

# Planning Committee

## Agenda 21 May 2021

10.00am

Conference Room 1, The King's Centre, King Street, Norwich, NR1 1PH

### 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 23 April 2021** (Pages 3-12)
4. To note whether any items have been proposed as matters of urgent business

### Matters for decision

5. 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](#).
6. Request to defer applications include in this agenda and/or vary the order of the agenda
7. **To consider applications for planning permission:**
  - 7.1. BA/2021/0128/FUL – replacement quay heading (retrospective) at Norfolk Broads Direct, Wroxham (Pages 13-18)
  - 7.2. BA/2021/0084/FUL – subdivision of shop into 2 units, new shop front and one flat to the rear at 123 Bridge Road, Oulton Broad (Pages 19-29)
  - 7.3. BA/2021/0131/LBC – internal works to create en suites at How Hill House (Pages 30-35)

### Enforcement

8. **Enforcement update** (Pages 36-40)  
Report by Head of Planning

### Policy

9. **Residential Moorings Guide – adoption** (Pages 41-89)  
Report by Planning Policy Officer

10. **Marketing & Viability Guide – draft for approval for consultation** (Pages 90-143)  
Report by Planning Policy Officer
11. **Consultation documents - update and proposed responses** (Pages 144-160)  
Report by Planning Policy Officer

## Matters for information

12. **Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q1 (1 January to 31 March 2021)** (Pages 161-167)  
Report by Planning Technical Support Officer
13. **Appeals to the Secretary of State update** (Pages 168-170)  
Report by Senior Planning Officer
14. **Decisions made by Officers under delegated powers** (Pages 171-173)  
Report by Senior Planning Officer
15. **Customer Satisfaction Survey 2021** (Pages 174-180)  
Report by Planning Technical Support Officer
16. **To note the date of the next meeting – Friday 18 June 2021 at 10.00am** (venue to be confirmed)

# Planning Committee

## Minutes of the meeting held on 23 April 2021

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## **Present**

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andrée Gee, Gail Harris, Lana Hemsall, Bruce Keith, James Knight, Leslie Mogford (from 10:35am), Vic Thomson, Fran Whymark.

## **In attendance**

Natalie Beal – Planning Policy Officer, Jack Ibbotson – Planning Officer, Kate Knights– Historic Environment Manager, Cheryl Peel – Senior Planning Officer, Marie-Pierre Tighe – Director of Strategic Services, Essie Guds – Governance Officer (meeting moderator) and Sara Utting – Governance Officer (minute taker)

## **Members of the public in attendance who spoke**

Brian Wilkins representing Norfolk Broads Yacht Club for item 8(1) – BA/2021/0092/FUL – Norfolk Broads Yacht Club, The Avenue, Wroxham

## **1. Apologies and welcome**

The Chairman welcomed everyone to the meeting.

**Apologies** were received from Tim Jickells.

## **Openness of Local Government Bodies Regulations 2014**

The Chairman explained that the meeting would be held remotely in accordance with the Coronavirus Regulations 2020 and the Standing Orders for remote meetings agreed by the Broads Authority on 22 May 2020. The meeting would be live streamed and recorded and the Authority retained the copyright. The minutes remained the record of the meeting.

## **2. Declarations of interest and introductions**

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

## **3. Minutes of last meeting**

The minutes of the meeting held on 26 March 2021 were approved as a correct record and would be signed by the Chairman.

## **4. Points of information arising from the minutes**

**Minute 4 – points of information arising from the minutes - Minute 10 – Tree in Oulton Broad Conservation Area – prosecution**

The Senior Planning Officer reported that the prosecution was underway and officers were finalising the statements with the solicitor.

## **5. Matters of urgent business**

There were no items of urgent business

## 6. Chair'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.

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

No requests to defer or vary the order of the agenda had been received.

## 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 decisions set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decision.

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

(1) BA/2021/0092/FUL – Norfolk Broads Yacht Club, The Avenue, Wroxham

**Replacement single storey office building**

**Applicant: Mrs Elysia Ferrier-Hanger**

The Planning Officer (PO) provided a detailed presentation of the application for the replacement of the existing single storey office building with one of similar size and same location, subsidiary to the main clubhouse building at the Norfolk Broads Yacht Club on The Avenue in Wroxham. He referred to an amended drawing which had subsequently been received which increased the width of the ramp from 1.2m to 1.5m to ensure compliance with Building Regulations and enable wheelchair access. In addition, the PO advised the committee that the Environment Agency had, that morning, withdrawn its holding objection relating to the flood risk as additional information had been received from the agent on the Flood Risk Assessment in response to the EA's concerns, since the committee report had been prepared. Finally, the PO referred to the Ecological Survey which would need to be carried out by a qualified Ecologist to assess for the potential presence of bats. The report incorrectly referred to the requirement for an emergent survey to be carried out between May and September and the PO apologised for this error. There were alternatives to an emergent survey, dependent on the type of property and evidence of a roost etc etc. As this building was very small in size, easily accessible and in a poor state of repair, the roofspace could be opened up easily etc. Therefore, a survey had been conducted by Finnemore Associates which showed there was no evidence of bats and accordingly, no further surveys would be required. In conclusion, there would be no potential impact on bats from the demolition of this building and there were no signs of other protected species, rare plants or reptiles in the development area. The survey report did recommend some biodiversity enhancements such as bat boxes and the management of the nearby fen, which would be added to the conditions recommended by the officers.

In assessing the application, the PO addressed the key issues of: principle of development; design; flood risk and ecology and other considerations including accessibility, amenity and highways. The PO drew members' attention to an amended recommendation which was "to approve the application subject to standard conditions, and conditions which ensure that the materials, flood risk plan and mitigation for flood risk, and biodiversity enhancements are all incorporated in the development".

A member asked if officers had negotiated the external appearance of the building, in particular the materials and design, to ensure it would be more in keeping and not appear out of character. The PO responded that the Historic Environment Manager had been consulted on the design. He also referred to the cladding which was on a "like for like" basis and the fact that the applicant had proposed alternatives for the Authority to consider, such as feather edge boards etc. The use of shiplap timber was a common design to make the building weather tight. In terms of the roof, this would be crinkly tin comprising a curved half circle with a corrugated profile. The PO added that, whilst the site was not within a Conservation Area, it was within a prominent location so the design of the building was important. In officers' opinion, the design was considered to be acceptable and they had negotiated some betterment. Whilst officers had preferred timber or aluminium for the windows, they had agreed to white pvc as there was a black timber-cladded building with similar windows adjacent and this would ensure the building would match the strong character of the area. Furthermore, the existing roof comprised cedar shingle and either thatch or crinkly tin were considered to be acceptable alternatives so the new design roof was certainly an improvement as a flat roof, such as that on the clubhouse, was not considered to be acceptable.

Mr Wilkins, on behalf of the applicant, provided a statement in support of the application, accepting that the building was not a "grand design" but functional, to enable the club to operate for all of its members. A palette of materials had been reviewed and key was the longevity of the building and its low maintenance – eg the roof needed to last for 40 years. Piled foundations would last very many years, as opposed to the previous soft wood timber which was in direct contact with the ground. Due to the location on the edge of the Broad, heavy masonry was considered to be inappropriate so structural considerations had been discussed with officers at the pre-application stage prior to Christmas. Mr Wilkins referred to the very good collaborative discussions which had taken place with officers which had led to a spot on appearance for the building, taking into account the club's meagre budget for a replacement building.

Leslie Mogford joined the meeting at 10:35am.

A member supported the speaker's statement that the building had been designed to be functional and added that he had previously had considerable concerns regarding the potential presence of bats but there had been a thorough examination of the building and no bat presence had been found.

Another member stated that the design was very similar to the previous building, albeit slightly larger and with a different roof, but was appropriate to its setting.

Bill Dickson proposed, seconded by Andrée Gee, to approve the application, subject to conditions.

In conclusion, members concurred with the officers' assessment that the scale and design of the replacement building were proportionate and well considered and accorded with Policy DM43 of the Local Plan for the Broads, and the two outstanding issues had been satisfactorily resolved.

**It was resolved by 10 votes for, 0 against and 2 abstentions (1 due to a member joining the meeting during the item and 1 due to a member have lost connection).**

**To approve the application** subject to standard conditions, and conditions which ensure that the materials, flood risk plan and mitigation, and biodiversity enhancements are all incorporated in the development.

## 9. Enforcement update

Members received an update report from the Head of Planning on enforcement matters previously referred to the Committee. Further updates were provided at the meeting by the Senior Planning Officer as follows:

**former Marina Keys, Great Yarmouth:** the Planning Officer (Compliance and Implementation) had recently carried out a site visit and noted there was still rubble to be removed. He had spoken to the owners who had confirmed that this would be removed once some large equipment had been brought to site to enable the clearance to take place. Checks would take place every fortnight.

**land at the Beauchamp Arms PH, Carleton St Peter:** Hearing was scheduled for 12 May 2021 when the applicant would make his plea.

**land to east of North End, Thorpe next Haddiscoe:** The Planning Officer (Compliance and Implementation) would be visiting the site today and so an update would be provided at the next meeting.

**land east of Brograve Mill, Waxham:** Enforcement ongoing.

## 10. Belaugh Conservation Area reappraisal – consultation

The Historic Environment Manager (HEM) presented her report, supplemented by a presentation, on the re-appraisal process for Belaugh Conservation Area, seeking approval to proceed with the public consultation on the draft document and associated proposals contained within it, including a proposed extension to the Conservation Area, Article 4 Directions and additions to the Broads Authority Local List.

The consultation period would run for six weeks (commencing at the beginning of May), rather than the normal four, and all households within the village would be provided with a leaflet about the consultation. Contact details would also be provided for officers so they could answer questions and queries, with comments being able to be submitted by post,

email or telephone. Belaugh Parish Meeting had also been offered the opportunity of an online meeting.

The first proposed Article 4 Direction would relate to the installation of solar PV panels on street and river facing roof slopes along The Street, to ensure that they were as unobtrusive as possible and not be detrimental to the significant views of the village from the river. The other Direction would protect thatched roofs on a group of semi-detached thatched properties on Top Road as it was considered this cluster of houses made a particular contribution to the Conservation Area, the character of which would be eroded should any of the roofs be replaced with another material.

Finally, it was proposed that a number of buildings identified as contributing positively to the character of the Conservation Area be added to the Authority's Local List. Most of these had been identified in the 2011 appraisal but had not previously been formally adopted as Locally Listed Buildings.

A member referred to the proposed consultation process which was due to end in mid-June and also the online meeting, stating that it would be possible to hold face to face meetings again around that date. Looking at the age profile of the residents, he questioned if it would be better to extend the consultation period or start it later. The HEM responded that in person meetings would be able to take place from 17 May and so it would be possible to hold the Belaugh Parish Meeting in person. The member then referred to the requirements for social distancing which still applied until 21 June to which the HEM responded that this had been considered. Belaugh Parish Meeting had informed the Authority of its intention to hold a meeting on 27 May, in person, and asked Broads Authority officers to attend in person and discussions were ongoing amongst officers about who should attend. She confirmed that at least one BA representative would be there to answer questions and present the proposals, but obviously this would be subject to any Covid restrictions in place at that time and taking account of any possible changes. The HEM concluded that the consultation period could be extended by one month if necessary to allow for full consultation and participation and given the current restrictions, it might be beneficial to do that.

A member questioned if the properties proposed to be the subject of an Article 4 Direction restricting solar PV panels were Listed or not, to which the HEM responded that the only Listed Building within the village was the church (Grade I). Officers were proposing that a number of properties be included on the Local List but it was acknowledged that this did not provide for the same level of protection as Listed Building status. However, if planning permission were required for works, the properties would be identified as a local heritage asset which would be a material consideration. This related to the external appearance of the building only and not the fabric of the building, both internal and external, which applied to a Listed Building. Therefore, there would be a level of protection, albeit not at the same extent as a full listing. The member commented that he found it odd that the Authority would now be opposing SV solar panels and taking away the option for home owners, including those properties that were not even Listed Buildings, at a time when a green economy was a key consideration. The HEM clarified that Local Listing provided a degree of protection only, for



example when planning permission was applied for. If there was no Article 4 Direction, then planning permission would not be required. She emphasised that the Article 4 Direction would not prevent the use of SV solar panels, but would just give the Authority a degree of control over how and where they were employed, eg position unobtrusively (roof slope with least public view) or encourage ground mounted as opposed to roof mounted or even use solar slates if appropriate. Officers would negotiate with owners the best option to not erode the character and appearance of the wider area.

Another member congratulated the officers on a good piece of work and stated his full support for the proposals. He considered that the Article 4 Direction would allow for discussions and ensure SV solar panels were not just installed automatically, which would be of detriment to this beautiful village. He added that it was important to look at the protection of Conservation Areas in perpetuity if at all possible. In terms of the consultation, he felt that online only would be difficult due to both the demographics and also availability of Broadband, and that face to face would be better. Parish Meetings were always well attended and to delay the consultation by a few weeks would be a good idea.

A member shared his concerns on preventing the use of solar PV panels and encouraged the use of solar tiles in sensitive areas such as Belaugh.

Another member expressed their support to delay the consultation, particularly until after all the local elections had taken place, as this would enable full input.

A member stated that he would be nervous about not allowing any solar panels and the suggestion that each individual property would be looked at on its own merits on a case by case basis. He did agree that certain buildings would not be appropriate, eg such as those with thatched roofs. There was a need to burn less fossil fuels and so a compromise was needed on alternatives. He concluded that he would not want to see the Article 4 Direction prevent any solar panels, and allowing on one individual property would make it difficult to refuse on another property. Conversely, another member stated that they would not want to sacrifice heritage on environmental grounds.

Fran Whymark proposed, seconded by Stephen Bolt and

**It was resolved unanimously to approve the public consultation process for Belaugh Conservation Area Appraisal.**

## 11. Consultations

The Planning Policy Officer (PPO) introduced the report, which provided a proposed response to consultations by Filby and Rollesby Parish Councils on their Neighbourhood Plans.

**It was resolved by consensus to note the report and endorse the proposed responses.**

## 12. Dark Skies and the Broads – update

The Planning Policy Officer (PPO) introduced the report, which provided an update on activities that had been ongoing in relation to light pollution and dark skies, following the implementation of a “dark skies policy” in the Local Plan.

A member asked if discussions had taken place with British Sugar regarding the lighting at its premises in Cantley which he considered could be seen from as far away as Ludham. The PPO referred to the policy in the Local Plan which sought betterment in light pollution at Cantley. She had met with representatives of the organisation and they had carried out works to reduce the impact of light pollution, for which they had received awards from various dark skies organisations. However, it was accepted there was always more work which could be done. Officers would be meeting with British Sugar next year as part of the preparation work on the Local Plan review and the issue could be raised again then. It was worth noting that there were other properties which also had an impact but it was hoped the policy would help improve the situation.

A member referred to the health and safety issues, particularly for a business which operated 24/7, and the need to maintain sufficient lighting.

Another member commented that she did not believe the source of light pollution referred to was coming from the premises at Cantley but was from much closer to the coastline at Gt Yarmouth. The Cantley plant was very well screened to minimise noise, dust and light pollution. She would want to support them in their efforts, being a large employer and a food processor.

A member stated that light pollution would always be a contentious issue. He referred to other sources of light pollution, such as the coastline in Suffolk up to Gt Yarmouth, the city of Norwich and the needs of holiday makers. Even 15-20 miles out to sea, the whole coastline could be seen lit up. It would be unfair to penalise small developers and householders when it was the holiday industry which seemed to be the main source of light pollution along the coast.

Reference was made to the adoption of a dark skies policy by Sea Palling, which included the arcade and holiday park, which evidenced that the industry was responding, to an extent.

Another member referred to Lowestoft town centre where the street lights were turned off earlier, except in the main town.

**The report was noted.**

## 13. Decisions on appeals by the Secretary of State between April 2020 and March 2021

The Committee received a schedule of decisions on appeals made by the Secretary of State between 1 April 2020 and 31 March 2021, together with the latest appeals in the process lodged since January 2020 for which decisions had not yet been received. Of the nine appeals,

two had been dismissed and two allowed, leaving five decisions outstanding, two of which were awaiting a start date. One was due to be heard at a virtual hearing next week.

A member asked what lessons had been learnt from the appeals allowed, to which the Senior Planning Officer responded that one of the allowed appeals was for a CLEUD relating to the use of a property as a dwelling and the other related to an issue of design, both of which were considered to be a fine line. The member quoted the statistics, referring to a 50% loss which he did not consider to be a good outcome, if occurring on a regular basis. The SPO concurred.

## **14. Decisions made by officers under delegated powers**

The Committee received a schedule of decisions made by officers under delegated powers from 17 March to 9 April 2021 and any Tree Preservation Orders confirmed within this period.

## **15. Heritage Asset Review Group – notes of meeting held on 12 March 2021**

The Committee received the notes of the Heritage Asset Review Group meeting held on 12 March 2021.

## **16. Date of next meeting**

The next meeting of the Planning Committee would be on Friday 21 May 2021 at 10.00am, with the venue/format to be confirmed.

The meeting ended at 11:35am

Signed by

Chairman

## Appendix 1 – Declaration of interests Planning Committee, 23 April 2021

Member	Agenda/minute	Nature of interest
Melanie Vigo di Gallidoro on behalf of all members	8.1	Acquainted with the public speaker as he was a former member of the Authority
James Knight	8.1	Member of the Norfolk Broads Yacht Club and his wife was a Flag Officer
Fran Whymark	8.1	District Councillor for Wroxham
Fran Whymark	10	County Councillor for Wroxham

# Planning Committee

21 May 2021

Agenda item number 7.1

## **BA 2021 0128 FUL- Replacement quayheading (Retrospective) at Norfolk Broads Direct, Wroxham**

Report by Senior Planning Officer

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### **Proposal**

Replacement of 95m of dilapidated quayheading with new sheet steel piling and associated timber quayheading furniture (retrospective).

### **Applicant**

Mr James Knight, Norfolk Broads Direct Ltd, Norwich Road, Wroxham

### **Recommendation**

Approve

### **Reason for referral to committee**

The applicant is a member of the Broads Authority

### **Application target date**

10 June 2021

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## 1. Description of site and proposals

- 1.1. The application site lies to the south of the main road through Wroxham on the west side of the River Bure and adjacent to Wroxham Bridge and the commercial centre of Wroxham and Hoveton. The application relates to part of the Norfolk Broads Direct site, which consists of large mooring basins, boatsheds and facilities supporting the hire boat and trip boat operations.
- 1.2. Within the site at the eastern end is a two storey building used as offices for the business at the frontage and with holiday lets behind. To the west of this is a large car park which runs parallel with Norwich Road for the length of the mooring basin which runs to the rear. The application relates to the quayheading along this section.
- 1.3. The quayheading amounts to 90m in total and the works have already been carried out. The quayheading consists of steel sheet piling with timber capping and whaling which matches the quayheading previously approved further along the basin in terms of material and height. Originally, the entire basin had quayheading at the same level, however due to the sinking of the land in the eastern corner the quayheading here had also sunk, so was at a lower level than that further west – ie it sloped down across the site from east to west. In undertaking the replacement, the new quayheading has been installed at the original level to match the remainder and the land to the rear, which forms part of the car park, backfilled.

## 2. Site history

Application Number	Description	Decision
BA/2012/0048/FUL	Demolition of both existing wet shed and small shed , re-alignment of quay heading and creation of small land area for re-location of existing shed	Approved with conditions
BA/2011/0085/FUL	Demolition of existing wet boathouse, erection of replacement wet boathouse with cruiser hire reception and storage in roof space with replacement and new quay heading.	Approved with conditions
BA/2010/0175/FUL	Recladding of existing boatshed building (to remove asbestos) and associated works	Approved with conditions
BA/2008/0395/FUL	Erection of canopy (proposed) and small shed for pumping equipment (retrospective)	Approved with conditions

BA/2005/3763/HISTAP	Demolitions of wet boatshed, toilets and engineering workshop. Extension of existing building for new toilets and under cover waiting area for charter boats	Approved with conditions
BA/2001/4070/HISTAP	1. Demolition of existing wet boatshed 2. Erection of new boat house with sail loft over and associated facilities	Approved with conditions
BA/1998/4337/HISTAP	Demolition of existing building and extension to existing car park	Approved with conditions
BA/1995/4503/HISTAP	Change of use of existing restaurant on ground floor to bedroom extension and additional flat	Approved with conditions

### 3. Consultations received

Wroxham Parish Council

3.1. No objections.

Environment Agency

3.2. No objections.

Norfolk County Council (NCC) Highways

3.3. No objections.

BA Rivers Engineer

3.4. There is no impact on navigation.

BA Environment Officer.

3.5. No objections.

### 4. Representations

4.1. None received.

### 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
- DM13 Natural Environment
- DM16 Development and Landscape

- DM23 Transport, highways and access
- DM43 Design

## 6. Assessment

- 6.1. The main considerations in the determination of this application are the principle of development, the design of the proposal and the impacts on the character of the area, flood risk and highways.

### Principle of development

- 6.2 The application site is part of the large mooring basin which forms the operational base for the holiday boat business run by Norfolk Broads Direct. The basin is in year round use for mooring. The previous quayheading was in a poor condition and had failed in places, with water ingress to the rear. This in turn, exacerbated the sinking of the land comprising the car park and leading to uneven sections of ground which were prone to flooding. The works were intended to complete earlier works which had been granted planning permission and been undertaken further along the basin by the previous owner. The replacement of the existing quayheading which supports the mooring use here, is in principle acceptable.
- 6.2. Although throughout the Broads network the traditional material for quayheading is timber, there can be issues with the longevity of timber particularly in areas of water that are used frequently or have a high tidal range as these tend to deteriorate the material faster. The principal concern with the use of steel is the industrial appearance of the material and the potential this has to erode the traditional character of an area. However, in this instance, the site is located within an area with an industrial character and where steel has previously been approved and is prominent. The principle of using steel as a replacement for timber is therefore considered acceptable.
- 6.3. As part of the works, the replacement quayheading at the original height has allowed for the car park surface to be repaired to previous levels, with an increase in height of up to 150mm. This can be considered to be maintenance.

### Impact upon the character of the area

- 6.4. The replacement quayheading utilises timber capping and whaling boards, which screens the top of the steel piling and softens the impact on the character of the area. The use of steel piling elsewhere in the vicinity, the extended life the steel piling has compared to timber, and the use of timber capping and whaling boards on the replacement quayheading contributes to the balance on which this application is determined on. The proposed development is not considered to be unacceptable in terms of design and on balance, the use of steel piling in this location with the capping and whaling boards being timber can be supported as there will be no adverse impact on the character and appearance of the area.



## **Other issues**

- 6.5. The works have already been completed so the application is retrospective.
- 6.6. Concerns have been raised locally about the impact of the raised level of the quayheading and the car park to the rear on flooding of the road and adjacent footpath. The applicant has had discussions with the Highways Authority about works to ameliorate this long standing problem and various measures have been put in place, including non-return valves to drain the carpark surface. Whilst these concerns are recognised, it is noted that neither the Highways Authority or the Environment Agency has raised an objection to the application.
- 6.7. The proposal is therefore considered to be in accordance with Policies DM13, DM23 and DM5 of the Local Plan for the Broads 2019.

## **7. Conclusion**

- 7.1. The replacement quayheading is considered to be an acceptable in this location and accords with the relevant policies of the Local Plan for the Broads 2019.

## **8. Recommendation**

- 8.1. Approve in accordance with the submitted plans and documents.

## **9. Reason for recommendation**

- 9.1 The application is considered to be in accordance with Policies DM5, DM13, DM16, DM23 and DM43 of the Local Plan for the Broads 2019.

Author: Cheryl Peel

Date of report: 10 May 2021

Appendix 1 – Location map

## Appendix 1 – Location map



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# Planning Committee

21 May 2021

Agenda item number 7.2

## BA 2021 0084 FUL- 123 Bridge Road, Oulton

### Broad, Lowestoft

Report by Planning Officer

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#### Proposal

Sub-divide shop into 2 units, new shop fronts and 1x flat to the rear

#### Applicant

Mr Graham Hawkins

#### Recommendation

Approve subject to conditions

#### Reason for referral to committee

Departure from the Local Plan for the Broads (2019)

#### Application target date

18 May 2021

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# 1. Description of site and proposals

- 1.1. The application site is 123 Bridge Broad, in Oulton Broad, Lowestoft. The site fronts Bridge Road to the east and backs onto a public car park and then Nicholas Everitt Park to the west of the site. Access to the site is from Bridge Road which runs parallel to Saltwater Way. Everitt Road is a small cul-de-sac which runs west from Bridge Road; 123 Bridge Road is the only building on the right hand side of Everitt Road. Bridge Road is part of the Oulton Broad District Shopping Centre and contains a variety of shops, restaurants, cafes, bars and residential units.
- 1.2. The site comprises a vacant shop, formerly the Spar supermarket at 123 Bridge Road. The building is orientated east to west and measures 25 metres from the road fronting elevation to the rear wall. The building features a timber framed shop surround on the east elevation, 262sqm of Class E gross internal floorspace, and rooms to the rear including a storage room, two office rooms, a kitchen and toilets. There are flats at the first floor level and the entrance to these flats is via a side door located on the right hand side of the east elevation. The first floor is not a part of this planning application.
- 1.3. This application seeks planning permission to sub-divide the shop into two shop units, re-design the shop front, and provide a one bed residential flat to the rear. Few external alterations are required to provide two shop units and residential flat.
- 1.4. In terms of the physical alterations to the shop, the entrance ramp would be extended 2.3 metres to the north to provide adequate space for two single entrance doors. The shop front would feature three sections with the left hand side section featuring four windows, the middle section a single door and three windows, and the right hand side section a single door and three windows. A rear entrance (staff door) to the shop would be installed on the flat roof section approximately in the middle of the south (side) elevation of the building. Internally, the shop floor would be split in half and in half again to provide the two shop units. The existing shop floor space extends back approximately 18.5 metres. An internal wall would be installed 13.5 metres from the shop front; a staff area would be created to the rear of the shop, featuring two small kitchenettes, two toilets, and two storage areas within a circulation corridor. Another wall would then be installed 4 metres from the rear wall of the staff area and 9.5 metres from the shop front, creating an internal shop floor depth of 9.5 metres; a partition wall would be installed down the middle of the building creating the two shops with an approximate width of 5 metres.
- 1.5. The physical alterations required to provide the residential flat to the rear are as follows. Installation of an entrance door to the flat in the middle of the south (side) elevation with a large three pane window to the left of the door. The existing metal grate shutter on the south elevation towards the rear of the building would be bricked up and the louvered vent would be replaced with the same size and style window next to the entrance door. The west (rear) elevation is currently a brick wall with a pitch roof measuring just under 15 metres in width; this elevation overlooks the public car park to the west. It is proposed to recess 7 metres of this elevation by 1 metre to provide a

small terrace area with a balustrade, two single doors would be placed at each end with 3 windows attached to each door. The doors would provide terrace access from the kitchen area and the bedroom. A roof lantern would be installed on the flat roof section of the flat above the living space.

- 1.6. The site is within the Oulton Broad Conservation Area and within the development boundary for Oulton Broad.

## 2. Site history

Application Number	Description	Decision
BA/1985/6088/HISTAP	Erection of rear extension and first floor alterations	Approved with conditions
BA/2001/6089/HISTAP	Installation of an automated teller machine	Approved with conditions
BA/2003/5292/HISTAP	Provision of illuminated signage to fascia and elevations	Approved with conditions
BA/2003/6090/HISTAP	Provision of disabled access ramp	Approved with conditions
BA/2003/6091/HISTAP	Retention of new refrigeration plant	Approved with conditions
BA/2003/6092/HISTAP	Installation of new refrigeration equipment and enclosure	Approved with conditions

## 3. Consultations received

### Parish Council

- 3.1. Support in principle, subject to the planning committee having a look at the plans.

### East Suffolk Planning Policy

- 3.2. The loss of retail floor space is contrary to policy OUL3 (Oulton Broad District Shopping Centre). Policy OUL3 seeks to protect the function of Oulton Broad as a district shopping centre by preventing the conversion of ground floor retail uses to non-class A uses. The Waveney Local Plan includes an equivalent policy, WLP2.11 (Oulton Broad District Shopping Centre), which also seeks to protect the retail function of the district shopping centre. This aligns the approaches to Oulton Broad District Shopping Centre in the two Local Plans. However, the proposed flat is located at the rear of the building and so is unlikely to impact upon the viability of the district shopping centre, particularly as the front of the building would be retained for retail use.

## Suffolk County Council Highways Authority

- 3.3. No objection – subject to conditions

### BA Environment Officer

- 3.4. No objection – subject to conditions

### BA Heritage Planning Officer

- 3.5. The principle of the proposal is supported; it is however considered that more thought should be given to the restoration of the historic shop surround and an amendment to the new shop window insertion to omit the use of uPVC, change in design of the side door and rear balustrade to the new terrace area.

## 4. Representations

- 4.1. Two representations have been received from residents of Everitt Road, Oulton Broad; both raise concerns related to traffic and congestion on the road. One of the representations received states that they would oppose the use of the building being allowed as a takeaway and would oppose illuminated signs overlooking residential properties on the road.

## 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:
- OUL3 – Oulton Broads District Shopping Centre
  - DM2 – Water Quality and Foul Drainage
  - DM4 – Water Efficiency
  - DM9 – Climate Smart Checklist
  - DM11 – Heritage Assets
  - DM21 – Amenity
  - DM23 – Transport, Highways and Access
  - DM25 – New Employment Development
  - DM26 – Protecting General Employment
  - DM35 – Residential Development within Defined Development Boundaries
  - DM43 – Design
  - DM45 – Designing Places for Healthy Lives
  - DM51 – Retail Development in the Broads

## 6. Assessment

- 6.1. In terms of the assessment of this application, the main considerations relate to the principle of the development, the design of the alterations to the building, the impact on the Conservation Area, amenity and highways. Other issues that will be taken into consideration relate to water quality and drainage and employment.

### Principle of development

- 6.2. The development would provide a new residential unit within the defined development boundary for Oulton Broad and this is acceptable in itself. However, the creation of the new residential unit would result in the loss of 104 square metres of Class E (formerly A1) net tradable retail floor space (110 square metres of gross internal area) and this is contrary to Policy OUL3 (Oulton Broad District Shopping Centre).

- 6.3. Policy OUL3 states:

“Within the Oulton Broad District Shopping Centre proposals for changes of use of ground floor premises from use classes A1 (retail) and A2 (financial and professional services) to A4 (drinking establishments), A5 (hot food takeaways) and other non-A Class uses will not be permitted.”

- 6.4. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development Plan unless there are other material considerations that indicate otherwise. This proposal is, in principle, contrary to Policy OUL3 of the Local Plan for the Broads because, whilst the development would support the retention of two smaller retail units on the site, it proposes a loss of overall retail floor area in the creation of a residential unit. The objectives of that policy are to retain existing retail uses at ground floor level so as to maintain the viability of the district centre. Whilst there is a clear policy presumption against the development in principle, it should be considered what the impacts of allowing this specific proposal would be on the overall objective of the policy, whether the proposal is otherwise acceptable and what material considerations may weigh in its favour.
- 6.5. The justification for Policy OUL3 points to the agglomeration of approximately 50 retail units around Bridge Road, thus identifying the area as a ‘District Centre’. One of the purposes of Policy OUL3 is to protect the shops and services identified within the Policy Map and to prevent them from changing to other uses and thereby undermining or diluting the District Centre.
- 6.6. This proposal would not result in the total loss of a Class E use, but a reduction in floor space through the provision of a flat to the rear and the sub-division of the one unit into two Class E units. The introduction of a C3 residential use to the rear would change the use of that part of the ground floor premises.
- 6.7. The function of the District Centre is to provide local facilities and services to the public. The existing shop is a large single unit which previously sold a wide range of goods, but

it is considered that local facilities can be equally well provided across a number of smaller shops, therefore allowing more flexibility. The previous shop (Spar supermarket) has been shut for a number of years and the site has remained vacant, this undermines the attractiveness of the area. The property has been available to let as a whole for more than two years, but remains unlet which suggests there is a limited market in this location for a shop unit as large as this one.

