatives need to be used for all premises. The Broads Authority may
 199 request other ways of marketing. The strategy will be proportionate to the site/property that is
 200 being marketed/proposed for change of use. Your strategy will need to explain how you will use the
 201 following methods in marketing your site. If you do not wish to use a particular method, you will
 202 need to fully explain and justify this in your strategy. The Marketing Strategy will be agreed with the
 203 Broads Authority in advance.

204 5.5.1 Method of marketing and approach to advertisement

205 This will cover:

- 206 • Basis of instruction - sole agent or joint agent, etc.
- 207 • Method of disposal - private treaty or informal/formal bids.
- 208 • Advertisement option - sale boards, internet, PR, publications, mailing, etc.

209 5.5.2 Marketing board

- 210 a) A simple 'for sale' board for small commercial premises, single tourist unit accommodation and
 211 community facilities.
- 212 b) For larger commercial units and tourist accommodation sites, larger boards giving details of the
 213 property including the guide price are required.
- 214 c) Boards need to be placed so they can be seen from the main public vantage point (which could
 215 be a road and/or river in the Broads) but not so they cause obstructions or inconvenience to the
 216 public or neighbouring uses. They should also be designed and located in a way to not impact
 217 the special qualities of the Broads.
- 218 d) Temporary 'for sale' boards do not generally require consent, subject to certain restrictions, and
 219 it is the land owner's responsibility to comply with these⁷.

⁷ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007, Schedule 3, Part 1, Class 3A; 'Miscellaneous temporary advertisements'](#)

220 5.5.3 Marketing particulars

- 221 a) The details of the site need to be advertised. The Marketing Strategy also needs to explain how
222 you will advertise these particulars.
- 223 b) For a small site, this could be on the website or be a simple handout.
- 224 c) For larger commercial units and tourist accommodation sites, which are more likely to have a
225 regional or national audience, the particulars need to be set out in a bespoke, well-designed
226 brochure. This needs to include layouts of the building and professional photos.
- 227 d) In all cases, the following information is required:
- 228 • Background –why the property is being marketed.
 - 229 • Description – including details on floorspace, number of floors, layout, car parking and
230 yard facilities.
 - 231 • Internal and external photographs
 - 232 • Location - including information on proximity to regional centres such as Norwich,
233 Ipswich and Lowestoft, links to transport networks and general setting (e.g. Business
234 Park / enterprise zone).
 - 235 • Description of accommodation
 - 236 • Terms (leasehold, freehold, long lease, etc.) - these should be flexible and consider
237 prevailing market conditions. The length of leases should not be unduly restrictive.
 - 238 • Guide price/rent
 - 239 • Planning information – a summary of the existing planning use and status, history and
240 restrictions.
 - 241 • Services and utilities
 - 242 • Energy Performance Certificate
 - 243 • Rateable value and business rates
 - 244 • VAT status
 - 245 • Legal and professional costs
 - 246 • Viewing arrangements
 - 247 • Contact information for the agent

248 5.5.4 Advertisement in press/press release

- 249 a) For small commercial units, community facilities and single unit tourist accommodation, an
250 advert is to be placed and maintained (for a period to be agreed with the Authority) in a local
251 newspaper and estate/property agents (including with specialist trade agents if appropriate).
- 252 b) For larger commercial units and tourist accommodation sites, specialist publications are to be
253 used (again for a period to be agreed with the Authority) and estate/property agents (including
254 with specialist trade agents if appropriate).
- 255 c) Advertisements in both local and national publications should include a colour picture of the
256 premises.
- 257 d) For larger commercial units and tourist accommodation sites, a press release could be given to
258 the local and regional press.

259 5.5.5 Online advertisement

- 260 a) The site needs to be published on the agent's website
- 261 b) Also, if for a commercial site, one national commercial property search engine.
- 262 c) For very large commercial units and tourist accommodation parks, a bespoke website for the
263 property should be created.
- 264 d) The information set out in 6.4.2 needs to be displayed on the website.

265 5.5.6 Targeted mailing

- 266 a) This would be completed by the agent.
267 b) They may mail their contacts and/or purchase a database of contacts and send them the details.

268 **5.6 Length of marketing campaign and re-advertising**

269 The marketing of the site must be for a sustained period of 12 months at a realistic price (see 5.7). ~~A~~
270 ~~longer marketing period may be required if the market is stagnant.~~

271 This period may have the added benefit of allowing communities time to develop community led
272 proposals, and will also be relevant if the property has been registered as an asset of community
273 value with Broadland District, Great Yarmouth Borough, North Norfolk, Norwich City, South Norfolk
274 or East Suffolk Council.

275 If there has not been a willing buyer/occupier in the first three months of marketing, the
276 site/property will need to be re-advertised, using the above strategy, at three monthly intervals
277 unless otherwise agreed with the Authority. This will need to continue for at least 12 months.

278 The strategy needs to address these requirements.

279 **5.7 Expenditure on marketing**

280 The budget for the marketing campaign should be proportionate to the anticipated return from the
281 property. As a guide, the budget should be about 3% of the anticipated return from the property.
282 The strategy needs to provide details of this.

283 **5.8 Guide Price/Rent**

284 This needs to be commensurate with the current market price for similar premises (which may
285 reflect if the market is stagnant). To provide impartial evidence regarding viability and marketing of
286 the property, an independent valuation is likely to be required. It is expected that the value of the
287 property will be derived from an expert RICS registered valuer (likely to be the District Valuation
288 Office) or accredited member of RICS (Royal Institution of Chartered Surveyors). The marketing must
289 be at a reasonable and realistic value for the current permitted use class and for other permitted use
290 classes (see 5.2) both for sale and rent. The strategy needs to provide details of this.

291 **5.9 Marketing statement**

292 If there has been no success in selling or letting the unit after 12 months of marketing, a marketing
293 statement must be prepared and submitted with any planning application for redevelopment or
294 change of use. The marketing statement should set out the following details:

- 295 a) The original marketing strategy as agreed with the Broads Authority (which is likely to
296 be in accordance with this SPD)
- 297 b) The duration and dates of the marketing campaign
- 298 c) The value of the property used in the marketing campaign and the justification to
299 support this value
- 300 d) Evidence that the marketing strategy was delivered – to include photos of the
301 marketing boards, copies of particulars, screenshots of online advertisements, copies of
302 press articles and adverts
- 303 e) A full record of enquiries received throughout the course of the marketing campaign.
304 This needs to record the date of the enquiry, details of the company/individual, nature
305 of the enquiry, if the property was inspected, details of any follow-up and reasons why
306 the prospective occupier deemed the premises unsuitable. If any offers were rejected,
307 the grounds on which the offers were rejected must be provided. This will be subject to
308 GDPR requirements.

- 309 f) If the record of enquiries indicates a lack of interest during the marketing campaign, the
310 report needs to detail the measure undertaken to alter the strategy and to increase
311 interest.

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312 **7) Preparing a Viability Assessment**

313 **7.1 Introduction**

314 This SPD gives general information about requirements for viability assessments. It is not intended
315 that this SPD goes into detail about completing viability assessments; instead it discusses viability
316 assessments more generally. For more detailed information, visit the NPPG:

317 <https://www.gov.uk/guidance/viability>.

318 It is important to note that the Local Plan and its policies underwent a viability appraisal⁸ as
319 part of the production and examination. The viability appraisal and its assumptions should
320 be an important consideration when producing a site-specific viability assessment⁹.

321 Viability assessments must now not be based on information specific to the developer, and
322 therefore need not be treated as commercially sensitive. If commercially sensitive information is
323 included, then it should be aggregated in published viability assessments and executive summaries.

324 If no viability assessment is submitted then it will be assumed that the application is policy compliant
325 and full policy ask is being delivered / not contended

326 **7.2 Land Values**

327 Site promoters and developers need to ensure that the price paid for land does not negatively affect
328 the delivery of this Local Plan's objectives. The NPPG says:

- 329 • 'The price paid for land is not a relevant justification for failing to accord with relevant policies in
330 the plan. Landowners and site purchasers should consider this when agreeing land transactions'
- 331 • 'It is important for developers and other parties buying (or interested in buying) land to have
332 regard to the total cumulative cost of all relevant policies when agreeing a price for the land.
333 Under no circumstances will the price paid for land be a relevant justification for failing to accord
334 with relevant policies in the plan'
- 335 • 'Under no circumstances will the price paid for land be a relevant justification for failing to
336 accord with relevant policies in the plan'.

337

338 Where land with planning permission is subsequently sold, the price paid for land should not be
339 inflated to such an extent that it compromises the existing permission. Such land transactions should
340 remain at a price that ensures that the development remains policy compliant.

342 **7.3 Requirements of viability assessments**

343 An independent chartered surveyor must complete the viability assessment.

344 The level of detail and type of evidence and analysis presented should be proportionate to the scale
345 and nature of the site and/or property in question.

⁸ https://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/1418653/EPS28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf

⁹ By way of background, the Local Plan for the Broads was examined using the 2012 NPPF. It is noted that the NPPG and the new NPPF have specific requirements relating to viability appraisals and these are noted. When determining the specifics of a site-specific viability appraisal, the current NPPF and NPPG will be referred to, noting that the Local Plan was examined under the 2012 NPPF.

346 The assessment must be clear and transparent, setting out robust evidence behind the assumptions
347 that go into the development appraisal. There must be no hidden calculations or assumptions in any
348 model or appraisal.

349 Viability Assessments need to include details of the proposed scheme including site area, unit
350 numbers, number of habitable rooms (if residential), unit size, density and the split between the
351 proposed tenures/uses. Floorspace figures need to be provided for residential uses (gross internal
352 area) by tenure, and non-residential uses in gross internal area (GIA) and net internal area (NIA).
353 Information needs to be provided relating to the target market of the development and proposed
354 specification, and be consistent with assumed costs and values.

355 Details of the assumed development programme and the timing of cost and income inputs need to
356 be provided.

357 Any assessments submitted needs to include an executive summary and ~~Ideally, the appraisal will~~
358 ~~include~~ a spreadsheet version of the viability assessment model that can be opened and
359 interrogated in Microsoft Excel and similar spreadsheet software applications. We strongly
360 recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet that
361 anyone can use.

362 **7.4 Assisting a business to be run in a viable manner - grant funding/financial support**

363 As part of the assessment, the applicant will need to demonstrate that they have explored all
364 possible options to improve the viability and sustainability of the service/business. It is up to the
365 applicant to investigate and demonstrate the steps they have taken, but it could include the
366 following. Details of the grants or support investigated, whether the application was successful (and
367 if not, why not), and the impact of this funding or support on viability must be provided as part of
368 the viability assessment.

- 369 a) **Business rate relief:** The district council may provide business rate relief. Owners or operators of
370 the site in question should approach the district council to discuss the potential for this, and
371 evidence of any such discussions with the district council will need to be provided with any
372 planning application.
- 373 b) **Interventions to improve the commercial attractiveness:** The owner or operator of the site will
374 need to provide evidence showing how they have considered reasonable interventions to
375 improve the attractiveness of the site, and evidence if these interventions are not feasible (if
376 that is the case).
- 377 c) **Grant funding and financial support:** Information showing that all available opportunities of
378 grant funding and financial support to help retain the current use(s) have been fully explored
379 and that none are viable (if that is the conclusion).

380 **7.5 Community Infrastructure Levy (CIL)**

381 At the time of writing, the Broads Authority does not have a CIL in place.

382 **7.6 Confidentiality**

383 Planning practice guidance is now clear that viability assessment should be prepared on the basis
384 that it will be made publicly available other than in exceptional circumstances. In general, viability
385 assessments are published online (as part of the supporting documents for planning applications on
386 the Broads Authority's website) and are kept in the planning application file with the other studies,

387 plans and information contained within the planning application. Members of the public may ask to
388 see these files.

389

390 In exceptional circumstances, where the publication of information would harm the competitiveness
391 of a business due to the necessity to include commercial information unique to that business, the
392 Authority will consider keeping some ~~or all~~ of the viability assessment confidential. In such cases, the
393 applicant will need to provide full justification as to why the harm caused would outweigh the public
394 interest in publishing the information.

395 Even when there are exceptional circumstances (i.e. the Authority is satisfied that the information is
396 commercially sensitive) the executive summary should be made public. In such publications, the
397 commercially sensitive information should be aggregated into costs in the executive summary. This
398 does not mean that the information is not split out in the appraisal; just that it is not published in
399 agreement with the Authority. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509
400 Revision date: 09 05 2019¹⁰.

401 **7.7 Likely future demand for the property**

402 The viability assessment needs to assess the current and likely future market demand for the site or
403 property.

404 **7.8 Circumstances**

405 Any Issues relating to the personal circumstances of the applicant or to the price paid for the
406 building cannot be taken into consideration.

407 **7.9 Independent Review**

408 The Authority will need to verify the content of a viability assessment and may need to employ
409 external expertise to do so. The applicant will need to meet this expense.

410 The independent review will assess and scrutinise the assumptions and assessment and give a view
411 on whether the assessment is robust. If the assessment is not considered robust, this will be
412 discussed with the applicant who may be asked to amend the assessment. Depending on
413 circumstances, the independent review may include a revised viability assessment in accordance
414 with this SPD and again the applicant will need to meet this expense.

415 **7.10 Proposals relating to Public Houses**

416 Owners wishing to pursue other uses of a public house will need to make a planning application and
417 submit a report undertaken by an independent Chartered Surveyor that meets the tests as set out in
418 the CAMRA Public House Viability Test¹¹. The Authority will need to verify the content of the report
419 and may need to employ external expertise to do so. The applicant will need to meet this expense.

420 The Public House Viability Test does not seek to protect the continued existence of every pub -
421 circumstances can change and some pubs find themselves struggling to continue. It does, however,
422 help all those concerned in such cases – local authorities, public house owners, public house users
423 and Planning Inspectors – by providing a fact-based method to rigorously scrutinise and test the
424 future viability of a pub against a set of well-accepted measures.

425 The fundamental basis of this viability test is to assess the continued viability of a pub business. The
426 question to address is what the business could achieve if it were run efficiently by management
427 committed to maximising its success.

¹⁰ NPPG: <https://www.gov.uk/guidance/viability>

¹¹ CAMRA Public House Viability Test: www.camra.org.uk/documents/10180/36197/PHVT/725c3a01-9c07-4b2b-b263-a1842bef09b7

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It is also important to note that some public houses may be listed as Assets of Community Value. These are allocated as such by the District Council, in liaison with the Broads Authority. There are certain requirements relating to these Assets which can be found here: <https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/>

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433 **8) Additional requirements relating to specific proposals/policies**

434 **7.1 Introduction**

435 Some schemes are specific and trigger slightly different approaches to marketing and viability. In
436 these instances, as set out above, the approach to marketing needs to be agreed with the Authority
437 and viability and marketing assessments will be reviewed by external expertise with the cost met in
438 full by the applicant. The specific differences are highlighted in bold.

439 **7.2 Economy section of Local Plan.**

440 The reasoned justification to policy DM26: Protecting general employment says that any assessment
441 needs to consider employment, tourism, recreational and community uses of the site.

442 ‘To prevent the loss of established employment sites and properties, proposals to redevelop them to
443 uses related to community facilities or to sustainable tourism and recreation uses will only be
444 permitted if it can be demonstrated that employment uses (uses within Classes B1, B2 or B8 of the
445 Town and Country Planning (Use Classes) (Amendment) (England) Order 2010) are unviable. **Only
446 then will alternative uses be permitted, again subject to demonstrating that employment, tourism,
447 recreational or community uses would be unviable’.**

448 **7.3 Heritage section of the Local Plan**

449 The reasoned justification to policy DM12: Re-use of Historic Buildings says that assessments need to
450 consider and detail conversion costs and market for economic, leisure and tourism uses of the site.

451 ‘Applications to convert a historic building to residential use will be expected to be accompanied by
452 a report, undertaken by an independent Chartered Surveyor, **which demonstrates why economic,
453 leisure and tourism uses would not be suitable or viable as a result of inherent issues with the
454 building.** Issues relating to the personal circumstances of the applicant or as a result of a price paid
455 for the building will not be taken into consideration. **Details should be provided of conversion costs
456 and the estimated yield of the commercial uses, and evidence provided on the efforts that have
457 been made to secure economic, leisure and tourism re-use for a continuous 12-month period’.**

458 **7.4 Tourist accommodation section of the Local Plan**

459 Policy DM30: Holiday accommodation – new provision and retention says that the emphasis is on
460 demonstrating no demand for tourist accommodation in the area as well as assessing the impact of
461 a net loss of accommodation that is necessary.

462 ‘Existing tourism accommodation will be protected. Change of use to a second home or permanent
463 residence will only be considered in exceptional circumstances **where it can be fully and
464 satisfactorily demonstrated that there is no demand for tourist accommodation’.**

465 ‘To make sure new holiday accommodation is used for tourism purposes that benefit the economy
466 of the Broads, occupancy conditions will be sought to prevent the accommodation from being used
467 as a second home or sold on the open market. To ensure an adequate supply of holiday
468 accommodation is retained, the removal of such a condition will only be permitted where the
469 proposal is accompanied by a statement, completed by an independent chartered surveyor, which
470 demonstrates that it is financially unviable or **that any net loss of accommodation is necessary to
471 allow appropriate relocation or redevelopment’.**

472 **7.5 Affordable Housing policy**

473 Policy DM34: Affordable housing reasoned justification says that effectively, the district’s percentage
474 will be a starting point for assessment. If viability is an issue, the assessment can assess lower

475 percentages. In assessing lower percentages, the assessment should demonstrate at what
476 percentage the scheme becomes unviable. Any assessment should use different tenures as they
477 have different transfer values. For example, shared equity may be 50% market value; Low Cost
478 Home Ownership may be 80 % market value. Where a developer is suggesting a scheme is unviable
479 and seeking to reduce affordable housing they should model the highest transfer values in order to
480 maximise the choice. Conversely, for any market housing, the assessment will work up from zero.

481 'The independent review process will require the applicant to submit a site-specific viability appraisal
482 (to include a prediction of all development costs and revenues for mixed use schemes) to the
483 Authority's appointed assessor. **They will review the submitted viability appraisal and assess the**
484 **viable amount of affordable housing or the minimum number of market homes needed to cross**
485 **subsidise the delivery of affordable housing on a rural exceptions site.** This review shall be carried
486 out entirely at the applicant's expense. Where little or no affordable housing would be considered
487 viable through the appraisal exercise, the Authority will balance the findings from this against the
488 need for new developments to provide for affordable housing. In negotiating a site-specific provision
489 with the applicant, the Authority will have regard to whether or not the development would be
490 considered sustainable in social terms'.

491 **7.6 Converting buildings**

492 Policy DM48: Conversion of buildings reasoned justification says that assessments need to consider
493 and detail conversion costs and commercial yield and consider proposals for economic, commercial,
494 leisure and tourism uses.

495 'Residential conversions may be appropriate for some types of buildings and in certain locations,
496 providing that it has been demonstrated that a **commercial or community use of the building is**
497 **unviable** and that the building is of sufficient quality to merit retention by conversion. Applications
498 to convert a building outside of a development boundary to residential use should be accompanied
499 by a report undertaken, by an independent Chartered Surveyor, which **demonstrates why**
500 **employment, recreation, tourism and community uses would not be viable due to inherent issues**
501 **with the building.** This should include **details of conversion costs, the estimated yield of the**
502 **commercial uses, and evidence of the efforts that have been made to secure employment,**
503 **recreation, tourism and community** re-use for a sustained period of 12 months'.

504 **7.7 Rural enterprise workers dwellings**

505 Policy DM38: Permanent and temporary dwellings for rural enterprise workers addresses what to do
506 if the condition relating to a rural enterprise dwelling is proposed to change to make it market
507 residential.

508 'Should a new dwelling be permitted under this policy, the Authority will impose a condition
509 restricting its occupation to a person (and their immediate family) solely or mainly employed in
510 agriculture, forestry or a Broads related rural enterprise, as appropriate.

511 The **removal of an occupancy condition** will only be permitted in exceptional circumstances where it
512 can be demonstrated that:

- 513 i) There is no longer a long-term need for the dwelling on the particular enterprise on which the
514 dwelling is located; and
515 j) **Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account**
516 **of the occupancy condition**

517 Applications for the removal of occupancy conditions will also need to be accompanied **by robust**
518 **information to demonstrate that unsuccessful attempts have been made, for a continuous period**
519 **of at least 12 months, to sell or rent the dwelling at a reasonable price. This should take account of**
520 **the occupancy condition, including offering it to a minimum of three local Registered Social**
521 **Landlords operating locally on terms which would prioritise its occupation by a rural worker as an**
522 **affordable dwelling, and that option has been refused. With regards to criterion j), unless there**
523 **are special circumstances to justify restricting the dwelling to the particular enterprise where the**
524 **dwelling is located, an occupancy condition is likely to allow occupation by other workers in the**
525 **locality. In this case it should be considered whether there is other demand locally, not just**
526 **whether the demand for this particular enterprise has ceased’.**

DRAFT

527 **9) Summary**

528 If you intend to submit a planning application to the Broads Authority, please check at an early stage
529 whether your proposal will require marketing of the site and/or a viability. If it does, you must
530 submit the assessment with your application as the Authority cannot validate your application until
531 the assessment is received.

532 Please note that the assessment will be treated as public information in support of the application,
533 along with all the other required documents and plans.

534 During the determination of the application, the Authority will assess the information you have
535 provided against the market and viability requirements set out in this SPD. It will verify the content
536 of any viability assessments and may need to employ external independent expertise to do so. As
537 the applicant, you will need to meet this expense. The Authority will consider the expert advice and
538 let you know whether: (a) the assessment adequately demonstrates the argument you have put
539 forward; (b) further information is required; or (c) the assessment does not demonstrate the case.
540 The application will then be determined accordingly.

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541 **Appendix A: Privacy notice**

542 **Personal data**

543 The following is to explain your rights and give you the information you are entitled to under the
544 Data Protection Act 2018. Our Data Protection Policy can be found here: [http://www.broads-
authority.gov.uk/_data/assets/pdf_file/0003/1111485/Data-Protection-Policy-2018.pdf](http://www.broads-
545 authority.gov.uk/_data/assets/pdf_file/0003/1111485/Data-Protection-Policy-2018.pdf).

546 The Broads Authority will process your personal data in accordance with the law and in the majority
547 of circumstances this will mean that your personal data will be made publicly available as part of the
548 process. It will not however be sold or transferred to third parties other than for the purposes of the
549 consultation.

550 **1. The identity of the data controller and contact details of our Data Protection Officer**

551 The Broads Authority is the data controller. The Data Protection Officer can be contacted at
552 dpo@broads-authority.gov.uk or (01603) 610734.

553 **2. Why we are collecting your personal data**

554 Your personal data is being collected as an essential part of the consultation process, so that we can
555 contact you regarding your response and for statistical purposes. We may also use it to contact you
556 about related matters. We will also contact you about later stages of the Local Plan process.

557 **3. Our legal basis for processing your personal data**

558 The Data Protection Act 2018 states that, as a Local Planning Authority, the Broads Authority may
559 process personal data as necessary for the effective performance of a task carried out in the public
560 interest, i.e. a consultation.

561 **4. With whom we will be sharing your personal data**

562 Your personal data will not be shared with any organisation outside of MHCLG. Only your name and
563 organisation will be made public alongside your response to this consultation.

564 Your personal data will not be transferred outside the EU.

565 **5. For how long we will keep your personal data, or criteria used to determine the retention 566 period.**

567 Your personal data will be held for 16 years from the closure of the consultation in accordance with
568 our Data and Information Retention Policy. A copy can be found here [http://www.broads-
authority.gov.uk/about-us/privacy](http://www.broads-
569 authority.gov.uk/about-us/privacy).

570 **6. Your rights, e.g. access, rectification, erasure**

571 The data we are collecting is your personal data, and you have considerable say over what happens
572 to it. You have the right:

- 573 a) to see what data we have about you
- 574 b) to ask us to stop using your data, but keep it on record
- 575 c) to ask to have all or some of your data deleted or corrected

576 d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we
577 are not handling your data fairly or in accordance with the law. You can contact the ICO at
578 <https://ico.org.uk/>, or telephone 0303 123 1113.

579 **7.** Your personal data will not be used for any automated decision making.

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580 **Appendix B: SEA Screening**

581 The Strategic Environmental Assessment (SEA) Directive is a European Union requirement that seeks
 582 to provide a high level of protection of the environment by integrating environmental considerations
 583 into the process of preparing certain plans and programmes. Its aim is “to contribute to the
 584 integration of environmental considerations into the preparation and adoption of plans and
 585 programmes with a view to promoting sustainable development, by ensuring that, in accordance
 586 with this Directive, an environmental assessment is carried out of certain plans and programmes
 587 which are likely to have significant effects on the environment.”

588 With regards to a SPD requiring a SEA, the NPPG says:

589 Supplementary planning documents do not require a sustainability appraisal but may in exceptional
 590 circumstances require a strategic environmental assessment if they are likely to have significant
 591 environmental effects that have not already have been assessed during the preparation of the [Local](#)
 592 [Plan](#).
 593
 594 A strategic environmental assessment is unlikely to be required where a supplementary planning
 595 document deals only with a small area at a local level (see regulation 5(6) of the Environmental
 596 Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely
 597 to be significant environmental effects.
 598
 599 Before deciding whether significant environment effects are likely, the local planning authority
 600 should take into account the criteria specified in Schedule 1 to the Environmental Assessment of
 601 Plans and Programmes Regulations 2004 and consult the consultation bodies.

602 The following is an internal assessment relating to the requirement of the Draft Marketing and
 603 Viability SPD to undergo a Strategic Environmental Assessment.

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004	
Is on or after 21st July 2004.	Yes. The SPD will be completed in 2019.
The plan or programme sets the framework for future development consent of projects.	No. It elaborates on already adopted policy.
The plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects.	See assessment in this table.
CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT	
1. The characteristics of plans and programmes, having regard, in particular, to	
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating	The SPD expands on adopted policy. It will be a material consideration in determining planning applications. It is considered that the subject of the SPD does not negatively impact this criterion.

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
resources.	
the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD does not influence other plans, rather expands on adopted policy. That is to say, it has been influenced by other plans or programmes.
the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	It is considered that the subject of the SPD does not negatively impact this criterion.
environmental problems relevant to the plan or programme	It is considered that the subject of the SPD does not negatively impact this criterion.
the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	It is considered that the subject of the SPD does not negatively impact this criterion.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to	
the probability, duration, frequency and reversibility of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the cumulative nature of the effects	It is considered that the subject of the SPD does not negatively impact this criterion..
the transboundary nature of the effects	<p>The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries.</p> <p>It is considered that the subject of the SPD does not negatively impact this criterion. The requirements will relate to a specific scheme and site.</p>
the risks to human health or the environment (for example, due to accidents)	It is considered that the subject of the SPD does not negatively impact this criterion.
the magnitude and spatial extent of the effects (geographical area and size of the population)	The SPD will cover the Broads Authority which includes 6,000 permanent residents. There are

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
likely to be affected)	also visitors throughout the year.
<p>the value and vulnerability of the area likely to be affected due to—</p> <ul style="list-style-type: none"> • special natural characteristics or cultural heritage; • exceeded environmental quality standards or limit values; or • intensive land-use; 	<p>The Broads is special in its natural characteristics and cultural heritage.</p> <p>Unsure if standards or limits have been exceeded in the Broads</p> <p>Not relevant</p>
The effects on areas or landscapes which have a recognised national, Community or international protection status.	The area to which the SPD applies is the Broads with an equivalent status to that of a National Park.

604 Response to consultation with Historic England, Natural England and Environment Agency:

605 Historic England

606 In terms of our area of interest, given the nature of the SPD and on the basis of the information
 607 provided in this consultation, we would concur with your assessment that the document is unlikely
 608 to result in any significant environmental effects and will simply provide additional guidance on
 609 existing Policies contained within a Adopted Development Plan Document which has already been
 610 subject to a Sustainability Appraisal/SEA. As a result, we would advise that it is not necessary to
 611 undertake a Strategic Environmental Assessment of this particular SPD.

612 Environment Agency

613 As stated, it elaborates on already adopted policy. We therefore agree with the conclusions you
 614 have drawn in that an SEA likely is not required.

Planning Committee

06 March 2020

Agenda item number 13

Residential Moorings Guide for consultation

Report by Planning Policy Officer

Purpose

A guide on residential moorings has been drafted. It expands on some policy requirements, and also addresses what could help make a scheme successful and well run. It is intended to consult on the draft guide.

Recommended decision

To endorse the draft Residential Moorings Guide and recommend that Broads Authority approve it for consultation.