- 6.8. The Covid-19 pandemic has had a significant impact on retail patterns, with more people shopping online and using local facilities. In turn, the impact of the increase in local shopping means that there may be more demand for smaller shops by retailers because they are more flexible and therefore more resilient. It should be noted that robust retail areas need a high percentage of occupied active frontages and diversity of offer. It is the case that actively trading smaller shops are more beneficial to the District Centre than vacant units. This proposal seeks to retain and refresh the active shop front, which is arguably the most important element of a shop.
- 6.9. In conclusion, the provision of two smaller shops at 123 Bridge Road, should bring the units into operation and therefore support the vitality of the District Centre. The Planning and Compulsory Purchase Act 2004 requires planning decisions to have regard to the development plan when making decisions and that the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, it is considered that there are strong material considerations which weigh in favour of the proposal and overall it is not considered to undermine the intention of Policy OUL3 in protecting the shops and services in the area. The principle of the development is therefore not considered to be unacceptable because the development would meet the policy objective.

### Design

- 6.10. There are few external alterations required in order to carry out the proposed development. The shop front surround would be re-designed to provide a more usable window display for the two individual shop units, including an extension to the existing ramp to the entrance door. Two doors and two windows would be installed on the south elevation, one of these windows would replace an existing vent wall. A substantial area of development is on the rear wall, which is the west facing elevation. A seven metre wide section of the wall would be recessed by 1 metre to provide an internal terrace area featuring the rear fenestration and a timber balustrade, adding character and activity to the existing rear brick wall.
- 6.11. The existing three metre wide concrete apron, which runs down the full length of the side elevation on the cul-de-sac would be utilised as a car parking and bin stores area. This space is currently used as an informal parking area. Three parking spaces would be demarcated, two would be reserved for each shop unit (one parking space per shop), and one would be for the residential flat.
- 6.12. The proposed design is functional and necessary to create the shop surround which appropriately serves two shops. Minor external alterations are required to provide the



residential unit to the rear and for it to receive adequate sunlight. The minor alterations would give the rear of the building a domestic appearance, with the proposed windows and doors domestic in character and would add a welcome level of activity to this area. There is no objection to the design of the proposed building alterations and the proposed development is considered acceptable in terms of Policy DM43 of the Local Plan for the Broads.

### Heritage

- 6.13. On the issue of heritage, the application site lies in a prominent position within the Oulton Broad Conservation Area. Bridge Road is vibrant street characterised by historic properties, housing commercial, retail, and residential buildings. The historic properties contribute to the character of the Conservation Area and it is considered that the former Spar supermarket at 123 Bridge Road is a good example of a historic property that has the potential to make a significant contribution to the character of the Conservation Area.
- 6.14. Concern has been raised by the Authority's Heritage Planning Officer regarding the proposed use of uPVC for the shop surround and the windows to the flat. The Agent has agreed to use aluminium for the shop surround and timber for the windows serving the flat and this is considered acceptable. The plans have been amended accordingly.
- 6.15. The Heritage Planning Officer raised the possibility of reinstating the original shop surround for the building. This was however, not considered to be feasible and would be challenging to reinstate the original surround while creating two separate entrance doors.
- 6.16. The proposed development would use high quality materials in an appropriate design. While reinstating the original shop surround would be the preference for the building, in terms of heritage; it is considered that the proposed development would continue to preserve the character of the Conservation Area. The proposed development is therefore considered to comply with Policy DM11 of the Local Plan for the Broads (2019).

### Amenity

- 6.17. Policy DM21 of the Local Plan for the Broads seeks to protect the existing amenity of neighbouring properties as well as providing new occupiers with a satisfactory level of amenity. Consideration therefore needs to be given to the amenity of the future occupier of the proposed residential flat to the rear and the impact the proposed development would have on neighbouring amenity.
- 6.18. Firstly, the amenity of the future occupier of the proposed residential flat will be considered. The residential unit would be a one bedroom flat and the layout of the flat exceeds the minimum space standards required for a one bedroom flat. The residential unit would have an outlook from two elevations, south and west. While it is acknowledged that the outlook would overlook public areas, the recessed wall would set the windows back from the rear elevation and the inset terrace area would provide

an effective break from the public outside space to the private internal space. The two windows on the side elevation would overlook the far end of Everitt Road, this is a cul-de-sac and does not have pedestrian access through the road; it is a public outlook from the windows, but overlooking a quiet part of Everitt Road.

- 6.19. In terms of overlooking into the proposed flat, there are residential dwellings on the southern side of Everitt Road and there are windows in these building which would allow for overlooking onto the side elevation and the two windows of the proposed residential flat. The windows are 15 metres away from the side wall and it is not considered that they would result in a significant impact on the amenity of the proposed flat. The car park to the rear of the proposed flat is a publicly accessible place, the proposed recessed wall with timber balustrade would go some way to reducing the impacts of overlooking into private amenity space.
- 6.20. The proposed residential flat would have a public outlook on the side and rear elevations, the living room (the largest room in the flat) would feature a roof lantern to allow light into the room. The only private outside space provided for the flat would be the terrace area on the rear elevation.
- 6.21. Internally, the Floor Plan shows the internal layout arrangement of the proposed flat, the bedroom would measure 5.5 metres by 4 (and 5 where next to the terrace) metres. The living room would measure 4.5 metres by 11 metres with a bathroom tucked in the corner. The kitchen area would be open plan with the living area and would on its own measure 7.5 metres wide by 5 metres deep. It is considered that the proposed flat to the rear of the building would provide a satisfactory level of amenity for the future occupier, by virtue of generous size of the internal layout. The proposed development from the point of view of the future occupier is not considered to be unacceptable in terms of amenity.
- 6.22. In terms of the impact the proposed development would have on neighbouring amenity, there are neighbouring properties within the immediate vicinity. For example, there are flats at the first floor level of the subject building, dwelling houses on the other side of both Everitt Road and Bridge Road, and a dwelling house at 121 Bridge Road, next door (north) to the subject building. The proposed development would provide two Class E shop units in a space where previously there was only one unit. The amendments to the shop surround and the sub-division of the unit is not considered to be detrimental to neighbouring amenity. No overlooking or overshadowing would be created by this aspect of the development.
- 6.23. The proposed residential flat to the rear would create overlooking onto public spaces, the only overlooking from the proposed flat onto a residential property is the dwelling house across the road on Everitt Road; it is not considered that the level of overlooking created would be unacceptable. Neighbours have raised concerns relating to congestion and unlawful parking on Everitt Road, stating that the proposed development would exacerbate these issues. This is noted, however, the proposed development would provide reserved spaces for staff of the shop units and the resident

at the proposed flat. It is also acknowledged that there is an abundance of parking within the immediate vicinity at the local car parks.

- 6.24. The proposed development is considered to provide a satisfactory level of amenity for the future occupiers of the development and occupiers of existing dwelling houses in the locality. The proposed development is not considered to be unacceptable in terms of amenity.

### Highway Impacts

- 6.25. In assessing the impact the development would have on the local highway network, it should first be noted that the two representations received both raised concerns relating to traffic and congestion. While this suggests Bridge Road is a congested road, the local Highways Authority have not raised an objection to the application, nor do they raise concerns relating to the impact the development would have on the highway network. It should also be noted that there are car parks on Bridge Road, to the east, north, and west of 123 Bridge Road and these serve the district centre and Nicholas Everitt Park.
- 6.26. The proposed development would bring people to the local area and it is acknowledged that many of these would travel by car. It is however, considered that the people who visit the area would be likely to visit other commercial or retail units on Bridge Road, and/or visit Nicholas Everitt Park, so would be likely use the local car parks rather than parking illegally on Bridge or Everitt Road.
- 6.27. The proposal includes cycle parking on the concrete apron on the left hand side of the building both for the staff and customers of the shop units and for the resident of the flat. The provision of cycle parking in this location is welcome as there is a cycle lane on Bridge Road but few existing cycle parking solutions on the road. Demarcating the parking spaces on at the site should discourage unlawful parking, however it should be noted that unlawful parking could still take place and this is out of the Authority's control.
- 6.28. The proposed development is considered to be acceptable in terms of the impact it would have on the highway network, an added benefit of cycle parking would also be provided. The application is therefore considered in accordance with Policy DM23 of the Local Plan for the Broads (2019).

### Other Issues

- 6.29. The development would connect a new 100mm diameter drain pipe to the existing sewer on Everitt Road. The proposed development is not considered to create a substantial amount of new surface water run-off; however it has been highlighted that any run-off would discharge into mains drainage on Bridge Road and Everitt Road. The proposed residential flat would be designed to achieve a water demand equivalent of 110 litres of water per head, per day. A Climate Smart Checklist has been submitted to support the application. This document follows Broads Authority guidance and considers how the impacts of climate change would affect the development. The

development is therefore considered in accordance with Policies DM2, DM4, DM6, and DM9 of the Local Plan for the Broads (2019).

- 6.30. The proposed development would reduce the overall size of the Class E unit, by providing a flat to the rear and sub-dividing the shop into two smaller shops. The application form states that the proposal would create 4 full time jobs and these would support the viability and vitality of the District Centre. The proposed development is in accordance with Policies DM25, DM26, and DM51 of the Local Plan for the Broads (2019).

## 7. Conclusion

- 7.1. In summary, the proposal is for the sub-division of the shop unit at 123 Bridge Road into two smaller shop units, the remodelling of the shop front surround, and the provision of a one bed residential flat to the rear of the building. The site context is the Oulton Broad District Shopping Centre within an identified development boundary, and within the Oulton Broad Conservation Area. The design of the proposed alterations to the building is considered appropriate with a preferable use of sustainable materials. The provision of a residential dwelling within a Development Boundary is acceptable. The development to two shops would support the vitality of the district centre. The proposals are therefore considered to be in accordance with the policies of the Local Plan for the Broads (2019).

## 8. Recommendation

- 8.1. Approve subject to conditions.
- i. Time limit
  - ii. In accordance with approved plans
  - iii. Material samples
  - iv. Biodiversity conditions including enhancements
  - v. Parking areas to be provided before use commences
  - vi. Refuse and recycling bins to be provided before use commences
  - vii. No external lighting

## 9. Reason for recommendation

- 9.1. Subject to the conditions outlined above, the application is considered to be in accordance with the relevant policies of the Local Plan for the Broads (2019).

Author: Calum Pollock

Date of report: 11 May 2021

Appendix 1 – Location map

## Appendix 1 – Location map

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# Planning Committee

21 May 2021

Agenda item number 7.3

## BA/2021/0131/LBC- internal works to create en suites at How Hill House

Report by Heritage Planning Officer

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### Proposal

Internal works to create en suite bedrooms

### Applicant

How Hill Trust

### Recommendation

Approve subject to conditions

### Reason for referral to committee

Broads Authority Member is a Trustee of How Hill and was involved in the submission of the application

### Application target date

11 June 2021

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# 1. Description of site and proposals

- 1.1. How Hill House is a listed Grade II building. The house sits on elevated ground, on the valley sides of the River Ant. The site is accessed off a minor road, How Hill Road, to the east and its grounds extend out to the west, down to the river. Its nearest neighbours sit to the immediate west of the site, on the opposite side of How Hill Road, and are The Mill House (Grade II Listed) containing a tower (Grade II Listed) and Mulberry Cottage.
- 1.2. How Hill House itself was designed and built in the early 20<sup>th</sup> century in the Arts and Crafts Style by the Norwich architect, Edward Boardman for use as his holiday home. The house was extended in during the First World War and became the family home in 1918.
- 1.3. The house remains largely intact in terms of historic detailing both internally and externally. Interventions were made during a period of ownership by Norfolk County Council, but are generally internal and consist of studwork partitions within the first and second floors inserted either to subdivide larger rooms to create smaller dormitories or to provide bathroom facilities. The house is currently owned and managed by the How Hill Trust and run as an education centre. The house has overnight accommodation for educational trips provided within 14 bedrooms with shared bathroom facilities.
- 1.4. The application is for the removal and addition of internal stud walls and doors on the first and second floors to create 12 separate en suite bedrooms.
- 1.5. Planning permission is not required for these works as they are internal, however Listed Building Consent is needed because the works affect the historic fabric of the building.
- 1.6. List description – “How Hill House. 1903 with later additions, by T.E. Boardman. Roughcast brick and thatched roof. T. plan. 2 1/2 storeys. Single storey service wings to north and east and to south a bow fronted living room over a basement level loggia. Built in a vernacular Jacobean style with studied irregular fenestration of lead glazed casements with pargetted architraves of trailing vine pattern, and above, projecting stone hood moulds. Splayed bay window on the east end of the south front, of 2 storeys with a stone parapet with an open strapwork design. To its left a stone porch with open semi-circular pediment with consoles on rusticated pilasters and inscribed T. B. 1904, F. E. B. North elevation has wide gabled projection with 2 bulls eye windows at each end, and irregular fenestration. Roofs gabled with moulded timber bargeboards. 3 eyebrow dormers and one gabled dormer to north. Ironwork includes scrolled gutter brackets, inscribed hopper heads, door handles, latches and window furniture. Much of the original interior intact, including panelled hall, staircase and sitting room. Fitted cupboards in bedrooms and landing, and moulded chimney pieces all in a Country House manner. Designed and built by T. E. Boardman 1861-1950. Lord Mayor of

Norwich 1905, High Sheriff of Norfolk 1933. E. Boardman and sons were leading East Anglian Victorian and Edwardian designers of country houses, chapels and public buildings.”

## 2. Site history

Application number	Proposal details	Application status
BA/1988/3477/HISTAP	New campsite shower / toilet block	Approved subject to conditions
BA/2012/0059/CU	Part-time change of use of classroom to tearoom	Approved subject to conditions
BA/2014/0040/FUL	Demolition of existing dilapidated toilet block and erection of wooden log cabin replacement	Approved subject to conditions
BA/2016/0295/LBC	Refurbishment of upstairs toilets and shower to include moving one doorway to make room for an additional shower.	Approved subject to conditions
BA/2020/0098/LBC	Replace 5 flat roofs	Approved subject to conditions

## 3. Consultations received

Parish Council

3.1. To be updated verbally.

District Member

3.2. To be updated verbally.

Amenity Societies

3.3. To be updated verbally..

## 4. Representations

4.1. None received.

## 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:

- SP5 Historic Environment



- DM11 Heritage Assets
  - DM21 Amenity
  - DM44 Visitor and Community Facilities and Services
- 5.3. The National Planning Policy Framework (NPPF) is a material consideration in the determination of this application.

## 6. Assessment

- 6.1. The main considerations in determining this application are the impact on the character and integrity of a listed building, impact on an existing community and visitor facility and impact on neighbouring amenity.

### Principle of development

- 6.2. The application involves the removal and replacement of fabric contained within a listed building. Historic buildings are a finite resource and alterations can erode their special character if not undertaken sympathetically. The NPPF and Local Plan policies are clear in outlining that any alterations to listed buildings should be carefully considered and fully justified.
- 6.3. The design and access statement (D&A) submitted with the application justifies the proposed works. The D&A statement highlights that the works are proposed to help improve the existing visitor facility by providing modern en suite bathrooms rather than the existing shared facilities, the former of which are expected now by most visitors. The D&A statement advises that these works are also required to ensure the house can reach covid-secure protocols and improve safety for both visitors and staff. Subject to the alterations being sympathetic to the listed building the principle of the proposal is considered to accord with the NPPF and Local Plan policies and welcomed.

### Impact upon heritage

- 6.4. The Heritage Statement (HS) highlights that the works involve the remodelling of modern internal stud partition walls, which are largely associated with the works undertaken previously by Norfolk County Council. Some doors will need removal and replacement and the historic doors and door furniture will be retained and re-used in the proposed works. Where new items are required they are proposed to be designed to match in with the old.
- 6.5. As only modern partitions are proposed to be altered and as historic items will be re-used, it is not considered there would be an adverse impact on the character or integrity of the property. In addition, the provision of modern en suite bathrooms will secure the future viability of the site as an education centre by providing the level of facilities that is now expected by visitors. It is considered appropriate to condition any new or reclaimed materials to be used and the re-use of existing historic items to ensure the details are appropriate. In relation to the tests set out in the NPPF and policies SP5, DM11 and DM44 of the Local Plan, the proposal will not cause any harm

and will instead support the heritage asset and will secure the on-going public benefit of its use as an education centre.

### **Amenity of residential properties**

- 6.6. Given the small scale and nature of the proposal, it is not considered there would be an adverse impact on neighbouring amenity as a result. The proposal therefore accords with policy DM21 of the Local Plan.

## **7. Conclusion**

- 7.1. The proposal will not cause harm to the significance of the listed building and will secure the on-going viability of an existing educational centre and the proposals are therefore welcomed.

## **8. Recommendation**

- 8.1. Approve subject to conditions:

1. Standard time limit
2. In accordance with plans
3. Any damage shall be made good
4. Retention and re-use of historic features (such as doors and door furniture) to be agreed prior to removal (unless details agreed prior to determination)
5. All new or reclaimed materials shall be agreed prior to installation (unless details agreed prior to determination)

## **9. Reason for recommendation**

- 9.1. The development is considered an appropriate form of development with no negative impacts on the character and integrity of the listed building and a positive impact on the future protection of a listed building in terms of improving upon the viability of the existing visitor use, in accordance with the NPPF and policies SP5, DM11, DM21 and DM44 of the Local Plan (2019) and S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has also been considered in the determination of this application.

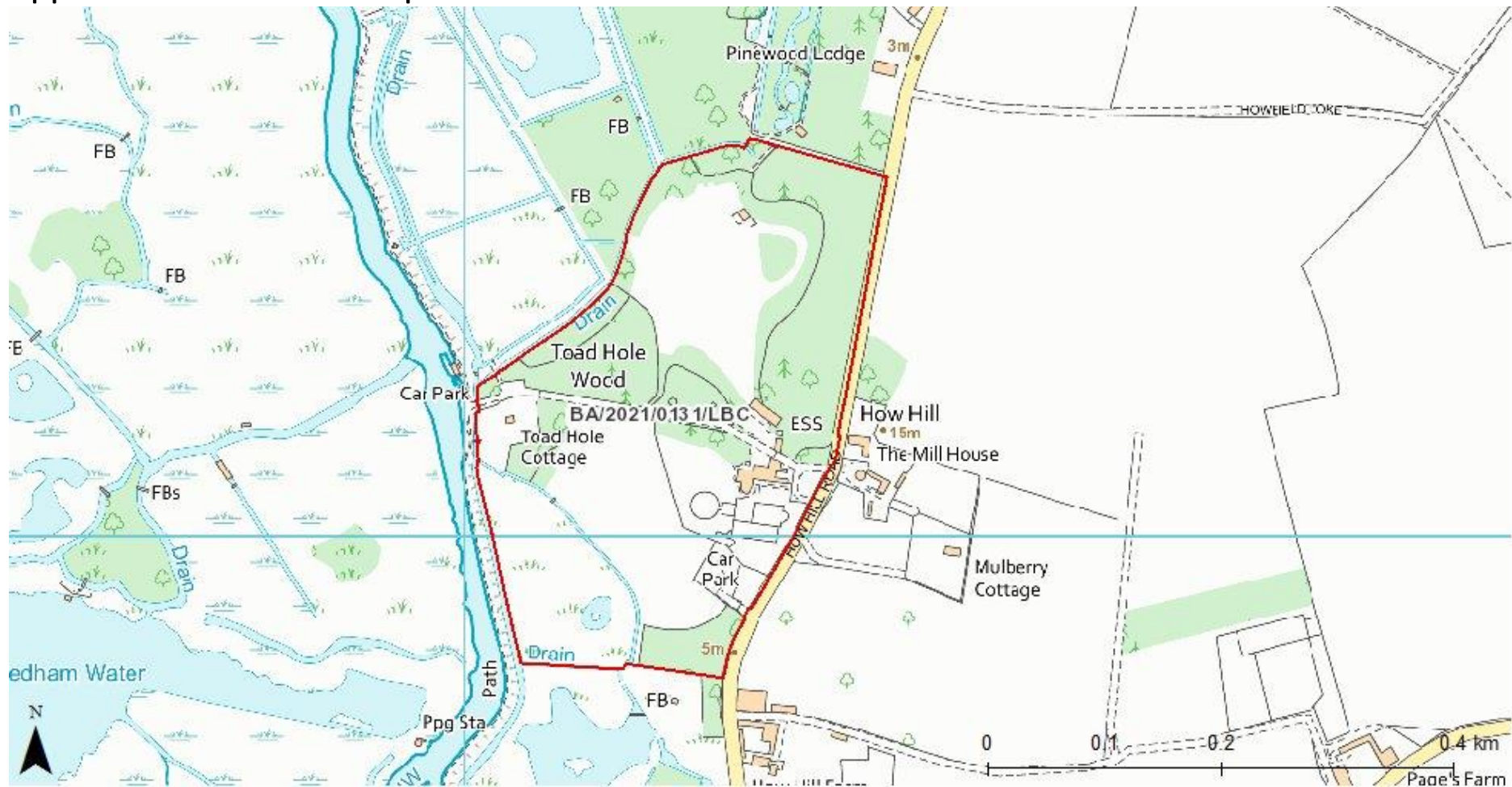
Author: Kayleigh Judson

Date of report: 10 May 2021

Background papers: Listed Building Consent Application - BA 2021 0131 LBC

Appendix 1 – Location map

## Appendix 1 – Location map



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# Planning Committee

21 May 2021

Agenda item number 8

## Enforcement update- May 2021

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

To note the report.

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"> <li>• Authority granted to serve Section 215 Notices.</li> <li>• First warning letter sent 13 April 2017 with compliance date of 9 May.</li> <li>• 26 May 2017: Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued.</li> <li>• Monitoring 15 June 2017. Further vandalism and deterioration.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Site being monitored and discussions with landowner.</li> <li>• Landowner proposals unacceptable. Further deadline given.</li> <li>• Case under review.</li> <li>• Negotiations underway.</li> <li>• Planning Application under consideration December 2018.</li> <li>• Planning application withdrawn and negotiations underway regarding re-submission.</li> <li>• Works undertaken to improve appearance of building.</li> <li>• Revised planning application submitted 1 April 2019.</li> <li>• Planning Committee 19 July 2019: Resolution to grant planning permission.</li> <li>• Arson at building, with severe damage 18 August 2019.</li> <li>• Discussions around securing building and partial demolition 19 August 2019.</li> <li>• Pre-demolition surveys almost completed and works commence thereafter 24 October 2019.</li> <li>• Works underway to secure and commence agreed demolition. 16 December 2019.</li> <li>• Site now sold. New landowner intends to build out with some amendments to be agreed.</li> <li>• New owner asked to demolish building as does not propose conversion 12 February 2020.</li> <li>• Application received to demolish building (and other amendments to scheme) 20 February 2020.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Application approved and demolition almost complete. 24 September 2020.</li> <li>• Demolition completed and site almost cleared. November 2020</li> <li>• Final inspection needed.</li> <li>• <b>Final minor clearance required. Likely to coincide with implementation of redevelopment consent. May 2021</b></li> </ul>
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Site being monitored.</li> <li>• Planning Contravention Notices served 1 March 2019.</li> <li>• Site being monitored 14 August 2019.</li> <li>• Further caravan on-site 16 September 2019.</li> <li>• Site being monitored 3 July 2020.</li> <li>• Complaints received. Site to be visited on 29 October 2020.</li> <li>• Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020.</li> <li>• Incomplete response to PCN received on 10 December. Landowner to be given additional response period.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Authority given to commence prosecution proceedings 5 February 2021</li> <li>• Solicitor instructed 17 February 2021</li> <li>• Hearing date in Norwich Magistrates Court 12 May 2021</li> <li>• <b>Summons issued 29 April 2021</b></li> <li>• <b>Adjournment requested by landowner on 4 May and refused by Court on 11 May</b></li> </ul>
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers' site.	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Correspondence with solicitor on behalf of landowner 20 November 2019.</li> <li>• Correspondence with planning agent 3 December 2019.</li> <li>• Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020.</li> <li>• Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020.</li> <li>• Appeal start date 17 August 2020.</li> <li>• Hearing scheduled 9 February 2021.</li> <li>• <b>Hearing cancelled. Rescheduled to 20 July 2021.</b></li> </ul>

Committee date	Location	Infringement	Action taken and current situation
4 December 2020	Land to east of North End, Thorpe next Haddiscoe	Unauthorised change of use to mixed use of a leisure plot and storage.	<ul style="list-style-type: none"> <li>• Authority given for the service of Enforcement Notices.</li> <li>• Section 330 Notices served 8 December 2020.</li> <li>• Enforcement Notice served 12 January 2021 with compliance date 12 February 2021.</li> <li>• Some clearance commenced. Three month compliance period</li> <li>• Site to be checked for progress.</li> <li>• <b>Progress being monitored. May 2021</b></li> </ul>
8 January 2021	Land east of Brograve Mill, Coast Road, Waxham	Unauthorised excavation of scrape	<ul style="list-style-type: none"> <li>• Authority given for the service of Enforcement Notices.</li> <li>• Enforcement Notice served 29 January 2021</li> <li>• Appeal against Enforcement Notice received 18 February 2021</li> </ul>

Author: Cally Smith

Date of report: 10 May 2021



# Planning Committee

21 May 2021

Agenda item number 9

## Residential Moorings Guide- adoption

Report by Planning Policy Officer

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### Summary

The Residential Moorings Guide is designed to help implement the policies of the adopted Local Plan for the Broads relating to residential moorings. It is designed for decision makers as well as applicants and site owners, with information which is considered to be useful to help make schemes as successful as possible. The first draft guide was subject to public consultation in early 2020, with an amended guide subject to a second round of consultation between September and November 2020.

### Recommendation

To endorse the amended Residential Moorings Guide and recommend it to the Broads Authority for adoption.

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## 1. Introduction

- 1.1. The Residential Moorings Guide is designed to help implement the policies of the adopted Local Plan for the Broads relating to residential moorings. It is designed for decision makers as well as applicants and site owners, with information which is considered to be useful to help make schemes as successful as possible.
- 1.2. The first draft guide was subject to public consultation in early 2020, with an amended guide subject to a second round of consultation between September and November 2020.
- 1.3. This Guide was considered at the February 2021 Planning Committee and endorsed for adoption (see 3.3). Since that time, in liaison with the Environment Agency, there is a proposed change to one of the paragraphs (highlighted in yellow at Appendix 3). This is a technical change, but nevertheless, it seems prudent to bring the Guide back to Planning Committee for any discussion or comment and then endorsement for referring to full Authority for adoption.

## 2. Consultation responses

- 2.1. The responses we received on the first version are at Appendix 1. Some of these comments resulted in changes to the Guide. The Guide was then consulted on for a

second time and the responses received are at Appendix 2. Again, some of the comments have resulted in amendments to the Guide.

### 3. Navigation Committee, Boat Safety Management Group and Planning Committee (earlier in 2021)

- 3.1. A similar report to this was presented at the January 2021 Navigation Committee. No comments were made on the document.
- 3.2. Similar information was sent to members of the Boat Safety Management Group in December 2020 and no comments were received.
- 3.3. The Planning Committee has considered all the comments received and resolved to endorse the Guide and recommend it for adoption at their February 2021 meeting. Members discussed the following aspects: The guide is welcomed, but in future we should look into going further in relation to houseboats as they can be well designed (like the Netherlands or in Seattle) and respond to a need. There may be some suitable areas in the Broads for houseboats. *These comments are noted and we are starting to review the Local Plan for the Broads and houseboats/floating buildings/can float buildings could be an area that we look into.*

### 4. Final version for adoption

- 4.1. The proposed amendments to the final guide for adoption are shown at Appendix 3. Additions are blue underline with removals being red strikethrough. Please note that the marked changes are as a result of the second consultation and the changes as a result of the first consultation have been 'accepted' and are not marked up. Therefore, the only changes marked at Appendix 3 are as a result of the second consultation.
- 4.2. As mentioned at 1.3, a change has been made since the Guide was discussed at Planning Committee in February 2021. The Environment Agency refined their advice and text has been amended – relating to houseboats. The paragraph is highlighted in yellow.
- 4.3. The Residential Moorings Guide is recommended for adoption.

### 5. Financial implications

- 5.1. We will advertise the adoption in the press, along with the adoption of the Peat Guide and consultation on the Marketing and Viability Guide. This could cost around £400.