1. Introduction

- 1.1. The Local Plan for the Broads has a generic policy relating to residential moorings. It also allocates sites for residential moorings. As more residential moorings will be in place in the Broads over the coming years, we have produced a draft guide aimed at helping schemes be successful and well run. The Residential Moorings Guide addresses and expands on policy requirements, and other elements that might be appropriate for a residential moorings scheme to provide.
- 1.2. To help in the production of the Guide, we went on site visits to established residential mooring areas in the Midlands and west country, meeting with residents and site managers to discuss living on a boat and how schemes were run. This knowledge and experience has helped inform the draft Guide.

2. Navigation Committee and Boat Safety Group

- 2.1. Navigation Committee and the Boat Safety Group were asked by email for their comments on the draft Guide, and their responses are in Table 1.

Table 1

Responses to draft RM Guide – NC and BSG

Comment	Response
Change 'judge' to judged and 'you' to your	Noted and changed.

Comment	Response
Impact of high winds - just wondered if there should be any mention of this somewhere in the guidance notes. Not sure if there is anything elsewhere but with the recent winds there have been boats blown over.	There is wording relating to what is expected at times of flood in the policy and in the guide. We could add in the guide a reference to other extremes of weather to the climate change and flood risk section.
Just thought there should be some mention of ensuring there is a plan / are plans for adequate charging points for boats as electric propulsion is something that is likely to happen in the near future.	That seems to be a Broads-wide issue to address. The policy does require provision of electricity for residential moorings. It might be more of a business decision by the operator if they wish to provide charging points for electric boats. No change proposed.
Re rowing boats: perhaps there should be to ensure there is an evacuation procedure in place to ensure everyone has adequate equipment to leave an island or at least a meeting place and how to get off safely in event of a fire / explosion / bomb alert etc	Noted. Some text added to refer to fire/emergency procedure.
I see a requirement for a vessel to have a boat safety certificate but I did not see the requirement for a toll to be paid or insurance.	Agreed and reference to this is added to the guide now.
Also, I think a vessel should demonstrate its ability to leave moorings at least once a year and cruise.	This may be something that the marina operator may wish to require, but it is not clear how we could require this or indeed monitor it through planning. No change proposed.
Thank you for giving the NSBA the opportunity to comment on the Draft Residential Moorings Guide. The draft guide appears to cover what is needed from such a document and with the limited time available no points for improvement have been found. It is noted that it is intended that the guide will go out for public consultation after consideration by the Planning Committee and the Broads Authority.	Support noted.

3. Consultation

- 3.1. If endorsed at today's meeting, it is intended to publish to draft Guide and the draft Marketing and Viability SPD for public consultation for a period of around six weeks. We will place a notice in the local newspaper, make copies of the Guide available at the usual venues around the Broads, and contact people on the planning policy stakeholder database to notify them of the consultation.

Author: Natalie Beal

Date of report: 21 February 2020

[Broads Plan](#) objectives

Appendix 1 – Draft Residential Moorings Guide

Residential Moorings Guide

February 2020

Broads Authority
Yare House
62-64 Thorpe Road
Norwich NR1 1RY

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1. Introduction

In the current Local Plan for the Broads, the Authority is required to identify a need (of 63 residential moorings¹) and subsequently allocate sites for residential moorings to count towards that need. The Local Plan also contains a detailed policy that all proposals for residential moorings are required to address (Policy DM37 – see [Appendix A](#)).

This guide is designed to help implement the policies of the Local Plan relating to residential moorings. It is designed for decision makers as well as applicants and site owners. It contains useful information to help make schemes for residential moorings as successful as possible.

2. Consultation

This version is the draft for consultation. Please tell us your thoughts and suggest any changes you think would make the Guide better and set out your reasons. This consultation runs from **xxx to xxx**. We will then read each of the comments received and respond. We may make changes if we agree with you. If we do not make changes we will set out why. The final Guide will be adopted at a future meeting of the Broads Authority. Please email us your comments: planningpolicy@broads-authority.gov.uk.

This consultation document and consultation process have been developed to adhere to the Broads Authority's Statement of Community Involvement².

Information provided by you in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004). Please see [Appendix B](#) for the Privacy Notice.

Are you satisfied that this consultation has followed the Consultation Principles? If not, or you have any other observations about how we can improve the process, please contact us at planningpolicy@broads-authority.gov.uk.

3. Residential Moorings - definitions

The supporting text of policy DM37 defines a residential mooring as 'a mooring where someone lives aboard a vessel (capable of navigation), where the vessel is used as the main residence, and where the vessel is moored in one location for more than 28 days in a year. The vessel may occasionally/periodically go cruising and return to base'.

¹ [Norfolk Caravans and Houseboats Accommodation Needs Assessment \(ANA\) including for Gypsies, Travellers and Travelling Show people](#)

² Current [Statement of Community Involvement](#)

32 It goes on to say that ‘for the purposes of this policy, it should be noted that there is an
33 expectation that the moorings will be occupied by a vessel of standard construction and
34 appearance and which is conventionally understood to be a boat. For the avoidance of
35 doubt, the policy does not apply to houseboats. Houseboats are considered to be structures
36 without means of independent propulsion and will be dealt with on a case by case basis due
37 to their potential impact on character of the area’.

38 4. Acceptable location for residential moorings

39 Policy DM37 sets out where residential moorings may be acceptable (criterion a) and would
40 apply to applications for schemes in areas not allocated in the Local Plan. This section breaks
41 that down and provides some more information.

42 i) ‘Is in a mooring basin, marina or boatyard...’

43 The reason for this requirement is to remove any potential impact on navigation
44 because of residential moorings as well as ensure access to boating facilities such as
45 pump outs and maintenance.

46 ii) ‘...that is within or adjacent to a defined development boundary...’

47 The development boundary could be one of the four in the Local Plan for the Broads³
48 or could be set out in the adopted Local Plan of one of our 5 district councils (see
49 below for Norwich City). Development boundaries are areas within which housing
50 (and in this case, residential moorings) are generally supported in principle (but
51 subject to other policies in the Local Plan) because they have good access to key
52 services and are well related to the existing built up area of a settlement.

53 iii) ‘...or 800m/10 minutes walking distance to three or more key services...’

54 Key services are set out in the supporting text for the policy and copied below. They
55 reflect the Housing and Economic Land Availability Assessment methodology:

- 56 • A primary school
- 57 • A secondary school
- 58 • A local healthcare service (doctors' surgery)
- 59 • Retail and service provision for day to day needs (district/local shopping centre,
60 village shop)
- 61 • Local employment opportunities which are defined as follows, which reflect areas
62 with potentially a number of and variety of job opportunities:
 - 63 ○ Existing employment areas allocated/identified in our districts’ Local Plans; or

³ These are in Wroxham/Hoveton, Thorpe St Andrew, Oulton Broad and Horning. See policy DM35 of the Local Plan and see the maps here: [DMS35: Residential development within defined development boundaries Maps](#)

64 ○ City, Town or District Centre as identified in the Local Plan for the Broads or
65 our District’s Local Plan. We note that this means such centres count towards
66 two of the three key services test; or

67 ○ These sites that are allocated in the Local Plan for the Broads: BRU2, BRU4,
68 CAN1, HOR6, POT1, STA1, TSA3.

69 ● A peak-time public transport service to and from a higher order settlement (peak
70 time for the purposes of this criterion will be 7-9am and 4-6pm)

71 Applications will need to submit supporting information about the location of these key
72 services.

73 ● ‘...and the walking route is able to be used and likely to be used safely, all year
74 round...’

75 The walking route that is 800m or 10 minutes’ walk to the key services needs to be
76 available and attractive for use all year round. In practice this will more likely mean
77 surfaced footways rather than rural public rights of ways. This will be judged on a
78 case by case basis in liaison with the Highways Authority. Applications will need to
79 submit supporting information about the quality and experience of the routes used
80 to travel between residential mooring and services.

81 ● ‘...or is in Norwich City Council’s Administrative Area’

82 Norwich City Council requested this addition as there are no mooring basins, marinas
83 or boatyards in Norwich; this change now, in theory, allows for residential moorings
84 in the City.

85 It is important to note that applications in Norwich will need to be determined by Norwich
86 City Council and the Broads Authority. Norwich City Council are the Local Planning Authority
87 for the land. The Broads Authority is the Local Planning Authority for the river. Policies of
88 both adopted Local Plans will be relevant to schemes in Norwich.

89 **5. Flood Risk and climate change**

90 The Authority will require site specific flood risk assessments including a flood response
91 plan. See policy DM5 of the Local Plan for the Broads as well as the Flood Risk SPD⁴.

92 Whilst the Authority appreciates that at times of flood the boat which is lived in will be
93 already on water and is able to float, the issue is more to do with the risk arising because of
94 flooding in this instance. The supporting text of DM37 identifies some issues that need to be
95 addressed.

⁴ See guidance for best practice [Broads Flood Risk Supplementary Planning Document](#).

- 96 a) The technique/method of mooring the vessel. The Flood Risk Assessment (FRA)
97 should show how the boat will be moored to prevent it being too tight or too loose.
98 If the vessel is moored too tightly it could list, and by being too loose it could float
99 onto the landside of the quay heading or be cast adrift at times of flooding. Both
100 scenarios have safety concerns for occupiers, possessions and other objects or
101 vessels that could be hit by a loose boat, and should be addressed within the FRA.
- 102 b) A Flood Response Plan needs to be produced. While it is acknowledged that
103 residential boats will float, the access to the boat could be disrupted at times of
104 flood, causing the occupier to be stranded on board the boat. The Flood Response
105 Plan needs to advise what the occupier should do at times of flood to ensure their
106 safety - whether they should evacuate the boat in advance of flooding or take refuge
107 in the boat and therefore have supplies to help them sit out the flood.
- 108 c) Finally, the FRA should include consideration of how the boat moored at the
109 residential mooring will be monitored at times of flood to make sure it does not
110 cause damage to other vessels, and to prevent damage to the belongings on board
111 and the boat itself.

112 Turning to climate change, you will be required to fill out a [climate change checklist](#). This
113 identifies various effects that could arise in a changing climate. Flood risk may be one of
114 them, but there are others. Filling out the checklist may make you consider how you run and
115 develop your site. For example, how will you address risks associated with a changing
116 climate? How will you manage high winds as a result of storms for example?

117 6. Management plan

118 You will be required to produce a plan that sets out how the residential moorings will be
119 managed.

120 The management plan will help ensure the site as a whole is appropriately managed. The
121 management plan will be a condition on the permission given to an application for
122 residential moorings. A breach of this management plan would then be a breach of
123 condition and could be enforced. You may already address these issues in some way.

124 It is expected that a Management Plan will cover the following. This list is not exhaustive
125 and there may be other aspects that need to be covered.

- 126 a) Site rules and/or terms and conditions.
- 127 b) Noise – expectations relating to noise. This could cover aspects such as generators,
128 when engines will run and generally any noise that could be considered a nuisance.
129 Please note that there is a bye-law that could be of relevance. The amenity policy of
130 the Local Plan for the Broads will be of relevance.

- 131 c) Waste management – sewerage and rubbish and recycling. Methods for storage and
132 removal need to be clearly identified.
- 133 d) Management of increased vehicular movements.
- 134 e) Storage provision for residential boaters – bicycles and residential paraphernalia.
135 Details of any storage provision needs to be included. Need to consider the impact
136 on the character of the area.
- 137 f) Details of water safety provisions – see policy in Local Plan and any related guidance
138 produced.
- 139 g) Contact details of who to contact if the management requirements of the site are
140 not adhered to.
- 141 h) Detail how the mooring will be managed. For example, who will be the point of
142 contact and will they be on site 24/7 or 9-5 weekdays for example.
- 143 i) State requirements on how vessels will meet the requirements of the bye-laws and
144 legislation for example the need for boat safety certificates, toll to be paid and
145 appropriate insurance.

146 7. Register

147 A register of those boats being lived on will be required. The register of who lives on which
148 boat will be maintained at all times and is made available for inspections.

149 8. Council Tax

150 The Broads Authority is the Local Planning Authority and does not collect Council Tax.
151 Residential moorings may be liable for Council Tax. The BWML has produced this
152 information on residential moorings and Council Tax: <https://bwml.co.uk/council-tax-for-residential-moorings/>.
153

154 **You should contact your District Council to confirm the approach to Council Tax.**

155 9. Facilities

156 This section provides some further information about facilities and services you may wish to
157 make available at residential moorings.

158 The policy refers to the provision of facilities:

- 159 b) Provides an adequate and appropriate range of ancillary facilities on site to meet the
160 needs of the occupier of the residential moorings (for example potable water,
161 wastewater pump out (see j below), and electricity) or provides adequate access to
162 these ancillary facilities in the vicinity of the residential mooring;

- 163 g) Has adequate car parking and makes provision for safe access for service and
 164 emergency vehicles and pedestrians;
- 165 i) Makes adequate provision for waste, sewage disposal and the prevention of
 166 pollution; and
- 167 j) Provides for the installation of pump out facilities (where on mains sewer) unless
 168 there are adequate facilities in the vicinity.

169 Proposals need to set out how provisions will be made for facilities associated with
 170 residential uses (such as rubbish, amenity space, external storage and clothes drying for
 171 example).

172 **Please note that the following are examples from elsewhere in England to give you an**
 173 **idea of how these issues are addressed. The approach of others who provide and manage**
 174 **residential moorings may not necessarily be relevant to the Broads or may not be relevant**
 175 **to your site or may not be how you want to run your site. We strongly suggest you contact**
 176 **us to talk through your proposed approach in advance of putting it in place.**

177 9.1. Electricity

178 By providing electricity, there will be no need for boat engines or generators to be run
 179 (which have associated noise and fumes). Some electric units come with lights on the top
 180 which can cause light pollution so providing these at sites in more rural areas or on edge of
 181 settlements will need careful consideration.

182 **Q: How will you provide the residential moorings with electricity?**



183 **Electricity meter cards dispenser and electricity (and water) unit at Cowroast Marina.**

184 **9.2. Water**

185 **Q: How will you provide the residential moorings with potable water?**

186 Case Study – Cowroast Marina

187 Residential moorings are provided with one water tap per two boats. They use trace heating
188 on water taps to prevent freezing in winter.

189 **9.3. Sewerage**

190 Toilets on boats may require pumping out or somewhere to empty cassettes. Your marina
191 or boatyard may have a system or process to deal with this already.

192 **Q: How will you deal with sewerage arising from the boats on residential moorings?**

193 Case Study – BWML moorings

194 BWML sites tend to include one pump out per month in their residential mooring contract.

195 **9.4. Rubbish collection**

196 You will need to address how waste arising from those living on the boats is dealt with. Your
197 marina or boatyard may have a system or process to deal with rubbish already. We
198 recommend that you contact your District/Borough/City Council to discuss waste
199 management.