Author: Natalie Beal

Date of report: 30 April 2021

Appendix 1 – Responses to first consultation

Appendix 2 – Responses to second consultation

Appendix 3 – Final Draft Residential Moorings Guide – for adoption with changes marked

Appendix 1 - Draft Residential Moorings Guide - responses to first consultation

Ref	Name	Organisation	Comment	BA response	Amendments
#1	Trevor Warren	-	In the Draft, there are references to preserving/enhancing the local area amenity and character; e.g., lines 312 - 314 in Appendix A. I wonder if noise and light pollution have been sufficiently stressed. Section 6, line 127, refers to noise from generators; there are plenty of other source such as boat maintenance and normal social life. Similarly,	Comment noted. The Local Plan for the Broads has a policy on amenity which would be used to determine applications, but agree that there needs to be better mention of other sources of noise.	This could cover aspects such as generators, when engines will run and generally any noise that could be considered a nuisance <a href="#">such as boat maintenance and generally socialising at unsociable hours.</a>
#2	Trevor Warren	-	Section 9.1, line 178, mentions light pollution from generators. More significant might be general safety lighting required in a quayside setting. Both these conditions are made more conspicuous in a peaceful broads location.	Comment noted. The Local Plan for the Broads has a policy on dark skies which would be used to determine applications, but agree that there needs to be better mention of light pollution.	<a href="#">9.1.8 Light pollution</a> <a href="#">Schemes for residential mooring may include lighting. But sites for residential moorings may be on the fringe of settlements, where there is a transition from urban to rural and so the impact of lighting may be significant. The Authority also seeks dark waterways to protect the wildlife in the area. The need for such lighting needs to be justified in line with Local Plan for the Broads policy DM22. If lighting is justified and agreed, then the design needs to ensure no impact on the dark skies of the Broads. The Authority plans to produce light pollution guidance, but in the meantime, the policy requirements of the Local Plan will guide how applications are determined and assessed.</a> <a href="#">Q: How does your scheme address light pollution? How does your scheme maintain dark skies?</a>
#3	Alistair Lipp	-	I am actually not in favour of residential moorings, but considering it is in the plan to have 63, then the proposals suggested seem to be a reasonable way of creating quality moorings.	Response noted.	No change to document.
#4	B J Du Brow	-	In these constrained times we are unable to give any useful comments.	Response noted.	No change to document.
#5	Jeremy Burton	Bungay Town Council	I confirm that the members of Bungay Town Council Planning, Environment and Highways Committee have considered these Documents and have no additional comments to make.	Response noted.	No change to document.
#6	Shamsul Hoque	Highways England	No comment	Response noted.	No change to document.
#7	Penny Turner	Norfolk Police	My main concern for residential moorings is potential vulnerability of uninvited access: (The lack, or reduction in perimeter security of a residence (mooring) due to nature of the site (i.e. open access of quay side) may make it vulnerable to ‘attack’ from would be offenders).	See following comments.	See following comments.
#8	Penny Turner	Norfolk Police	The location of residential moorings next to defined a defined development boundary for support of key services, together with the potential lack of ‘usual’ residential perimeter boundaries may open up access opportunities for uninvited visitors – being able to move along the same access routes as genuine users. Therefore it is essential to acknowledge what can be done to prevent would-be offenders entering residential boats. Proposed solutions would be individual to a site and its layout, but I recommend if possible that boatyards/Marinas control access to these moorings via a lockable gate (with resident access only) to the particular quay/boardwalk involved; and that individual boat owners also be aware of further protection/security products designed for boats to increase ‘home’ security. That this information be linked to ‘Helpful links/advice (Section 11).	Comment noted. Security should be considered on a site by site basis. Sites in the Broads tend to be relatively small and many of them are adjacent to other facilities so there tends to be a high level of surveillance. We don't consider that there is a need for the guide to promote this level of security, but we will make reference to security.	New sub section in section 9: <a href="#">You should ensure you consider security at your site. This may already adequately be in place.</a>
#9	Penny Turner	Norfolk Police	Also, the proposed walking route of 800m/10 mins (usable all year round) should were possible be straight and a width of 3m wide, with vegetation maintained to prevent fear of crime (removal of potential hiding places), and to consider lighting if appropriate.	Agreed. Text to be added.	Add this text to the end of section 4: <a href="#">Norfolk Police recommend that the route to the site should, where possible, be straight and have a width of 3m wide, with vegetation maintained to prevent fear of crime (removal of potential hiding places), and to consider lighting if appropriate (taking into account the dark skies policy of the Local Plan and the location of residential moorings).</a>
#10	Penny Turner	Norfolk Police	I support management of sites with rules/terms of conditions, this together with the potential presence of staff would increase guardianship/ownership of area.	Support noted.	No change to document.
#11	Penny Turner	Norfolk Police	Again I support the proposal to provide parking and storage facilities to prevent moorings becoming cluttered.	Support noted.	No change to document.
#12	Penny Turner	Norfolk Police	I recommend that parking spaces be marked to help with correct usage (assists with rule setting) – consider collapsible bollards/chain & lock , and where possible have some capability of surveillance over the area.	Agreed. Text to be added.	Add to 9.5: <a href="#">Norfolk Police recommend that parking spaces be marked to help with correct usage (assists with rule setting) – consider collapsible bollards/chain &amp; lock , and where possible have some capability of surveillance over the area.</a>

#13	Penny Turner	Norfolk Police	With regards external storage facilities, I recommend they are of robust construction with secure locks (e.g. Sold Secure or equivalent). If possible consider fencing off the area (with lockable gate for residents only) to provide an additional layer for what is to be stored within – these items will no doubt be portable with possible value to an offender).	Agreed. Text to be added.	Add to 9.7: <a href="#">Norfolk Police recommend that storage is of robust construction with secure locks (e.g. Sold Secure or equivalent). If possible consider fencing off the area (with lockable gate for residents only) to provide an additional layer for what is to be stored within – these items will no doubt be portable with possible value to an offender).</a>
#14	Penny Turner	Norfolk Police	Post-boxes – there is an increasing rise in crime associated with post delivery so post boxes should be of robust construction with max aperture size of 260mmx40mm and have anti-fishing properties (the examples pictured look good, Secured by Design recommends letter boxes certificated to TS 009).	Agreed. Text to be added.	Will add this wording to section 9.8 in relation to extra facilities: <a href="#">There is an increasing rise in crime associated with post delivery so post boxes should be of robust construction with max aperture size of 260mmx40mm and have anti-fishing properties (Secured by Design recommends letter boxes certificated to TS 009).</a>
#15	Penny Turner	Norfolk Police	As mentioned above, I would like links to boat security to be included, but would wish to consult with my police colleagues on BroadBeat as to which should be included. (1st Principles boat security; BoatShield and Aweigh).  LINK FOR BOATSHIELD (& Outboard Engine Cover) This weblink from Norfolk & Suffolk Police offers advice on boat safety and security, also information about the Boatshield Scheme. <a href="https://www.norfolk.police.uk/advice/roads-and-vehicles/boats">https://www.norfolk.police.uk/advice/roads-and-vehicles/boats</a>  AWEIGH App Thousands of people enjoy the Broads throughout the year and the AWEIGH app has been designed to help those on and around the waterways. <a href="https://apps.apple.com/gb/app/aweigh/id1444444444">apps.apple.com&gt;app&gt;aweigh</a> <a href="https://play.google.com/store/apps/details?id=com.aweigh">play.google.com&gt;store&gt;apps&gt;details&gt;id=com.aweigh</a>  BOAT SECURITY ADVICE - NORFOLK & SUFFOLK POLICE Norfolk & Suffolk Police advice on water safety and boat security: <a href="https://www.norfolk.police.uk/sites/norfolk/files/boatshield_v1.pdf">https://www.norfolk.police.uk/sites/norfolk/files/boatshield_v1.pdf</a>	Agreed. Text to be added.	Add these links to guide.
#16	David Broad	-	Section 3. – I think that continuing to make a distinction between boats suitable for residential moorings and houseboats might become somewhat artificial and unnecessary with the passage of time. (a bit like mobile homes and caravans where the former have residual wheels and tow bar stored underneath but are still classed the same for The Caravan Act/ planning purposes). The BA hung on to this motor and moving thing when the working party initially considered the issue, bit I would suggest it is now unnecessary and that it is the matters of controlling the use and appearance which is common and important to both.	We consider houseboats to be floating caravans or floating sheds on a pontoon and these will be dealt with on a case by case basis. We do not promote or expect these at residential moorings around the Broads. This is set out in the Local Plan.	No change to document.
#17	David Broad	-	Item 7 – Register – It might be helpful and save unnecessary administration and enforcement if the policy stating that guests staying less than, say, 30days, were exempt	It does not seem onerous to write down the details of the person visiting or staying in a register.	No change to document.
#18	David Broad	-	Item 9.3 Pump Out and Sewerage – It could be inviting non-compliance by allowing holding tanks and pump-outs as an alternative to mains drainage. History and experience shows that valves are often used for illegal discharge. There could be a strong planning policy preference for the latter and the register extended for logging genuine pump out occurrences.	Noted. Whilst areas of residential moorings may provide toilets and shower blocks, the boats themselves are probably going to have toilets on them. It is not clear how we can stop that from happening through planning. Because they will have toilets on them, the sewerage and foul water need to go somewhere and that is what we are referring to - the provision on site of somewhere to dispose of foul water. We do have policies that promote the connection to the public sewer network as the preference, as set out in that policy, that the facilities provided for pump out to be connected to the public sewer network. If this is not possible, then we set out a hierarchy for disposal methods and seek thorough justification for the method used. If Mr Broad is suggesting that there should be some kind of mechanism that attaches to the on-board toilets and the like and connects to the public sewer network, then that would be something for the management to address as they plan the scheme. We could add some text to raise the issue of valves and illegal discharge and cross refer to the policy that seeks connection to the public network.	Add this to section 9.3: Toilets on boats may require pumping out or somewhere to empty cassettes. Your marina or boatyard may have a system or process to deal with this already. <a href="#">We would assess this part of the application against policy DM2 and as set out in that policy, attachment to the public sewer network is the preferred approach. When considering how to address foul water, you will need to consider the potential for boats to release foul water directly to the waterbody. The Environment Agency also highlight that there is a byelaw that is relevant to the disposal of sewage from boats within the Broads which makes it illegal for boats to discharge their sewage straight to the rivers.</a>
#19	David Broad	-	Notwithstanding the above, you are to be congratulated in producing such a comprehensive and thoughtful draft policy and I look forward to hearing of its progress.	Support noted.	No change to document.

#20	Judith Davidson	Norwich City Council	I just have one comment / suggested change to make in relation to lines 81-84 of the document: • I would suggest deleting the words “ in theory” from this sentence, and adding to the end “and is consistent with the policies of the River Wensum Strategy, a partnership document adopted by both the Broads Authority and Norwich City Council (and other partners).”	Agreed. Text to be added.	<ul style="list-style-type: none"> <li>• ‘...or is in Norwich City Council’s Administrative Area’</li> </ul> Norwich City Council requested this addition as there are no mooring basins, marinas or boatyards in Norwich; this change now, <del>in theory</del> , allows for residential moorings in the City <u>(subject to the normal planning application process) and is consistent with the policies of the River Wensum Strategy, a partnership document adopted by both the Broads Authority and Norwich City Council (and other partners).</u>
#21	Liam Robson	Environment Agency	We agree that all residential boats must be capable of navigation and so function as a boat, in order for residential moorings to be classed as ‘water compatible’ development. If the boat is non-navigable, such as a houseboat, then they would be classed as ‘more vulnerable’ residential development, and therefore Table 3 of the NPPF PPG would class them as inappropriate to be located in boatyards or mooring basins, as these areas are usually classed as Flood Zone 3b Functional Floodplain. It may be beneficial to include this reason within the explanation as to why the boats on the residential moorings need to be navigable.	Agreed. Text to be added.	Section 3. Add this as last paragraph: <u>The Environment Agency agree that all residential boats must be capable of navigation and so function as a boat, in order for residential moorings to be classed as ‘water compatible’ development. If the boat is non-navigable, such as a houseboat, the Environment Agency state that they would be classed as ‘more vulnerable’ residential development, and therefore Table 3 of the NPPF PPG would class them as inappropriate to be located in boatyards or mooring basins, as these areas are usually classed as Flood Zone 3b Functional Floodplain. The Environment Agency state that they would object in principle to any houseboats as they would be an inappropriate ‘more vulnerable’ development in Flood Zone 3b Functional Floodplain. So houseboats are unlikely to be permitted, unless their proposed location is somehow not classed as Functional Floodplain, which would require the marina or mooring basin to not be at risk of flooding in a 5% (1 in 20) annual probability flood event.</u>
#22	Liam Robson	Environment Agency	Also, the last sentence of Section 3 states that ‘Houseboats are considered to be structures without means of independent propulsion and will be dealt with on a case by case basis due to their potential impact on character of the area’. We would object in principle to any houseboats as they would be an inappropriate ‘more vulnerable’ development in Flood Zone 3b Functional Floodplain, so it may be beneficial to make it clear that houseboats are unlikely to be permitted, unless their proposed location is somehow not classed as Functional Floodplain, which would require the marina or mooring basin to not be at risk of flooding in a 5% (1 in 20) annual probability flood event.	Response noted. That wording is from the Local Plan. But we will add it to the guide.	
#23	Liam Robson	Environment Agency	We support the need for a Flood Risk Assessment (FRA) and Flood Response Plan with all applications for residential moorings. If the FRA and Flood Response Plan proposes refuge within the boat in times of flood then the boat will need to be capable of rising up above the extreme 0.1% (1 in 1000) climate change flood level. The FRA will need to detail what the required height of rise will be and demonstrate that the boat’s mooring can enable it to rise that high without posing a hazard to the occupants of the boat.	Agreed. Text to be added.	Add to section 5: <u>If the FRA and Flood Response Plan proposes refuge within the boat in times of flood then the Environment Agency states that the boat will need to be capable of rising up above the extreme 0.1% (1 in 1000) climate change flood level. The FRA will need to detail what the required height of rise will be and demonstrate that the boat’s mooring can enable it to rise that high without posing a hazard to the occupants of the boat. If the FRA and Flood Response Plan does not propose refuge,</u>
#24	Liam Robson	Environment Agency	If the FRA and Flood Response Plan does not propose refuge, but instead proposes evacuation in advance of a flood, then the FRA and response plan will need to show how the occupants will be able to receive advanced warnings and where they will be able to evacuate to in time. There is always a residual risk of warnings not being received, so the FRA will need to address this risk. The ability to take refuge within the boat, as described above, is a valuable fall-back measure and, if possible, the mooring should be designed to provide this refuge as a precaution, even if the preferred option is evacuation in advance of flooding.	Agreed. Text to be added.	<u>but instead proposes evacuation in advance of a flood, then the FRA and response plan will need to show how the occupants will be able to receive advanced warnings and where they will be able to evacuate to in time. The Environment Agency go on to say there is always a residual risk of warnings not being received, so the FRA will need to address this risk. The ability to take refuge within the boat, as described above, is a valuable fall-back measure and, if possible, the mooring should be designed to provide this refuge as a precaution, even if the preferred option is evacuation in advance of flooding.</u>
#25	Liam Robson	Environment Agency	The LPA and their Emergency Planners will need to ensure that they are satisfied with the proposed residential moorings and the proposed measures to ensure the safety of the future occupants should a flood occur.	Noted. The Broads Authority does not have Emergency Planners in house. It is not clear how the District Emergency Planners are able to assist the Broads Authority. This issue is something that is being looked into currently.	No change to document.
#26	Liam Robson	Environment Agency	Line 131 refers to waste management. We would highlight that there is a byelaw that is relevant to the disposal of sewage from boats within the Norfolk and Suffolk Broads which makes it illegal for boats to discharge their sewage straight to the rivers.	Response noted. Text to be added.	See comment #18
#27	Liam Robson	Environment Agency	It may be beneficial to include the need for Flood Response signs in this section, so that everyone is aware of the flood risk and the actions to take.	Noted. The Flood Risk SPD has recently been updated and applicants would be directed to the FRP guidance in that.	No change to document.
#28	Liam Robson	Environment Agency	9.2 Water The management plans should include details of early consultation with the relevant water company to ensure there is sufficient capacity in their network to supply moorings in that specific location. The abstraction of 20 cubic metres or more a day from either surface or groundwater source would require an abstraction licence. If the chosen site for the additional moorings already holds an abstraction licence, there would need to be consideration of the impacts from additional update as a result of the new moorings.	Agreed. Text to be added.	Add this to 9.2: <u>The Environment Agency are keen to emphasise that applications should include details of early consultation with the relevant water company to ensure there is sufficient capacity in their network to supply moorings in that specific location. The abstraction of 20 cubic metres or more a day from either surface or groundwater source would require an abstraction licence. If the chosen site for the additional moorings already holds an abstraction licence, there would need to be consideration of the impacts from additional update as a result of the new moorings.</u>
#29	Liam Robson	Environment Agency	9.3 Sewage This section should be strengthened by stating that ‘toilets on board will require pumping out’ and if possible it would be beneficial to add – ‘to either an appropriate package treatment plant, a containment tank emptied by registered waste carrier or to main sewer’.	Agreed. Text to be added.	See comment #18

#30	Liam Robson	Environment Agency	<p>Informative – Environmental Permit for Flood Risk Activities</p> <p>An environmental permit for flood risk activities will be needed for any proposal that wants to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a>. Anyone carrying out these activities without a permit where one is required, is breaking the law.</p>	Agreed. Text to be added.	<p>Add this to the end of section 9: <a href="#">Informative – Environmental Permit for Flood Risk Activities</a></p> <p><a href="#">An environmental permit for flood risk activities will be needed for any proposal that wants to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a>. Anyone carrying out these activities without a permit where one is required, is breaking the law.</a></p>
#31	Kate Wood	Pegasus Group on behalf of Crown Point Estate	We welcome the Guide’s intention to provide guidance that builds on already-adopted policy DM37 – New Residential Moorings. We note that this policy is extremely comprehensive in setting out requirements for location and facilities.	Noted.	No change to document.
#32	Kate Wood	Pegasus Group on behalf of Crown Point Estate	The proposed Residential Moorings Guide adds little to the policy, but provides a helpful checklist which would be a useful basis for the planning officer’s consideration of the individual elements requiring consideration.	We would suggest it adds to the policy and elaborates on many parts of the policy as well as many other aspects of a successful residential mooring scheme. But yes, it is also a useful basis as stated.	No change to document.
#33	Kate Wood	Pegasus Group on behalf of Crown Point Estate	We would like to see additional text in relation to management accommodation and the Council’s commitment to engagement with the applicant, particularly at pre-application stage.	We offer a free pre-application advice service. The very nature of our role as a Local Planning Authority means we engage with applicants. Regarding management accommodation, DM38 covers that and refers to residential moorings. DM37 and this guide would then be used.	No change to document.
#34	Kate Wood	Pegasus Group on behalf of Crown Point Estate	Policy DM37 is a relatively self-contained policy. However, there may be circumstances, particularly with larger mooring developments, where the applicant considers that residential management accommodation would be necessary to ensure the moorings are well-managed, maintained and monitored. Such accommodation could, for example, be part of a larger building accommodating post boxes, storage lockers and other facilities.	Noted. If a scheme requires this, then DM38 would be used as would all other relevant policies of the Local Plan and all relevant SPDs and Guides. One point to note however the storage building might be in a high risk flood zone, so accommodation might not necessarily be appropriate there.	No change to document.
#35	Kate Wood	Pegasus Group on behalf of Crown Point Estate	There is no mention in the Guide of the Authority’s pre-application service. We consider this should be included as an option for potential applicants to be aware of. With that option, we request that the Authority includes a commitment to provide advice in a timely manner and stand by its advice unless there have been significant material changes in policy circumstances since the advice was issued. This will enable applicants to have faith in the pre-application system. As you know, pre-application advice, especially when provided in an iterative way, ensures that a proposal can be refined to be the best scheme possible. This ultimately results in greater buy-in from consultees such as Parish Councils and neighbours, a greater likelihood of an efficient and successful application process, and improved development quality when implemented.	Noted. Any advice given on a proposal is as presented and its conformity with current policies. It will remain relevant unless the policy or other material considerations or the details of the application itself change. Pre-application advice is an officer level opinion and given without prejudice.	No change to document.
#36	James Knight	Individual	Although the Guide is presented as a planning document for adoption, the majority of its content falls into the category of helpful guidance for operators hoping to provide residential moorings, and is not directly related to planning.	Noted.	No change to document.
#37	James Knight	Individual	<p>There is an over-riding tendency, both in the policy and in the Guide, to treat residential moorings as materially different to ordinary leisure moorings. In fact, the use of the land is identical - mooring a boat – and the risks are broadly the same, since people live &amp; sleep aboard for many weeks at a time, regardless of whether the boat is their primary residence. The differences from a planning perspective are:</p> <p>a) the fact that the vessel is used as a primary, rather than temporary, residence – which could result in increased demand on local services;</p> <p>b) the fact that residential paraphernalia can accumulate around the moorings, potentially changing the character of the surroundings</p>	The policy treats them as different because the uses are different.	No change to document.
#38	James Knight	Individual	Whilst pleased to have the opportunity of providing input, this Guide ought more properly to be a living document which evolves over time to provide guidance to marina operators – not just as part of the planning process but for promoting ideas and best practice to all operators.	Noted. It will be used for both purposes. We will review guides over time, update and amend and re-consult as required.	No change to document.
#39	James Knight	Individual	The formal consultation process is really designed for strategic planning documents which are adopted for more than a few years, rather than for detailed guidance which, necessarily, should change over time.	The Broads Authority has undertaken consultation on many other guides that are used in planning and intends to produce more guides in future and intends to consult on them as well. We will review guides over time, update and amend and re-consult as required. The purpose of consultation is two fold. Firstly, people may have some really useful comments or observations that will improve the guide or correct it. Secondly, adoption reflects the fact that it has been through this process.	No change to document.
#40	James Knight	Individual	The relevant strategic planning policies for residential moorings are set out in policy DM37. By contrast, this Guide is largely concerned with providing opinions and guidance about current practices and has very little to do with planning.	The purpose of the guide is to provide information to support the policy and requirements and advice that may be useful.	No change to document.

#41	James Knight	Individual	Planning relates to the use and development of land (which includes the land beneath water such as rivers, moorings and basins). The specific characteristics of vessels moored over land will generally fall outside the ambit of planning.	Noted.	No change to document.
#42	James Knight	Individual	Whilst accepting that the definition is set out in the adopted policy, there are still significant grey areas surrounding the meaning of “main residence”. For example: a) Does “main residence” really mean “main UK residence”? If a person lives abroad for 6 months and on their boat on the Broads for 6 months, is this a residential mooring? b) If a person stays on their boat during the summer and in a (UK) house during the winter, where is their main residence?	Noted. This is assessed on a case by case basis.	No change to document.
#43	James Knight	Individual	Since it is the boat itself which is “residential” and not the mooring, and the policy wording ties the mooring to a specific singular vessel, the policy could easily be circumvented by moving boats from one mooring to another every 28 days.	The policy is related to the use of the land.	No change to document.
#44	James Knight	Individual	A more sensible and enforceable future policy might instead want to consider limiting the overall number of moorings which could be used for residential purposes within a given marina or location, rather than trying to define individual moorings as residential - which is essentially impossible.	Noted. There are a number of possible approaches. These can be discussed through the determination process.	See #85.
#45	James Knight	Individual	In reviewing the policy direction, officers ought to consider what it is that they are trying to achieve by drawing distinctions between different types of mooring and by treating residential moorings as some kind of special case.	We will note this as and when the policy/Local Plan is reviewed and seek views during any consultation.	No change to document.
#46	James Knight	Individual	Acceptable location for residential moorings 4.1. This section is simply a summary of the adopted policy and is therefore not open for consultation.	Noted.	No change to document.
#47	James Knight	Individual	The Guide requires mooring operators to detail the technique/method of mooring vessels in the FRA.  It is an established fact of maritime law – and the Broads Authority’s own navigation byelaws – that responsibility for the safe mooring of a vessel lies at all times with the master of a vessel. Broads Authority byelaw 58(1) (moored vessels to be properly secured) refers. Any planning condition which required the landowner to be responsible for the safe mooring of a navigable vessel would fail the NPPF para 55 tests because it would: a) not be relevant to planning; b) attempt to duplicate non-planning controls (the Navigation Byelaws); c) be unreasonable as the landowner could not be expected to exercise the necessary degree of monitoring or control over the master of a vessel; d) be unenforceable by virtue of the above.  It would be perfectly reasonable to ask mooring operators to provide guidance on safe mooring techniques to their customers, but there can be no transfer of responsibility.	The flood risk assessment and flood response plan will more than likely be required early on in the process so they can be used to determine the application. The Local Plan says that the FRA should show how the vessel will be moored so it does not cause issues at times of flooding. The Guide and Local Plan do not require a condition for a site manager to take over the mooring of a vessel; simply to show/discuss/state how, vessels will be checked to ensure the way they are moored will not impact on the vessel and its contents or other boats etc. nearby. It may be that the responsibility of mooring lies with the master, but if a manager of a site sees something that could need improving in terms of mooring a vessel, especially when a flood event is likely/is happening, it seems reasonable that they may discuss this with the master perhaps. The Manager has responsibility for the site and a poorly moored vessel may impact others on the site. It might be, for example, that the applicant simply says that from time to time, and even more so when flooding could ensue, they will check how vessels are moored.	No change to document.
#48	James Knight	Individual	The Climate Change Checklist link on the Guide is broken, and the document does not appear to exist on the Broads Authority website. There is a climate change checklist within Local Plan policy DM9, which I take to be the relevant list. Whilst this is a very useful checklist for new land-based developments, it is hard to see how very much of it could be applied to residential moorings in any practical way – or indeed to moorings more generally.	Will check the link and amend. The Checklist is here: <a href="https://www.broads-authority.gov.uk/__data/assets/word_doc/0009/1603656/Climate20change20checklist20template.docx">https://www.broads-authority.gov.uk/__data/assets/word_doc/0009/1603656/Climate20change20checklist20template.docx</a> and in the Local Plan. It is for the applicant to determine what aspects of the checklist are relevant and could be addressed in their scheme. If they think part is not relevant or does not apply, they have the option of ticking 'nil'.	Check link.
#49	James Knight	Individual	Clearly the existence of a management plan is of benefit to mooring operators, as well as to their residents and other berth holders.	Noted.	No change to document.
#50	James Knight	Individual	What is less clear is why the content of such a management plan could or should be within the ambit of planning. Planning authorities cannot prescribe the way in which businesses or moorings are managed. Management plans are operational documents, written to ensure that a business is run safely, efficiently, profitably and lawfully (including compliance with planning conditions).	The requirement for a Management Plan is in the adopted policy and this guide expands on what a Management Plan could address.	No change to document.



#51	James Knight	Individual	Planning conditions need to relate to planning and pass the NPPF para 55 tests. Amongst other things, they need to be specific, enforceable and not covered by other regulatory regimes. They should only be applied where they are necessary to make an unacceptable development acceptable. They can't simply be "nice to have".	Noted.	No change to document.
#52	James Knight	Individual	Boat safety certificates & insurance are matters for individual boat owners and are covered by the Broads Authority's own boat registration regulations. They cannot be turned into planning conditions imposed upon the mooring operator.	Noted. This is not the intention of the guide.	No change to document.
#53	James Knight	Individual	Similarly, noise pollution is covered by navigation byelaws as well as by district councils who are responsible for environmental protection - including waste management.	Noted. It is also addressed in the Local Plan as part of the Amenity policy, DM21.	No change to document.
#54	James Knight	Individual	Therefore, although the list is useful to an operator in terms of "things to consider", it would be inappropriate for any planning condition to require the existence of a management plan which featured such a list.	Noted and this will be considered on a case by case basis.	No change to document.
#55	James Knight	Individual	7.1. Where a planning condition restricts the number of residential moorings, it will be necessary to keep a register to ensure compliance with that planning condition. 7.2. The nature of the information made available for inspection to the LPA will need to be carefully considered to ensure compliance with GDPR and other privacy laws. It is important for the Broads Authority to consider what information it could require the operator to provide, and the reasons for requiring it.	Noted. The Authority is mindful of the requirements of other legislation.	No change to document.
#56	James Knight	Individual	Council Tax 8.1. This isn't a planning matter and there is no proposal upon which to consult, but it is useful information to provide in a guide.	Noted.	No change to document.
#57	James Knight	Individual	Facilities 9.1. This is all useful guidance and it is helpful to know how other marinas outside the Broads operate and provide facilities. 9.2. It might also be useful to provide details of relevant arrangements at marinas within the Broads, which offer residential moorings.	Noted. This information will be available on the operator's websites.	No change to document.
#58	James Knight	Individual	The questions within this section are posed as consultation queries but are really matters for individual planning applicants to consider. I cannot see how answers to these questions, provided as part of this consultation exercise, could inform the final version of a planning guidance document.	These questions are prompts for the applicant to answer as set out in Appendix D. They will remain as part of the final document. They are not consultation questions.	No change to document.
#59	James Knight	Individual	This Guide should not be considered as a planning document requiring adoption, but rather something to be continuously updated, intended to provide helpful guidance to new and existing residential mooring operators.	The purpose of this guide, like the other adopted guides, is to provide advice and information. It will be updated as required.	No change to document.
#60	James Knight	Individual	Planning (and other) documents from the LPA should not seek to prescribe the operational practices of businesses unless they directly relate to planning and are necessary in planning terms.	Noted.	No change to document.
#61	James Knight	Individual	Planning conditions must be limited to matters which are within the lawful control of the marina operator. They should never require the operator to be responsible for the conduct or actions of boat owners or others. Planning conditions which impose requirements on the operator relating to noise, boat safety, insurance, payment of tolls or mooring techniques would all probably be unlawful.	Noted.	No change to document.
#62	James Knight	Individual	Clarity is required on the nature of personal information which the operator can reasonably be asked to provide relating to individual berth holders.	Noted.	See #96, 97, 98 and 99.
#63	James Knight	Individual	The Guide as it stands is a hybrid document containing a mixture of planning policy, guidance, links, and questions aimed at specific applicants. It isn't capable of being "adopted" in the formal sense.	The purpose of the guide is to provide information to support the policy and requirements and advice that may be useful. By undertaking consultation, we get wider views which will strengthen the document. Adoption reflects the fact that it has been through this process.	No change to document.
#64	James Knight	Individual	The majority of the guidance (as distinct from the policy) is applicable to all moorings (not just residential ones), and the document ought to be re-imagined as a means of providing evolving guidance and best practice for marina operators - rather than seeking to prescribe operational procedures under the guise of planning conditions.	Noted. The suggestion about the potential wider role of the document is noted. But at this point, it is intended to focus primarily on residential moorings.	No change to document.



#65	James Knight	Individual	I am a Fellow of the Royal Institution of Chartered Surveyors and I have lived and worked around the Broads for all of my life. In addition to enjoying recreational boating activities, I have worked in a professional capacity advising on planning matters. During the past 17 years, I have been a Director of three successful Broads tourism businesses, each employing over 60 people, and have engaged with the planning system as an applicant on numerous occasions. One of these businesses includes a marina which operates 10 residential moorings on the southern Broads. 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. My response to this consultation is 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 document.
#66	Hayley Goldson	Chedgrave Parish Clerk	The content of Marketing and Viability Supplementary Planning Document (SPD) and Residential Moorings Guide was considered by Chedgrave Parish Council on 7th May 2020. I can advise that councillors support the document as long as the guidelines described in the document are adhered to (particularly in relation to residential moorings).	Support noted.	No change to document.
#67	William Hollocks	Loddon Marina	Can you please give me some background on why these are being proposed as you have just produced an excellent document on the Broads Plan that went through an extensive review by every party and then the Inspector for the Secretary of State and then approved at the highest level of government.	Guides and SPDs provide more detail on certain policies in Local Plans. For example, the moorings and riverbank stabilisation guide that we adopted a few years back and the Flood Risk SPD we soon adopted all provide much more detail than would be appropriate in a Local Plan. Policies in the Local Plan provide the hooks for the guides and SPDs. SPDs and Guides help with the implementation of policies. A Local Planning Authority does not need to produce them, but can do.	No change to document.
#68	William Hollocks	Loddon Marina	With regards the residential moorings there is every kind of boat currently on the Broads many used as residential and the BA already has bye law on this so why are the Planning Department trying to be a dictator on a matter which is under another departments jurisdiction (Lucy). The criteria for our residential moorings is well covered in policy LOD1. Does this mean that every boat that does meet this policy will be excluded from the Broads.	The policies relate to the use of the land, not the use of the boat. The Guide elaborates on already adopted policy (the Local Plan for the Broads was adopted in May 2019).	No change to document.
#69	William Hollocks	Loddon Marina	Can you please confirm that any policy you end up will be approved by the Secretary of State though his Inspector as an approved amendment to your Broads Plan. Without this as far as I can see it will be another attempt by the Planning Dictatorship to control the further deterioration of the business's on the Broads and will not be worth the paper it is written on..	These are not policies. These documents help to implement policies. Guides are not prescribed by regulations, but SPDs are. SPDs have a set procedure (see the regulations: <a href="http://www.legislation.gov.uk/uksi/2012/767/part/5/made">http://www.legislation.gov.uk/uksi/2012/767/part/5/made</a> ) and the Planning Inspector is not part of the process.	No change to document.
#70	William Hollocks	Loddon Marina	By copy of this e-mail to DR Packman, Lucy as the responsible manager for navigation and bye laws on boats and Marie as the boss of the out of control Planning Department I am asking to put a stop to these amendments as it is a complete waste of money and has no justification to be in the public interest.	Noted	No change to document.
#71	William Hollocks	Loddon Marina	I am more than happy to start a campaign of getting support not for comments to the policies but to get them stopped. We are happy to lobby every Parish Council, BA members, Councils, MP's etc. I have also copied Mr Tarry as he is working with various parties to contribute to the consultation process.	Noted. But guides and SDPs are not policies. They help with the implementation of adopted policies	No change to document.
#72	Thomas Foreman	Thorpe St Andrew Town Council	The Committee welcomed the consultation by the Broads Authority on its Residential Moorings Guide and felt it was a very well-considered document.	Support noted.	No change to document.
#73	Thomas Foreman	Thorpe St Andrew Town Council	The Committee noted the important difference between houseboats and residential moorings, however, it was queried how the policy would apply to mixed sites with both houseboats and residential mooring.	The Local Plan at page 118, second para says that we expect schemes for residential moorings to be occupied by vessels regarded as boats and that houseboats will be dealt with on a case by case basis. That would be the same for mixed schemes, if any were to come forward as a planning application.	No change to document but see rows #21 and 22.
#74	Thomas Foreman	Thorpe St Andrew Town Council	The Committee felt that the management plan was a positive step, particularly with site rules explaining who is resident and how waste will be managed. As part of this section, it was felt the need for an Emergency Evacuation Plan should be included. If safe access for emergency service vehicles is important, it is also important to consider how people might evacuate prior to (or when) the emergency services arrive.	Noted. Access by emergency services would be considered as part of determining the application as per criterion g of DM37.	No change to document.
#75	Alan Wildman	Residential Boat Owners' Association	RBOA is keen to work with the Broads Authority with a view to demonstrating how, with good management controls at site level, residential boaters are of considerable benefit to moorings operators, other berth holders, local communities and the Norfolk Broads as a whole. It is to be hoped that if demand for residential moorings exceeds the 63 already identified, then BA might consider increasing the figure in order to meet that demand.	If applications come forward, they will be determined against the policies of the local plan. The number of 63 is not a maximum and we would not deny applications because we have permitted 63 residential moorings.	No change to document.