200 **Q: How will you deal with rubbish (including recyclable materials) arising from the boats
201 on residential moorings?**

202 **9.5. Car parking**

203 You need to ensure ample car and cycle parking for those who are using residential
204 moorings. Again, you may have car parking or cycle parking on site already. We defer to the
205 parking standards of the relevant district. The standards at the time of adoption of the Local
206 Plan (May 2019) are at Appendix J, page 239, of the Local Plan for the Broads.

207 **Q: How will you address car and cycle parking for those who are using residential
208 moorings?**

209 **9.6. Amenity space and landscaping**

210 The Amenity policy of the Local Plan (DM21) requires schemes to provide a ‘satisfactory and
211 usable external amenity space to residential properties in keeping with the character of the
212 surrounding development’. It may also be appropriate to provide landscape enhancements
213 of the land associated with the Residential Mooring to improve the amenity of the area in
214 connection with the development.

215 **Q. How will you address amenity space and landscaping?**

216 **9.7. Storage**

217 Scheme promoters/operators are required to address storage of residential paraphernalia.
218 Unless a system for storing kit and possessions is put in place, the residential moorings

219 could become cluttered with residential paraphernalia which will alter the character of the
220 area.

221 **Q: How will you provide storage for those who are using residential moorings?**



222 **Storage lockers at Priory Marina**

223 9.8. Other facilities/extras

224 Depending on your specific circumstances, you may wish to provide other facilities for those
225 who are living on the residential moorings at your site. This may depend on the location of
226 your site as well as what buildings you already have on site. Examples include drying of
227 clothes, post boxes and communal facilities. You will need to consider the impact on the
228 character of the area. You may wish to ensure you have a fire or emergency evacuation
229 procedure too.

230 Case Study - Cowroast Marina

231 There is a communal lounge with kitchenette. The lounge tends to be used once a month for
232 functions.

233 Case Study – Priory Marina

234 Facilities on site for those living on boats include toilets, showers, library, post boxes
235 (reception collects the parcels), large storage boxes, launderette, parking, cycle parking,
236 electricity and water.

237 Part of contract includes 6 weeks out of water on hard standing for anti-fouling. The marina
238 organises a crane company to come and remove boats and put them back in. The marina
239 coordinate crane and dates – probably five boats at a time. Boats are lived on outside of the
240 water.



241 **Post boxes**

242 10. Key messages

- 243 a) You need to consider flood risk through a flood risk assessment and flood response
244 plan.
- 245 b) You need to consider the impacts of Climate Change.
- 246 c) A management plan is required that details how you will manage the residential
247 moorings. A template is included at [Appendix C](#).
- 248 d) You need to keep a register of those who are living on the residential moorings.
- 249 e) You should contact your District Council to confirm the approach to Council Tax.
- 250 f) You need to provide adequate facilities for those living at the residential moorings.
251 You may already have many of these in place.
- 252 g) There are many permitted residential moorings around the country who have
253 systems in place. They may not necessarily be relevant to the Broads or may not be
254 relevant to your site or may not be how you want to run your site. But they give you
255 an idea of how to do things. We strongly suggest you contact us to talk through your
256 proposed approach in advance of putting it in place.
- 257 h) A template to address many of the requirements in the policy and guide is included
258 at [Appendix D](#).

259 11. Helpful links and where to go to get advice

260 The Residential Boat Owners' Association (RBOA), the British Waterways Marinas Limited
261 (BWML) and Canal and Rivers Trust (CRT) have many useful webpages that cover a variety of
262 topic areas or issues that may be relevant to you.

263 **Please note that just because the BWML, CRT or RBOA suggest a certain approach, it may
264 not necessarily be acceptable in the Broads or indeed it may not be how you wish to run
265 your site. The point of sharing these websites with you is to give you information on how
266 things are done elsewhere. We strongly recommend that you contact us to talk about any
267 specific approach you wish to take to make sure it is acceptable here in the Broads.**

268 This webpage **covers many aspects** of living on a boat: [https://bwml.co.uk/guides/a-guide-
269 to-residential-living/](https://bwml.co.uk/guides/a-guide-to-residential-living/)

270 This webpage talks about **Council Tax**. [https://bwml.co.uk/council-tax-for-residential-
271 moorings/](https://bwml.co.uk/council-tax-for-residential-moorings/)

272 **You should contact your District Council to confirm the approach to Council Tax.**

273 This webpage shows **where the BWML residential moorings are**. It also states what you get
274 when you stay at one of their Marinas. <https://bwml.co.uk/residential-moorings/>

275 Life Afloat; Ever wondered what life is like living on a boat? This webpage has **videos about**
276 **life afloat**: <https://bwml.co.uk/life-afloat/?src=residential>

277 This webpage shows how BWML approach **charging for electricity**:
278 <https://bwml.co.uk/electricity/>

279 This website contains **BWML's Terms and Conditions and policies**:
280 <https://bwml.co.uk/customer-info/>. And this website contains the **Terms and Conditions for**
281 **the Canals and Rivers Trust**:
282 <https://www.watersidemoorings.com/Home/TermsAndConditions>

283 This website talks about **insurance**. It talks about a specific deal that BWML have with one
284 particular policy provided. You may or may not be entitled to that deal, but the webpage
285 may contain advice useful for those who live on boats: [https://bwml.co.uk/marine-](https://bwml.co.uk/marine-insurance-for-bwml-berth-holders/)
286 [insurance-for-bwml-berth-holders/](https://bwml.co.uk/marine-insurance-for-bwml-berth-holders/).

287 **The Residential Boat Owners' Associations (RBOA)**. Their website says: 'Established in 1963
288 the Residential Boat Owners' Association is the only national organisation which exclusively
289 represents and promotes the interests of people living on boats in the British Isles. We
290 represent all those who have chosen to make a boat their home'. <https://www.rboa.org.uk/>

291 **RBOA Code of Good Practice**. The Association would encourage all boaters who live afloat
292 to follow this Voluntary Code of Good Practice: [https://www.rboa.org.uk/code-of-good-](https://www.rboa.org.uk/code-of-good-practice/)
293 [practice/](https://www.rboa.org.uk/code-of-good-practice/)

294 **Appendix A – Adopted Policy DM37 – New Residential**
295 **Moorings**

296 **Policy DM37: New residential moorings**

297 The Authority will endeavour to enable delivery to meet its assessed need of 63 residential
298 moorings.

299 Applications for permanent residential moorings will be permitted provided that the
300 mooring:

- 301 a) Is in a mooring basin, marina or boatyard that is within or adjacent to a defined
302 development boundary or 800m/10 minutes walking distance to three or more key
303 services (see reasoned justification) and the walking route is able to be used and
304 likely to be used safely, all year round or is in Norwich City Council’s Administrative
305 Area.
- 306 b) Provides an adequate and appropriate range of ancillary facilities on site to meet the
307 needs of the occupier of the residential moorings (for example potable water,
308 wastewater pump out (see j below), and electricity) or provides adequate access to
309 these ancillary facilities in the vicinity of the residential mooring;
- 310 c) Would not result in the loss of moorings available to visitors/short stay use;
- 311 d) Would not impede the use of the waterway;
- 312 e) Would not have an adverse impact upon:
- 313 i) the character and appearance of the site or the surrounding area arising from the
314 moorings and the use of adjacent land incidental to the mooring;
- 315 ii) protected species, priority habitats and designated wildlife sites;
- 316 iii) the amenities of neighbouring occupiers; or
- 317 iv) bank erosion.
- 318 f) Provides safe access between vessels and the land without interfering with or
319 endangering those using walkways;
- 320 g) Has adequate car parking and makes provision for safe access for service and
321 emergency vehicles and pedestrians;
- 322 h) Would not prejudice the current or future use of adjoining land or buildings;
- 323 i) Makes adequate provision for waste, sewage disposal and the prevention of
324 pollution; and

325 j) Provides for the installation of pump out facilities (where on mains sewer) unless
326 there are adequate facilities in the vicinity.

327 If more than one residential mooring is proposed, the proposal must be commensurate with
328 the scale of development proposed for that settlement (as a whole).

329 Converting an entire basin, marina or boatyard to residential moorings would be judged on
330 a case by case basis to assess and take account of the impact on infrastructure in the area
331 (such as highways) and the impact on neighbouring uses.

332 Whilst the policy contains a general presumption in support of residential moorings in
333 Norwich, the cumulative impact resulting from any proposal will be considered, along with
334 the impact on the infrastructure and amenity of the area.

335 The economy policies of the Local Plan will also be of relevance and in Norwich, so too will
336 the City Council's policies for proposals in Norwich.

337 Conditions will be used to restrict the number, scale and size of boats using the residential
338 moorings. A management plan for the site and a register of those who live on boats will be
339 required and will be covered by a planning condition imposed on any planning permission
340 granted.

341 Proposals need to set out how provisions will be made for facilities associated with
342 residential uses (such as rubbish, amenity space, external storage and clothes drying for
343 example).

344 All such development will meet the requirements of the Water Framework Directive.

345 (Note: Refer to www.gov.uk/guidance/pollution-prevention-for-businesses for information
346 on pollution prevention measures)

347 Reasoned Justification

348 The Authority acknowledges that the high environmental quality of the Broads and wide
349 range of opportunities it offers for boating make the area a popular location. As a
350 consequence, there is a significant associated demand for residential moorings. The
351 provision of residential moorings must, however, be carefully managed to make sure the
352 special qualities of the Broads and their enjoyment are protected.

353 Tourism makes a valuable contribution to the local economy, and a statutory purpose of the
354 Broads is to provide opportunities for the understanding and enjoyment of the special
355 qualities of the area by the public. To make sure there are sufficient facilities to allow
356 visitors to enjoy the Broads, the Authority will resist proposals for permanent residential
357 moorings where they would result in the loss of visitor/short term moorings or boatyard
358 services.

359 To ensure that people living on boats have access to adequate facilities and services such as
360 education, recreation, and domestic waste collection, and to minimise impact of new
361 development on landscape character, the Authority will require new residential moorings to
362 be directed to mooring basins, marinas or boatyards within walking distance of at least
363 three of the key services listed below or in or adjacent to defined development boundaries
364 (which could be within the Broads Authority Executive Area or in the planning area of our
365 constituent districts). Residential moorings may also be appropriate on parts of the river in
366 Norwich, subject to other policy considerations in particular the impact on neighbouring
367 uses and impact on navigation of the river. Proposals for residential moorings will be
368 expected to be commensurate in scale with the size of the settlement and the level of
369 residential development proposed for the settlement by the relevant Local Planning
370 Authority. Furthermore, converting an entire marina, basin or boatyard, or in Norwich the
371 entirety of the river banks, may not be appropriate because of the potential impact on
372 neighbouring uses and infrastructure in the area, as well as the consequences of the loss of
373 the facility for non-residential boaters; the Authority will consider such proposals on a case
374 by case basis.

375 The key services referred to in the policy could be three or more of the following. These key
376 services reflect the Housing and Economic Land Availability Assessment methodology:

- 377 • A primary school
- 378 • A secondary school
- 379 • A local healthcare service (doctors' surgery)
- 380 • Retail and service provision for day to day needs (district/local shopping centre,
381 village shop)
- 382 • Local employment opportunities which are defined as follows, which reflect areas
383 with potentially a number of and variety of job opportunities:
 - 384 ○ Existing employment areas allocated/identified in our districts' Local Plans; or
 - 385 ○ City, Town or District Centre as identified in the Local Plan for the Broads or
386 our District's Local Plan. We note that this means such centres count towards
387 two of the three key services test; or
 - 388 ○ These sites that are allocated in the Local Plan for the Broads: BRU2, BRU4,
389 CAN1, HOR6, POT1, STA1, TSA3.
- 390 • A peak-time public transport service to and from a higher order settlement (peak
391 time for the purposes of this criterion will be 7-9am and 4-6pm)

392 Residential moorings that have the potential to affect a protected site or species will only be
393 permitted where a project level Appropriate Assessment (under the Habitats Directive) can
394 successfully demonstrate that there are no adverse effects on qualifying features on the site
395 or a detrimental impact on the species.

396 Where permission is granted for a new permanent residential mooring, planning conditions
397 and/or obligations will be used to secure agreements for the management of the mooring
398 and surrounding land. This will be done to protect visual and residential amenity and make
399 sure the use of residential moorings does not compromise public safety. The use of
400 surrounding land for incidental purposes such as storage and seating can have a negative
401 impact if incorrectly managed. Proposals will need to set out how they will address areas for
402 the drying of clothes and amenity space, as well as any other related facilities for those
403 living on the boats. The Authority does not expect marinas and boatyards to subdivide or
404 demarcate areas of land to be associated with residential moorings.

405 Policy DM50 provides guidance on the forms of development permissible on the adjacent
406 waterside environment associated with a mooring.

407 For the purposes of this policy, a 'residential mooring' is a mooring where someone lives
408 aboard a vessel (capable of navigation), where the vessel is used as the main residence, and
409 where the vessel is moored in one location for more than 28 days in a year. The vessel may
410 occasionally/periodically go cruising and return to base.

411 For the purposes of this policy, it should be noted that there is an expectation that the
412 moorings will be occupied by a vessel of standard construction and appearance and which is
413 conventionally understood to be a boat. For the avoidance of doubt, the policy does not
414 apply to houseboats. Houseboats are considered to be structures without means of
415 independent propulsion and will be dealt with on a case by case basis due to their potential
416 impact on character of the area.

417 The policy requires a management plan for the site as well as a register of those boats being
418 lived on. These will be required through conditions on planning application(s). The
419 management plan will help ensure the site as a whole is appropriately managed. This would
420 normally cover things like noise, waste, delivery times etc. and would have contact details of
421 who to contact if the management requirements of the site are not adhered to. A breach of
422 this management plan would then be a breach of condition and could be enforced. The
423 register of who lives on which boat will be maintained at all times.

424 Proposals for residential moorings must ensure they have adequately considered the
425 following:

- 426 a) The technique/method of mooring the vessel. The Flood Risk Assessment (FRA)
427 should show how the boat will be moored to prevent it being too tight or too loose.
428 If the vessel is moored too tightly it could list, and by being too loose it could float

429 onto the landside of the quay heading or be cast adrift at times of flooding. Both
430 scenarios have safety concerns for occupiers, possessions and other objects or
431 vessels that could be hit by a loose boat, and should be addressed within the FRA.

432 b) A Flood Response Plan needs to be produced. While it is acknowledged that
433 residential boats will float, the access to the boat could be disrupted at times of
434 flood, causing the occupier to be stranded on board the boat. The Flood Response
435 Plan needs to advise what the occupier should do at times of flood to ensure their
436 safety - whether they should evacuate the boat in advance of flooding or take refuge
437 in the boat and therefore have supplies to help them sit out the flood.