#76	Alan Wildman	Residential Boat Owners' Association	Quite apart from the legal requirement and the many general benefits of having water based residents, to Navigation Authorities and to moorings providers, responsible residential boaters are particularly known to provide: • Added security: Not just in terms of property - land dwellers, walkers, boaters and other waterway users often confirm that they feel safer knowing there are people living on the water, close by. • Local knowledge: Visitors to areas where there are live-aboards frequently interact and benefit from the available local knowledge, usually freely given, to enhance the visitors' enjoyment of the region. • Safety: Where there are residential craft moored, by nature usually occupied by necessarily safety aware individuals, others who might get into trouble near, in or on the water have potential assistance immediately at hand.	Noted.	No change to document.
#77	Alan Wildman	Residential Boat Owners' Association	We welcome the distinction between houseboats and other residential craft and would suggest a good, clear description be used to clarify what constitutes those other residential craft. RBOA suggests - traditional in that they would be identified as boats by "the man on the Clapham Omnibus".	The Local Plan described what is expected at these moorings in the supporting text of DM37. Any changes to that wording would need to be as part of the Local Plan review.	No change to document.
#78	Alan Wildman	Residential Boat Owners' Association	It is hoped that planning restrictions on houseboats might be negotiable with the applicants, rather than overly dictatorial, something that could be made clear in The Guide.	The Local Plan is clear that houseboats will be judged on a case by case basis.	No change to document. Also see comments #21 and 22.
#79	Alan Wildman	Residential Boat Owners' Association	Some marinas and boatyards already have on-line moorings. To locate a small number of residential slots in amongst those already existing moorings would impede neither navigation nor access to facilities. Perhaps this could be made clearer in The Guide.	Planning applications will be determined against relevant policies in the Local Plan. Policy SP13 will be relevant and impact on navigation is included on DM37 at criterion d. Again, the policy DM37 sets out where residential moorings will be acceptable and other than in Norwich, that is in marinas or boatyards rather than on line. if the RBOA wish for that to be changed, it is something to discuss as part of the review of the Local Plan.	No change to document.
#80	Alan Wildman	Residential Boat Owners' Association	Some residential boaters have little need for nearby access to most "key" services; for instance, BA acknowledges that many residential boaters are single, perhaps slightly older (without children on board) and/or even fully retired. It is hoped that BA will look favourably on applications for residential berths in areas that are a little remote from such services and could state that fact in The Guide.	The Local Plan for the Broads was adopted in 2019. The policy sets out the requirements for the location of residential moorings and this guide cannot change policy. DM37 is clear about where residential moorings will be deemed acceptable. Indeed, access to services was a key consideration when assessing the allocations in the Local Plan for residential moorings.	No change to document.
#81	Alan Wildman	Residential Boat Owners' Association	Flood Risk and Climate Change BA comments in The Guide are clear.	Noted	No change to document.
#82	Alan Wildman	Residential Boat Owners' Association	RBOA will readily offer advice to operators who may need assistance with creating Management Plans covering "responsible" residential boating. RBOA acknowledges BA's reference to our Association and/or our website and would like to see that reference strengthened within The Guide. RBOA anticipates no commercial benefit from providing such advice.  Follow up: As regards what you might further comment on RBOA, perhaps just a mention that we do liaise with most major Navigation Authorities would suffice - if you agree and feel it appropriate, then all well and good	Agreed, will add the extra wording to the RBOA paragraph.	The Residential Boat Owners' Associations (RBOA). Their website says: 'Established in 1963 the Residential Boat Owners' Association is the only national organisation which exclusively represents and promotes the interests of people living on boats in the British Isles. We represent all those who have chosen to make a boat their home'. <a href="https://www.rboa.org.uk/">The RBOA ensure they liaise with Navigation Authorities like the Broads Authority.</a> <a href="https://www.rboa.org.uk/">https://www.rboa.org.uk/</a>
#83	Alan Wildman	Residential Boat Owners' Association	RBOA acknowledges that clear, strong and fair site management is the key to acceptable live-aboard craft. Good management will encourage responsible site maintenance and preservation of natural habitat and biodiversity. Reference in The Guide to LILO (Low Impact Living Aboard) might be advisable – RBOA can provide guidance in this respect if required.  Follow up: For us, the points we would like to get across are that we (RBOA) are keen to lead operators and customers in the direction of Low Impact Life On Board and, through RBOA, there is a wealth of advice in that respect. Many will hopefully recognise the anachronism (LILO) and seek us out for such free advice.	Agree. Will add reference to LILO.	<a href="#">9.12 Low Impact Life on Board</a> <a href="#">In response to the consultation on this guide, the RBOA were keen to emphasise Low Impact Life On Board and, through RBOA, there is a wealth of advice in that respect. Low impact life on board is an expression from UK waterways boaters who care about the environment.</a>
#84	Alan Wildman	Residential Boat Owners' Association	RBOA believes that boats used as primary residences should not stand out from leisure craft moored in the same vicinities. We would support BA in taking a similar stance and including such advice in The Guide.	The policy and guide seek to influence and guide the moorings and use of land rather than what boats look like. It seems that is will be down to the owner of the boat and management of the moorings.	No change to document.

#85	Alan Wildman	Residential Boat Owners' Association	RBOA believes that moorings operators should have absolute (but reasonable) control of boat placements within their operational sites and would like to see this mentioned in The Guide.	Agreed. Will add text.	Amend section 4 so there are two sub sections - one for geographical location and another for location of residential moorings within a site. Under location of residential moorings within a site add: ' <a href="#">An applicant may want certain specific moorings to be permitted for residential moorings or may want an area to be permitted with a maximum number of residential moorings within that area, to reflect the operations of the marina or boatyard or site. This will need to be discussed and agreed with the Local Planning Authority. It will then be for the operator of the site to control which moorings are used for residential moorings in line with the permission granted. This would then be logged in the register and the approach may be explained in the management plan</a> '.'
#86	Alan Wildman	Residential Boat Owners' Association	It is reasonable to expect that any proposed inspection of moorings operators' records should only be requested with a good reason so to do. Such request should be negotiable with the operator, which fact should be made clear in The Guide.	Noted. See #96, 97, 98 and 99.	See #96, 97, 98 and 99.
#87	Alan Wildman	Residential Boat Owners' Association	RBOA has extensive experience of Council Tax issues; again RBOA would be happy for The Guide to refer to our Association and/or our website for advice.	Agreed. Will add text.	At section 8 add: ' <a href="#">and the RBOA also have information on Council Tax: https://www.rboa.org.uk/q-a/</a> '
#88	Alan Wildman	Residential Boat Owners' Association	Some facilities which may not be available “on site” but are available just a short cruise away from base are perfectly acceptable to many live-aboards. This is often the case on other waterways. RBOA suggests that point be clearly made within The Guide. We believe it reasonable to acknowledge that many live-aboard requirements, such as laundry, clothes drying, storage, etc. are often fully catered for within the confines of the craft (boat) itself. Moorings operators might be advised, via The Guide, that such a requirement could be part of their own Management Plan.	The guide is clear in that it says the section relating to facilities are things that an operator may wish to make available. It gives examples and case studies. The elements of this section tend to relate to policy criteria and so the application will need to show how they are addressed. It is up to the operator to consider how the needs of those living on their boats will be catered for.	No change to document.
#89	Alan Wildman	Residential Boat Owners' Association	Key Messages A good summary.	Noted	No change to document.
#90	Alan Wildman	Residential Boat Owners' Association	Helpful links and where to go to get advice RBOA would encourage emphasis on the fact that we are a wholly volunteer group unlike other (commercial) organisations – our focus is not on RBOA revenue generation, but is solely on achieving our aims, as declared at the head of this response paper – RBOA is dedicated solely to the protection, promotion, universal acceptance and continued development of “responsible” residential boating (living-aboard).	Noted. Consider the reference to the various organisations adequately addressed in the Guide.	No change to document.
#91	Jason Beck	East Suffolk Council	East Suffolk Council, Planning Policy Department has no comments to make on this document.	Noted	No change to document.
#92	Emily Curtis	Loddon Parish Council	Councillors welcomed a management plan for the sites with residential moorings. LPC believes that a management plan would ensure the site was is well managed and will help protect land and boat residents from anti-social behaviour.	Support noted.	No change to document.
#93	Emily Curtis	Loddon Parish Council	Councillors welcomed that consideration is being given to climate change, and agreed that it is important to consider the necessity for a site to have adequate provision for waste, sewage disposal and the prevention of pollution. How will these considerations be monitored?	The ability to meet these requirements will be part of the assessment and form part of planning conditions which are routinely monitored.	No change to document.
#94	Emily Curtis	Loddon Parish Council	Councillors consider it is important that a safety plan for flooding is taken into consideration for the safety of the residents on the boat.	Support noted.	No change to document.
#95	Emily Curtis	Loddon Parish Council	Councillors welcomed the policy regarding the necessity for facilities and services available for residential moorings, it is important for people living on land or water to have access to adequate services and facilities.	Support noted.	No change to document.
#96	Emily Curtis	Loddon Parish Council	Councillors raised concerns over the necessity of a register and have asked why it is necessary for this information to be held by the site owner?	The site owner will log who is on what mooring and whether they are residential moorings or other types of moorings they offer, just like any business would keep records. The Broads Authority would request to see this register from time to time to ensure that only the permitted number of boats are being lived on. It would be for the operator to ensure they kept their register in line with GDPR requirements. This approach is similar to the requirement that holiday accommodation operators have - to keep a log of those who stay, including the time period for periodic inspection by the Broads Authority, again to ensure the accommodation is being used as permitted.	Add some further explanatory text to this section: 7. Register A register of those boats being lived on will be required. The register of who lives on which boat will be maintained at all times and is made available for inspections <a href="#">by the Broads Authority as part of monitoring of conditions set on any permission. The reason for keeping this register is to ensure that only the permitted number of boats are being lived on.</a>
#97	Emily Curtis	Loddon Parish Council	What purpose does holding this register have for site owners?		
#98	Emily Curtis	Loddon Parish Council	Is this retention of register data inline with GDPR and should this information be held securely, and for what length of time the data be stored.		
#99	Emily Curtis	Loddon Parish Council	Why do the Broads Authority need to inspect this register?		
#100	Emily Curtis	Loddon Parish Council	We would note that management of any antisocial behaviour by occupants of residential boats is dependent on the quality of designated site manager and what further control measures could be put in place to help the site manager deal with anti-social behaviour?	Operators will no doubt use a contract that sets out the requirements of staying on a boat at their site, including why and how such contract could be terminated. Perhaps anti-social behaviour may be such a reason for termination of a contract. Also such behaviour can be reported to the police or Council just the same as one would if there was anti-social behaviour from those living in a house on land.	No change to document.

#101	Emily Curtis	Loddon Parish Council	Will the Broads Authority have the power to withdraw a site owners licence to accommodate residential boats in the event of recurrent anti social behaviour?	Planning permission, once granted, cannot be revoked like a licence might be. Anti-social behaviour by those living on their boats will be down to the management of the site. Anti-social behaviour will be dealt with in the same way it will be dealt with in any other sort of housing.	No changes to document.
#102	Rachel Card	NSBA	The Norfolk and Suffolk Boating Association (NSBA) thanks the Broads Authority for the opportunity to participate in consultation on the above planning policy guide. The NSBA has no comment to make with regard to the advice and policies in this document.	Noted.	No change to document.
#103	Paul Harris	SNDC and BDC	I note that the document is referred to as a Guide, and whilst it is expressly ‘designed to help implement the policies of the Local Plan’ and seeks to elaborate on the adopted Broads Local Plan Policy DM37 - New Residential Moorings, it does not appear that you intend to adopt the Guide as a Supplement Planning Document, with the status which that confers.	Correct. We have a few other guides as well: <a href="https://www.broads-authority.gov.uk/planning/planning-permission/design-guides">https://www.broads-authority.gov.uk/planning/planning-permission/design-guides</a>	No change to document.
#104	Paul Harris	SNDC and BDC	Overall the Guide contains a range of useful information; however, at various points throughout the document, it is not entirely clear what issues the Broads Authority consider to be material to determining planning applications, and what is useful background information. The document could give the impression that a significant amount of information will be required to support a planning application, where this may not actually be the case.	The purpose of the guide is to provide information to support the policy and requirements and advice that may be useful.	No change to document.
#105	Paul Harris	SNDC and BDC	Section 5 – Flood risk and Climate Change The aims of this section, to ensure that safety considerations are assessed as part of any Flood Risk Assessment and Flood Response Plan, are supported. The Guide relates this section to Local Plan Policies DM5 and DM37, but it is not clear how much of the suggested information would actually be required to support a planning application; if this information is being required for planning purposes, consideration needs to be given as to (a) how requirements will be monitored, (b) whether they are enforceable under planning legislation and (c) whether they might already be covered by other legislation.	This section generally copies over text from the Local Plan. However amendments following this consultation, as detailed at #23 and #24 provide greater detail. Also see response to #47.	See #23, 24 and 47.
#106	Paul Harris	SNDC and BDC	Section 6 – Management Plan Whilst it could be useful to condition a management plan as part of any planning permission, the list of issues covered would appear to extend beyond those related to the planning aspects of development; for example, conditioning a management plan that incorporates the ‘site rules’ or ‘terms and conditions’ could be requiring information that is largely concerned with non-planning issues. In addition, a number of the issues the Guide suggests the management plan could cover would appear to be seeking/requiring a level of detail that would not be required for a more regular residential development, even where that development has shared/communal/public space – the Guide does not make it clear why this level is required, and how it might be used to enforce a planning condition.	The points made are noted. And it is accepted that there is a level of detail set out in the guide, and required to help assess a planning application and this level of details goes beyond that which would be requested for a land based dwelling. However, as a unit of accommodation, residential moorings are different. Facilities required aren’t routinely provided on sites which may be used for residential moorings (e.g. waste, pollution prevention, electricity) so we need to see how they will be provide. And there is a level of risk for example from drowning which is not usually present with bricks and mortar accommodation. The purpose of the guide is to prompt people to think about these things.	No change to document.
#107	Paul Harris	SNDC and BDC	Section 7 – Register Again the Guide does not make it clear why a register of who lives on each boat is required for residential moorings (as opposed to a register of the moorings themselves), this would only seem relevant if the Broads Authority was applying specific occupancy conditions to a site; however, this is not clear from the Guide.	Noted. See #96, 97, 98 and 99.	See #96, 97, 98 and 99.
#108	Paul Harris	SNDC and BDC	Section 8 – Council Tax It is useful to highlight need to speak with relevant Local Authorities regarding Council Tax, although it may be worth highlighting that this does not affect the planning decision on a particular site.	This section gives information and provides links to find out more as well as advising operators to contact the relevant district. There is nothing in the text to say that we require the applicant to do something.	No change to document.
#109	Paul Harris	SNDC and BDC	Section 9 – Facilities This sets out a useful checklist for site providers. Again, what is not entirely clear is which of these issues could be material to any decision on a planning application e.g. car parking, or amenity space provision and which provides useful sources of background information e.g. methods of potable water supply.	Section 9.1 to 9.8 relate to topics quoted in the policy. The section is also quite clear in that it uses some examples from elsewhere, but to discuss the approach favoured by the operator with the Broads Authority. 9.9 refers to other facilities/extras to consider.	No change to document.

#110	Paul Harris	SNDC and BDC	In conclusion, the document contains a lot of useful information for the providers of residential moorings. By linking the document closely to adopted Local Plan Policy DM37, it gives the impression that the Guide is setting out the information that will be required to determine planning applications under that policy; however, in some instances this appears not to be the case. As such, it would be useful if the document were more clearly structured to emphasise that information which might be used to determine a planning application, and that information which is a useful resource to site providers about good practice and achieving the best quality of provision.	This is a summary comment and the issues raised have been addressed in previous comments.	See previous comments.
#111	Paul Fletcher	Beccles Parish Council	I realise that I have missed the deadline for responses on the above document, ( Neighbourhood Plan and Beccles Society have taken up too much of my time). Nevertheless, I thought that you might like to know that we felt that it was a very comprehensive all encompassing document and we had no adverse comments to make.	Support noted.	No change to document.

Appendix 2 - Revised draft Residential Moorings Guide - responses to second consultation

Ref	Name	Organisation	Comment	BA response	Amendments
#1	Philip Linnell	Individual	I thought the Guide very conclusive and well written. There are a few additional considerations that have come to light due to our situation:	Noted. General support welcomed.	No change to Guide.
#2	Philip Linnell	Individual	1. Insurance – I have seem more sunken residential boats that non-residential. I would suggest that the proposed boats register also contains insurance details, and this is also managed by the moorings manager. The Guide does refer to a specific policy for residential boats, you may want to consider specifying what specific events the insurance must cover.	The Guide does refer to insurance - at section 6 i and section 11. During the previous consultation, a respondent stated that reference to insurance should be removed, as it is not a planning issue. So to have the reference we do strikes a balance between that respondent's view and Mr Linnell's.	No change to Guide.
#3	Philip Linnell	Individual	2. Waste – the Guide is conclusive, however in the HOR6 site there would be no direct link to the mains waste service. The immediate neighbour is connected via a pump which he maintains himself. Your guide does not quite cover the scenario of the maintenance of a pumped waste collection facility.	Noted. All planning applications are assessed against all relevant policies of the Local Plan. In the Local Plan, the issue of foul water is addressed at policy DM2 (referenced in the Guide at line 249). We also have a joint position statement with the Environment Agency, Anglian Water and North Norfolk District Council that essentially prevents any development that results in more foul water to the Water Recycling Centre near Horning (Knackers Wood), until such time as the capacity of the Centre has improved. That is why HOR6 is scheduled for after 2024 after which is hoped the capacity issues will have been addressed.	No change to Guide.
#4	Philip Linnell	Individual	3. Fire Access – there needs to be an area large enough for a fire engine to turn around. I am not sure of when this stipulation is required, however there needs to be reference to fire access. I have seen a boat burn and it is pretty frightening.	Noted. The Local Plan adopted policy on residential moorings refers to emergency vehicle access at criterion g. As background, when this policy was being examined by the Planning Inspector, in response to comment by Thorpe St Andrew Town Council, who called for more text in this regard, the Inspector concluded the wording was adequate. When we review the Local Plan, we will look into if this wording can be improved. Turning to the guide, at line 310, there is reference to fire evacuation.	No change to Guide.
#5	Philip Linnell	Individual	4. Flooding – how far should the mooring be from the nearest dry land in the event of flooding? Is it easily reachable?	Noted. The actual residential moorings policy has a section in the supporting text relating to flood risk which sets out the various requirements. One of the issues that any application needs to address is the need for a flood response plan. There is information in the Guide about the issue of refuges. Also, any application would need to address the requirements of the recently adopted Flood Risk Supplementary Planning Document. We therefore consider the issue of flood risk adequately covered in the planning policy documents.	No change to Guide.
#6	Philip Linnell	Individual	5. Road access – although not really a planning issue, the land owner should ensure that there is sufficient right of way provision for this change of use.	Residential Moorings are the same as any other development in that we would expect the site plan to show that there is access to the public highway.	No change to Guide.
#7	Philip Linnell	Individual	6. Sound Nuisance – the Guide covers the boat owners creating noise, but not them suffering from noise already coming from the surrounding area. For example Horning Sailing Club start sailing early on Sundays all year around, have noisy children’s sessions, fire guns and hold late night parties, with their only access bridge very near to the proposed moorings. A check for noise and other existing disturbances (like busy roads) should be part of the suitability check.	Noted. As part of assessing any planning application, we consider the issue of Amenity. See policy DM21. So existing land uses will be considered in that assessment. I do note however that the proposed site for residential moorings at Horning is a similar distance from the sailing club as the dwellings like Heronshaw and Romany. Finally, the guide refers to amenity at lines 178, 509.	No change to Guide.
#8	Sarah Luff	LLFA, Norfolk County Council	In section 3 of the report, there is a discussion on the Environment Agency’s consideration of the flood risk vulnerability classes for houseboats and boats. Please can you clarify whether this perspective is a national or local perspective? In addition, please can you confirm what the supporting documentation is?	We asked the EA for their thoughts. They responded saying 'Planning law about residential moorings (including vulnerability classification) for boats is complex. Marinas are classified in the PPG as 'water compatible', but there is less certainty over moorings outside marinas. Generally it is considered that residential boats that are navigable are water compatible, however it is up to the LPA to make the final decision. The consideration of non-navigable houseboats as more vulnerable was a local opinion based on our understanding of the NPPF and PPG. It is the responsibility of the Broads Authority to determine the vulnerability classification of non-navigable houseboats. However it is acknowledged by internal EA guidance that purpose-built floating structures that cannot be used for navigation (e.g. floating mobile homes or chalets) are often attached to pontoons and therefore more susceptible to being damaged and swept away in a flood. This places their occupants and others at greater risk. If houseboats are to be sited in Flood Zone 3b then they would be considered an inappropriate development type unless they are classed as either water compatible or essential infrastructure. The only type of residential development that is classed as water compatible in the PPG is ‘ancillary accommodation for staff involved in water compatible land uses that are compatible with Flood Zone 3B’. So the LPA should take this into account when making their decisions on vulnerability'.	No change to Guide.

#9	Sarah Luff	LLFA, Norfolk County Council	<p>In section 5 of the report, the documentation introduces the need for a Flood Risk Assessment and a Flood Response Plan. However, there is no mention in this section of the supporting guidance on the preparation of these documents. Please ensure the inclusion of links to:</p> <ul style="list-style-type: none"> <li>• The Environment Agency guidance on the preparation of a Flood Risk Assessment - <a href="https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications">https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications</a> and <a href="https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3">https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3</a></li> <li>• The Environment Agency's guidance on climate change for flood risk assessments - <a href="https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances">https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances</a></li> <li>• The LLFA's Developer Guidance - <a href="https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers">https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers</a></li> <li>• The latest ADEPT guidance on emergency flood plans for new development - <a href="https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019.pdf">https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019.pdf</a></li> </ul> <p>These links will need to be referenced in other sections throughout the report to ensure the reader or developer has every opportunity to understand the requirements.</p>	Noted. We have a recently adopted Flood Risk SPD that includes a template and guidance on producing a flood response plan.	No change to Guide.
#10	Sarah Luff	LLFA, Norfolk County Council	<p>It should be noted that the ADEPT guidance on emergency flood plans for new developments states that “the LPA will have to form an overall view of its adequacy and be satisfied it can be safely and reasonably achieved before determining the planning application. It is not appropriate to defer consideration of emergency planning matters using pre-commencement planning conditions.”</p> <p>In addition, the ADEPT guidance is clear that while the local authority emergency planners are not statutory consultees and have no explicit statutory requirement to approve or deliver Emergency Plans, the Planning Practice Guidance is clear that they should be consulted by the LPA to advise on proposals that have emergency planning implications for flood risk.</p>	Noted. We do not have Emergency Planners and at the moment we are discussing how our district Emergency Planners can be involved in our applications that have a flood response plan. Adept guidance is referred to in our SPD.	No change to Guide.
#11	Sarah Luff	LLFA, Norfolk County Council	<p>Further to this matter, does the Broads Authority have a map of where all the residential moorings are located and whether both a flood response plan and a management plan have been provided for the residential moorings? How will the Broads Authority ensure that these plans remain current?</p>	At the moment, only one scheme is in operation - at Waveney River Centre in South Norfolk. Permitted on appeal, before the policy of residential moorings was adopted. A condition on that permission was the production of a flood response plan. This was completed in 2018. Another scheme has been permitted - at Marina Quays in Great Yarmouth. The flood response plan formed part of the flood risk assessment and the scheme was approved. Regarding reviewing the flood response plan, this is mentioned in the guidance in the recently adopted Flood Risk SPD.	No change to Guide.
#12	Sarah Luff	LLFA, Norfolk County Council	<p>In section 5, line 143 to line 155, it is indicated that the Environment Agency have stated particular requirements of the FRA and mooring requirements during a time of flood. However, there is no reference as to where these stated Environment Agency requirements/guidance is derived from. Please can you include a reference in the revised version of the guide?</p>	<p>We asked the EA for their thoughts. They responded saying 'In terms of the Flood Risk Assessment requirements, the FRA should include information on;</p> <ul style="list-style-type: none"> <li>• The nature of the flooding in the proposed location and the impact it could have on the development and its users</li> <li>• What needs to be done to ensure it is safe in the event of flooding in the proposed location in the context of its users</li> <li>• What needs to be done to ensure the floating structure will be adequately secured in the event of a flood in the proposed location, considering the risk if the proposed development becomes mobile in the event of a flood (for example, if downstream of the location there are bridges, if the structure became mobile it could cause a blockage and increase flood risk elsewhere)</li> </ul> <p>It is a key policy of the NPPF that occupants should be safe in a flood, and that an extreme (0.1%) flood can be managed through evacuation in advance of a flood. Paragraph 40 of the NPPF PPG states 'To demonstrate to the satisfaction of the local planning authority that the development will be safe for its lifetime taking account of the vulnerability of its users, a site-specific flood risk assessment may need to show that appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event'. It also states that 'Proposals that are likely to increase the number of people living or working in areas of flood risk require particularly careful consideration, as they could increase the scale of any evacuation required. To mitigate this impact it is especially important to look at ways in which the development could help to reduce the overall consequences of flooding in the locality, either through its design (recognising that some forms of development may be more resistant or resilient to floods than others) or through off-site works that benefit the area more generally.</p>	Following discussions with the EA, no changes required to the Guide.

				<p>Consequently we consider that it is preferable if the occupants can be safe within the development in the event of an extreme flood, to reduce the consequences of flooding in the locality and the reliance on prior evacuation. Therefore we prefer new more vulnerable development, such as dwellings, to have a refuge as a fall back measure should flood warnings not be received in time for evacuation, although we do advise that it is the LPA and Emergency Planner's role to ensure safety of occupants in absence of safe access and/or refuge and to determine whether the proposed Flood Response Plan can manage the safety of the occupants. Therefore we consider that similar requirements apply here as there will be people living on the residential boats. It is preferable for the residential boat to be able to rise high enough to provide refuge in the extreme event, should flood warnings not be received in time, to provide a fall back safety measure. If this refuge was not provided, then it would be up to the LPA and Emergency Planner to determine whether the development would be safe without a higher refuge.</p> <p>Also paragraph 060 if the NPPF PPG states that 'The first preference should be to avoid flood risk. Where it is not possible, a building and its surrounds (at site level) may be constructed to avoid it being flooded (e.g. by raising it above the design flood level).' While a residential boat might not be a building we consider that the same principles apply so the boat should be able to raise up so that it is not at risk of flooding from a design (and ideally extreme) flood'.</p>	
#13	Sarah Luff	LLFA, Norfolk County Council	In addition, the outcomes of the FRA need to be included in all aspects of the application from facilities location to flood resilient and resistant design.	Noted. The Flood Risk SPD, recently adopted, will be of relevance.	No change to Guide.
#14	Sarah Luff	LLFA, Norfolk County Council	Furthermore, in this section the notation of the flood events could be clearer. Please review and update how these are noted. For example, currently the text states "0.1% (1 in 1000) climate change flood level" which would be better written as "0.1% AEP (1 in 1,000 year) plus climate change", where AEP stands for Annual Exceedance Probability.	We asked the EA for their thoughts. They responded saying 'We agree that 0.1% AEP (1 in 1,000 year) plus climate change would be a better wording, and apologise that AEP or annual exceedance probability was missed out from our previous comments'.	Amend the wording to reflect the comment.
#15	Sarah Luff	LLFA, Norfolk County Council	Currently, the guide presents climate change as an isolated issue from flood risk and the proposed development management. Fundamentally climate change adaption and allowances should be integrated within all aspects of designs and developments for use in the future. The application of climate change allowance within flood risk assessment and design is compulsory to represent the future scenario. Therefore, please can the climate change check list be integrated within all aspects of the design and management requirements for residential moorings? For reference, this approach is in line with the developments on land within the county.	The climate change checklist is from the Local Plan which was adopted in May 2019. Other policies in the Local Plan will apply to schemes as well as the Flood Risk SPD. Both the Local Plan and SPD refer to a climate smart approach to development. The SPD also refers to the allowances.	No change to Guide.
#16	Sarah Luff	LLFA, Norfolk County Council	<p>Within both section 6 and 9, there is initial guidance regarding the requirement for storing waste, however there is no guidance on the consideration to pollution and water quality management in flood risk areas should be given during periods of high flows. Please can further information on this matter be included on the guidance?</p> <p>Follow up: We agree that the matter of the consideration to pollution and water quality management in flood risk areas should be given during periods of high flows is not just relevant to residential moorings. We would suggest that if you have guidance that applies to all sites that you cross reference to the relevant guidance within this (and others) guide as appropriate. Regarding noise, it is more a point of raising inconsistency within the guidance document. If it is raised as a specific concern associated with residential moorings, then it is appropriate to provide guidance even if it is only a cross reference to other guidance.</p>	Make change	Make change to section 6 and 9 to refer to location of waste storage near to water.
#17	Sarah Luff	LLFA, Norfolk County Council	The information in section 6 and 9 appears to be interlinked with section 9 looking at the policy and section 6 looking at the management plan. The section stating the policy would normally be presented first in a guidance document, then naturally lead to the section with the management measures relating to the policy. We would suggest that section 9 should come before section 6 or even for the two sections to be combined.	We are content with the order of the document.	No change to Guide.
#18	Sarah Luff	LLFA, Norfolk County Council	In section 9, the policy extract that is provided does not cross reference either internally or externally to the document. Please can this be addressed.	We will remove policy. It was useful for when consulting on the Guide, but reference to the policy in the final document is considered adequate.	Remove policy from guide and cross refer to Local Plan.