438 c) Finally, the FRA should include consideration of how the boat moored at the
439 residential mooring will be monitored at times of flood to make sure it does not
440 cause damage to other vessels, and to prevent damage to the belongings on board
441 and the boat itself.

442 The Authority intends to produce a guide for residential moorings as well as a template to
443 assist with the production of management plans. The Authority is aware of guidance being
444 produced by other organisations on residential moorings and we will ensure we are involved
445 with those guides and reflect them in our own guide.

446 Development proposals for residential moorings should provide a biodiversity net gain as a
447 result of the development as there are likely to be significant opportunities for waterside
448 biodiversity enhancement.

449 Meeting the need for residential moorings

450 The Accommodation Needs Assessment completed in 2017 identifies a need for 63
451 residential moorings. This figure needs to be interpreted with some caution, as it is based on
452 limited interviews with boat dwellers and on anecdotal estimates rather than a
453 comprehensive count or survey of the people who live on boats.

454 The study also indicates that those living on boats do so from choice, rather than from an
455 ethnic background, and that most are single people or childless couples.

456 The Local Plan seeks to address the need for residential moorings in several ways:

457 • Ten residential moorings have been permitted on appeal at Waveney River Centre
458 and six sites have been allocated for residential moorings amounting to around 41
459 residential moorings. See Appendix K for the residential moorings trajectory which
460 shows the total identified supply as 10 residential moorings.

461 • Some areas of the Broads have been identified in this Local Plan as suitable in
462 principal for residential moorings and these are policies STA1 and HOR6. Although
463 they are potentially suitable in principle, deliverability is not confirmed, therefore
464 they are not allocated in the Plan and do not appear in the identified supply figures.

465 • The Authority also intends to meet with marinas and boatyards that meet the
466 locational criteria of the policy to discuss the potential for residential moorings.

467 The [Residential Moorings Topic Paper](#) (revised 2017) and its [addendum](#) has more
468 information on meeting the need for residential moorings.

469 Appendix B – Privacy notice

470 Personal data

471 The following is to explain your rights and give you the information you are entitled to under
472 the Data Protection Act 2018. Our [Data Protection Policy](#) is available on the Broads
473 Authority website..

474 The Broads Authority will process your personal data in accordance with the law and in the
475 majority of circumstances this will mean that your personal data will be made publicly
476 available as part of the process. It will not however be sold or transferred to third parties
477 other than for the purposes of the consultation.

478 1. The identity of the data controller and contact details of our Data Protection Officer
479 The Broads Authority is the data controller. The Data Protection Officer can be contacted at:
480 dpo@broads-authority.gov.uk or (01603) 610734.

481 2. Why we are collecting your personal data

482 Your personal data is being collected as an essential part of the consultation process, so that
483 we can contact you regarding your response and for statistical purposes. We may also use it
484 to contact you about related matters. We will also contact you about later stages of the
485 Local Plan process.

486 3. Our legal basis for processing your personal data

487 The Data Protection Act 2018 states that, as a Local Planning Authority, the Broads
488 Authority may process personal data as necessary for the effective performance of a task
489 carried out in the public interest, i.e. a consultation.

490 4. With whom we will be sharing your personal data

491 Your personal data will not be shared with any organisation outside of MHCLG. Only your
492 name and organisation will be made public alongside your response to this consultation.

493 Your personal data will not be transferred outside the EU.

494 5. For how long we will keep your personal data, or criteria used to determine the retention 495 period.

496 Your personal data will be held for 16 years from the closure of the consultation in
497 accordance with our [Data and Information Retention Policy](#).

498 6. Your rights, e.g. access, rectification, erasure

499 The data we are collecting is your personal data, and you have considerable say over what
500 happens to it. You have the right:

501 a) to see what data we have about you

502 b) to ask us to stop using your data, but keep it on record

- 503 c) to ask to have all or some of your data deleted or corrected
- 504 d) to lodge a complaint with the independent Information Commissioner (ICO) if you
- 505 think we are not handling your data fairly or in accordance with the law. You can
- 506 contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.
- 507 7. Your personal data will not be used for any automated decision making.

508 **Appendix C – Residential Moorings management plan checklist**

509 It is expected that a Management Plan will cover the following. This list is not exhaustive

510 and there may be other aspects that need to be covered.

Checklist	✓
1. Site rules and/or terms and conditions.	
2. Noise – expectations relating to noise.	
3. Waste management – sewerage and rubbish and recycling.	
4. Management of increased vehicular movements.	
5. Storage provision for residential boaters.	
6. Details of water safety provisions.	
7. Contact details of who to contact if the management requirements of the site are not adhered to.	
8. State requirements on how vessels will meet the requirements of the bye-laws and legislation for example the need for boat safety certificates, toll to be paid and appropriate insurance.	

Appendix D – Residential moorings questionnaire

This simple questionnaire template covers most of the policy and guide requirements. It should be filled in and accompany applications for residential moorings.

Question	Answer
1. Have you completed a flood risk assessment?	
2. Have you completed a flood response plan?	
3. Have you completed a management plan?	
4. How will you provide the residential moorings with electricity?	
5. How will you provide the residential moorings with potable water?	
6. How will you deal with sewerage arising from the boats on residential moorings?	
7. How will you deal with rubbish (including recyclable materials) arising from the boats on residential moorings?	
8. How will you address car and cycle parking for those who are using residential moorings?	
9. How will you address amenity space and landscaping?	
10. How will you provide storage for those who are using residential moorings?	

Planning Committee

06 March 2020

Agenda item number 14

Consultation documents and proposed responses: Rollesby Neighbourhood Plan; NCC Rail Prospectus; NCC Local Transport Plan; GYBC North Quays SPD

Report by Planning Policy Officer

Summary

This report outlines the officer's proposed response to planning policy consultations recently received, and invites Members' comments or guidance.

Recommendation

To note the report and endorse the proposed response.

1. Introduction

- 1.1. Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2. The Committee's endorsement, comments or guidance are invited.

Author: Natalie Beal

Date of report: 19 February 2020

[Broads Plan](#) objectives

Appendix 1 – Rollesby Neighbourhood Plan pre-submission consultation

Appendix 2 – Norfolk County Council Rail Prospectus

Appendix 3 – Norfolk County Council Local Transport Plan

Appendix 4 – Great Yarmouth Borough Council, North Quay SPD.

Appendix 1 – Rollesby Neighbourhood Plan pre-submission consultation

Organisation: Rollesby Parish Council

Document: Rollesby Neighbourhood Plan Pre-Submission Consultation

<https://rollesbypc.norfolkparishes.gov.uk/2019/11/05/rollesby-neighbourhood-plan-consultation/>

Due date: 28 February 2020, but we have an extension to 6 March 2020.

Status: Pre-Submission Consultation

Proposed level: Planning Committee endorsed

Notes

Rollesby Parish Council are now consulting on their Pre-Submission Draft of the Neighbourhood Plan. This consultation is in line with Regulation 14 of the Neighbourhood Planning Regulations (2012) and will run for a period of just over six weeks from 15 January through to 28 February 2020.

The consultation offers a final opportunity for you to influence Rollesby's Neighbourhood Plan before it is submitted to Great Yarmouth Borough Council.

All comments received by 28 February will be considered by the Neighbourhood Plan Working Group and may be utilised to amend this draft. A Consultation Statement, including a summary of all comments received and how these were considered, will be made available alongside the amended Neighbourhood Plan at a future date.

The full draft Neighbourhood Plan contains policies on the following topics:

- Housing development
- Design of new development
- Heritage
- The Natural environment
- Community assets
- Flood risk
- Traffic and transport

Proposed response – summary of main points

Main document

- Page 11, policy HO1: bullet point b says that development outside of allocation and development limit may be acceptable if it has other community benefits. This is

contrary/different to our strategic policy SP15 d and we therefore have big concerns about this wording. We are concerned that it could be promoting dwellings that are isolated and lack access to services and facilities. This could even be contrary to the NPPF para 79. **This is an area of concern.**

- GYBC Local Plan did not allocate the specific sites that this Neighbourhood Plan does and did not allocate 90 dwellings to the village. How is the HRA for GYBC Local Plan actually relevant and therefore how can it be deferred to/relied upon? **This is an area of concern.**
- In the HRA, under Recreational Pressure, there is no reference to impact and assessment of potential for any increase in boat access for parishioners and local anglers. **This is an area of concern.**
- There could be improved reference in the Plan to the Broads and our planning documents.
- The Plan needs to refer to the impact on the setting of the Broads as well as impacts on the Broads.
- Some wording in supporting text of the Plan sets standards and that wording might be best in the policy itself.

The Environment Report

- The Broads specific criterion does not refer to the setting of the Broads.
- There does not seem to be any commentary on how the negative effects have been addressed, if indeed they can be. They just seem to be identified as negative effects with no mitigation.

Comments on Neighbourhood Plan

- Throughout – you refer to various statistics and evidence – suggest you say the source and year of the evidence.
- Throughout – how does the HNA relate to GYBC’s SHMA? Is there a link to the HNA that could be put in the document?
- Para 1 – last sentence. Later (para 90) you talk about how the bus service is quite poor. You might want to clarify this reference using similar language to that in para 90 and in para 90 you might want to detail the frequency of services – for example, are there any to and from Rollesby between 7am and 9am and 4pm and 6pm?
- Para 2 – you might want to make this change: ‘...from the field and from many homes...’ to make it read better.
- Para 5 – ‘...and a number of Listed Buildings **and** has been designated...’
- Page 3, figure 1 – request you add the Broads Authority area and a key.

- Page 5, last bullet – please refer to the setting of the Broads as well
- Paras 19 and 20 – please refer to the Local Plan for the Broads that was adopted in May 2019.
- Para 32 – typo – nott
- Page 11, policy HO1 – para starting ‘Elsewhere...’. Does it matter that the threshold of five that you state is below the level at which affordable housing can be required (which is ten)? You will not be able to seek affordable housing on schemes of this size. You may want to discuss this with GYBC.
- Page 11, policy HO1: bullet point b says that development outside of allocation and development limit may be acceptable if it has other community benefits. This is contrary/different to our strategic policy SP15 d and we therefore have big concerns about this wording. We are concerned that it could be promoting dwellings that are isolated and lack access to services and facilities. This could even be contrary to the NPPF para 79. Rather than saying ‘Small in-fill proposals within the development limits of up to five dwellings will be supported in principle as long as the proposal does not unduly harm the local character in terms of landscape and adjacent buildings, amenity, important views, and is a gap within an otherwise continuous line of housing or development’, perhaps the following wording could be used: ‘In-fill development of up to five properties on gap-sites will be supported in principle, as long as the proposal is within the development limit. It must also be sympathetic to its context, including the surrounding built environment, its landscape setting and must respect views and the amenity of neighbouring properties’.
- Para 41 – the Broads Authority can demonstrate a 5 year land supply. You might want to say that.
- Para 41 – Grammar ‘...The County Council has agreed that not to...’
- Section 6.2 – you might want to state the source of this data
- Policy HO2, para 3 – is viability the only reason to part from policy? What about local housing need evidence?
- Policy HO2, last para – I do not fully understand this. Perhaps add an explanation in the supporting text.
- Para 50 – this looks like policy requirements and seems appropriate to be in the policy itself.
- Para 50 – I think life time homes is addressed through Part M of the building regulations. We removed the reference to Life Time Homes from our Local Plan before it was adopted.
- Para 51 - this looks like policy requirements and seems appropriate to be in the policy itself.

- Paras 52, 53 and 54 – what is the instruction related to these paragraphs? What do these add?
- Policy HO3 – you might want to check with GYBC if the wording relating to those who will live in affordable housing is relevant to planning.
- Para 56 – ‘...will need **to** have due regard to...’
- Para 57 – re archaeology. There will be known unknowns and unknown unknowns. So not just limited to the 60. You might want to refer to the Broads area having potential for exceptional waterlogged heritage. It is only an area along Fleggburgh Road that is designated a conservation area (not Martham Road). I would suggest that a list of listed buildings and any buildings of local interest are identified in an appendix.
- Policy HO4 – we have a landscape guide: https://www.broads-authority.gov.uk/_data/assets/pdf_file/0005/986657/Landscaping-Strategy-guide_2017-Appendix-B-ba280717.pdf. Also, did you want to talk about the potential for biodiversity enhancements? We have a guide on that too: https://www.broads-authority.gov.uk/_data/assets/pdf_file/0011/823583/Biodiversity-guide_18_11_2016.pdf.
- Policy HO4 d: wording should be added along the lines of ‘The character, integrity and appearance of heritage assets will be protected and where possible enhanced’ – or this could be a separate policy to apply to both listed buildings and conservation areas? Point j: ‘off the A149’? Do you mean developments fronting the A149?
- Page 20, figure 4 – as this is a planning document, we request that you say ‘Broads Authority Executive Area’ rather than National Park.
- Policy E1 – on page 22, penultimate para of the policy box, what is ‘significant’? Last para of policy box – not just within the area, but those near need to take into account the Broads and its setting. Please include that.
- Para 74 – the Broads has a Landscape Character Assessment too: <https://www.broads-authority.gov.uk/planning/planning-policies/landscape-character-assessments>.
- Preserving local character (and darkness), openness of views and ensuring landscape treatment (particularly to boundaries) need to be compatible with the agricultural/rural landscape. I believe that all of this has been covered under Policies E1, E2 and E3. Surprised to see there are only 2 important views identified, however in terms of the Broads area and bearing in mind the generally wooded character surrounding the Trinity Broads there might not be individual views that need identifying. In addition, any views that could potentially need further consideration would be picked up within the assessment process for any planning applications.
- Is there the potential for some contradiction between the proposals for development located along the A149 to join the two parts of the village together and the objective to retain open views across the landscape (Policy E2 and elsewhere in the document)?

- Policy E2, first para on page 25 – not just the setting of Rollesby, but the Broads as well. Please mention that. The third paragraph about protecting productive agricultural land – the allocations are all on grade 1 and 2 and there is no reference to this in the Neighbourhood Plan anymore. Strongly suggest you refer to that issue rather than not include it.
- Policy E3 – you might want to state that you are excluding the Broads from this policy as we have a policy that would apply to Rollesby part of the Broads. Those reading the policy might wonder why you are excluding a protected landscape from the policy if there is no explanation. Para 2 – you might want to say ‘will only be supported’
- Policy E4, b – you might want to refer to SuDS being multi-functional. Last paragraph of policy – we have a policy on that; see DM2. How do you see your policy fitting with ours?
- Policy CA2 – do you think that the requirements in this policy are in keeping with the NPPF and Green Belts? Or do they go further? If they go further, you may need to set this out explicitly. That being said ,page 30-31, Policy CA2 Designated Local Green Spaces - not sure how well the policy will protect these due to the wording – ‘will not be permitted unless there are very special circumstance which significantly outweigh the harm to the Local Green Space.’ It might help if worded more strongly. For example, Norwich Open Space Policy is worded ‘development leading to the loss of open space ... will only be permitted where:’
- Para 89 – do you have any evidence relating to speeds? Have you spoken to Norfolk County Council about recent speed surveys? Have you completed your own speed survey?
- Para 90 – you might want to detail the bus service as referred to earlier.
- Para 94 – says ‘support for supporting’ and perhaps this could be worded better. But does para 94 contradict para 95 where you say the standards are out of date. I was confused reading paras 94 and 95 – are you saying they are out of date but you will use them? What about if they are updated?
- Policy TR1 – towards the end of para 1, you say ‘should’ a few times. This is weak wording and elsewhere in the Plan you say ‘will need to’ and that is stronger. Did you want to use stronger wording?
- Policy TR2 – what kind of improved cycling facilities do you want? You talk in a bit more detail in the policy about footway improvements, but not so much in detail about cycle improvements.
- Para 104 – again, any evidence about speeds? Any evidence or justification for both sides of the road needing to be developed to get a 30mph? Is that advice from Norfolk County Council as Highways Authority?

- Policy SSAO1 – should the masterplan refer to affordable housing? Who will agree the masterplan? Should the masterplan look to reduce built area considering all the sites are grade 1 or 2 agricultural land? Should the masterplan show SUDS so they are planned in from the start?
- Policy SSAO2 to SSAO4
 - You might want to say ‘...in accordance with the agreed masterplan...’.
 - Regarding ecological gain, did you want to refer to potential requirements put in place by the Government? They may have a different value and refer to biodiversity or environmental net gain you see. It could be that your NP standard is in place until a Government standard takes over and then you will review things in 2029?
 - Criterion c – where did this requirement on 10% of dwellings come from? The associated policy/wording elsewhere in the Plan does not say this (para 51). That seems quite a low threshold – what is your justification for 10%? I would have thought the standard you set out should be applied to all of the dwellings on this scheme.
- Policy SSAO2 –d – what are the proposed improvements?
- Policy SSAO3 – what do you mean by ‘substantially’?
- Policy SSAO5 – does not mention SuDS or energy standard wording as is included in other policies.
- Figures 12 and 14 – please show the Broads. Suggest the maps are larger. Suggest that each site has its own map so the detail can be shown.
- Page 40-41, there is a reference to Policies Map Figure 13 within Policy SSA01, SSA02 and SSA03, but figure 13 is a table to - assume the reference is incorrect.

Comments on HRA

- No page numbers
- Figure 3 and under figure 5 – think you mean Happisburgh
- How is the HRA for GYBC actually relevant and therefore how can it be deferred to? GYBC did not allocate the specific sites that this Neighbourhood Plan does.
- The HRA keeps referring to the 10% ecological gain required by the Neighbourhood Plan. But that is not really relevant to impacts on protected sites. It would be helpful if that was made clear.
- P3 Spelling of Breydon
- 1.1, second para – rather than saying ‘significant negative effects’ just use the accepted terminology of ‘likely significant effects’.

- Section 2, first para – needs some better punctuation and re-read.
- Figures 3, 4, 5 – you may want to mark the 15km boundary on these maps
- Page 5 – last set of bullets – there are five there, what happened to the other 4 from Figure 1?
- P6 Potential impact pathways – add disturbance from lighting
- P6 Recreational Pressure – add a description of impact and assessment of potential for any increase in boat access for parishioners and local anglers. This element is missing from the recreational assessments which are focussed on walkers throughout the document. This needs to be amended in other relevant areas of the document.
- Page 6 – second para of 3.2 – why just the Broads sites? Why not other protected sites?
- Page 7 and in general – the emerging Norfolk GI RAMS says all dwellings are in a zone of influence and therefore there will be a LSE.
- 3.3 – was the GYBC HRA since the ruling about in combination effects of nitrogen deposition? Therefore is the conclusion correct?
- P7 3.4. Water quality and quantity – the assessment of impact is missing from this section making it inconsistent to e.g. 3.3 and 3.5
- 3.4 – it is not clear if effects on water quality and quantity is ruled out or not.
- Figure 6 and top of page 8 – the difference in distances set out in Figure 6 are up to 700m – so why has only the nearest allocation been considered. If a cat wanders another 200m from RNPO2 or 300m from RNPO3 for example, it is at the Broadland SPA? Also those extra distances are not far when in a car to fly tip...
- Figure 8, HO1, description column – the second part of the policy directs where growth can go – so are you sure there is no LSE?
- Figure 8 - CA1 description column talks about the creation of new services but the LSE column says that development would not come forward as a result of this policy – is that right?
- Page 12 – table – top two rows – there is no mention of the GYBC monitoring and mitigation strategy.
- 4.2 – if the RNP allocated more than the GYBC policy, is the conclusion of the GYBC HRA still relevant?
- Page 14 and 15 – figures 11 and 12 – is the GI RAMS ZOI relevant?
- Page 15 second para under figure 12 – is PROW in phase 3 too late? When will the 1.42Ha of green space be delivered?

- Page 15, third para under figure 12 – how does biodiversity net gain mitigate impacts on European sites?
- Page 16 – where has the 5km distance come from?
- 5.1 – does not mention recreation impact, but 5.2 is about recreation impact.
- 5.1, para 2 – again use ‘likely significant effects’
- 5.2, para 1 – add y to ‘Horse’ in ‘Winterton-Horse Dunes SAC and SSSI’.
- Page 17, last para –when will the green space be delivered? What phase?
- Top page 18 – I think this is the first mention of the GYBC monitoring and mitigation strategy.
- Para just above 5.4 – what about the other allocations? Why just focus on this one? All are generally in the same area and similar distance from sites.
- Page 19 top – later on there is reference to surface water management so should surface water run-off be mentioned in this paragraph too?
- P19 ‘Nutrient levels in the Trinity Broads are higher than recommended for shallow lakes...’ It is a requirement not a recommendation. Suggest change to ‘Nutrient levels in the Trinity Broads are failing to meet the required targets set for the SAC. This results in algal blooms and associated decline in water plants and other aquatic wildlife ’
- P19 Water abstraction and excessive summer drawdown may also effect water quality and water clarity
- P20 second para ‘It is evident from the screening undertaken that many of the policies already provide strong protection for the natural environment’ – remove ‘strong’ and replace with ‘a level of’. If these policies result in changes being implemented, they are unlikely to reverse the current rates of biodiversity decline or fully protect the natural environment.
- P22 Appendix A: the condition is referring to SSSI condition? This needs to be stated.
- Para just above 6.2 – what is the ‘strategic mitigation’ referred to?
- 6.4 – use the term ‘likely significant effects’.
- I recommend to contact E&SW Miranda Cooper Miranda.Cooper@nwl.co.uk and Trinity Broads Warden Eilish Rothney EilishR@norfolkwildlifetrust.org.uk if you haven’t already done so.
- As well as links to referring to the Broads Local Plan and the Broads Management Plan, reference to Trinity Broads Management Plan, for information on the SAC condition, recreational management and assessment of disturbance needs to be made. This local document contains greater information on existing protections against disturbance,

for example voluntary wildfowl refuges during the winter months to avoid disturbance.

Comments on Environment Report

- Page 1, third column of table at bottom – and the Broads Authority
- Page 10, issue 5 – what key services are nearby? What is the distance and how does one do that? The Secondary Village reference resulted in an allocation of 20 dwellings, not around 90 dwellings. So is Rollesby suitable for 4.5x the allocation that was set out in the GYBC Local Plan?
- Page 11, issue 16 – as this is a planning document, best not to refer to the Broads as a National Park.
- Page 18, row 18 –the questions relating to the Broads should be something like ‘Does the proposal impact negatively on the Broads and its setting?’
- Considering my comments above, Figure 14 on page 25 might need updating.
- Section 4 – There does not seem to be any commentary on how the negative effects have been addressed, if indeed they can be. They just seem to be identified as negative effects with no mitigation. How do you address the negatives that you have found to try to make them neutral or positive? I cannot see that.
- Page 35, 4.3.22 – not sure how this conclusion can be reached without detailing how one would access the key services. See previous comments.

Appendix 2 – Norfolk County Council Rail Prospectus

Organisation: Norfolk County Council

Document: Norfolk County Council Rail Prospectus

<https://norfolk.citizenspace.com/consultation/norfolk-rail-prospectus-2020/>

Due date: 28 February 2020 (extension until 6 March 2020)

Status: Draft

Proposed level: Planning Committee endorsed

Notes

We want your views on the rail priorities for our revised rail prospectus. The current Norfolk Rail Prospectus was agreed in 2013. It shows in detail what the council believes is required from rail and the benefits that this will deliver. It will be used in our work so that as many as possible of these requirements are built into forthcoming programmes.

Proposed response – summary of main points

- The comments seek improved reference to linked modes of transport/multi-mode transport – for example e-bikes, cycle parking, charging infrastructure.
- The issue of the train being an alternative to cars when accessing the Broads for holidays is raised.
- Raised the issue of stations being of heritage value and sensitive repair.

Page 33 – why the decline on the GY line? Rail seems an obvious solution considering the unreliability of the Acle Straight. Is it the cost when compared to the bus that takes a similar time?

Page 35 – reference to cycle racks needs more I would suggest. Conveniently located secure cycle racks with CCTV coverage. Where it says ‘all stations to have facilities’ – other than CCTV and racks (which is mentioned later on and needs more on that) what do you mean? As worded, it is not helpful. Facilities is in the list later on. Then talks about need for car parking facilities – first time this is mentioned – how important is being able to drive to a station?

Page 37 – section on bikes on trains – so what is the recommendation? Section is lacking.

Page 45: ‘id required’

Throughout there is reference to car park CCTV – what about cycling parking being covered by CCTV?

Is work completed in 2009 still relevant in 2020?

Is it worth cross referring to the numerous Market Town Access Improvement Strategies that are being completed?

Suggest that the sensitive repair and re-use of building of heritage value (either listed or of local list) should be a particular priority.

Increasing use of trains as an alternative to cars as a way of accessing the Broads National Park will be key to reducing the Global Warming impact of tourism.

Very supportive of anything to improve cycle connectivity at rural stations. Particularly with the growing popularity of e-bikes this will become a more popular form of multi-modal transport. This could also be part of the solution to the comment made by a lot of our parish councillors that they feel car dependent and are cut off from public transport.

I think the overall prospectus could be better at focusing on trains as part of multi-modal transport as a general principle, which includes both bus and cycle connections at either end, and green cars.

Pricing? Set nationally - but would be nice if the Council took a stance on the cost of rail. Potential for cheaper tickets at weekends when lines are less busy to attract more customers? Something contrasting it to the price of cars on the routes – they highlight that the route to the North Norfolk coast is too slow, but also quite expensive for a family to go by rail instead of by car if they want to visit the seaside at Cromer or Yarmouth, or start a day out in the Broads. This is not just about complexity of ticketing, which is all the prospectus mentions.

Lots of reference to improved car parking, no reference to charging infrastructure for cars at rail station car parks. This could be relevant for people who use the stations as “park and ride” facilities, for example driving from Waxham to Acle and then getting the train into Norwich.

Appendix 3 – Norfolk County Council Local Transport Plan

Organisation: Norfolk County Council

Document: Norfolk County Council Local Transport Plan

<https://norfolk.citizenspace.com/consultation/norfolk-county-council-local-transport-plan-2020/>

Due date: 28 February 2020 (extension until 6 March 2020)

Status: Draft

Proposed level: Planning Committee endorsed

Notes

We want your views on the key areas we are focusing on for our next Local Transport Plan. The current Local Transport Plan for Norfolk was agreed in 2011. Since that time there have been many changes to the way that people travel, and how much. Technology has meant that we are now increasingly able to live our lives without the need to travel, for example using online resources such as internet shopping. The way we travel is also changing, with more information and more technology being built into vehicles and more options such as car clubs and bike share schemes. Norfolk County Council has also recently adopted an environmental policy to achieve 'net zero' carbon emissions on our estates by 2030, but within our wider areas, work towards 'carbon neutrality' by 2030

Proposed response – summary of main points

- Issue of greater spends resulting in increased CO2 emissions and the CO2 impact of building the road itself raised.
- Also raised making the transport network resilient to climate change.
- Alternative fuels, other than electric cars, needs to be addressed.

1. When considering CO2 neutrality vs road improvements, one consideration needs to be the impact of speed limits on emissions. Raising speed limit to 70mph from 60mph would lead to an immediate 15% increase in CO2 emissions from transport. This has also been a particular recent problem in the Netherlands regarding Nitrogen deposition in protected areas, forcing them to reverse speed limit increases.
2. When considering CO2 neutrality and road building, what about the CO2 impact of building a road itself? Widening roads could involve substantial disturbance of centuries old grassland, major carbon store in its own right, which would run counter to the Councils Million trees programme.
3. The Centre for Alternative Technology Zero carbon report highlighted that for a zero carbon Britain there needs to be, in addition to a switch to electric and alternative fuelled vehicles;
 - a. Less miles driven

- b. Work to increase average vehicle occupancy from 1.6 per journey to 2. More car sharing essentially.

As it currently stands the questions indicate that the strategy is to allow a continuous increase in miles driven, which will mostly be driven in petrol and diesel cars, and make it harder to meet the stated 2030 carbon neutral target.

4. Hydrogen and other alternative fuels – There needs to be a fuel for working with heavy agricultural machinery, heavy construction machinery, long distance lorries, long distance buses. These are also a potential option for trains on less used rural routes, as an alternative to expensive electrification. These options are not picked up by only focusing on electrification.
5. Should the aims and objectives include modal shift to more sustainable modes of transport and reduction in greenhouse gas emissions as well as making the transport network in Norfolk resilient to the effects of climate change?

Appendix 4 – Great Yarmouth Borough Council, North Quay SPD.

Organisation: Great Yarmouth Borough Council

Document: <https://www.great-yarmouth.gov.uk/planning-consultations>

Due date: 23 February – we asked for an extension to 6 March 2020 and sent them the draft responses on 23 February 2020.