#19	Sarah Luff	LLFA, Norfolk County Council	The guidance document notes the importance of being able to provide a power supply to reduce pollution and noise issues, yet no mention of renewable energy facilities is made or encouraged within the guide. Please can further information and suitable cross referencing to other policy documents be made within the guide?	We do not have a policy relating to renewable energy for residential moorings. We do have a general renewable energy and energy efficiency policy in our recently adopted Local Plan (section 16 of the Local Plan). We could add reference when we refer to low impact living.	Add reference to renewable energy and our local plan policy: <a href="#">9.3.4 Renewable/low carbon energy</a> <a href="#">An operator may wish to consider renewable/low carbon energy.</a> <a href="#">The Local Plan for the Broads has policies relating to this: see page 64 of the Local Plan for the Broads.</a>
#20	Sarah Luff	LLFA, Norfolk County Council	With regard to the water supplies and the discussion on the Environment Agency's regulation of abstractions, the inclusion of a link to the Environment Agency's abstraction guidance would be useful to the readers.	Asked the EA for their guidance. They said they are not aware of a particular guide itself but that we could include guidance within the supporting text for applying for a licence here <a href="https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence">https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence</a> or managing a licence here <a href="https://www.gov.uk/guidance/manage-your-water-abstraction-or-impoundment-licences-online">https://www.gov.uk/guidance/manage-your-water-abstraction-or-impoundment-licences-online</a>	Add links to text at 9.1.2
#21	Sarah Luff	LLFA, Norfolk County Council	<p>The sewerage provision is a requirement at the proposed residential moorings. As these provisions are likely to be located in an area at flood risk, further guidance and appropriate cross references should be included with in this guidance to consider operation and pollution prevention during high flow conditions and flood events.</p> <p>Follow up: We agree that the matter of the consideration to pollution and water quality management in flood risk areas should be given during periods of high flows is not just relevant to residential moorings. We would suggest that if you have guidance that applies to all sites that you cross reference to the relevant guidance within this (and others) guide as appropriate. Regarding noise, it is more a point of raising inconsistency within the guidance document. If it is raised as a specific concern associated with residential moorings, then it is appropriate to provide guidance even if it is only a cross reference to other guidance.</p>	Asked the EA for their guidance. They said that 'in terms of covering flood risk off you could highlight that a Flood Risk Assessment may be required for these facilities. A permit will also be required for any development within 8m of the main river. You could reference that the sewerage provision for the residential moorings must have adequate pollution prevention measures in place at all times (and that would also cover any flood events)'.	Add text about flood risk assessments to section 5. Text about 8m is already in guide, so not change. Add text to 9.1.3 in relation to pollution prevention.
#22	Sarah Luff	LLFA, Norfolk County Council	Within the guidance document, there was an initial mention of noise within the guidance as a consideration, however, no further guidance was then provided on how to manage and address the issue. Please can further information and suitable cross referencing to other policy documents be made.	Whilst noise is a consideration, marinas and boatyards are areas where work is taken place, so those living on boats in those areas should expect a certain level of noise. We already refer to the amenity policy so noise pollution is a consideration. We would expect the terms and conditions the are signed up to by someone living on a boat at a marina or boatyard to have a clause relating to noise.	No change to Guide.
#23	Sarah Luff	LLFA, Norfolk County Council	The guidance indicates the provision of amenity space and landscaping is necessary, although it should be noted that any development of facilities should not reduce the flood storage capacity of the floodplain or impede flood flow routes. Further information regarding flood storage compensation and assessment is available in the LLFA's developer guidance.	Noted and agreed. Will amend text.	9.1.6 Amenity space and landscaping The Amenity policy of the Local Plan (DM21) requires schemes to provide a 'satisfactory and usable external amenity space to residential properties in keeping with the character of the surrounding development'. It may also be appropriate to provide landscape enhancements of the land associated with the Residential Mooring to improve the amenity of the area in connection with the development. <a href="#">Please note that development of facilities should not reduce the flood storage capacity of the floodplain or impede flood flow routes</a>
#24	Sarah Luff	LLFA, Norfolk County Council	In addition, there may be the need for ordinary watercourse consenting depending on the status of the watercourses involved. Further information is available online at <a href="https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management">https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management</a> . The LLFA observes that information is provided on the Environment Agency's environmental permitting for flood risk activities however, no information is presented regarding the need for consenting on ordinary watercourses. Please could the guide include suitable mention and reference on these matters?	Noted and agreed. Will amend text.	9.3.1 Informative – <a href="#">Permits</a> <del>Environmental Permit for Flood Risk Activities</del> An environmental permit for flood risk activities will be needed for any proposal that wants to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a> . Anyone carrying out these activities without a permit where one is required, is breaking the law.  <a href="#">Section 23 of The Land Drainage Act 1991 requires applicants who wish to affect the flow of an ordinary watercourse, for instance to culvert, dam, weir or install a headwall into a watercourse, to obtain consent from the drainage board concerned.</a>

#25	Sarah Luff	LLFA, Norfolk County Council	Where new facilities are to be built, there is the potential to increase the area of impermeable surfaces. The LLFA will expect the use of sustainable drainage systems to be included in the proposals to prevent an increase in surface water runoff rate and volume. Further information is available in the LLFA's developer guidance online at <a href="https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management">https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management</a>	Noted and agreed. Other policies of the Local Plan will be used when assessing schemes. Policy DM6: Surface water run-off requires all development proposals will need to incorporate measures to attenuate surface water run-off in a manner appropriate to the Broads. Add reference to surface water in section 5.	At the start of section 9, add: <a href="#">The Local Plan also requires all development to consider and address surface water run off and this may be relevant to your scheme, especially if you plan to provide surfacing that may be impermeable.</a>
#26	Sarah Luff	LLFA, Norfolk County Council	Facilities, such as storage lockers, are presented as possible solutions. Further guidance regarding the design of facilities is required to ensure that proposed structures are designed in a flood resilient or resistant manner. Furthermore, these features should be appropriately secured to prevent excessive movement that could cause blockages downstream should they become mobile.	Noted. We will make that point in the text.	9.1.7 Storage Scheme promoters/operators are required to address storage of residential paraphernalia. Unless a system for storing kit and possessions is put in place, the residential moorings could become cluttered with residential paraphernalia which will alter the character of the area. Norfolk Police recommend storage is of robust construction with secure locks (e.g. Sold Secure or equivalent). If possible consider fencing off the area (with lockable gate for residents only) to provide an additional layer for what is to be stored within – these items will no doubt be portable with possible value to an offender). <a href="#">It is also important that lockers are flood resilient and resistant to ensure that, at times of flood, they are not mobile and do not cause blockages in waterbodies.</a>
#27	Sarah Luff	LLFA, Norfolk County Council	In section 9.3, there is mention of low impact boating, although no further information or guidance is provided. This is a missed opportunity to contribute towards net zero to require and direct developers and boaters towards low carbon or sustainable solutions, such as renewable energy supplies (windmills are intrinsic and historical features of this landscape), sustainable drainage and compensating flood storage areas where landward development would reduce it. Please include further information of how developers and residents can contribute to improving the suitability of their community.	Having consulted the RBOA, there is no guidance per se, it is about living on a boat in a low impact sort of way. It refers to how the person lives on the boat. That being said, we will improved reference to renewable energy as per row number 19 above.	No change to Guide.
#28	Sarah Luff	LLFA, Norfolk County Council	In relation to document structure and presentation there are a number of potential improvements that could be made. The questions and case studies are useful although the way they are structured within the report and their headings is confusing. Please can this be reconsidered and addressed?  Follow up: As previously stated, the questions and case studies provide useful information. However, the as you have eluded the current document structure lacks flow and the location of these sections is means the information could be missed. The question and case study information is intertwined in an unclear way and our suggestion would be to have better separation between the guidance and the case studies. Perhaps there would be merit in having a case studies in boxes.  Further maybe the sub-section title should not be posed as a question to give you more scope to discuss matters of concern within the section.  In addition, you may want to review your document from an accessibility perspective too.	Noted, but we are content with the structure.	No change to Guide.
#29	Sarah Luff	LLFA, Norfolk County Council	The key messages section could be moved to the front of the document and used as a basis to prepare an executive summary.	Key messages - could be at the start of the document, but also acts as a conclusion. Do not intend to have an executive summary as the document is only around 20 pages long.	Move key messages to the start of the document.
#30	Sarah Luff	LLFA, Norfolk County Council	While the links section could be reduced so that all background information could be provided in an appendix and links to national and local policies should be woven into the document.	Regarding links and extra information - noted, but we are content with where it is.	No change to Guide.
#31	Sarah Luff	LLFA, Norfolk County Council	We would suggest that the text in lines 363 to 367 should be reconsidered. At present, it lacks strength. For example, the sentence on line 366 and 367 could be improved by being re-written as “We encourage you to contact the Broads Authority to discuss your application prior to submission.”	We consider the text robust and clear.	No change to Guide.
#32	Sarah Luff	LLFA, Norfolk County Council	Regarding the current appendices, some of these could be removed or reduced. For example, Appendix A could be presented as a link within the policy section as only one internal cross referencing to Appendix A has been made in the introduction, therefore it has no function in actively supporting the report. Appendix B is generic information that could be hosted outside of the report and referred to. While Appendix C and D could remain either as appendices (although better internal cross referencing would be needed) or alternatively the checklists could be included within the document text.	Appendix A - will consider removing this as yes, could just cross refer to the Local Plan. Appendix B is something we put in all our consultation documents. It will not be in place in the final version. Appendix C and D - it is appropriate to have these at appendices and it follows the other guides that we have in place.	Remove policy from guide and cross refer to Local Plan. Remove appendix B.

#33	Mark Norman	Highways England	The proposals are unlikely to affect the Strategic Road Network in any way and therefore, we have no comments to make on the proposed guidance.	Noted.	No change to guide.
#34	Liam Robson	Environment Agency	Treatment Hierarchy: We see that in response to our comments about sewerage management, there is now additional text added to explain the treatment hierarchy with a presumption to mains sewer network where possible. There is also text added stating that it is illegal to discharge sewage from boats direct into the river. Thank you for amending this. The new text added covers the points we previously raised, and we have no other water quality concerns	Support noted.	No change to Guide.
#35	Liam Robson	Environment Agency	Flood Risk: We are satisfied with the changes you have made to the original comments we raised in relation to flood risk. We have however added some comments to you in response to the LLFA as you requested as well as those requested for tourism houseboats. Overall, we are satisfied with the changes made to the draft document although you might want to change some of the wording once you have reviewed our response to the LLFA below. As always, please do get in touch should you have any questions.	Noted. See row 14.	No change to Guide.
#36	Paul Harris	South Norfolk DC	Thank you for consulting South Norfolk Council and considering our previous representations on this document. The Council remain of the opinion that the document could still benefit from more clearly emphasising the information that which would be used to determine a planning application, and that which is a useful resource to site promoters about good practice and achieving best quality outcomes. However, we recognise that you have previously considered our representation in this regard and the Council does not wish to add further comments at this point.	Noted.	No change to Guide.
#37	Paul Harris	South Norfolk DC	We note that the guide refers to the requirement for new residential moorings to be within 800m or 10 minutes' walk of at least three key services. We recognise that these distances are specified within the adopted policy but are concerned that these distances may be overly restrictive in a Broads landscape with its inherent physical and natural constraints.	The reference to walking distance from the key services was required by the Inspector to enable more areas to meet the locational criteria. As you rightly point out, that wording is in adopted policy and we cannot change policy through this guide. As and when we review the policy, discussions can be had about the locational criteria.	No change to Guide.
#38	Paul Harris	South Norfolk DC	The Council supports references to ensuring that adequate waste disposal facilities are provided.	Support noted.	No change to Guide.
#39	Paul Harris	Broadland DC	Thank you for consulting Broadland District Council and considering our previous representations on this document. The Council remain of the opinion that the document could still benefit from more clearly emphasising the information that which would be used to determine a planning application, and that which is a useful resource to site promoters about good practice and achieving best quality outcomes. However, we recognise that you have previously considered our representation in this regard and the Council does not wish to add further comments at this point.	Noted.	No change to Guide.
#40	Georgia Teague	Suffolk CC	At Section 5 text in the box under a), reference is made to vessel moorings being too tight or loose and consequences. It would be useful to add that vessels that come adrift from their moorings, either in flood conditions or in normal situations could give rise to an increase in flood risk if they drift and block or create a water flow restriction of a waterway on the Broads.	Noted. We could add this to the Guide as another reason for ensuring the boat is moored well.	Add reference to the potential for a boat to block water flow at times of flood: <a href="#">Regarding a) above, please note that vessels that come adrift from their moorings, either in flood conditions or in normal situations, could give rise to an increase in flood risk if they drift and block or create a water flow restriction of a waterway on the Broads.</a>
#41	Georgia Teague	Suffolk CC	The residential moorings guide mentions that such moorings should avoid impacts on the local landscape character; it also requests storage facilities for residential paraphernalia, to maintain the local character and amenity value. It does not go into any detail.	The approach to storage facilities will be a local site-specific approach, proposed by the operator. We include an image to show how this has been done elsewhere. As for the detail of amenity and landscape, the other policies of the Local Plan will be of relevance.	No change to Guide.
#42	Georgia Teague	Suffolk CC	It is suggested that this document could include further detail as to how landscape will be protected, in order to retain local character.	All relevant policies of the Local Plan will be considered in determining residential moorings schemes, including the landscape section of the Local Plan.	No change to Guide.
#43	Georgia Teague	Suffolk CC	SCC would also like to raise the issue of would landscape be covered by other, standard, policies?	All relevant policies of the Local Plan will be considered in determining residential moorings schemes, including the landscape section of the Local Plan.	No change to Guide.
#44	Georgia Teague	Suffolk CC	As stated in the documents, any new parking provision should follow the local authorities parking guidance. For Suffolk there is no specific mention of mooring, but as they are so few it is not likely that SCC would change the current guidance. It is suggested that this could be covered by making contact with the DM team.	It is noted that there are no parking standards for moorings. Suffolk, as Highways Authority, will be consulted on schemes for residential moorings, in the usual way.	No change to Guide.
#45	Georgia Teague	Suffolk CC	SCC would also note that any new access to the public highway may need planning permission from the Local Planning Authority, and that no work can be done within the public highway and that includes verges and public rights of way without the permission of the highway authority.	Noted. All relevant policies in the Local Plan will be considered and our transport related policy will be of relevance. Suffolk, as Highways Authority, will also be consulted on schemes for residential moorings, in the usual way.	No change to Guide.
#46	Jessica Nobbs	Water Management Alliance	No comment	Noted.	No change to Guide.
#47	Rachel Bowden	Natural England	Natural England has no comments to make regarding the consultation on these guides.	Noted.	No change to Guide.

#48	Rachel Bowden	Natural England	<p>Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.</p> <p>Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.</p> <p>We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <a href="https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice">https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice</a></p>	Generic advice noted.	No change to Guide.
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# Residential Moorings Guide

Adopted xxxx

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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 moorings<sup>1</sup> 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 [page 115 of the Local Plan](#)).

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.

The key messages of this Guide are:

- a) You need to consider flood risk through a flood risk assessment and flood response plan.
- b) You need to consider the impacts of Climate Change.
- c) A management plan is required that details how you will manage the residential moorings. A template is included at [Appendix A](#).
- d) You need to keep a register of those who are living on the residential moorings.
- e) You should contact your District Council to confirm the approach to Council Tax.
- f) You need to provide adequate facilities for those living at the residential moorings. You may already have many of these in place<sup>2</sup>.
- ~~g) There are many permitted residential moorings around the country who have systems in place. They may not necessarily be relevant to the Broads or may not be relevant to your site or may not be how you want to run your site. But they give you an idea of how to do things. We strongly suggest you contact us to talk through your proposed approach in advance of putting it in place.~~
- h) A template to address many of the requirements in the policy and guide is included at [Appendix B](#).

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

<sup>2</sup> [There are many permitted residential moorings around the country who have systems in place. They may not necessarily be relevant to the Broads or may not be relevant to your site or may not be how you want to run your site. But they give you an idea of how to do things. We strongly suggest you contact us to talk through your proposed approach in advance of putting it in place.](#)

## 2. Consultation

~~This version is an amended draft version out for its second consultation. Please tell us your thoughts and suggest any changes you think would make the Guide better and set out your reasons.~~

~~During the first consultation, movement and access to public venues was restricted due to COVID19. We extended the consultation period twice and it ran for many more weeks than originally intended. We also offered the opportunity to request a hard copy of the document. Despite that, we do not think the consultation was adequate so we are consulting a second time.~~

~~This consultation document and consultation process have been developed to adhere to the Broads Authority's Statement of Community Involvement<sup>3</sup>. We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:~~

- ~~• If you wish to discuss the document, you can still call on 01603 610734 and ask to speak to Natalie Beal. You can also contact Natalie Beal to request a video conference appointment to talk about the document.~~
- ~~• No hard copies will be in libraries.~~
- ~~• No hard copies will be in Yare House<sup>4</sup>.~~
- ~~• If you wish to have a hard copy, we can send this to you. This will initially be for free, but if we get many requests, we may have to consider charging for postage and printing. Please contact the number above to ask to speak to Natalie Beal to request a hard copy.~~

~~The second consultation on this document is for 8 weeks from 25 September to 20 November 2020. 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](mailto:planningpolicy@broads-authority.gov.uk).~~

~~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),~~

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<sup>3</sup> Current Statement of Community Involvement is here [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0024/209337/Final-adopted-SCI-formatted-July-2020.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0024/209337/Final-adopted-SCI-formatted-July-2020.pdf)

<sup>4</sup> Whilst this Guide is not a local plan or SPD, we still consult in the same way as we would those documents. The Government recently amended regulations saying that until 31 December 2021, Local Planning Authorities do not need to make hard copies of planning documents available in head offices or other venues.



~~and the Environmental Information Regulations 2004). Please see [Appendix B](#) for the Privacy Notice. We will make your name and organisation public alongside your comment.~~

~~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](mailto:planningpolicy@broads-authority.gov.uk).~~

The Residential Moorings Guide was consulted on twice during the course of 2020. The first consultation ran from 12 March to 24 April 2020. The second consultation ran from 25 September to 20 November 2020. The comments that were received, the Broads Authority's response to the comments and the amendments which comments may have resulted in, can be found here: [xxxxxx <for the purposes of Planning Committee and Broads Authority, the comments are at the appendices to the report>](#)

### 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'.

It goes on to say that 'for the purposes of this policy, it should be noted that there is an expectation that the moorings will be occupied by a vessel of standard construction and appearance and which is conventionally understood to be a boat. For the avoidance of doubt, the policy does not apply to houseboats.

Houseboats are considered to be structures without means of independent propulsion and will be dealt with on a case by case basis due to their potential impact on character of the area'. Of relevance to schemes for houseboats, the Environment Agency have clarified that a body of water is classed as flood zone 3b. Following the NPPG flood risk tables through<sup>5</sup>:

- If used for permanent residential, they would be classed as highly vulnerable (as they are similar to the category of caravans, mobile homes and park homes intended for permanent residential use). Highly vulnerable development is not compatible with flood zone 3b and should not be permitted.
- If used for tourist accommodation, they would be classed as more vulnerable (as they are similar to this category: sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan). More vulnerable development is not compatible with flood zone 3b and should not be permitted.

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<sup>5</sup> Table 2 is Flood risk vulnerability classification: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](#) and Table 3 is Flood risk vulnerability and flood zone 'compatibility': [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](#)

~~The Environment Agency agree that all residential boats must be capable of navigation and so function as a boat, in order for residential moorings to be classed as 'water compatible' development. In response to the first consultation on this document, the Environment Agency went on to say that if the boat is non-navigable, such as a houseboat, the Environment Agency state that they would be classed as 'more vulnerable' residential development, and therefore Table 3 of the NPPF PPG would class them as inappropriate to be located in boatyards or mooring basins, as these areas are usually classed as Flood Zone 3b Functional Floodplain. The Environment Agency state that they would object in principle to any houseboats as they would be an inappropriate 'more vulnerable' development in Flood Zone 3b Functional Floodplain. So houseboats are unlikely to be permitted, unless their proposed location is somehow not classed as Functional Floodplain, which would require the marina or mooring basin to not be at risk of flooding in a 5% (1 in 20) annual probability flood event.~~

## 4. Acceptable location for residential moorings

### 4.1 Where Residential Moorings could be permitted.

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

i) 'Is in a mooring basin, marina or boatyard...'

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

ii) '...that is within or adjacent to a defined development boundary...'

The development boundary could be one of the four in the Local Plan for the Broads<sup>6</sup> or could be set out in the adopted Local Plan of one of our 5 district councils (see below for Norwich City). Development boundaries are areas within which housing (and in this case, residential moorings) are generally supported in principle (but subject to other policies in the Local Plan) because they have good access to key services and are well related to the existing built up area of a settlement.

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

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

- A primary school
- A secondary school

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<sup>6</sup> 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](#)

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

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

- '...and the walking route is able to be used and likely to be used safely, all year round...'
 

The walking route that is 800m or 10 minutes' walk to the key services needs to be available and attractive for use all year round. In practice this will more likely mean surfaced footways rather than rural public rights of ways. This will be judged on a case by case basis in liaison with the Highways Authority. Norfolk Police recommend that the route to the site should, where possible, be straight and have a width of 3m wide, with vegetation maintained to prevent fear of crime (removal of potential hiding places), and to consider lighting if appropriate (taking into account the dark skies policy of the Local Plan and the location of residential moorings). Applications will need to submit supporting information about the quality and experience of the routes used to travel between residential mooring and services.
- '...or is in Norwich City Council's Administrative Area'
 

Norwich City Council requested this addition as there are no mooring basins, marinas or boatyards in Norwich; this change now allows for residential moorings in the City (subject to the normal planning application process) and is consistent with the policies of the River Wensum Strategy, a partnership document adopted by both the Broads Authority and Norwich City Council (and other partners).

It is important to note that applications in Norwich will need to be determined by Norwich City Council and the Broads Authority. Norwich City Council are the Local Planning Authority

for the land. The Broads Authority is the Local Planning Authority for the river. Policies of both adopted Local Plans will be relevant to schemes in Norwich.

#### 4.2 Location of residential moorings within a site/marina/boatyard/basin.

An applicant may want certain specific moorings to be permitted for residential moorings or may want an area to be permitted with a maximum number of residential moorings within that area, to reflect the operations of the marina or boatyard or site. This will need to be discussed and agreed with the Local Planning Authority. It will be for the operator of the site to control which moorings are used for residential moorings in line with the permission granted. The operator will need to produce a management plan (see section 6), and will also need to record the details of the residential moorings in a register (see section 7).

### 5. Flood Risk and climate change

The Authority will require site specific flood risk assessments including a flood response plan<sup>7</sup>. See policy DM5 of the Local Plan for the Broads as well as the Flood Risk SPD<sup>8</sup>.

Whilst the Authority appreciates that at times of flood the boat which is lived in will be already on water and is able to float, the issue is more to do with the risk arising because of flooding in this instance. The supporting text of DM37 identifies some issues that need to be addressed [through a site-specific flood risk assessment that will be required for residential moorings](#).

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

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<sup>7</sup> A guide/template can be found here: [https://www.broads-authority.gov.uk/data/assets/word\\_doc/0032/298850/Appendix-D-Flood-Response-Plan-Guidance.docx](https://www.broads-authority.gov.uk/data/assets/word_doc/0032/298850/Appendix-D-Flood-Response-Plan-Guidance.docx)

<sup>8</sup> See guidance for best practice Broads Flood Risk Supplementary Planning Document: [https://www.broads-authority.gov.uk/data/assets/pdf\\_file/0019/236404/Broads-Flood-Risk-SPD-2020.pdf](https://www.broads-authority.gov.uk/data/assets/pdf_file/0019/236404/Broads-Flood-Risk-SPD-2020.pdf)

damage to other vessels, and to prevent damage to the belongings on board and the boat itself.

Regarding a) above, please note that vessels that come adrift from their moorings, either in flood conditions or in normal situations, could give rise to an increase in flood risk if they drift and block or create a water flow restriction of a waterway on the Broads.

If the FRA and Flood Response Plan proposes refuge within the boat in times of flood then the Environment Agency states that the boat will need to be capable of rising up above the extreme 0.1% (1 in 1000 [year](#)) [plus](#) climate change flood level. The FRA will need to detail what the required height of rise will be and demonstrate that the boat's mooring can enable it to rise that high without posing a hazard to the occupants of the boat. If the FRA and Flood Response Plan does not propose refuge, but instead proposes evacuation in advance of a flood, then the FRA and response plan will need to show how the occupants will be able to receive advanced warnings and where they will be able to evacuate to in time. The Environment Agency go on to say there is always a residual risk of warnings not being received, so the FRA will need to address this risk. The ability to take refuge within the boat, as described above, is a valuable fall-back measure and, if possible, the mooring should be designed to provide this refuge as a precaution, even if the preferred option is evacuation in advance of flooding.

Turning to climate change, you will be required to fill out a [climate change checklist](#)<sup>9</sup>. This identifies various effects that could arise in a changing climate. Flood risk may be one of them, but there are others. Filling out the checklist may help you consider how you run and develop your site in a changing climate. For example, how will you address risks associated with a changing climate? How will you manage high winds as a result of storms for example?

## 6. Management plan

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

The management plan will help ensure the site as a whole is appropriately managed. The management plan will be a condition on the permission given to an application for residential moorings. A breach of this management plan would then be a breach of condition and could be enforced.

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<sup>9</sup> Climate Change checklist: [https://www.broads-authority.gov.uk/data/assets/word\\_doc/0033/259917/Climate20change20checklist20template.docx](https://www.broads-authority.gov.uk/data/assets/word_doc/0033/259917/Climate20change20checklist20template.docx)

It is expected that a Management Plan will cover the following. This list is not exhaustive and there may be other aspects that need to be covered. You may already address these issues in some way on your site.

- a) Site rules and/or terms and conditions.
- b) Noise – expectations relating to noise. This could cover aspects such as generators, when engines will run and generally any noise that could be considered a nuisance such as boat maintenance and generally socialising at unsociable hours. Please note that there is a bye-law that could be of relevance: Byelaw is 85 'Noise Nuisance' of Broads Authority Navigation Byelaws 1995. Local Council guidance on noise would also be relevant and so too will the amenity policy of the Local Plan for the Broads ~~will be of relevance.~~
- c) Waste management – sewerage and rubbish and recycling. Methods for storage and removal need to be clearly identified with particular consideration given to location of storage and proximity to water and the effect of high-water flows.
- d) Management of increased vehicular movements.
- e) Storage provision for residential boaters – bicycles and residential paraphernalia. Details of any storage provision needs to be included. Need to consider the impact on the character of the area.
- f) Details of water safety provisions ~~—see policy in Local Plan and any related guidance produced.~~
- g) Contact details of who to contact if the management requirements of the site are not adhered to.
- h) Detail how the mooring will be managed. For example, who will be the point of contact and will they be on site 24/7 or 9-5 weekdays for example.
- i) State requirements on how vessels will meet the requirements of the bye-laws and legislation for example the need for boat safety certificates and appropriate insurance.

## 7. Register

A register of those boats being lived on will be required. The register of who lives on which boat will be maintained at all times and needs to be made available for inspections by the Broads Authority as part of monitoring of conditions set on any permission. The reason for keeping this register is to ensure that only the permitted number of boats are being lived on.

## 8. Council Tax

The Broads Authority is the Local Planning Authority and does not collect Council Tax.

Residential moorings may be liable for Council Tax. The British Waterways Marinas Ltd (BWML) has produced this information on residential moorings and Council Tax:

<https://bwml.co.uk/council-tax-for-residential-moorings/> and the Residential Boat Owners Association (RBOA) also have information on Council Tax: <https://www.rboa.org.uk/q-a/>.

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

## 9. Facilities, services and other considerations

The policy, DM37, refers to the provision of facilities. This section provides some further information about the facilities and services set out in DM37 and other relevant policies of the Local Plan and how you may wish to make them available at residential moorings.

Policy DM37 says:

- b) Provides an adequate and appropriate range of ancillary facilities on site to meet the needs of the occupier of the residential moorings (for example potable water, wastewater pump out (see j below), and electricity) or provides adequate access to these ancillary facilities in the vicinity of the residential mooring;
- g) Has adequate car parking and makes provision for safe access for service and emergency vehicles and pedestrians;
- i) Makes adequate provision for waste, sewage disposal and the prevention of pollution; and
- j) Provides for the installation of pump out facilities (where on mains sewer) unless there are adequate facilities in the vicinity.

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

[The Local Plan also requires all development to consider and address surface water run off and this may be relevant to your scheme, especially if you plan to provide surfacing that may be impermeable.](#)

### 9.1 Potential ways to address policy DM37 requirements for facilities and services

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

**We also need this kind of information shows on plans with details included in planning applications to help us to assess the application. There is a checklist at [Appendix B](#) that applicants can work through to address the topics raised in this section.**

#### 9.1.1 Electricity



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

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

**Q: How will the electricity unit impact on/add to light pollution?**



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

#### 9.1.2 Water

The Environment Agency are keen to emphasise that applications should include details of early consultation with the relevant water company to ensure there is sufficient capacity in their network to supply water to moorings in that specific location. The abstraction of 20 cubic metres or more a day from either surface or groundwater source would require an abstraction licence from the Environment Agency. If the chosen site for the additional moorings already holds an abstraction licence, there would need to be consideration of the impacts from additional needs as a result of the new moorings. [Details on applying for a licence here https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence](https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence) or [managing a licence here https://www.gov.uk/guidance/manage-your-water-abstraction-or-impoundment-licences-online.](https://www.gov.uk/guidance/manage-your-water-abstraction-or-impoundment-licences-online)

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

### Case Study – Cowroast Marina

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

#### 9.1.3 Sewerage

Toilets on boats may require pumping out or somewhere to empty cassettes. Your marina or boatyard may have a system or process to deal with this already. We would assess this part of the application against policy DM2 and as set out in that policy and connection to the public sewer network is the preferred approach. [The Environment Agency emphasise the need for adequate pollution prevention measures in place at all times.](#) When considering how to address foul water, you will need to consider the potential for boats to release foul water directly to the waterbody. The Environment Agency also highlight that there is a byelaw that is relevant to the disposal of sewage from boats within the Broads which makes it illegal for boats to discharge their sewage straight to the rivers (Water Resources Act 1963, Rivers (Prevention of Pollution) Acts, 1951-1961, BYELAWS Regulating the use of boats fitted with sanitary appliances).

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

### Case Study – BWML moorings

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

#### 9.1.4 Rubbish collection

You will need to address how waste arising from those living on the boats is dealt with, [with particular consideration given to location of storage and proximity to water and the effect of high-water flows.](#) Your marina or boatyard may have a system or process to deal with rubbish already. We recommend that you contact your District/Borough/City Council to discuss waste management.

**Q: How will you deal with rubbish (including recyclable materials) arising from the boats on residential moorings? [Where will you locate the store so it is not affected by high flows?](#)**

#### 9.1.5 Cycle and Car parking

You need to ensure ample car and cycle parking for those who are using residential moorings. Again, you may have car parking or cycle parking on site already. We defer to the parking standards of the relevant district. The standards at the time of adoption of the Local Plan (May 2019) are at Appendix J, page 239, of the Local Plan for the Broads. Norfolk Police recommend that parking spaces be marked to help with correct usage (assists with rule setting) and suggest that you consider collapsible bollards/chain and lock, and where possible have some capability of surveillance over the area.

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

**9.1.6 Amenity space and landscaping**

The Amenity policy of the Local Plan (DM21) requires schemes to provide a ‘satisfactory and usable external amenity space to residential properties in keeping with the character of the surrounding development’. It may also be appropriate to provide landscape enhancements of the land associated with the Residential Mooring to improve the amenity of the area in connection with the development. Please note that development of facilities should not reduce the flood storage capacity of the floodplain or impede flood flow routes.

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

**9.1.7 Storage**

Scheme promoters/operators are required to address storage of residential paraphernalia. Unless a system for storing kit and possessions is put in place, the residential moorings could become cluttered with residential paraphernalia which will alter the character of the area. Norfolk Police recommend storage is of robust construction with secure locks (e.g. Sold Secure or equivalent). If possible consider fencing off the area (with lockable gate for residents only) to provide an additional layer for what is to be stored within – these items will no doubt be portable with possible value to an offender). It is also important that lockers are flood resilient and resistant to ensure that, at times of flood, they are not mobile and do not cause blockages in waterbodies.

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



**Storage lockers at Priory Marina**

**9.1.8 Light pollution**

Schemes for residential mooring may include lighting. But sites for residential moorings may be on the fringe of settlements, where there is a transition from urban to rural and so the impact of lighting may be significant. The Authority also seeks dark waterways to protect the wildlife in the area. The need for such lighting needs to be justified in line with Local Plan for the Broads policy DM22. If lighting is justified and agreed, then the design needs to ensure no impact on the dark skies of the Broads. The Authority plans to produce

light pollution guidance, but in the meantime, the policy requirements of the Local Plan will guide how applications are determined and assessed.

**Q: How does your scheme address light pollution? How does your scheme maintain dark skies?**

## 9.2 Other facilities/extras

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

### Case Study - Cowroast Marina

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

### Case Study – Priory Marina

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

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



**Post boxes**

In relation to post boxes, Norfolk Police say that there is an increasing rise in crime associated with post-delivery so post boxes should be of robust construction with max aperture size of 260mmx40mm and have anti-fishing properties (Secured by Design recommends letter boxes certificated to TS 009).

## 9.3 Other considerations

9.3.1 Informative – [Permits](#) [Environmental Permit for Flood Risk Activities](#)

An environmental permit for flood risk activities will be needed for any proposal that wants to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Section 23 of The Land Drainage Act 1991 requires applicants who wish to affect the flow of an ordinary watercourse, for instance to culvert, dam, weir or install a headwall into a watercourse, to obtain consent from the drainage board concerned.

### 9.3.2 Security

You should ensure you consider security at your site. This may already adequately be in place.

### 9.3.3 Low Impact Life on Board

In response to the consultation on this guide, the RBOA were keen to emphasise Low Impact Life On Board and, through RBOA, there is a wealth of advice in that respect. Low impact life on board is an expression from UK waterways boaters who care about the environment.

### 9.3.4 Renewable/low carbon energy

An operator may wish to consider renewable/low carbon energy. The Local Plan for the Broads has policies relating to this: see page 64 of the Local Plan for the Broads.