Status: Draft

Proposed level: Planning Committee endorsed

Notes

The SPD is being prepared to guide the potential comprehensive regeneration of the North Quay area, complimenting the vision set out in Policy CS17 of the adopted Local Plan Core Strategy. When finalised the SPD will provide further guidance and clarity on the Council's ambitions for North Quay, as well as the site constraints and other matters that would need to be considered by anyone looking to develop a future scheme or planning application for that site.

Between October and November 2019 the Council published the North Quay Consultation Leaflet in order to obtain the public's initial views on what needs to be considered in the Supplementary Planning Document. All responses received during this previous consultation have subsequently been considered by the Council and have informed the formal draft document, which we are now seeking further comments on.

Proposed response – summary of main points

- Improve reference to the site being next to the Broads Authority Executive Area.
- The views from the water to the development are important and not referred to.
- Would welcome emphasis that the scheme embraces the waterside/waterfront location.
- This is a potential gateway between the urban area of Great Yarmouth and the Broads, resulting in this location being sensitive in visual terms.
- Concern that the requirement to enhance the ecology of the area is dampened down by saying 'consider' or 'where possible'.
- Some colours on plans are not explained on keys.

Comments on Draft SPD

- 1.2 - Vauxhall Bridge is grade II listed.
- 1.8 - recognises that the SPD proposals for North Quay have direct relationship with regeneration of The Conge and Hall Quay. It would be useful for the mappings and narrative to include reference to the Vauxhall Gardens project that the County Council

developed (2017) and have LEP funding available for/until March 2021. The land acquisition exercise being explored by GYBC in connection with the SPD could enable this project to be delivered whereas it has previously been constrained. Relevant contacts with knowledge of the proposals are David Glason and Jane Beck at GYBC, and David Wardale at Norfolk County Council.

- Page 7 – please refer to the site being next to the Broads Authority Executive Area
- Page 8 – please add the Broads Authority Executive Area
- Figure 2 – it could be made more explicit as to whether this figure is existing or proposed. What does the pale yellow colour in the NW corner represent?
- Page 13 – you could add character to the ‘Townscape...’ title and refer to the Broads. An acknowledgement that the site is next to the Broads would be prudent.
- Page 13 and Figure 3 – Might be worth identifying buildings that aren’t listed but may be of local value, for example the old fish restaurant as it has an impressive frontage.
- Page 15, 2.22 – reference BA area
- Photo page 26 image title is misleading, it shows Cobholm and Southtown rather than Gorleston
- Page 26, 4.1 – Positive that there is recognition of spectacular views over Breydon Water, but should also recognise the importance of views towards potential development. Suggest including a bullet point that recognises the importance of views from the water, as a gateway to the town, and improving the character of the area
- Page 27, Objective B – anything about making the most of a waterfront location? Will development embrace that location or turn its back on it? I see that on page 31 there seems to be public realm by the water – cannot see this discussed in the SPD.
- Page 28, Objective C – anything about appropriate safety by the water features?
- Page 28, Objective D – this has a different title to the other objectives by using the term ‘considerations’. This could be seen as not as being as important as the developer or promoter only needs to consider these things. Have you considered enhancing people’s ability to connect with setting, wider landscape and environment; encourage people to build a positive respectful relationship with nearby conservation sites?
- Page 30 – what is the green area? Asda is slightly off plan, so this large retail unit isn’t identified. What is the yellow/green colour in between buildings, not identified on key? Can views towards the development area be considered in addition to those within and out of it? Although this diagram shows the listed buildings within the GY North Quay policy area, it does not show the listed Vauxhall Bridge and the listed buildings on the east side of North Quay which are situated on the boundary of the area. I would suggest that these are also shown as the setting of these buildings will be important considerations (and there are other things shown outside the policy area).

Likewise, in para 5.51 the three listed buildings within the policy area are noted but not the four on the opposite side of the road which will also need to be taken into account.

- Page 31 – what is the brown dashed line circle? The light coloured public realm symbol is difficult to see. What is grey? The one darker brown bit is a development boundary? What is the tan colour that is not quite brown, but is darker than the public realm symbol? It is not on the key. What is this plan trying to show, seems to show less detail than fig 4 and different approach, but can't be clearly interpreted from the key. Key doesn't match plan (listed buildings keyed as development boundary) Do you really want vehicle access onto waterfront, this figure seems to suggest it, but this doesn't seem conducive to the overall vision?
- Page 32 – We notice that a lot of detail and advice is given around designing for flood, here and throughout the document (flood risk section), but the same level of detail isn't given about other aspects of design, i.e. design style or visual impacts. Why is this?
- 5.4 and 5.76 – is 3a the highest flood risk area? I thought 3b was?
- Page 35 – what relevance do these images have?
- Page 41 – Images about scale and density, could be confused for images about architectural style, have you considered providing a section with some architectural style guidance and grouping reference images together?
- 5.25 – overlook the waterfront is different to embracing the water front position. Would suggest that the scheme needs to embrace this location rather than look at it. Terminology of 'where possible' doesn't feel strong enough, there appears to be a real opportunity here for environmental enhancement, would be good to avoid presenting them as 'nice to haves'
- Page 38, last bullet – provides a get out clause by saying 'where possible'. It is not clear why such a caveat is required. Especially given that the NPPF refers to biodiversity net gain.
- 5.30 – Need to reference verified process of assessment, Guidelines for landscape and visual impact Assessment Third Edition, Landscape Institute and Institute of Environmental Management & Assessment (GLVIA 3).
- 5.32 – Roofscapes, have you considered any guidance on green roofs, sensitivities around positioning and visibility of plant or sustainable energy equipment on roofs?
- 5.33 – Landmark buildings, figure 5 identifies a number of different locations for landmark buildings, is the expectation that the area could accommodate all of these, or are they just alternative locations? Suggest this is made clear. If it is for multiple landmark buildings, what impact would this have on the character of the area?

- 5.42 – Visual assessment, overlap with para 5.30, reference to verified process of assessment (GLVIA 3) should also be included
- 5.43 Public realm next to the water seems nice, but what will make people want to be there to experience it? What is the attraction? Who would use it? Same with the cycle path and walking route – what is that for and who would benefit from it and use it – where does it go?
- 5.44 – Is another opportunity to link to threeways meeting point (Weavers’ Way, Wherryman’s Way and Angles Way footpaths
- 5.45 – Could/should this be worded more strongly than ‘where appropriate’?
- 5.46 – what about adapting to climate change?
- Throughout – the use of ‘must’ versus ‘should’ and what you actually want to achieve.
- 5.55 – It seems that there is a recommendation to use a particular professional service specifically around conservation, but not elsewhere for other professionals, i.e landscape architects or urban designers. Why is this?
- Figure 8 – We notice this could encourage an approach to have ground floor parking but this can create blank frontages, also could be counter to general message about low car usage and promoting sustainable transport modes. Have you looked at how this has worked in Norwich riverside area?
- 5.86 – first mention of dark river corridor. That needs to be a criterion in the design section rather than being mentioned in passing at page 57.
- 6.7 – is the Broads Authority included in this group? Is that how we will be involved?
- 6.13 - Title of Delivery Vehicles could be confusing, could the word method or plan replace vehicles
- Photos lack image references throughout document
- All figure keys difficult to read – unless white background placed behind (figure 5 key particularly difficult to read)
- This is a potential gateway between the urban area of Great Yarmouth and the Broads, resulting in this location being sensitive in visual terms. The appearance, height and scale of any development and the visual impact on those approaching Yarmouth (particularly by water but also those travelling by rail and road) needs to be carefully considered. There is recognition of the importance of views out of and within the development area, but views towards it are equally (if not more) important.
- This location as a gateway. This development area is a location where people’s physical and experiential connection with the Broads, the wider landscape and our environment could be enhanced. At the very least this could include measures already cited in the SPD draft, such as allowing people to access the spaces near to the river

and ensuring foot and cycle paths are well connected, in addition it should include good links and signing to the three walking routes (Weaver's, Wherryman's and Angles Way). Going further than that, is there potential for a visitor's centre at the site? This could be close to the rail station and Breydon Water and would be where people access information and education about what the Broads area and the historic Quay has to offer.

Planning Committee

06 March 2020

Agenda item number 15

Neighbourhood Planning - Designating Oulton Broad as a Neighbourhood Area

Report by Planning Policy Officer

Summary

This report introduces the proposed Oulton Broad Neighbourhood Plan.

Recommendation

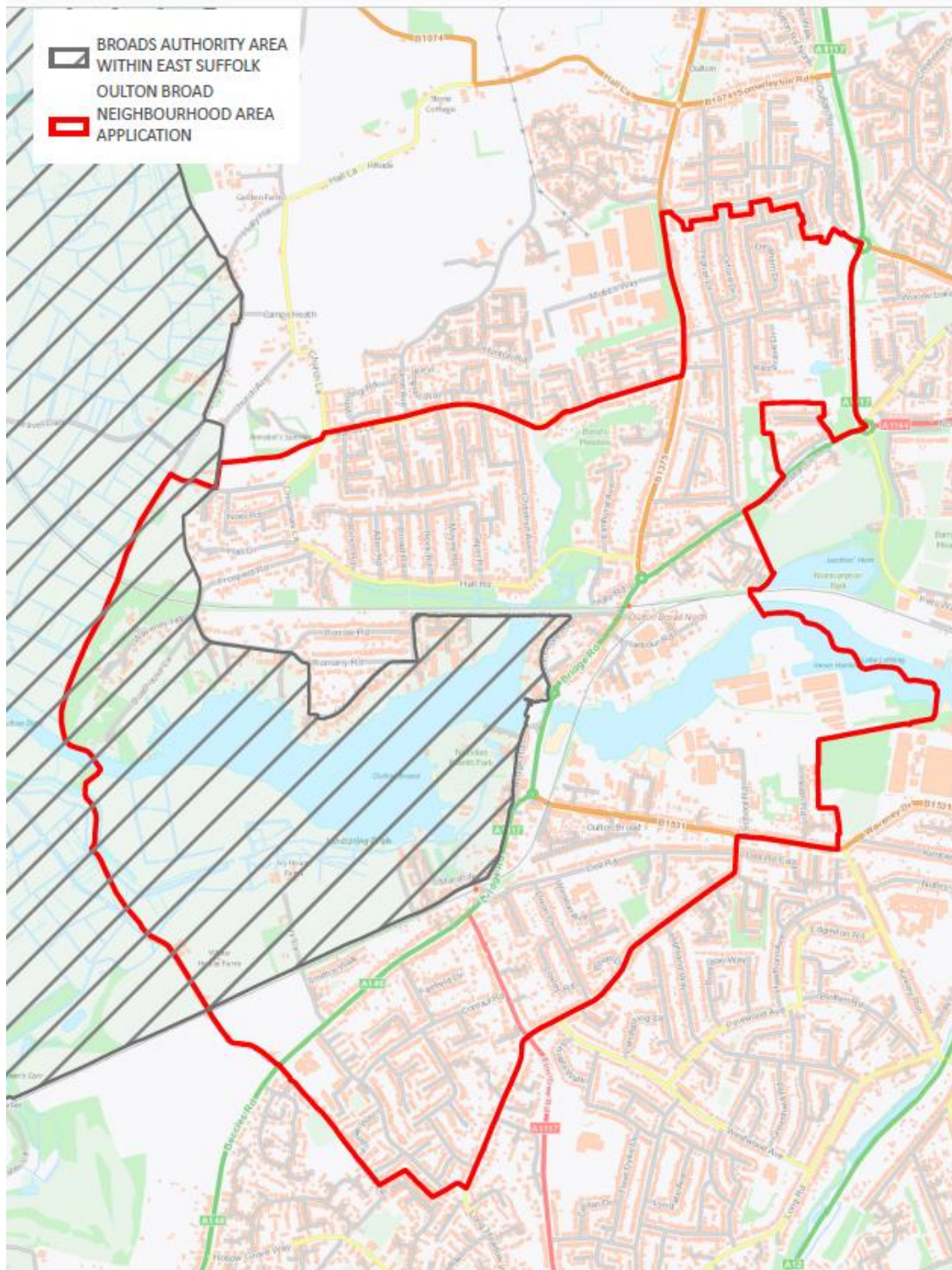
To agree to Oulton Broad becoming a Neighbourhood Area to produce a Neighbourhood Plan.

1. Neighbourhood planning

- 1.1. Neighbourhood planning was introduced through the Localism Act 2011. Neighbourhood planning legislation came into effect in April 2012 and gives communities the power to agree a Neighbourhood Development Plan, make a Neighbourhood Development Order and make a Community Right to Build Order.
- 1.2. A Neighbourhood Development Plan can establish general planning policies for the development and use of land in a neighbourhood, for example:
 - where new homes and offices should be built
 - what they should look like
- 1.3. Under the Neighbourhood Planning (General) Regulations 2012, parish or town councils within the Broads Authority's Executive area undertaking Neighbourhood Plans are required to apply to the Broads Authority and the relevant District Council to designate the Neighbourhood Area that their proposed plan will cover.
- 1.4. An update to the National Planning Policy Guidance has removed the need to consult on proposed nominations and it is for the Local Planning Authority to agree an area becoming a Neighbourhood Area in order to produce a Neighbourhood Plan.

2. Oulton Broads Neighbourhood Area

- 2.1. Oulton Broad Parish Council in East Suffolk has submitted the application to become an area for producing a Neighbourhood Plan. They wish the entire Parish to be allocated.



3. About Oulton Broad neighbourhood area application

- 3.1. The nomination was received on 20 January 2020.
- 3.2. There are no known or obvious reasons not to agree the Neighbourhood Area.

4. Links of relevance

- 4.1. Additional information may be viewed through the following links:

[Broads Authority Neighbourhood Planning](#)

[East Suffolk's Neighbourhood Planning webpage](#)

[Royal Town Planning Institute neighbourhood planning guidance](#)

Author: Natalie Beal

Date of report: 19 February 2020

Planning Committee

06 March 2020

Agenda item number 16

Two Tree Preservation Orders (TPOs) at Hoveton – site visit

Report by Head of Planning

Summary

Two provisional Tree Preservation Orders (TPOs) have been served in Hoveton. One is on a Scots Pine tree in Brimbelow Road and the other on an Alder and a Norway Maple on Station Road. Objections from the landowner or leaseholder have been received. It is the Authority's practice for Members to visit a site prior to confirming a TPO where there has been an objection raised.

Recommendation

That Members of the Planning Committee undertake a site visit.

1. Introduction

- 1.1. As part of its obligation as a Local Planning Authority (LPA), the Broads Authority is required to serve Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and which are under threat. There are criteria set out in The Town and Country (Tree Preservation) (England) Regulations) 2012 against which a tree must be assessed in order to determine whether it meets the threshold for protection.
- 1.2. This report explains how this process has been carried out in respect of two trees at Hoveton.