## 10. Key messages – reminder

- a) You need to consider flood risk through a flood risk assessment and flood response plan.
- b) You need to consider the impacts of Climate Change.
- c) A management plan is required that details how you will manage the residential moorings. A template is included at [Appendix A](#).
- d) You need to keep a register of those who are living on the residential moorings.
- e) You should contact your District Council to confirm the approach to Council Tax.
- f) You need to provide adequate facilities for those living at the residential moorings. You may already have many of these in place<sup>10</sup>.
- ~~g) There are many permitted residential moorings around the country who have systems in place. They may not necessarily be relevant to the Broads or may not be relevant to your site or may not be how you want to run your site. But they give you an idea of how to do things. We strongly suggest you contact us to talk through your proposed approach in advance of putting it in place.~~
- h) A template to address many of the requirements in the policy and guide is included at [Appendix B](#).

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

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

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

This webpage **covers many aspects** of living on a boat: <https://bwml.co.uk/guides/a-guide-to-residential-living/>

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<sup>10</sup> There are many permitted residential moorings around the country who have systems in place. They may not necessarily be relevant to the Broads or may not be relevant to your site or may not be how you want to run your site. But they give you an idea of how to do things. We strongly suggest you contact us to talk through your proposed approach in advance of putting it in place.



This webpage talks about **Council Tax**. <https://bwml.co.uk/council-tax-for-residential-moorings/>

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

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

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

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

This website contains **BWML's Terms and Conditions and policies**: <https://bwml.co.uk/customer-info/>. And this website contains the **Terms and Conditions for the Canals and Rivers Trust**:

<https://www.watersidemoorings.com/Home/TermsAndConditions>

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

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

**RBOA Code of Good Practice**. The Association would encourage all boaters who live afloat to follow this Voluntary Code of Good Practice: <https://www.rboa.org.uk/code-of-good-practice/>

**BOATSHIELD (& Outboard Engine Cover)**. This weblink from Norfolk & Suffolk Police offers advice on boat safety and security, also information about the Boatshield Scheme. <https://www.norfolk.police.uk/advice/roads-and-vehicles/boats>

**AWEIGH App**. Thousands of people enjoy the Broads throughout the year and the AWEIGH app has been designed to help those on and around the waterways. [apps.apple.com>app>aweigh Or play.google.com>store>apps>details>id=com](https://apps.apple.com>app>aweigh Or play.google.com>store>apps>details>id=com)

**BOAT SECURITY ADVICE - NORFOLK & SUFFOLK POLICE**. Norfolk & Suffolk Police advice on water safety and boat security: [https://www.norfolk.police.uk/sites/norfolk/files/boatshield\\_v1.pdf](https://www.norfolk.police.uk/sites/norfolk/files/boatshield_v1.pdf)

## ~~Appendix A – Adopted Policy DM37 – New Residential Moorings~~

### ~~Policy DM37: New residential moorings~~

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

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

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



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

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

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

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

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

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

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

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

~~(Note: Refer to [www.gov.uk/guidance/pollution-prevention-for-businesses](http://www.gov.uk/guidance/pollution-prevention-for-businesses) for information on pollution prevention measures)~~

#### **Reasoned Justification**

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

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

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

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

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

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

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

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

~~For the purposes of this policy, a 'residential mooring' is 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.~~

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

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

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

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

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

- ~~b) A Flood Response Plan needs to be produced. While it is acknowledged that residential boats will float, the access to the boat could be disrupted at times of flood, causing the occupier to be stranded on board the boat. The Flood Response Plan needs to advise what the occupier should do at times of flood to ensure their safety—whether they should evacuate the boat in advance of flooding or take refuge in the boat and therefore have supplies to help them sit out the flood.~~
- ~~c) Finally, the FRA should include consideration of how the boat moored at the residential mooring will be monitored at times of flood to make sure it does not cause damage to other vessels, and to prevent damage to the belongings on board and the boat itself.~~

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

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

#### ~~Meeting the need for residential moorings~~

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

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

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

- ~~• Ten residential moorings have been permitted on appeal at Waveney River Centre and six sites have been allocated for residential moorings amounting to around 41 residential moorings. See Appendix K for the residential moorings trajectory which shows the total identified supply as 10 residential moorings.~~
- ~~• Some areas of the Broads have been identified in this Local Plan as suitable in principle for residential moorings and these are policies STA1 and HOR6. Although they are potentially suitable in principle, deliverability is not confirmed, therefore they are not allocated in the Plan and do not appear in the identified supply figures.~~

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

~~The Residential Moorings Topic Paper (revised 2017)<sup>11</sup> and its addendum<sup>12</sup> has more information on meeting the need for residential moorings.~~

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<sup>11</sup> ~~[https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0019/1020475/Assessment-of-resi-moorings-nominations-update-and-topic-paper-july-2017.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0019/1020475/Assessment-of-resi-moorings-nominations-update-and-topic-paper-july-2017.pdf)~~

<sup>12</sup> ~~[https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0010/1356778/EPS20-Assessment-of-residential-moorings-nominations-received-during-the-Publication-Consultation-January-2018-Amended-July-2018.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/1356778/EPS20-Assessment-of-residential-moorings-nominations-received-during-the-Publication-Consultation-January-2018-Amended-July-2018.pdf)~~

## Appendix B—Privacy notice

### Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018. Our Data Protection Policy is available on the Broads Authority website.

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

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

#### 2. Why we are collecting your personal data

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

#### 3. Our legal basis for processing your personal data

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

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

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

Your personal data will not be transferred outside the EU.

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

Your personal data will be held for 16 years from the closure of the consultation in accordance with our Data and Information Retention Policy.

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

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

- a) to see what data we have about you
- b) to ask us to stop using your data, but keep it on record

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

## Appendix A – Residential Moorings management plan checklist

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



## Appendix B – 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? How will the electricity unit impact on/add to light pollution? Please mark on a plan of the site.	
5. How will you provide the residential moorings with potable water? Please mark on a plan of the site.	
6. How will you deal with sewerage arising from the boats on residential moorings? Please mark on a plan of the site.	
7. How will you deal with rubbish (including recyclable materials) arising from the boats on residential moorings? <a href="#"><u>Where will you locate the store so it is not affected by high flows?</u></a> Please mark on a plan of the site.	
8. How will you address car and cycle parking for those who are using residential moorings? Please mark on a plan of the site.	
9. How will you address amenity space and landscaping? Please mark on a plan of the site.	
10. How will you provide storage for those who are using residential moorings? Please mark on a plan of the site.	
11. How does your scheme address light pollution? How does your scheme maintain dark skies?	

# Planning Committee

21 May 2021

Agenda item number 10

## Planning Policy- Marketing and Viability Guide- draft for approval for consultation

Report by Planning Policy Officer

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### Summary

The guide has been subject to two consultations. It has been amended in response to comments received. Given that the second consultation was at the start of the 2020 lockdown, it seems prudent to give stakeholders one more chance to see and comment on the document.

### Recommendation

To endorse the Guide and recommend to Broads Authority that the Guide be consulted on.

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## 1. Introduction

- 1.1. Several policies in the Local Plan for the Broads<sup>1</sup> will require an applicant or agent to carry out a robust marketing campaign and/or a viability assessment if a development is proposed which is promoting something different to the adopted policy position. This guide 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 guide will reduce the chances of a delay in determining the subsequent planning application in relation to these requirements.
- 1.2. We consulted on the first draft of this document back in September 2019. We then consulted on an amended version in March/April 2020. Comments received as a result of both consultations are at Appendix 1 and 2.
- 1.3. During the second consultation, movement and access to public venues were restricted due to COVID19. We extended the consultation period twice and it ran for many more weeks than originally intended. We also offered the opportunity to request a hard copy of the document. Despite that, we would still prefer to have had a fuller consultation, so we are consulting a third time. We have assessed the comments received as part of

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<sup>1</sup> Local Plan for the Broads: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

the second consultation and made amendments accordingly. These amendments are shown as blue underline for additions and ~~red strikethrough~~ for text that is proposed to be removed.

## 2. Change from SPD to Guide

- 2.1. As we have changed the requirement for a marketing strategy to be provided up front, and as this is really more of a guide, we consider it more appropriate for this document to be a guide rather than an SPD.

## 3. The consultation

- 3.1. The consultation is proposed to last for 7 weeks, as it is during the summer holidays (as the decision about this consultation would be presented to the next Broads Authority meeting, to endorse the consultation, on 21 July).
- 3.2. This consultation document and consultation process have been developed to meet the Broads Authority's Statement of Community Involvement<sup>2</sup> requirements. We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:
- If someone wants to discuss the document, they can still call. They can also request a video conference appointment to talk about the document.
  - No hard copies will be placed in libraries
  - No hard copies will be in Yare House or district/county council offices.
  - If someone wishes to have a hard copy, we can send this to you. This will initially be for free, but if we get many requests, we may have to consider charging for postage and printing.

## 4. Financial implications

- 4.1. We would advertise the consultation in the press. We would also advertise the adoption of the Peat Guide (adopted earlier in the year) as well as the adoption of the Residential Moorings Guide (if adopted – see other agenda item) at the same time. The cost could be around £400.
- 4.2. There may be a small cost to print off hard copies if they are requested, and postage and packaging.
- 4.3. In terms of financial implications for the applicant, the Guide itself does not cause such a cost; there are existing local plan policies that set requirements to market and

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<sup>2</sup> Current Statement of Community Involvement is here [https://www.broads-authority.gov.uk/data/assets/pdf\\_file/0024/209337/Final\\_adopted\\_SCI\\_formatted\\_July\\_2020.pdf](https://www.broads-authority.gov.uk/data/assets/pdf_file/0024/209337/Final_adopted_SCI_formatted_July_2020.pdf)

undertake viability assessments and have such documents assessed by an independent expert – these will be at the cost of the applicant.

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Date of report: 30 April 2021

Appendix 1 – Comments received as part of first consultation

Appendix 2 – Comments received as part of the second consultation

Appendix 3 – Draft Marketing and Viability Guide for consultation

## 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

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#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 respondent would like to propose some wording and suggest where it goes then we can consider this.	No change to SPD
#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.	<p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• North Norfolk, Core Strategy and Development Management DPD, Page 97 onwards. Tourism accommodation – 12 months. Page 103 onwards. Local facilities and services – 12 months</li> <li>• 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.</li> </ul>	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				<ul style="list-style-type: none"> <li>Great Yarmouth, Core Strategy Local Plan, Page 54 – employment – 18 months. Page 97 – community facilitates ‘thorough’ but no timescale.</li> <li>Norwich City, Development Management DPD, Page 155 onwards – community facilities – 9 months</li> <li>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.</li> <li>Peak district, Development Management Document, Page 109, shops, community services and facilities, 12 months. Page 63, employment sites, 12 months.</li> </ul>	
#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"> <li>a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</li> <li>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</li> <li>c) the desirability of new development making a positive contribution to local character and distinctiveness.</li> </ul>	
#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.	<a href="https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/">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/</a>

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: <a href="#">The Marketing Strategy will be agreed with the Broads Authority in advance.</a>

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: <a href="#">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.</a></p> <p><a href="#">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.</a></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>	Noted. Will amend text.	<p>Amend text to say: <a href="#">Any assessments submitted needs to include an executive summary and</a> <del>ideally, the appraisal will include</del> 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: <a href="#">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.</a>
#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><a href="#">7.2 Land Values</a></p> <p><a href="#">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:</a></p> <ul style="list-style-type: none"> <li><a href="#">‘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’</a></li> <li><a href="#">‘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’</a></li> <li><a href="#">‘Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan’.</a></li> </ul> <p><a href="#">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.</a></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><u>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.</u> 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 <del>or all</del> 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><u>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.</u></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>

Reference	Name	Organisation	Comment	BA response	Amendments
#1	Shamsul Hoque	Highways England	No comment	Response noted.	No change to document.
#2	Penny Turner	Norfolk Police	No comment	Response noted.	No change to document.
#3	Joy Brown	Norwich City Council	No comment	Response noted.	No change to document.
#4	Kate Wood	Pegasus Group on behalf of Crown Point Estate	<p>The section on Preparing and delivering a Marketing Strategy (from line 185 onwards), places significant obligations on an applicant in terms of time and investment. Front-loading the process is helpful in providing some certainty. The requirement that the scope of the marketing strategy needs to be agreed with the Authority in advance of marketing taking place, adds to this time. We consider that the length of time for the end-to-end marketing process could be improved and more certainty provided from the Council.</p> <p>Follow up: The point I am making is that there is a lot of work we have to do for the marketing strategy upfront and which can be costly and time-consuming. The Council is asking for us to agree the strategy with them, which makes sense of course, but in practice it would be awful if we put a draft strategy into the pre-app system and it took ages to get a response. That was why I was suggesting it would be helpful if there was some commitment on behalf of the council to agree or to discuss the draft marketing strategy within a set time from receipt, so that there was some certainty about when an applicant could expect a response (and leave officers along in the intervening period). This could then be built into the marketing and application timeframe that the applicant will be working to.</p>	<p>The requirement to market is set out in the adopted Local Plan; the SPD sets out more detail. One could argue that if the SPD requirements are followed, it will make an application run smoothly and more efficiently as the marketing would be undertaken in an agreed way rather than not being carried out in an agreed way and needing to be started again.</p> <p>The marketing period of 12 months is set out in adopted Local Plan policy. This SPD cannot change it. We are on a par with other Local Planing Authorities (see row #15). As and when we review the Local Plan, we will seek consultation responses on that 12 month period.</p> <p>The Broads Authority gives free pre-application advice and aims to provide this within 21 days. But that has its caveats of course. We cannot give absolute certainty at pre-app stage when things like the marketing part of an application needs to be completed. If an application goes to Committee, Members may disagree with Officer recommendation. So pre-app should never be 'gospel'.</p> <p>It is not clear how agreeing the strategy adds to time if the SPD is followed - one could argue that the SPD setting out what is expected is likely to save time. Finally, the respondent, later in their representation says that the guide sets out what agents consider to be standard practice.</p>	No change to document.
#5	Kate Wood	Pegasus Group on behalf of Crown Point Estate	Whilst the flexibility of the guidance to suit the individual circumstances of a proposal is helpful, we are concerned that there is no commitment from the Council to agree the marketing strategy within a particular timescale, nor is there any commitment about pre-app advice, which applicants would want to be in place before embarking upon potentially abortive work. There needs to be reliable input from the Council at the pre-application stage, in terms of timeliness and reliability of their advice, given such extensive time and costs required at the marketing stage.	The Broads Authority offer free pre-application advice and seek to turn such advice around in 21 days. We can add some wording to the Guide. Regarding the strategy, this part of the Guide has been amended.	At the end of section 1 add: <a href="#">It is important to note that the Broads Authority offers a free pre planning application service. We encourage and recommend all applicants take advantage of this. This service will provide initial officer level thoughts on proposals. We aim to provide this advice within 21 days.</a>
#6	Kate Wood	Pegasus Group on behalf of Crown Point Estate	<p>We would therefore like to see additional paragraphs committing the Council to timely responses to requests to agree the marketing strategy; for that agreement to be supported throughout the process without the Council changing its mind, for example with the arrival of a new planning officer; for any associated pre-application advice to be similarly supported by the Council such that applicants can have faith in the advice given.</p> <p>Follow up comment: In terms of reliability of pre-application advice, my point is that applicants see this advice as gospel, so if the Council provides advice which is then acted upon, it can then be a disaster if the Council changes its mind and doesn't go along with the advice it has given – sometimes this is because of a change of officer or a change of manager that the officer originally cleared the advice with. This is a criticism of the process generally and not my experience with Broadland. However, that commitment from the Council that its advice can be relied upon is very reassuring when it then comes to investing time and money in the marketing and application process. Of course, if policy or Government advice or site circumstances change in the meantime, then it would be fair for the Council to row back on the advice it has given.</p>	See responses to comments #4 and #5.	See responses to comments #4 and #5.
#7	Kate Wood	Pegasus Group on behalf of Crown Point Estate	We would also like to see the Guide set out how the Council will assess the marketing strategy. The Guide sets out what an agent would consider standard practice. Is the Council's approach to use the guide as a checklist? What expertise will the Council call upon to address differences in opinion between the agent and the planning officer over a particular element of a marketing strategy, given that agents are experts in these matters?	It's encouraging to see that the contents are what an Agent would expect to see as standard practice and the purpose was to set that out so it was clear and we will use it as a checklist. If there was a conflict, we would seek professional advice. Regarding the strategy, this part of the Guide has been amended.	No change to document.
#8	Kate Wood	Pegasus Group on behalf of Crown Point Estate	5.7 Expenditure on marketing. 3% is higher than charged by agents, which would normally be 1-2%. It may be appropriate to re-word the text to state that the Authority would not expect any more than 3% to be spent on marketing.	Noted, although we are aware that other LPAs suggest this amount, like East Suffolk Council in the Waveney Local Plan. The SPD also says 'should be about 3%'.	No change to document.
#9	Kate Wood	Pegasus Group on behalf of Crown Point Estate	5.5.6 Targeted mailing. Sometimes the type of property being sold has a specific market. For example, a dwelling with a condition limiting occupation to someone solely or mainly working in the locality in agriculture would be most appropriately marketed to local farmers, since occupation by an agricultural worker from further afield wouldn't comply with that condition. Other types of property can be subject to other specific conditions (e.g. type of occupier for business premises). If the purpose of targeted mailing is to find an occupier that complies with a specific condition, then the choice of contacts should be related to that restriction.	Agreed. The SPD says this would be completed by an Agent using their contacts. The SPD is not limiting on any approach to targeting mail and the actual approach would be agreed when the marketing strategy is agreed.	No change to document.
#10	Kate Wood	Pegasus Group on behalf of Crown Point Estate	5.6 Length of marketing campaign. It would be helpful to acknowledge that some of the process can take place in parallel, albeit at the applicant's risk. A planning application should be able to be submitted at month 10 of a 12-month marketing campaign, with an interim marketing statement setting out the results of the campaign at the 9-month stage, and then continuing with the final three months. At this late stage in the marketing campaign, an agent and applicant will have sufficient confidence as to the likelihood of finding and purchaser / occupier as to invest in the application. By the time the Council has processed the application to a stage where it is ready to make a recommendation, the marketing report can simply be supplemented with an update on the final 3 months, which can then be incorporated into the recommendation.	Noted. If an applicant wishes to take this approach, it would be at their own risk. We would however not encourage this and have concerns about incomplete documentation being consulted on as part of assessing the application.	No change to document.
#11	Kate Wood	Pegasus Group on behalf of Crown Point Estate	Section 7.9 Independent Review. It is appropriate for the applicant to meet the expense of external expertise, but we would expect the Council to impose deadlines for the receipt of the advice being paid for.	Agreed.	No change to document.
#12	Kate Wood	Pegasus Group on behalf of Crown Point Estate	It would be helpful if the Council would commit to providing contact details of the independent reviewer to the applicant. In our experience, viability assessment is not a "black and white" process, so it is more efficient to answer queries on the inputs to a viability assessment directly, and to engage in ongoing dialogue so that adjustments to the inputs can be made if required by the reviewer. It is unhelpful and causes delay if a review simply dismisses the viability assessment without both sides understanding why, and what could be changed to make it acceptable.	Noted. At the time, we would discuss the submission of the assessment for review with the applicant.	No change to document.

Reference	Name	Organisation	Comment	BA response	Amendments
#13	Kate Wood	Pegasus Group on behalf of Crown Point Estate	<p>Section 7.10 should include other Assets of Community Value in addition to pubs. It should also acknowledge that the Community Right to Bid process is not bound to the planning system. The fact that land or property is designated as an ACV does not prevent planning applications being made or permission being granted for alternative uses, particularly if the community value is maintained or enhanced through the planning application (for example we are aware of the sale of part of a Scout field for dwellings, to fund the upgrade of the scout hut and car part, to retain its financial viability). Clearly, if the landowner wishes to sell the land / property in question, then the relevant moratorium periods will be triggered in the usual way.</p> <p>Follow up comment: I guess it is sufficient that you have referred to the ‘certain requirements’ (line 431). The question is whether marketing is required for any other facilities that may not be pubs. Line 106 refers to policy DM12 which is historic buildings and some of these could be ACVs as well as pubs. Policy DM44 relates to community facilities and services. I don’t think there needs to be a separate section on ACVs but it’s worth expanding on the pubs section perhaps, to remind people that other community facilities that fall within the requirement to undertake marketing may also be ACVs. I think the point being made in 7.10 is to remind people that there are other matters they may need to consider. Thus, in line 429, after “public houses” the insertion of “and other land and premises” should be sufficient to warn potential applications to look further.</p>	<p>Noted, but that section is specifically about pubs and using the CAMRA test. As set out in the Guide and Local Plan, marketing is required for a scheme that is different to what a policy fundamentally seeks whether it is a ACV or not. We could add a reference to ACVs in the document but it should be noted that ACV status, according to the regulations and advice out there, seems to be only relevant to the property/site being sold, rather than change of use or redevelopment.</p>	<p>Add footnote that says: <a href="#">It should be noted that other properties/venues/sites can be allocated as Assets of Community Value. Again, see websites of our Councils.</a></p>
#14	Gill Lack	Somerton Parish Council	<p>It is felt that the proposals will deter investment in the Broads area and in particular from small scale and/or first time tourism ventures. The costs of appointing an independent expert to assess the viability study on behalf of the Broads Authority will have to be paid for by the applicant. We consider this a ‘pay twice’ proposal. This expenditure could be considerable and come on top of existing planning requirements i.e. landscape character assessment, flood risk assessment, bat and nesting bird survey and, perhaps the most expensive, a heritage statement report.</p>	<p>The Local Plan (adopted May 2019) sets the marketing and viability assessment requirements. This SPD elaborates on how the requirements can be met. The requirement to have a viability assessment independently assessed is set out in the Local Plan and was a requirement in the previous suite of planning policy documents (namely, the Development Management DPD). What is required in terms of submitting a planning application is proportionate and will reflect the constraints or potential impacts a scheme will have on the special qualities of the Broads which are the qualities the tourism venture will promote. In terms of what other Local Planning Authorities do, North Norfolk have in house expertise (the BA does not) to assess applications (so they are still assessed on behalf of the Council). South Norfolk and Broadland Councils, Norwich City Council and East Suffolk Council get the applicant to pay for an independent assessment of the viability appraisal. As for GYBC, at present they review viability assessments in-house initially. However, if the applicant is unhappy with the assessment, they refer it to an independent assessor. The applicant is then charged for this assessment. Most viability assessment at GYBC are those associated with affordable housing. If a more specialist assessment is sent in to justify a particular application they may need to refer it to an external consultant – in those scenarios GYBC would expect the applicant to pay. We also received a comment from an Agent acknowledging that requiring the applicant to pay for the independent assessment of the viability study is accepted.</p>	<p>No change to document.</p>
#15	Gill Lack	Somerton Parish Council	<p>Can we suggest that the Authority enters into discussions with representatives from local tourism bodies and surrounding District planning departments to agree a common approach, otherwise the Broads area may well become a no-go area for small scale, independent tourism investment. With the significant impact on tourism from the coronavirus, the industry recovery will not be helped by imposing additional costs.</p>	<p>See previous comment about how our approach aligns with local Councils.</p> <p>In terms of marketing period, these are the periods that local councils and some other National Parks use. You can see that we are similar to most of the examples.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• North Norfolk, Core Strategy and Development Management DPD, Page 97 onwards. Tourism accommodation – 12 months. Page 103 onwards. Local facilities and services – 12 months</li> <li>• 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.</li> <li>• Great Yarmouth, Core Strategy Local Plan, Page 54 – employment – 18 months. Page 97 – community facilitates ‘thorough’ but no timescale.</li> <li>• Norwich City, Development Management DPD, Page 155 onwards – community facilities – 9 months</li> <li>• 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.</li> <li>• Peak district, Development Management Document, Page 109, shops, community services and facilities, 12 months. Page 63, employment sites, 12 months.</li> </ul> <p>In terms of the requirements for marketing, you will see that East Suffolk's Waveney Local Plan requirements are similar. Go to page 321 of <a href="https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Adopted-Waveney-Local-Plan-including-Erratum.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Adopted-Waveney-Local-Plan-including-Erratum.pdf</a></p>	<p>No change to document.</p>
#16	Sam Hubbard	Great Yarmouth Borough Council	<p>On the whole the document provides useful guidance on the content of marketing and viability evidence and will help support the implementation of policies in the adopted Broads Local Plan. However, there are a number of areas where the guidance could be improved or made clearer as detailed below.</p>	<p>Noted.</p>	<p>No change to document.</p>
#17	Sam Hubbard	Great Yarmouth Borough Council	<p>Sections 4 and 5</p> <p>These sections could be enhanced by the inclusion of a matrix stating clearly which policies require either a marketing assessment or a viability assessment and which sections of the SPD apply. This would help remove potential confusion as to where the SPD is to be applied.</p>	<p>Agreed.</p>	<p>Add a matrix.</p>

Reference	Name	Organisation	Comment	BA response	Amendments
#18	Sam Hubbard	Great Yarmouth Borough Council	<p>Section 5.2</p> <p>a: The title of this section could mislead people to think that there is a requirement to market proposals for new tourist accommodation rather than proposals involving the loss of tourist accommodation.</p> <p>b: There is concern that this section focuses too heavily on circumstances relating to single holiday lets and could result in the unnecessary loss of units due to the market not fully being tested.</p> <p>c: It is questioned how well the requirements would work for holiday parks or groups of holiday cottages /lodges where there is a proposal for redevelopment. There could be a situation where a site has been closed to lets for other reasons (such as the holding company going into administration or shutting the site because of other operational reasons). A particular operator may have gone out of fashion and the site is not viable for them, but it could be viable for another operator if explored.</p> <p>d: Also, for single lodges/cottages, there could be scenarios where the letting has just been run poorly or poorly furnished / maintained. This might not be evident from reviews alone – it could just put people off booking in the first place. The point is it may not be location or building which results in a lack of bookings but the way it is run or the facilities provided. In many cases there could be another operator who could make it work and this won't be tested through the proposals as drafted.</p> <p>e: Emerging Policy L1 of the Great Yarmouth Local Plan Part 2 requires a stronger test in order to resist the unnecessary loss of tourist accommodation. This requires units to be vacant for one year and to have marketing of the site for tourist accommodation or an alternative tourist use on the open market for a year. Marketing the unit to another potential operator is considered the best way of demonstrating that holiday use is unviable in the long term. This could be supplemented by viability evidence on the amount of letting and costs of management.</p>	<p>a: Noted re title and will change it.</p> <p>b: Re focus on single lets: we do not think it focuses just on that scale.</p> <p>c: Noted. We consider that this guide is applicable and covers this.</p> <p>d: Agreed.</p> <p>e: Re vacant for one year, then market for a year to other tourist operators, this is noted and the guide has been amended.</p>	<p>a: Change title to: 5.2. Proposals involving the potential loss of tourist accommodation.</p> <p>b: No change</p> <p>c: No change</p> <p>d: No change to document.</p> <p>e: Amend guide,</p>
#19	Sam Hubbard	Great Yarmouth Borough Council	<p>Sections 5.5.2, 5.5.4, 5.5.5</p> <p>There are numerous references to tourist accommodation which conflicts with the advice in 5.2 which refers to the alternative approach. If the issues referred to above in respect of 5.2 are addressed this won't be a problem.</p>	Hopefully previous comment addresses this.	See previous.
#20	Sam Hubbard	Great Yarmouth Borough Council	<p>Section 7.4</p> <p>These are different viability considerations to do with the running of an existing business rather than a development viability consideration (although there may be some overlap). This should be made clear and how and when this sort of information would be required. Unlike development viability, this type of viability evidence will be unique to the business.</p>	Agreed. We will amend the layout of the viability section. See comment #36 and 79.	Amend layout of viability section.
#21	Sam Hubbard	Great Yarmouth Borough Council	<p>Information on business rate relief, commercial attractiveness and grant funding and financial support are likely to be confidential and the guidance should make clear that this information will be treated confidentially.</p>	Agreed. Will amend text.	<p>Change 6.4.1 to say Details of the grants or support investigated, whether the application was successful (and if not, why not), and the impact of this funding or support on viability must be provided as part of the viability assessment, <u>but this part of the viability assessment, in discussion with the applicant, may be confidential.</u></p> <p>Then change 6.7.3 to say 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. <u>Also note the reference to confidentiality in section 6.4.</u></p>
#22	Sam Hubbard	Great Yarmouth Borough Council	<p>Section 7.7</p> <p>There is no detail on how existing and future demand should be assessed. Presumably existing demand could be evidenced through a marketing appraisal following the guidance in the SPD.</p>	Noted. We will add some text.	<p>9.4.5 The viability assessment needs to assess the current and likely future market demand for the site or property. <u>For the existing and future demand in terms of bookings, this could be by using recent and future bookings. For future demand in terms of someone taking on the property/site, expert opinion would be useful, as well as interest in buying the property/site when it is marketed.</u></p>
#23	Sam Hubbard	Great Yarmouth Borough Council	<p>Section 7.8</p> <p>If assessing the viability of an existing business, then personal circumstances will need to be taken into account.</p>	Agreed. Remove text.	Any Issues relating <del>to the personal circumstances of the applicant or</del> to the price paid for the building cannot be taken into consideration
#24	Sam Hubbard	Great Yarmouth Borough Council	<p>Section 8</p> <p>The purpose of this section is not clear as it repeats some of the policies referred to earlier. This further confuses the situations when the guidance in the SPD will be applied.</p>	Noted. It is a summary of policies and could go as an appendix and be cross referenced from the matrix as per row #17.	Move to appendix apart from part of the affordable housing section.

Reference	Name	Organisation	Comment	BA response	Amendments
#25	James Knight	-	<p>1.1. The Local Plan and the draft SPD were all written prior to the Coronavirus pandemic and the resultant global economic contraction. The OBR has forecast a 35% drop in UK GDP in the second quarter of 2020, and the overall negative impact is likely to be far greater than the financial crash of 2008.</p> <p>1.2. All businesses across the Broads – and particularly those in the tourism and retail sector – will be affected by this crisis, which has also come at the worst possible time of year. It is likely that many businesses will fail, and most will need to make drastic strategic and operational changes in order to survive.</p> <p>1.3. The Broads Authority must play its part in rebuilding our local economy by helping to support economic development and diversification. At a time when so many businesses will be struggling to survive, it is entirely inappropriate to consider imposing the cost burdens and delays which are implicit in this draft SPD.</p> <p>1.4. With this in mind, I believe that the SPD should be placed on hold until such time as the economy stabilises and recovers, and the immediate focus should be on enabling businesses to make the kind of critical changes which are going to be needed over the next 12 months or more.</p>	Noted. These are exceptional times and we are very mindful of this and the impact it will have. The Government is making changes to the NPPG to reflect the impact of COVID19 and we will monitor these and take them on board as necessary. It is the Local Plan that sets the policy and timelines; the SPD elaborates on that.	No change to document.
#26	James Knight	-	Paragraph 57 of the National Planning Policy Framework references viability assessments as a tool for ensuring that planning obligations do not render a development unviable.	Noted	No change to document.
#27	James Knight	-	The NPPF contains an explicit presumption in favour of sustainable development, and Planning Practice Guidance expressly supports the effective use of land for deliverable uses.	Noted	No change to document.
#28	James Knight	-	Given the NPPF presumption in favour of sustainable development, it follows that the circumstances under which existing uses must be protected against development are limited. The NPPF provides the singular example of heritage assets, being assets which cannot readily be replaced.	Noted	No change to document.
#29	James Knight	-	<p>The Broads Local Plan includes 19 policies which contain viability, marketing or rent requirements, including changes of use on any historic building, waterside site, employment land or holiday property.</p> <p>3.2. This represents a substantial proportion of all land within the Broads Executive Area and, notwithstanding the fact that the Local Plan has been adopted, this has the potential to place unreasonable burdens on applicants and excessive restrictions on development.</p>	Noted. This comment was submitted as part of the first consultation. Here is response from that consultation: <i>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.</i>	No change to document.
#30	James Knight	-	<p>As a matter of law, planning authorities should not seek to prevent sustainable development unless there is some clear overriding factor – such as the loss of a heritage asset.</p> <p>3.4. This principle could extend to include certain other assets which are objectively desirable in planning terms, in short supply and difficult to replace by virtue of their unique location (such as riverside sites). But the widespread insistence on “protecting” so many disparate uses, contrary to national planning guidance, is likely to harm the economic vitality and sustainability of the Broads</p>	Comments noted.	No change to document.
#31	James Knight	-	It is not for planners to judge or determine the economic viability of existing land uses and businesses. The role of planners is to provide a framework by which sustainable and desirable development can be delivered, rather than blocked.	Planning is about managing the development of land and buildings in the public interest. This will include assessments of existing use.	No change to document.
#32	James Knight	-	The effect of many of the Broads Local Plan policies – coupled with the requirements set out in this draft SPD - is to create a presumption against development, unless an existing use can be proven non-viable to the satisfaction of planners. This is contrary to the principles of positive planning and the NPPF.	Noted.	No change to document.
#33	James Knight	-	Whilst it is acknowledged that the Local Plan has been adopted, local planning authorities have a duty to keep policies under review and to ensure that they are fit for purpose. SPDs play an important role in ensuring that policies are implemented sensibly and proportionately, so that planners are not expected to adhere slavishly to policies which are outdated or even misconceived.	Noted. SPDs cannot change or amend Local Plan policies.	No change to document.
#34	James Knight	-	The SPD appears to be predicated on a flawed understanding of the purpose of viability assessments within the national planning framework. They are intended to be used as a tool to ensure that planning obligations do not render a proposed development unviable. Not as a means of blocking otherwise acceptable developments through a presumption against change.	There are effectively two types of viability covered in the Local Plan and Guide. One related to planning obligations and one relates to the viability of an existing land use. A similar comment was made as part of the last consultation. Here is the response from that consultation: <i>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.</i> It is noted that other respondents have commented that the document contains standard practice. The policy approach that the SPD elaborates on is in the adopted Local Plan.	No change to document.
#35	James Knight	-	Although passing reference is made to their correct use at 4 (c) and 7.1 - 7.3, most of the guidance surrounding viability within the draft SPD is a muddle, lacks coherent structure, and focuses on proving the viability of existing rather than proposed uses.	Agreed. We will amend the layout of the viability section. See comment #20 and 79.	Amend layout of viability section.
#36	James Knight	-	Section 7, in particular, drifts from viability relating to planning obligations, into the realms of grant funding and financial support for existing businesses, before finishing with proposals relating to pubs. It is unclear whether 7.7 (likely future demand for the property) relates to a planning proposal or to an existing use.	This would be for an existing use. The viability assessment in this instance is about the existing use before an alternative is considered through the application process. See response to #34 and #21 which may address this.	See #34 and #21.
#37	James Knight	-	It is highly questionable whether the availability of grant funding, business rates relief or any other external financial intervention should be a planning consideration (section 7.4). Good planning is intended to support the aspirations of land owners and occupiers to ensure the economically viable use of land within the Local Plan framework. The possibility of perpetuating an unviable use in the short term, through public funding, should not be a barrier to permitting a more economically viable use – unless that proposed use is itself contrary to other planning policies.	Noted. This section is about understanding if or how the applicant put effort in to improve their situation with the current land use. For example, during the current COVID19 situation, the Government provided businesses and employees with financial support ( <a href="https://www.gov.uk/government/collections/financial-support-for-businesses-during-coronavirus-covid-19">https://www.gov.uk/government/collections/financial-support-for-businesses-during-coronavirus-covid-19</a> ) and we would expect a business to have taken up the offer of help and to show how they have done that. The same out of COVID19 situation - if there is potential assistance out there then we would expect a business to take advantage of that help before going straight to change of use. The assessment of viability is only required if proposals are contrary to planning policies to show that the existing use is not suitable/viable and act as evidence to justify a change of use.	No change to document.

Reference	Name	Organisation	Comment	BA response	Amendments
#38	James Knight	-	Section 7 also confirms national planning guidance that viability assessments should be prepared on the basis that they will be made publicly available - other than in exceptional circumstances. Since it is self-evident that assessments relating to the viability of existing businesses are confidential, it seems unlikely that the NPPF expected LPAs to deploy them as a requirement of Local Plan policies.	See #21	See #21
#39	James Knight	-	Where a marketing statement is considered necessary, it is helpful for applicants to know in advance what is expected of them, and therefore this fundamental purpose of the SPD is supported.	Noted.	No change to document.
#40	James Knight	-	The marketing instructions throughout section 6 are, however, over-prescriptive, disproportionate, and over-reach anything which could conceivably be expected from a planning document.	Another comment received, logged in this table from an agent, states that the SPD contains standard practice. The approach as set out in this SPD is also quite similar to the Waveney Local Plan which was adopted in 2019.	No change to document.
#41	James Knight	-	It is unnecessary, and counter-productive, for a planning authority to seek to give detailed instructions on how to market a property. The SPD needs only feature a requirement for the applicant to use their best endeavours to market the property, and for such activities to be carried out via a suitably qualified and competent practitioner or marketing platform. Anything else will be open to justified criticism and rapidly become outdated.		No change to document.
#42	James Knight	-	In particular, the tourist accommodation section (5.2) extends beyond the ambit of planning and into private business affairs, and would almost certainly be ultra vires if imposed upon an applicant.	To prove something cannot carry on in its current use, we will need to understand why and the information requested will help inform the application.	No change to document.
#43	James Knight	-	The underlying purpose of these marketing exercises is to protect heritage or other scarce assets from being permanently lost. They are not intended to test the ability of a particular owner to sell (for example) holidays in a particular location, at a price approved by the planning authority.	If a particular scheme or use is deemed by the applicant not to be viable and they wish to change the use of the property to something that is not generally supported by policy, then the Authority will need to understand why. That is the approach set out in the Local Plan and that approach was generally rolled forward from the Development Management DPD. The SPD does not set out that the Broads Authority is to approve the price, it is about understanding how the tourist accommodation has been promoted, advertised and marketed to see if this was reasonable and the price is part of that understanding.	No change to document.
#44	James Knight	-	The extent of the marketing requirements proposed by this draft SPD may be appropriate for larger developments, but it must be borne in mind that the Broads Authority processes a very small number of planning applications annually – the vast majority of which are minor. It is critical that any requirements imposed by this SPD should be proportionate to the scale of the development proposed. Disproportionate and unreasonable requirements such as those set out could be unaffordable by the majority of applicants and therefore open to challenge.	Agreed. Section 5.5 refers to proportionality.	No change to document.
#45	James Knight	-	Since the cost of producing and vetting the surveys and reports proposed by this SPD will be significant and, in many cases, prohibitive, the Authority should obtain likely benchmark costs, publicise them within the SPD and review them regularly.	Document sets out the principles and any figure would come outdated very quickly.	No change to document.
#46	James Knight	-	The requirement to market sites for alternative uses which are allowed by permitted development (section 5.3) seems to be illogical and at odds with the underlying reasoning behind the policies – which are intended to protect assets in their existing use. Whilst it may be the case that an applicant could change the use without consent, that doesn't necessarily make such a change desirable either for the applicant or in policy terms. It is a fundamental principle of planning that authorities must consider the application before them - not some other theoretical development which may or may not be permissible under the GPDO.	The application, if it is submitted after the marketing, will be assessed for what the applicant submits. Permitted Development exists and therefore it seems appropriate and reasonable for what PD can result in to be a consideration in marketing.	No change to document.
#47	James Knight	-	It is accepted that some other planning authorities require marketing periods of up to 12 months in the case of certain key sites, but this time period is at the absolute upper limit of common practice. The “one size fits all” approach of section 5.6 is not appropriate, and shorter marketing periods should be strongly considered, especially where it is clear that changing economic or other conditions are adversely impacting business sustainability.	The policy approach has been adopted. The SPD cannot change the Local Plan.The time period is similar to other local councils as set out in #15. When we review the Local Plan, the time period of 12 months can also be reviewed.	No change to document.
#48	James Knight	-	The removal of the proposal to increase marketing periods beyond 12 months is therefore welcomed, but does not go far enough in ensuring that marketing periods are proportionate and reasonable.	The policy approach has been adopted. The SPD cannot change the Local Plan.The time period is similar to other local councils as set out in #15. When we review the Local Plan, the time period of 12 months can also be reviewed.	No change to document.
#49	James Knight	-	SPDs should not be so prescriptive as to prevent sensible decisions on an individual case-by-case basis. A failing business may need to make urgent changes to its business model in order to survive. Spending a year proving the inevitable - potentially driving the owner to bankruptcy in the process - would not be a positive outcome for the Local Plan, when a more flexible approach could have resulted in salvation for the business and the owner.	The policy approach has been adopted. The SPD cannot change the Local Plan.The time period is similar to other local councils as set out in #15. When we review the Local Plan, the time period of 12 months can also be reviewed.	No change to document.
#50	James Knight	-	The same is true in the case of historic buildings, and lengthy marketing assessment periods may lead to further (avoidable) deterioration of the historic fabric.	Noted. See previous	No change to document.
#51	James Knight	-	The NPPF includes a presumption in favour of sustainable development.	Noted	No change to document.
#52	James Knight	-	The principle of having a guide to assist planning applicants in ensuring that applications contain all relevant information at the outset is supported.	Noted	No change to document.
#53	James Knight	-	Viability Assessments are a useful and established tool for determining an appropriate level of planning contributions for new development.	Noted	No change to document.
#54	James Knight	-	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 document.
#55	James Knight	-	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 document.
#56	James Knight	-	Notwithstanding the fact that the Local Plan has been adopted, it is still necessary to ensure that requirements placed upon applicants to demonstrate the viability of existing businesses are reasonable, proportionate and in accordance both with the NPPF and National Planning Guidance.	Noted	No change to document.

Reference	Name	Organisation	Comment	BA response	Amendments
#57	James Knight	-	The draft SPD muddles and conjoins two very different concepts of viability, mixing the viability of proposed developments with the sustainability of existing uses.	Noted. See #20 and #35 and #79	No change to document.
#58	James Knight	-	Marketing periods and costs must be reasonable and proportionate in relation to the scale of individual applications. The costs of complying with the requirements of this draft SPD will, for most applicants, be disproportionate to the scale of the proposed development and unaffordable.	Noted	No change to document.
#59	James Knight	-	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	No change to document.
#60	James Knight	-	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.	Noted	No change to document.
#61	James Knight	-	Notwithstanding any of the above, the SPD should in any event be placed on hold until the economy of the Broads has recovered from the crippling events caused by the Coronavirus pandemic. The focus of planning officers should be on enabling any development which will contribute to the economic survival of the Broads.	Noted. See #25.	No change to document.
#62	James Knight	-	I am a Fellow of the Royal Institution of Chartered Surveyors and I have lived and worked around the Broads for all of my life. In addition to enjoying recreational boating activities, I have worked in a professional capacity advising on planning matters. During the past 17 years, I have been a Director of three successful Broads tourism businesses, each employing over 60 people, and have engaged with the planning system as an applicant on numerous occasions. One of these businesses includes a marina which operates 10 residential moorings on the southern Broads. 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. My response to this consultation is 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 document.
#63	Hayley Goldson	Chedgrave Parish Clerk	The content of Marketing and Viability Supplementary Planning Document (SPD) and Residential Moorings Guide was considered by Chedgrave Parish Council on 7th May 2020. I can advise that councillors support the document as long as the guidelines described in the document are adhered to (particularly in relation to residential moorings).	Support noted.	No change to document.
#64	Dean Shelton	NCC/LLFA	previous concern re Marketing and Viability have been satisfactorily dealt with within the table of comments (Reference 1 on page 3) and the LLFA have no further comments to make at this time.	Noted	No change to document.
#65	William Hollocks	Loddon Marina	Can you please give me some background on why these are being proposed as you have just produced an excellent document on the Broads Plan that went through an extensive review by every party and then the Inspector for the Secretary of State and then approved at the highest level of government.	Guides and SPDs provide more detail on certain policies. For example, the moorings and riverbank stabilisation guide that we adopted a few years back and the Flood Risk SPD we have adopted all provide much more detail than would not necessary be appropriate in a Local Plan or indeed available at the time a Local Plan was produced. Policies in the Local Plan provide the hooks for the guides and SPDs. SPDs and Guides help with the implementation of policies. A Local Planning Authority does not need to produce them, but can do; they are optional, but if completed, SPDs must follow a set process	No change to document.
#66	William Hollocks	Loddon Marina	With regards the Marketing and Viability study surely this is all covered within your plan under policy DM26 and DM28 and a guideline for a acceptable procedure is under SSPUBS. On skimming through your policy your time frames and expectations on marketing are ludicrous. There has been an accepted procedure by every Planning Department Countrywide on Pubs change of use being a Camra report and viability study by an independent professional. Surely a similar procedure should be applied to boatyards as well. All that will happen is boatyards will sit vacant and be taken over <wording removed> rather than converting them into a valuable asset to assist in the regeneration of the Broads.	Time frames are set out in the adopted Local Plan. As you can see at row #15 the timelines are similar to local councils and some National Parks. The requirement for the viability study to be assessed by an independent expert is accepted practice and see row #14 about what local councils do. We also received a comment from an Agent acknowledging that requiring the applicant to pay for the independent assessment of the viability study is accepted. The requirement to get a viability assessment that is related to pubs, assessed by an independent person, is part of the Local Plan – bottom of page 210. The guides and SDPs do not amend the adopted policy. It is important to note that the policy requirements for marketing, to get the viability study independently checked at the cost of the applicant and marketed for 12 months, were in the previous round of policy documents – the Development Management DPD. The current policy carries this approach on and has been found sound and the SPD elaborates on policy.	No change to document.
#67	William Hollocks	Loddon Marina	Can you please confirm that any policy you end up will be approved by the Secretary of State though his Inspector as an approved amendment to your Broads Plan. Without this as far as I can see it will be another attempt by the Planning Dictatorship to control the further deterioration of the business's on the Broads and will not be worth the paper it is written on.	These are not policies. These documents help to implement policies. Guides are not prescribed by regulations, but SPDs are. SPDs have a set procedure (see the regulations: <a href="http://www.legislation.gov.uk/uksi/2012/767/part/5/made">http://www.legislation.gov.uk/uksi/2012/767/part/5/made</a> ) and the Planning Inspector is not part of the process.	No change to document.
#68	William Hollocks	Loddon Marina	By copy of this e-mail to DR Packman, Lucy as the responsible manager for navigation and bye laws on boats and Marie as the boss of the out of control Planning Department I am asking to put a stop to these amendments as it is a complete waste of money and has no justification to be in the public interest.	Noted	No change to document.
#69	William Hollocks	Loddon Marina	I am more than happy to start a campaign of getting support not for comments to the policies but to get them stopped. We are happy to lobby every Parish Council, BA members, Councils, MP's etc. I have also copied Mr Tarry as he is working with various parties to contribute to the consultation process.	Noted. But guides and SDPs are not policies. They help with the implementation of adopted policies.	No change to document.
#70	Andrew Marsh	Historic England	Thank you for consulting Historic England about the above Screening Opinion. Given the nature of the SPD and on the basis of the information provided in this consultation, we reiterate our previous comments dated 9th July 2019 that the SPD is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within a Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we maintain our position that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.	Noted.	No change to document.



Reference	Name	Organisation	Comment	BA response	Amendments
#71	Emily Curtis	Loddon Parish Council	LPC has no comments to make.	Noted.	No change to document.
#72	Rachel Card	NSBA	The Norfolk and Suffolk Boating Association (NSBA) thanks the Broads Authority for the opportunity to comment on the above draft planning policy document. The NSBA has no comment to make with regard to the policies in this document. Neither are there any comments in relation to the questions posed in the document.	Noted.	No change to document.
#73	Paul Harris	SNDC and BDC	The Council recognises that there are benefits to SPD, or other guides, which help applicants understand the information that a planning authority expects. This can help the effective functioning of the planning system. The Council is minded however that there is a high level of prescription within the current SPD. This may hamper the Broads Authority's ability to work proactively with applicants in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area.	Noted. The need for marketing is set out in the Local Plan. The SPD elaborates on policy requirements. It sets out what is expected from applications for change of use that are contrary to the general approach of the Local Plan. It is intended to help applicants do what is required. Marketing in a way as set out in the guide will indicate if a change of use is prudent. The guide/proposed amendments says that what is required will be proportionate and if a certain approach is not favoured, that can be part of the marketing strategy that is agreed with the Broads Authority. This marketing and viability work is the first step to securing a development that will do the things that are set out in the comment, if indeed the site is proven not viable for the current use or it is not sold to another operator who wishes to continue with the current use. The policy requirement to prove something is not viable and to market it is similar to that set out in the SNDC and BDC Local Plans.	Other changes may have addressed this comment.
#74	Paul Harris	SNDC and BDC	There may well be significant impacts on business, and other sectors, that will result from the measures taken in light of the current Covid-19 pandemic. As such, retaining the ability to work in positive and creative ways, which apply the flexibility built into policies that allow them to adapt to rapid change, is likely to be particularly important at the moment. To this end, the Council suggests that it would be prudent to pause the progression of the SPD until such time as the full impact of the current situation is better known. This will enable the guidance to better react to those impacts.	Noted. These are exceptional times and we are very mindful of this and the impact it will have. The Government is making changes to the NPPG to reflect the impact of COVID19 and we will monitor these and take them on board as necessary. It is the Local Plan that sets the policy.	No change to document.
#75	Paul Harris	SNDC and BDC	Taking the above as read, the Council does however welcome the deletion of references under 5.6 of the requirement for a longer marketing period in a stagnant market.	Noted.	No change to document.
#76	Paul Harris	SNDC and BDC	The Council remains concerned, as set out in its initial response, that lines 275 to 277 imply a marketing period of 15 months, i.e. it suggests remarketing the site after 3 months and that this remarketing will need to continue for at least 12 months.	15 months is not the intention. Amend text.	5.6.3. If there has not been a willing buyer/occupier in the first three months of marketing, the site/property will need to be re-advertised, using the above strategy, at three monthly intervals unless otherwise agreed with the Authority. <del>This will need to continue for at least 12 months.</del> <u>This advertisement will be for a total of at least 12 months as set out in the Local Plan. for the Broads.</u>
#77	Paul Harris	SNDC and BDC	The Council is also concerned that the SPD states marketing "must" be for a sustained period of 12 months whereas supporting text in the actual local plan, e.g. the reasoned justification under DM26, itself appear to use the term should. Must is an unequivocal statement whereas should tends to imply a degree of flexibility. The reduced flexibility here is illustrative of the Council's concerns with the SPD as currently drafted.	<p>A search of '12 months' of the Local Plan found the following:</p> <p>DM 12 supporting text says: Details should be provided of conversion costs and the estimated yield of the commercial uses, and evidence provided on the efforts that have been made to secure economic, leisure and tourism re-use for a continuous 12-month period.</p> <p>DM26 says: Details should be provided of conversion costs and the estimated yield of the commercial uses, and evidence provided on the efforts that have been made to secure economic, leisure and tourism re-use for a continuous 12-month period.</p> <p>DM30 policy says: Marketing evidence must be provided which demonstrates that the premises have been marketed for a sustained period of 12 months.</p> <p>DM38 supporting text says: Applications for the removal of occupancy conditions will also need to be accompanied by robust information to demonstrate that unsuccessful attempts have been made, for a continuous period of at least 12 months, to sell or rent the dwelling at a reasonable price.</p> <p>DM44 supporting text says: This statement should provide an assessment of the current and likely future market demand for the site or property, attempts to market it for a sustained period of 12 months, and its value.</p> <p>DM48 says: This should include details of conversion costs, the estimated yield of the commercial uses, and evidence of the efforts that have been made to secure employment, recreation, tourism and community re-use for a sustained period of 12 months.</p> <p>In terms of DM12 and DM26, the use of the term 'should' is in relation to providing <b>details</b> of the specific things listed. It does not say that the period <i>should</i> be sustained for 12 months. There are also four other instances of wording related to the 12 month period that do not say should in the sentence.</p>	No change to document.
#78	Paul Harris	SNDC and BDC	The Council's previous response also highlighted 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. It was recommended that 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 reflect the greater desirability of retaining those core functions. Supporting text in the adopted plan, for example under DM26, recognises the need for proportionate evidence to be submitted with an application. The SPD could usefully clarify this proportionality in the context of sites with multiple uses.	This depends on what the applicant wishes to do. The potential for such an approach may be relevant to a scheme and may be enacted.	No change to document.



Reference	Name	Organisation	Comment	BA response	Amendments
#79	Paul Harris	SNDC and BDC	As recognised in the SPD, the Planning Practice Guidance (NPPG) already contains guidance in respect of what is required in a viability appraisal and the SPD defers to this guidance. As a general observation, it would be useful clearly demarcate where, if at all, additional local information is included that should be read alongside national guidance. Section 7 mainly deals with viability assessments in the context of securing the contributions expected from development but also addresses the ongoing viability of businesses at 7.4 and public houses in particular at 7.10. Accepting that lines 23-26 of the document identify the two definitions of viability, the Council are minded that the ordering of section 7 confuses these two definitions. Setting out the guidance contained in 7.4 and 7.10 in separate sections would help to avoid such confusion.	Agreed. We will amend the layout of the viability section. See comment #20, 35 and 79.	Amend layout of viability section.
#80	Paul Harris	SNDC and BDC	The Council would also question whether the section on confidentiality at 7.6 would apply to the ongoing viability of a business as described at 7.4. The NPPG paragraph quoted in the confidentiality section of the SPD appears taken from the section of the NPPG dealing with developer contributions rather than the wider context of the ongoing viability of a business.	Agreed. See #21.	See #21.
#81	Paul Harris	SNDC and BDC	As a minor and final point, the section and paragraph numbering within the document appears to have become misaligned.	Noted. We will check this for the next version.	Ensure check paragraph numbering.
#82	Paul Harris	BDC	The Council would also like to stress the importance of Neighbourhood Plan policies in determining applications where marketing and/or viability is required under the Broads Authority Local Plan. In particular, the Broads Authority should take into account whether any proposed development may help to achieve a policy outcome defined within a Neighbourhood Plan, for example the types of development supported by policies BUS1 and BUS2 of the adopted Wroxham Neighbourhood Plan.	Noted. As stated previously, the need to market or assess viability are set out in the Local Plan and this SPD talks about how to do what the policy requires. As and when viability is proven to be an issue and the site is marketed adequately but to no avail, then what can be done with the site is able to be discussed and indeed the policies of Neighbourhood Plans used. Neighbourhood Plans have policies that support types of development, but they don't say that policies of a LPA should be null and void.	No change to document.
#83	Jason Beck	East Suffolk Council	East Suffolk Council, Planning Policy Department would support the inclusion of a tourism section given its unique nature.	Support noted.	No change to document.
#84	Jason Beck	East Suffolk Council	On line 169 the Broads Authority poses specific questions. As stated under section 5.4 the marketing strategy should be agreed with the Broads Authority beforehand where the applicant can justify their choice in websites themselves. If attempting to define a well-known website there are companies that monitor website traffic that may give some indication.	Noted.	No change to document.
#85	Jason Beck	East Suffolk Council	In addressing the quality of marketing, the applicant should adhere as close as possible to industry standards.	Noted. The guide tries to assist and set out reasonable standards.	No change to document.

## A guide on marketing and viability assessment requirements

Consultation runs from xxx to xxxx.

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# 1. Introduction

1.1. Several policies in the [Local Plan for the Broads](#)<sup>1</sup> will require you, as an applicant or agent, to carry out a robust marketing [strategy campaign](#) and/or a viability assessment if your proposed scheme is promoting something different to the adopted policy position. This [Supplementary Planning Document \(SPD\) guide](#) 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 guide](#) will reduce the chances of a delay in determining your application in relation to these requirements.

1.2. The Broads Authority is the Local Planning Authority within the Broads area and this [Supplementary Planning Document \(SPD\) guide](#) applies only to land within the Authority's executive boundary. ~~The NPPF 2019 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.'~~

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

1.4. 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.

1.5. We consulted on the first draft of this document back in September 2019. We then consulted on an amended version in March/April 2020. Comments received as a result of both consultations are here [xxxx for the purposes of planning committee and Broads Authority, see appendices to the committee reports.](#)

~~1.6. Historic England, Natural England and the Environment Agency were asked for their opinions relating to the need for a Strategic Environment Assessment. Historic~~

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<sup>1</sup> Local Plan for the Broads: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

~~England replied saying ‘we would advise that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD’. The Environment Agency said ‘an SEA likely is not required’. Natural England did not respond. The SEA Screening is at Appendix A.~~

1.7. It is important to note that the Broads Authority offers a free pre planning application service. We encourage and recommend all applicants take advantage of this. This service will provide initial officer level thoughts on proposals. We aim to provide this advice within 21 days.

## 2. Change from SPD to Guide.

2.1. Because we have changed the requirement for a marketing strategy to be provided up front, and as this is really more of a guide, we consider it more appropriate for this document to be a guide rather than a SPD. We would welcome any views you have on this.

## 3. Consultation

3.1. This version is an amended draft version out for its third consultation. Please tell us your thoughts and suggest any changes you think would make the SPD better and set out your reasons.

3.2. During the second consultation, movement and access to public venues was restricted due to COVID19. We extended the consultation period twice and it ran for many more weeks than originally intended. We also offered the opportunity to request a hard copy of the document. Despite that, we do not think the consultation was adequate so we are consulting a third time. We have assessed the comments received as part of the second consultation and made amendments accordingly. These amendments are shown as blue underline for additions and ~~red strikethrough~~ for text that is proposed to be removed.

3.3. This consultation document and consultation process have been developed to adhere to the Broads Authority’s Statement of Community Involvement<sup>2</sup>. We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:

- If you wish to discuss the document, you can still call on 01603 610734 and ask to speak to Natalie Beal. You can also contact Natalie Beal to request a video conference appointment to talk about the document.
- No hard copies will be placed in libraries
- No hard copies will be in Yare House or district or county council offices.

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<sup>2</sup> Current Statement of Community Involvement is here [https://www.broads-authority.gov.uk/data/assets/pdf\\_file/0024/209337/Final\\_adopted\\_SCI\\_formatted\\_July\\_2020.pdf](https://www.broads-authority.gov.uk/data/assets/pdf_file/0024/209337/Final_adopted_SCI_formatted_July_2020.pdf)

- If you wish to have a hard copy, we can send this to you. This will initially be for free, but if we get many requests, we may have to consider charging for postage and printing. Please contact the number above to ask to speak to Natalie Beal to request a hard copy.

3.4. The third consultation on this document is for 7 weeks from xxxx to xxxx. 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](mailto:planningpolicy@broads-authority.gov.uk).

3.5. 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. We will make your name and organisation public alongside your comment.

3.6. **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](mailto:planningpolicy@broads-authority.gov.uk).

## 4. National Planning Policy on viability and marketing

4.1. The [National Planning Policy Guidance](#)<sup>3</sup> (NPPG) states that: ‘Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return’.

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

4.3. Regarding viability, the [2019 National Planning Policy Framework](#)<sup>4</sup> (para 57) states that: ‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the

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<sup>3</sup> NPPG on viability: <https://www.gov.uk/guidance/viability>

<sup>4</sup> NPPF:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

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

110 4.4. More information from the NPPG relating to viability assessments can be found  
 111 online: [Standardised inputs to viability assessment<sup>5</sup>](#).

112 4.5. Whilst not necessarily National Policy, the Royal [Institution](#) of Chartered Surveyors  
 113 have a guidance note<sup>6</sup> and are intending to update it.

114 4.6. Regarding marketing, the NPPF and NPPG seem to only refer to marketing relating  
 115 to the use of heritage assets (NPPF paragraph 195).

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<sup>5</sup> NPPG: <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>.

<sup>6</sup> 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 is being reviewed. (<https://consultations.rics.org/consult.ti/financialviabilitygn/consultationHome>)

## 5. When do you need to assess marketing and viability?

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

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

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

## 6. Relevant policies in the Local Plan

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

6.2. [The following table/matrix sets out which policies require marketing or viability requirements. See Appendix C for more information.](#)



<u>Policy</u>	<u>Requires marketing?</u>	<u>Requires viability information related to a new scheme/as a result of a policy requirement? To check if a policy requirement is not viable.</u>	<u>Requires viability information related to redevelopment or change of use? To check if the existing use is still viable.</u>	<u>Relevant section of SPD guide.</u>
<u>Policy DM4: Water Efficiency</u>		<u>X</u>		<u>9.3</u>
<u>Policy DM12: Re-use of Historic Buildings</u>	<u>X</u>		<u>X</u>	<u>8 and 9.4</u>
<u>Policy SP11: Waterside sites</u>			<u>X</u>	
<u>Policy DM26: Protecting general employment</u>	<u>X</u>		<u>X</u>	<u>8 and 9.4</u>
<u>Policy DM30: Holiday accommodation – new provision and retention</u>	<u>X</u>		<u>X</u>	<u>8 and 9.4</u>
<u>Policy DM34: Affordable housing</u>		<u>X</u>		<u>9.3</u>
<u>Policy DM38: Permanent and temporary dwellings for rural enterprise workers</u>	<u>X</u>		<u>X</u>	<u>8 and 9.4</u>
<u>Policy DM43: Design</u>		<u>X</u>		<u>9.3</u>
<u>Policy DM44: Visitor and community facilities and services</u>	<u>X</u>		<u>X</u>	<u>8 and 9.4</u>
<u>Policy DM48: Conversion of buildings</u>	<u>X</u>		<u>X</u>	<u>8 and 9.4</u>
<u>Policy HOR8: Land on the Corner of Ferry Road, Horning</u>			<u>X</u>	<u>9.4</u>
<u>Policy THU1: Tourism development at Hedera House, Thurne</u>		<u>X</u>		<u>9.3</u>
<u>Policy SSPUBS: Waterside pubs network</u>			<u>X</u>	<u>9.4</u>

## 7. Marketing your site/property ~~Preparing and delivering a Marketing Strategy~~

### 7.1. Introduction

7.1.1. This section sets out the detailed requirements for marketing a site to show that there is no demand for the existing use and to justify a change of use. Be aware that there are experienced organisations who can help with your marketing campaign; we suggest you seek their assistance.

### ~~7.2. The requirement to market tourist accommodation~~ Proposals involving the potential loss of tourist accommodation.

7.2.1. We note that the marketing requirement is slightly different for proposals that would result in a loss of tourist accommodation. ~~The policy seeks marketing the New tourist accommodation should be operating and available~~ to potential customers for at least 12 months to understand the demand for the accommodation. If there is sufficient evidence to demonstrate limited interest in people staying at the holiday accommodation, the next stage is to market the site for tourist accommodation or an alternative tourist use on the open market for a year. Marketing the unit to another potential operators is considered a sound approach to demonstrating that holiday use is unviable in the long term rather than marketing it for 12 months to sell it on the open market.

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

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

7.2.4. When marketing your accommodation, we would expect the accommodation to be available for rent on at least three well-known holiday accommodation websites. These may include Air BnB and bookings.com for example. You will need to explain and justify the websites you use. If you consider that your site should be available for rent/hire on fewer than three websites, please explain why this is the case. We would expect good quality photos posted on those websites to help the accommodation be attractive to those looking for somewhere to stay.