2. Tree Preservation Order procedure

- 2.1. There are two prerequisites which must be met for a tree to be considered for protection through a TPO. Firstly, the tree must be of amenity value, and secondly it must be under threat. There are many trees in the Broads (and elsewhere) which are of sufficient amenity value to qualify for TPO status, but which are not protected as they are not under threat. The TPO process is not a designation like, for example, a Conservation Area which is made following an assessment of particular character, but is effectively a response to a set of circumstances.
- 2.2. Typically, the consideration of a tree for a TPO designation will arise in connection with a development proposal, either through a formal planning application or a pre-

application discussion. At a site visit or when looking at photos or other visual representation, a case officer will see there is a tree on the site which is potentially of amenity value and under threat from the proposed development and this will trigger the TPO process. The case officer will consult the Authority's arboricultural adviser and he will visit the site and make an assessment of the tree under the 2012 Regulations. If the tree is considered to meet the criteria in the Regulations then a provisional TPO will be served.

- 2.3. After a provisional TPO has been served there is a consultation period, which gives the opportunity for the landowner and other interested parties to comment on it.
- 2.4. The Regulations require that a provisional TPO must be formally confirmed by the LPA within 6 months of it being served; if it is not confirmed then it will lapse automatically.
- 2.5. The Authority's scheme of delegation allows provisional TPOs to be served and for non-controversial TPOs to be confirmed (i.e. where no objections have been received) by officers under delegated powers.
- 2.6. The Authority's practice, however, has been for all TPOs to be brought before the Planning Committee for confirmation. Where an objection has been received as part of the consultation process the practice has been for Members to undertake a site visit to view the tree prior to making a decision on the confirmation.

3. Two Potential Tree Preservation Orders at Hoveton

Site at Brimbelow Road

- 3.1. The first site is located on Brimbelow Road in Hoveton and comprises a detached residential property, which has a curtilage that extends from the public highway on the eastern boundary to a dyke off the River Bure in the west. Brimbelow Road has a strongly domestic character, with small trees and shrubs in the residential gardens.
- 3.2. The subject tree is a substantial mature Scots Pine located on the roadside boundary and slightly to the north of the property. The owners wish to fell the tree.
- 3.3. On 2 December 2019 a provisional TPO was served on the tree. This must be confirmed by 2 June 2020.
- 3.4. On 28 December 2019 a letter objecting to the TPO was received from the property's owner. The grounds of the objection included the size of the tree and its proximity to neighbouring properties, concerns about its future stability, impact on the drains and surface of the road and car park and the proximity to overhead cables.

Site at Station Road

- 3.5. The second site is located on Station Road in Hoveton and comprises land to the north of the premises of the former Waterside Rooms PH. The premises are a detached building, unoccupied for 20 years and which was the subject of a Section 215 Notice requiring remedial and cosmetic works in 2018. Located between Station Road and the

Bure the site has river front to the south and a narrow strip of curtilage facing the public highway to the north.

- 3.6. Within in the northern curtilage there are two trees. One is a substantial Norway Maple and the second a smaller alder. Both make a significant contribution to the street scene, particularly because there are few other trees along this stretch. The leaseholders have submitted a draft scheme for the redevelopment of the site, which includes buildings right up to the back of the public footpath; this would necessitate the removal of the trees.
- 3.7. On 31 January 2020 a provisional TPO was served on the tree. This must be confirmed by 31 July 2020.
- 3.8. On 20 February 2020 a letter objecting to the TPO was received on behalf of the leaseholder of the site. The grounds of the objection are that the trees are not of amenity value and, further, that they are not under threat as the leaseholder does not intend to remove them.

4. Recommendation

- 4.1. In accordance with the Authority's practice, it is recommended that Members undertake a site visit to view the trees prior to making a decision on the confirmation of the provisional TPOs.

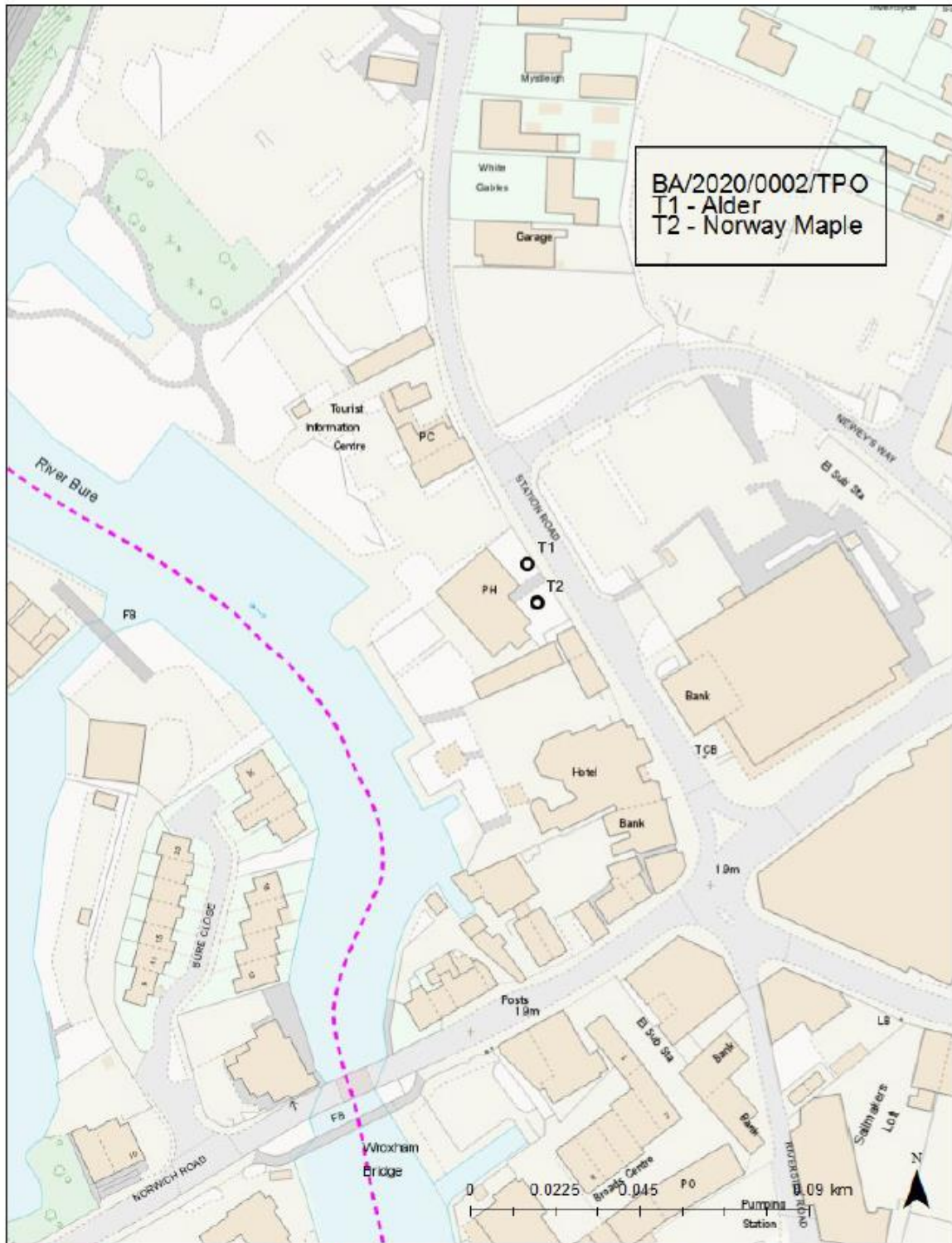
Author: Cally Smith

Date of report: 24 February 2020

Background papers: TPO file


Appendix 1 – site plans

Appendix 1 – site plans



BA/2020/0002/TPO
 T1 - Alder
 T2 - Norway Maple

BA/2020/0002/TPO Former Waterside Rooms Site, Station Road, Hoveton

 **Broads Authority**

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BA/2019/0002/TPO
T1 - Scots Pine

BA/2019/0002/TPO The First, Brimbelow Road, Hoveton, NR12 8UJ



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Planning Committee

06 March 2020

Agenda item number 17

Appeals to the Secretary of State update – 6 March 2020

Report by Senior Planning Officer

Summary

This report sets out the position regarding appeals against the Authority since September 2019.

Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
APP/E9505/W/19/3237552 BA/2019/0214/FUL	James Knight LEF Trading Ltd	Appeal submitted 19 September 2019 Start date 13 November 2019	Land off Staitheway Road, Wroxham	Appeal against refusal of planning permission: Erection of two dwellings	Committee decision 16 August 2019 and planning decision issued 21 August 2019. Questionnaire submitted 19 November 2019.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
					LPA Statement by 18 December 2019. Decision awaited.
APP/E9505/C/20/3245609	Larry Rooney	Appeal submitted 26 January 2020 Start date awaited Request for Hearing	Black Gate Farm, Cobholm, Great Yarmouth NR31 0DL	Appeal against Enforcement Notice: Change of use and standing of seven caravans for residential use	Committee decision 8 November 2019. Enforcement Notice 16 December 2019, taking effect 27 January 2020.
APP/E9505/D/20/3246341 BA/2019/0331/HOUSEH	Mr and Mrs L & L Sherwood	Appeal submitted 5 February 2020 Start date awaited	Macoubrey, Borrow Road, Lowestoft NR32 3PW	Appeal against refusal of planning permission: Replacement of fascia, soffit, guttering & windows with anthracite coloured UPVC. Replace conservatory.	Delegated decision 14 November 2019.
APP/E9505/X/20/3246539 BA/2019/0458/CLEUD	Mrs Amanda Jefferies	Appeal submitted 7 February 2020	Plot K, Bureside Estate, Crabbetts Marsh, Horning	Appeal against refusal of Certificate of Lawful Use of use	Delegated decision 28 January 2020.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
		Start date awaited		as a boathouse (C3dwellinghouse)	
APP/E9505/W/19/3240574 BA/2018/0012/CU	Mr Gordon Hall	Appeal submitted 14 February 2020	Barn Adjacent Barn Mead Cottages Church Loke Coltishall.	Appeal against refusal of planning permission: Change of Use from B8 to residential dwelling and self contained annexe.	Confirmation that the appeal is valid is awaited.

Author: Cheryl Peel

Date of report: 24 February 2020

Background papers: BA appeal and application files

Planning Committee

06 March 2020

Agenda item number 18

Decisions made by Officers under delegated powers

Report by Senior Planning Officer

Summary

This report sets out the delegated decisions made by officers on planning applications from 25 January 2020 to 21 February 2020.

Recommendation

That the report be noted.

Parish	Application	Site	Applicant	Proposal	Decision
Aldeby Parish Council -	BA/2019/0427/HOUSEH	Marsh Cottage East End Lane Aldeby NR34 0BF	Mr Philip Bodie	Kitchen extension and decking to south elevation, bootroom extension.	Approve Subject to Conditions
Beccles Town Council -	BA/2019/0390/FUL	Mooring Plot 3 Riverside Puddingmoor Beccles Suffolk NR34 9PJ	Dr Anthony & Stephanie Bubb	Overcladding of quay heading with replacement capping. Raise plot levels where they have dropped. Replacement toilet	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
				building and boathouse with additional veranda. Replacement fences and gate, re-arranged paving slabs.	
Bungay Town Council -	BA/2019/0444/NONMAT	Bridge House 34 Bridge Street Bungay Suffolk NR35 1HD	Mr & Mrs Elliott Starks	Changes to appearance and location of summer house, non-material amendment to BA/2018/0476/HOUSEH	Approve
Ditchingham Parish Council -	BA/2019/0434/FUL	74-100 Waterside Drive Ditchingham Norfolk NR35 2RT	Mr Alex Brodie	Installation of gas vent pipes to the internal common area gas riser through the roof of 74-100 (evens) Waterside Drive	Approve Subject to Conditions
Fleggburgh Parish Council	BA/2019/0359/FUL	Electrical Testing Main Road A1064 Acle Bridge Fleggburgh NR13 3AT	Managing Director	Change of Use of B8 unit to B1 Unit (offices) and installation of mezzanine.	Approve Subject to Conditions
Horning Parish Council -	BA/2019/0446/HOUSEH	Greenbanks Ropes Hill Horning NR12 8PA	Mr Aidan Dempsey	Single storey side extension to existing rear extension and rear	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
				extension with balcony to bedroom over.	
Horning Parish Council -	BA/2019/0425/HOUSEH	Abbotts Cottage Upper Street Horning NR12 8NE	Mr Ernie Mancini	Single storey rear extension, first floor Juliet balcony, alterations to the garage and new detached garage.	Approve Subject to Conditions
Horning Parish Council -	BA/2019/0410/FUL	Heron Lodge 98 Lower Street Horning Norfolk NR12 8PF	Mr & Mrs Ken & Gail Pitts	Replacement dwelling.	Approve Subject to Conditions
Horning Parish Council -	BA/2019/0458/CLEUD	Plot K Bureside Estate Crabbetts Marsh Horning Norfolk NR12 8JP	Mrs Amanda Jeffries	Lawful Development Certificate for more than 4 years as a dwelling house.	CLUED Not Issued
Hoveton Parish Council -	BA/2019/0385/COND	Keepers Cottage 8 Long Lane Hoveton Norfolk NR12 8JX	Mr G Fillery	Rebuild the existing parapets to the gable ends with the increased height of the chimneys to 1.8m min. above the thatched roof, depth of extension increased, and amended design to dormers as per submitted plans, variation of condition 2 of	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
				permission BA/2018/0495/HOUSEH.	
Oulton Broad Parish Council -	BA/2019/0382/FUL	Tingdene Broadlands Marsh Road Oulton Broad Suffolk NR33 9JY	Mr Paul Spriggins	Change of use & extension to part of existing restaurant/function area to create 4 x 1-bedroom holiday apartments.	Approve Subject to Conditions
Repps With Bastwick Parish Council	BA/2019/0314/FUL	Happidays 62 Riverside Repps With Bastwick NR29 5JY	Mr Michael Cross	Replacement dwelling.	Approve Subject to Conditions
Sea Palling And Waxham Parish Council -	BA/2018/0463/FUL	Land East Of Brograve Mill Coast Road Waxham Norfolk	Mr Henry Harvey	Retain scrape.	Refuse
Wroxham Parish Council -	BA/2020/0017/CU	Land Adjacent To Existing Cemetery At Nobel Crescent Wroxham Norwich	Ms Clare Male	Change of use from agricultural land to cemetery (extension).	Approve Subject to Conditions

Author: Cheryl Peel

Date of report: 24 February 2020