- 178 7.2.5. The price charged per night needs to be reasonable and a level that is acceptable  
179 and one that someone is likely to pay to stay at your accommodation. This price will  
180 require justifying.
- 181 7.2.6. The property should be able to be let for a variety of time periods (for example 1  
182 night, 2 nights, 7 nights etc), in accordance with any planning conditions attached to  
183 the property. Again, these time periods need to be justified.
- 184 7.2.7. If the property is unavailable for rent during the 12 months, you need to contact the  
185 Broads Authority to discuss this. The policy does say that a sustained period of 12  
186 months is required. We may require the time the property is unavailable to be  
187 added on to the end of the 12 months.
- 188 7.2.8. The marketing report presented to the Broads Authority at the end of the 12 month  
189 period will need to detail what bookings were made and for how long. The report  
190 needs to say how many days or weeks in a year the accommodation was rented for  
191 and how that relates to what was expected to be successful year for the  
192 accommodation. This could usefully include information from the websites used to  
193 advertise the property. Indeed, information of the reviews received for the holiday  
194 accommodation will be of interest and relevance. If a negative review raises issues  
195 that can be addressed, how have you addressed those issues?
- 196 ~~7.2.9. A different approach as stated above could be acceptable, but would need agreeing~~  
197 ~~with the Broads Authority in advance.~~
- 198 ~~7.2.10. The rest of this section (section 6) may not necessarily apply to changes of use of~~  
199 ~~tourist accommodation, but we advise you to speak to the Planning Team (who~~  
200 ~~offer free pre application advice).~~
- 201 7.3. Permitted Development
- 202 7.3.1. Permitted Development rights allow changes of certain uses to other uses, subject  
203 to particular criteria. As part of marketing the site, the site will need to be marketed  
204 and/or investigated in terms of its potential for other uses permitted by the General  
205 Permitted Development Order<sup>7</sup> as well as for its current use.
- 206 ~~7.4. The marketing strategy~~
- 207 ~~7.4.1. How you market the site will vary based on the type of premises being advertised.~~  
208 ~~The scope of the marketing exercise and how you intend to market the site needs to~~  
209 ~~be set out in the marketing strategy and agreed with the Broads Authority~~  
210 ~~beforehand. This will ensure the marketing strategy meets the requirements set out~~  
211 ~~in this SPD/section, and will avoid the need to repeat the marketing exercise should~~

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<sup>7</sup> [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/37/planning\\_permission/2](https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2)

212 ~~the Authority consider the marketing is not up to standard, saving you time and~~  
 213 ~~money.~~

~~7.4.2. The marketing strategy will need to explain why the property is being marketed and its location, a description of the site, a summary of the planning history of the site including any restrictions, how the site will be advertised and markets and guide terms. More detail is provided in the following paragraphs.~~

~~7.4.3. The strategy will need to include a marketing matrix like the template below.~~

214 **Table 1**

Marketing initiative	Budget (£)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Marketing boards													
Targeting mailing													
Online advertisement													
Etc.													

## 215 7.5. How to market your site

216 7.5.1. As a minimum, the following initiatives ~~need~~ are expected to be used for all  
 217 premises. The Broads Authority may request other ways of marketing. ~~The strategy~~  
 218 How you market your site will be proportionate to the site/property that is being  
 219 marketed/proposed for change of use. ~~Your strategy will need to explain how you~~  
 220 ~~will use the following methods in marketing your site. If you do not wish to use a~~  
 221 ~~particular method, you will need to fully explain and justify this in your strategy. The~~  
 222 ~~Marketing Strategy will be agreed with the Broads Authority in advance.~~

## 223 7.5.2. Method of marketing and approach to advertisement

224 This will cover:

- 225 • Basis of instruction - sole agent or joint agent, etc. We would need to know the  
 226 details of the agent appointed and their expertise/qualifications. If no agent was  
 227 used, we would need to understand why.
- 228 • Method of disposal - private treaty or informal/formal bids.
- 229 • Advertisement option - sale boards, internet, PR, publications, mailing, etc.

- 230 7.5.3. Marketing board
- 231 a. A simple 'for sale' board for small commercial premises, single tourist unit
- 232 accommodation and community facilities.
- 233 b. For larger commercial units and tourist accommodation sites, larger boards
- 234 giving details of the property including the guide price are required.
- 235 c. Boards need to be placed so they can be seen from the main public vantage
- 236 point (which could be a road and/or river in the Broads) but not so they cause
- 237 obstructions or inconvenience to the public or neighbouring uses. They should
- 238 also be designed and located in a way to not impact the special qualities of the
- 239 Broads.
- 240 d. Temporary 'for sale' boards do not generally require consent, subject to certain
- 241 restrictions, and it is the land owner's responsibility to comply with these<sup>8</sup>.
- 242 7.5.4. Marketing particulars
- 243 a. The details of the site need to be advertised. ~~The Marketing Strategy also needs~~
- 244 ~~to explain how you will advertise these particulars.~~
- 245 b. For a small site, this could be on the website or be a simple handout.
- 246 c. For larger commercial units and tourist accommodation sites, which are more
- 247 likely to have a regional or national audience, the particulars need to be set out
- 248 in a bespoke, well-designed brochure. This needs to include layouts of the
- 249 building and professional photos.
- 250 d. In all cases, the following information is required:
- 251 • Background –why the property is being marketed.
- 252 • Description – including details on floorspace, number of floors, layout, car
- 253 parking and yard facilities.
- 254 • Internal and external photographs
- 255 • Location - including information on proximity to regional centres such as
- 256 Norwich, Ipswich and Lowestoft, links to transport networks and general
- 257 setting (e.g. Business Park / enterprise zone).
- 258 • Description of accommodation

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<sup>8</sup> [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007, Schedule 3, Part 1, Class 3A; 'Miscellaneous temporary advertisements'](#)

- 259 • Terms (leasehold, freehold, long lease, etc.) - these should be flexible and
- 260 consider prevailing market conditions. The length of leases should not be
- 261 unduly restrictive.
- 262 • Guide price/rent
- 263 • Planning information – a summary of the existing planning use and status,
- 264 history and restrictions.
- 265 • Services and utilities
- 266 • Energy Performance Certificate
- 267 • Rateable value and business rates
- 268 • VAT status
- 269 • Legal and professional costs
- 270 • Viewing arrangements
- 271 • Contact information for the agent
- 272 • If an ongoing business, a summary of the trading history needs to be
- 273 included.
- 274 7.5.5. Advertisement in press/press release
- 275 a. For small commercial units, community facilities and single unit tourist
- 276 accommodation, an advert is to be placed and maintained (for a period to be
- 277 agreed with the Authority) in a local newspaper and estate/property agents
- 278 (including with specialist trade agents if appropriate).
- 279 b. For larger commercial units and tourist accommodation sites, specialist
- 280 publications are to be used (again for a period to be agreed with the Authority)
- 281 and estate/property agents (including with specialist trade agents if
- 282 appropriate).
- 283 c. Advertisements in both local and national publications should include a colour
- 284 picture of the premises.
- 285 d. For larger commercial units and tourist accommodation sites, a press release
- 286 could be given to the local and regional press.
- 287 7.5.6. Online advertisement
- 288 a. The site needs to be published on the agent's website
- 289 b. Also, if for a commercial site, one national commercial property search engine.

- 290 c. For very large commercial units and tourist accommodation ~~parks~~ sites, a  
291 bespoke website for the property should be created.
- 292 d. The information set out in 8.5.4 needs to be displayed on the website.
- 293 7.5.7. Targeted mailing
- 294 a. This would be completed by the agent.
- 295 b. They may mail their contacts and/or purchase a database of contacts and send  
296 them the details.
- 297 7.6. Length of marketing campaign and re-advertising
- 298 7.6.1. As set out in the Local Plan, the marketing of the site must be for a sustained period  
299 of 12 months at a realistic price (Appendix C).
- 300 7.6.2. This period may have the added benefit of allowing communities time to develop  
301 community led proposals, and will also be relevant if the property has been  
302 registered as an asset of community value with Broadland District, Great Yarmouth  
303 Borough, North Norfolk, Norwich City, South Norfolk or East Suffolk Council.
- 304 7.6.3. If there has not been a willing buyer/occupier in the first three months of  
305 marketing, the site/property will need to be re-advertised, ~~using the above strategy,~~  
306 at three monthly intervals unless otherwise agreed with the Authority. ~~This will~~  
307 ~~need to continue for at least 12 months.~~ This advertisement will be for a total of at  
308 least 12 months as set out in the Local Plan for the Broads.
- 309 ~~7.6.4. The strategy needs to address these requirements.~~
- 310 7.7. Expenditure on marketing
- 311 7.7.1. The budget for the marketing campaign should be proportionate to the anticipated  
312 return from the property. The budget for the marketing campaign should be  
313 proportionate to the nature of the property and the interest being sold . You will be  
314 required to justify the marketing spend as being appropriate. ~~As a guide, the~~  
315 ~~budget should be about 3% of the anticipated return from the property. The~~  
316 ~~strategy needs to provide details of this.~~
- 317 7.8. Guide price/rent
- 318 7.8.1. This needs to be commensurate with the current market price for similar premises  
319 (which may reflect if the market is stagnant). To provide impartial evidence  
320 regarding viability and marketing of the property, an independent assessment or  
321 valuation is likely to be required. It is expected that the value of the property will be  
322 derived from a suitably qualified expert or practioner who may well be a member of  
323 RICS (Royal Institution of Chartered Surveyors) or other appropriate professional  
324 organsiation. ~~valuation is likely to be required. It is expected that the value of the~~  
325 ~~property will be derived from an expert RICS registered valuer (likely to be the~~

~~District Valuation Office) or accredited member of RICS (Royal Institution of Chartered Surveyors).~~ The marketing must be at a reasonable and realistic value for the current permitted use class and for other permitted use classes (see 8.3) both for sale and rent. ~~The strategy needs to provide details of this.~~

## 7.9. Marketing statement

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

- ~~a. The original marketing strategy as agreed with the Broads Authority (which is likely to be in accordance with this SPD)~~
- b. The duration and dates of the marketing campaign
- c. The value of the property used in the marketing campaign and the justification to support this value
- d. Evidence ~~that the marketing strategy~~ how the marketing campaign was delivered – to include photos of the marketing boards, copies of particulars, screenshots of online advertisements, copies of press articles and adverts
- e. A full record of enquiries received throughout the course of the marketing campaign. This needs to record the date of the enquiry, details of the company/individual, nature of the enquiry, if the property was inspected, details of any follow-up and reasons why the prospective occupier deemed the premises unsuitable. If any offers were rejected, the grounds on which the offers were rejected must be provided. This will be subject to GDPR requirements.
- f. If the record of enquiries indicates a lack of interest during the marketing campaign, the report needs to detail the measure undertaken to alter the ~~strategy~~ campaign and to increase interest.

7.9.2. The statement will need to be independently reviewed. This review will be entirely at the applicant's expense.



## 8. Preparing a Viability Assessment

### 8.1. Introduction

8.1.1. This ~~SPD~~ [guide](#) gives general information about requirements for viability assessments.

8.1.2. [There are two types of viability assessments covered in the Local Plan and in this ~~SPD~~ guide. The first is related to whether a scheme can meet policy requirements like water efficiency and affordable housing. The second relates to proving if a current use is not viable when an applicant is seeking a change of use or redevelopment.](#)

### 8.2. Community Infrastructure Levy (CIL)

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

### 8.3. [Viability Assessment – policy requirements like design, water efficiency and affordable housing.](#)

#### General information

8.3.1. It is not intended that this ~~SPD~~ [guide](#) goes into detail about completing viability assessments; instead it discusses viability assessments more generally. For more detailed information, visit the NPPG: <https://www.gov.uk/guidance/viability>.

8.3.2. It is important to note that the Local Plan and its policies underwent a viability appraisal<sup>9</sup> 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<sup>10</sup>.

8.3.3. 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.

8.3.4. 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

#### Requirements of viability assessments

8.3.5. A ~~independent chartered surveyor~~ [suitably qualified expert or practitioner who may well be a member of RICS \(Royal Institution of Chartered Surveyors\) or other appropriate professional organisation](#), must complete the viability assessment.

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<sup>9</sup> [https://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0020/256115/EP28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf](https://www.broads-authority.gov.uk/_data/assets/pdf_file/0020/256115/EP28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf)

<sup>10</sup> 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.

- 386 8.3.6. The level of detail and type of evidence and analysis presented should be  
387 proportionate to the scale and nature of the site and/or property in question.
- 388 8.3.7. The assessment must be clear and transparent, setting out robust evidence behind  
389 the assumptions and inputs that go into the development appraisal. There must be  
390 no hidden calculations or assumptions in any model or appraisal.
- 391 8.3.8. Viability Assessments need to include details of the proposed scheme including site  
392 area, unit numbers, number of habitable rooms (if residential), unit size, density and  
393 the split between the proposed tenures/uses. Floorspace figures need to be  
394 provided for residential uses (gross internal area) by tenure, and non-residential  
395 uses in gross internal area (GIA) and net internal area (NIA). Information needs to be  
396 provided relating to the target market of the development and proposed  
397 specification, and be consistent with assumed costs and values.
- 398 8.3.9. Details of the assumed development programme and the timing of cost and income  
399 inputs need to be provided.
- 400 8.3.10. Any assessments submitted needs to include an executive summary along with the  
401 detailed viability assessment which clearly shows the inputs applied and the  
402 outcome and should include a detailed cashflow. The information provided must be  
403 able to be reviewed and interrogated without the need for additional information  
404 being provided . There are several specialist appraisal models that can be used to  
405 undertake the a viability apparaisal and provide the information in a suitable format  
406 including the use of Microsoft Excel. ~~Any assessments submitted needs to include~~  
407 ~~an executive summary and a spreadsheet version of the viability assessment model~~  
408 ~~that can be opened and interrogated in Microsoft Excel and similar spreadsheet~~  
409 ~~software applications. We strongly recommend Homes England's Development~~  
410 ~~Appraisal Tool, an open sourced spreadsheet that anyone can use.~~
- 411 Land values
- 412 8.3.11. Site promoters and developers need to ensure that the price paid for land does not  
413 negatively affect the delivery of this Local Plan's objectives. The NPPG says:
- 414 • 'The price paid for land is not a relevant justification for failing to accord with  
415 relevant policies in the plan. Landowners and site purchasers should consider  
416 this when agreeing land transactions'
- 417 • 'It is important for developers and other parties buying (or interested in buying)  
418 land to have regard to the total cumulative cost of all relevant policies when  
419 agreeing a price for the land. Under no circumstances will the price paid for land  
420 be a relevant justification for failing to accord with relevant policies in the plan'

8.3.12. 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.

#### Affordable housing

8.3.13. 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. 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. Conversely, for any market housing, the assessment will work up from zero.

#### Confidentiality

8.3.14. 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.

8.3.15. 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 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.

8.3.16. 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. Also note the reference to confidentiality in section 9.4.11. Please see detail in NPPG Paragraph: 021 Reference ID: 10-021-20190509

Revision date: 09 05 2019<sup>11</sup> entitled 'should a viability assessment be publicly available?'.

#### Circumstances

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

### 8.4. Viability Assessment – change of use/conversion/redevelopment

#### General Information

8.4.1. This section relates to schemes that seek a change of use/conversion/redevelopment contrary to what is permitted in the local plan.

#### Requirements of viability assessments

8.4.2. A ~~independent chartered surveyor~~ suitably qualified expert or practioner who may well be a member of RICS (Royal Institution of Chartered Surveyors) or other appropriate professional organisation

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

8.4.4. The assessment must be clear and transparent, setting out robust evidence behind the assumptions.

8.4.5. The viability assessment needs to assess the current and likely future market demand for the site or property. For the existing and future demand in terms of bookings, this could be by using recent and future bookings. For future demand in terms of someone taking on the property/site, expert opinion would be useful, as well as interest in buying the property/site when it is marketed.

#### Assisting a business to be run in a viable manner - grant funding/financial support

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

a. **Business rate relief:** The district council may provide business rate relief.

Owners or operators of the site in question should approach the district council

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<sup>11</sup> NPPG: <https://www.gov.uk/guidance/viability>

490 to discuss the potential for this, and evidence of any such discussions with the  
491 district council will need to be provided with any planning application.

492 b. **Interventions to improve the commercial attractiveness:** The owner or  
493 operator of the site will need to provide evidence showing how they have  
494 considered reasonable interventions to improve the attractiveness of the site,  
495 and evidence if these interventions are not feasible (if that is the case).

496 c. **Grant funding and financial support:** Information showing that all available  
497 opportunities of grant funding and financial support to help retain the current  
498 use(s) have been fully explored and that none are viable (if that is the  
499 conclusion).

#### 500 Proposals relating to Public Houses

501 8.4.7. Owners wishing to pursue other uses of a public house will need to make a planning  
502 application and submit a report undertaken by a ~~independent chartered surveyor~~  
503 suitably qualified expert or practitioner who may well be a member of RICS (Royal  
504 Institution of Chartered Surveyors) or other appropriate professional organisation,  
505 that meets the tests as set out in the CAMRA Public House Viability Test<sup>12</sup>. The  
506 Authority will need to verify the content of the report and may need to employ  
507 external expertise to do so. The applicant will need to meet this expense.

508 8.4.8. The Public House Viability Test does not seek to protect the continued existence of  
509 every pub -circumstances can change and some pubs find themselves struggling to  
510 continue. It does, however, help all those concerned in such cases – local  
511 authorities, public house owners, public house users and Planning Inspectors – by  
512 providing a fact-based method to rigorously scrutinise and test the future viability of  
513 a pub against a set of well-accepted measures.

514 8.4.9. The fundamental basis of this viability test is to assess the continued viability of a  
515 pub business. The question to address is what the business could achieve if it were  
516 run efficiently by management committed to maximising its success.

517 8.4.10. It is also important to note that some public houses may be listed as Assets of  
518 Community Value<sup>13</sup>. These are allocated as such by the District Council, in liaison  
519 with the Broads Authority. There are certain requirements relating to these Assets  
520 which can be found here: [https://mycommunity.org.uk/help-centre/resources/land-](https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/)  
521 [and-building-assets/assets-community-value-acv/](https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/)

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<sup>12</sup> CAMRA Public House Viability Test: [https://camra.org.uk/campaign\\_resources/public-house-viability-test/](https://camra.org.uk/campaign_resources/public-house-viability-test/)

<sup>13</sup> It should be noted that other properties/venues/sites can be allocated as Assets of Community Value. Again, see websites of our Councils.

522 Confidentiality

523 8.4.11. There may be some instances where parts of the assessments are deemed  
524 confidential.

525 Circumstances

526 8.4.12. Any Issues relating ~~to the personal circumstances of the applicant or~~ to the price  
527 paid for the building cannot be taken into consideration.

528 8.5. Independent Review – both types of viability assessments.

529 8.5.1. The Authority will need to verify the content of a viability assessment and may need  
530 to employ external expertise to do so. The applicant will need to meet this expense.

531 8.5.2. The independent review will assess and scrutinise the assumptions and inputs  
532 applied in undertaking the assessment and give a view on whether the assessment  
533 is robust. If the assessment is not considered robust, this will be discussed with the  
534 applicant who may be asked to amend the assessment. Depending on  
535 circumstances, the independent review may include a revised viability assessment  
536 in accordance with this ~~SPD~~ guide and again the applicant will need to meet this  
537 expense.

538 9.6 Relevant links

539 8.5.3. The following links may contain useful information:

- 540 • Financial viability in planning: conduct and reporting (rics.org)  
541 • RICS guidance note on the National Planning Policy Framework

542 **9. Summary**

543 9.1. If you intend to submit a planning application to the Broads Authority, please check  
544 at an early stage whether your proposal will require marketing of the site and/or a  
545 viability assessment. If it does, you must submit the assessment with your  
546 application as the Authority cannot validate your application until the assessment is  
547 received.

548 9.2. Please note that the assessment will be treated as public information in support of  
549 the application, along with all the other required documents and plans. As discussed  
550 in this Guide, there could be some instances where parts of the assessments are  
551 deemed confidential.

552 9.3. During the determination of the application, the Authority will assess the  
553 information you have provided against the marketing and viability requirements set  
554 out in this ~~SPD~~ guide. It will verify the content of any viability assessments and may  
555 need to employ external independent expertise to do so. As the applicant, you will  
556 need to meet this expense. The Authority will consider the expert advice and let you  
557 know whether: (a) the assessment adequately demonstrates the argument you

558 have put forward; (b) further information is required; or (c) the assessment does  
559 not demonstrate the case. The application will then be determined accordingly.

## Appendix A: SEA Screening

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

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

Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.

The following is an internal assessment relating to the requirement of the Draft Marketing and 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
<b>Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004</b>	
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.



The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
<b>Criteria for determining the likely significance of effects on the environment</b>	
<b>1. The characteristics of plans and programmes, having regard, in particular, to</b>	
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 resources.	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 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.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</b>	
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	The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries.

<del>The Environmental Assessment of Plans and Programmes Regulations 2004 requirement</del>	<del>Assessment of the Marketing and Viability SPD</del>
	<del>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.</del>
<del>the risks to human health or the environment (for example, due to accidents)</del>	<del>It is considered that the subject of the SPD does not negatively impact this criterion.</del>
<del>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</del>	<del>The SPD will cover the Broads Authority which includes 6,000 permanent residents. There are also visitors throughout the year.</del>
<del>the value and vulnerability of the area likely to be affected due to—</del> <ul style="list-style-type: none"> <li><del>• special natural characteristics or cultural heritage;</del></li> <li><del>• exceeded environmental quality standards or limit values; or</del></li> <li><del>• intensive land use;</del></li> </ul>	<del>The Broads is special in its natural characteristics and cultural heritage. Unsure if standards or limits have been exceeded in the Broads Not relevant</del>
<del>The effects on areas or landscapes which have a recognised national, Community or international protection status.</del>	<del>The area to which the SPD applies is the Broads with an equivalent status to that of a National Park.</del>

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

584 ~~Historic England~~

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

592 ~~Environment Agency~~

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

## Appendix B: Privacy notice

### Personal data

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

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

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

#### 2. Why we are collecting your personal data

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

#### 3. Our legal basis for processing your personal data

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

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

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

Your personal data will not be transferred outside the EU.

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

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

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

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

a) to see what data we have about you

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

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

## Appendix C: Additional requirements relating to specific proposals/policies

### Introduction

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

### Economy section of Local Plan.

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

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

### Heritage section of the Local Plan

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

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

### Tourist accommodation section of the Local Plan

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

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

672 'To make sure new holiday accommodation is used for tourism purposes that benefit the  
673 economy of the Broads, occupancy conditions will be sought to prevent the accommodation  
674 from being used as a second home or sold on the open market. To ensure an adequate  
675 supply of holiday accommodation is retained, the removal of such a condition will only be  
676 permitted where the proposal is accompanied by a statement, completed by an  
677 independent chartered surveyor, which demonstrates that it is financially unviable or **that**  
678 **any net loss of accommodation is necessary to allow appropriate relocation or**  
679 **redevelopment**'.

#### 680 Affordable Housing policy

681 Policy DM34: Affordable housing reasoned justification says that effectively, the district's  
682 percentage will be a starting point for assessment.

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

#### 694 Converting buildings

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

698 'Residential conversions may be appropriate for some types of buildings and in certain  
699 locations, providing that it has been demonstrated that a **commercial or community use of**  
700 **the building is** unviable and that the building is of sufficient quality to merit retention by  
701 conversion. Applications to convert a building outside of a development boundary to  
702 residential use should be accompanied by a report undertaken, by an independent  
703 Chartered Surveyor, which **demonstrates why employment, recreation, tourism and**  
704 **community uses would not be viable due to inherent issues with the building**. This should  
705 include **details of conversion costs, the estimated yield of the commercial uses, and**

706 **evidence of the efforts that have been made to secure employment, recreation, tourism**  
707 **and community** re-use for a sustained period of 12 months’.

#### 708 **Rural enterprise workers dwellings**

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

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

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

717 a) There is no longer a long-term need for the dwelling on the particular enterprise on  
718 which the dwelling is located; and

719 **b) Unsuccessful attempts have been made to sell or rent the dwelling at a price that**  
720 **takes account of the occupancy condition**

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

# Planning Committee

21 May 2021

Agenda item number 11

## Responses to consultations received

Report by Planning Policy Officer

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### Summary

This report informs the Committee of the officer's proposed response to planning policy consultations received recently, and invites members' comments and guidance.

### Recommendation

To note the report and endorse the nature of the proposed response.

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## 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 comments, guidance and endorsement are invited.

Author: Natalie Beal

Date of report: 10 May 2021

Appendix 1 – Planning Policy consultations received



# Appendix 1 – Planning Policy consultations received

## Organisation: MHCLG

**Document:** [Changes to permitted development rights for electronic communications infrastructure: technical consultation - GOV.UK \(www.gov.uk\)](#)

**Due date:** 14 June 2021

**Status:** Final consultation on proposed reforms.

**Proposed level:** Planning Committee Endorsed

### Notes

This consultation seeks views on proposed changes to permitted development rights for the installation, alteration and replacement of electronic communications infrastructure. This consultation looks at how to implement the [proposals consulted on in August 2019](#) to support the deployment of 5G and extend mobile coverage.

Permitted development rights for electronic communications infrastructure are set out in Part 16 of Schedule 2 to the General Permitted Development Order 2015 (as amended). The proposed changes are:

- To enable deployment of radio equipment housing by permitting small equipment cabinets on Article 2(3) land<sup>[\[footnote 1\]](#)</sup> (which includes, the Broads, National Parks, Conservation Areas and Areas of Outstanding Natural Beauty), and allowing greater flexibility for installing equipment cabinets in existing compounds;
- To enable the strengthening of existing masts by permitting limited increases in the width of existing ground-based masts without the need for prior approval, and greater increases subject to prior approval, on all land. Also allowing for limited increases to the height of existing ground-based masts without the need for prior approval outside of Article 2(3) land, with greater increases on all land, up to specified limits, subject to prior approval;
- To enable the deployment of building-based masts by permitting these in closer proximity to a highway subject to prior approval outside of Article 2(3) land. Also, whether to permit smaller masts to be installed without the need for prior approval outside of Article 2(3) land; and
- To enable the deployment of new ground-based masts by permitting taller new masts, up to specified limits, on all land subject to prior approval, with greater permitted heights on land outside of Article 2(3) land. Also, whether to permit monopole masts of up to 15 metres to be deployed without the need for prior approval on land outside of Article 2(3) land.

None of the proposals above would apply on land on or within sites of special scientific interest.

Changes to the safeguarding procedure and technical changes to the definition of ‘small cell system’ are also proposed.

### **Summary of proposed response**

There is great concern about the proposals that could see more schemes being classed permitted development in protected landscapes like the Broads. Even more concerning is the move to remove the need for prior approval for some schemes. The response generally does not support the proposals.

### **Proposed response**

#### **Introduction**

We are keen to support wider broadband and mobile coverage in rural areas, including the Broads and we recognise the social and economic benefits that this brings. Vibrant rural economies and communities are essential to underpin our landscapes and their special qualities, and digital connectivity is a key issue. The consultation seeks changes to the PD rights relating to telecommunications. Mainly moving the planning approach to certain developments along the hierarchy – permission to prior approval and some prior approval to not needing prior approval.

#### **Impact of proposals on the Broads**

We would like to share some images of the Broads. The Broads is a protected landscape, treasured locally, nationally and indeed internationally. The Broads has the equivalent status of a National Park. It is included as Article 2(3) land. The images are intended to show that masts could potentially be placed in the areas shown without proper consideration during a planning application process, and for some schemes, without prior approval.







**What is the need for the proposed changes?**

What evidence is there that requiring planning permission slows down delivery? What evidence is there that such schemes tend to be refused? What current issue is this change trying to address? In the case of telecommunications development, monitoring data shows

that of those schemes in which National Parks and the Broads, as Local Planning Authorities, were notified appropriately in advance, 90% were approved/went ahead. Fellow protected landscape authorities were unaware of cases of refusal except in isolated cases where the damage to landscape would seriously undermine National Park/Broads purposes.

### **Environmental Impacts of 5g**

We understand there are environmental impacts of 5g. What risk assessments have been completed on the impact of 5g on the environment and wildlife? Literature seems to indicate that the radiation could be harmful to insects and pollinators.

We also note this:

5G: Pollinators and Wildlife: Parliamentary Written question 266891

Asked by Ben Lake MP (Ceredigion) 19 June 2019

“To ask the Secretary of State for Health and Social Care, what assessment he has made of the potential effect of the roll out of the 5G network on wildlife and pollinators.”

Answered by: Minister Seema Kennedy 28 June 2019

“No assessment of the potential effect of the roll out of the 5G network on wildlife and pollinators has been made.”

### **Detailed comments on the changes proposed**

- Single developments of small radio equipment housing would be permitted without the need for prior approval, with larger equipment housing subject to prior approval, in all areas except land on or within sites of special scientific interest;

This change will result in such housing within conservation areas and protected landscapes and therefore will impact on those assets.

- Restrictions on singular developments and cumulative permitted development of radio equipment housing would be disapplied where these are located in an enclosed compound, subject to restrictions that ensure new equipment does not have an adverse visual impact on the local area;

There seems to be no proposals to control the scale, size and massing of the items that can go within this compound. A large item could have a great impact on the area for example, even if within a compound. It would therefore seem prudent to place restrictions on what could be placed within compounds without the need for planning permission.

Could new compounds be put in place in order to take advantage of this change? That is to say, could this change with no restrictions be taken advantage of?

- For existing ground-based masts less than a metre in width, alteration or replacement of the mast with increases in width of up to two-thirds would be permitted without the need for prior approval. Greater increases in width would be permitted subject to prior approval;

There seems to be no consideration of what the land that is being extended into is used for. For example, what if it is section 41 habitat of the NERC Act?

The greater scale and massing of the new mast could have impacts on the area and these could not be assessed and therefore identified to be mitigated with the changes.

- For existing ground-based masts more than a metre in width the government is consulting on two options: A) the alteration or replacement of the mast with increases in width of up to half or two metres (whichever is greater) without the need for prior approval in all areas; or B) the alteration or replacement of the mast with increases in width of up to one third or one metre (whichever is greater) on Article 2(3) land without the need for prior approval, and half or two metres (whichever is greater) elsewhere. In either case, greater increases in width than those specified above would be permitted subject to prior approval;

There seems to be no consideration of what the land that is being extended into is used for. For example, what if it is section 41 habitat of the NERC Act?

The greater scale and massing of the new mast could have impacts on the area and these could not be assessed and therefore identified to be mitigated with the changes.

- Alteration or replacement of existing ground-based masts which increases the height up to 25 metres would be permitted subject to prior approval on Article 2(3) land or land on a highway;

The consultation does not give an indication of the current usual height of masts to which this upward extension would apply. This lack of information means that the actual impact cannot be considered. For example, say the mast heights at the moment tend to be around 23 or 24m high, then an increase of 1m to the capped height may not be an issue. But if masts are currently, say, 10m or so then an increase of height of more than double the current height, to reach the capped height of 25m is extremely significant.

The greater scale and massing of the new mast could have impacts on the area and these could not be assessed and therefore identified to be mitigated with the changes.

- Alteration or replacement of existing ground-based masts which increase the height up to 25 metres would be permitted without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest. Greater increases in height up to 30 metres would be subject to prior approval;

We note that the NPPG changes that were recently out for consultation, proposed a change to emphasise the importance of the setting of protected landscapes. Allowing extensions of masts up to 25m in areas near to protected landscapes without prior approval could lead to detrimental impacts on the setting of protected landscapes.

- Installation, alteration or replacement of building-based masts up to 10 metres in height above the tallest part of the building within 20 metres of the highway, on buildings less than 15 metres in height, would be permitted subject to prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;

We note that the NPPG changes that were recently out for consultation, proposed a change to emphasise the importance of the setting of protected landscapes. Allowing extensions of masts up to 25m in areas near to protected landscapes without prior approval could lead to detrimental impacts on the setting of protected landscapes.

- In addition, the government is considering permitting the installation, alteration or replacement of building-based masts up to 6 metres in height above the tallest part of the building without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;

We note that the NPPG changes that were recently out for consultation, proposed a change to emphasise the importance of the setting of protected landscapes. Allowing extensions of masts up to 25m in areas near to protected landscapes without prior approval could lead to detrimental impacts on the setting of protected landscapes.

- With the exception of land on or within sites of special scientific interest, installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway, and 30 metres on other land, would be permitted – in both cases subject to prior approval;

This change will result in masts up to 25m within conservation areas and protected landscapes and therefore will significantly impact on those assets. You are probably aware of the work that Power Networks UK have completed, with further projects likely to come forward over the coming years, to ground cables in order to remove pylons and cables from protected landscapes to remove such significant detractors. These changes would effectively mean that the benefit from removing pylons (which one can equate to having a similar impact as the proposed masts, in the absence of images) is likely to be undone by the ability to place masts in protected landscapes without the need for planning permission.

- In addition, the government is considering permitting the installation of monopoles up to 15 metres in height without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest.

The consultation does not give an indication of the current usual height of masts to which this upward extension would apply. This lack of information means that the actual impact cannot be considered. For example, say the mast heights at the moment tend to be around 13 or 14m high, then an increase of 1m to the capped height may not be an issue. But if masts are currently, say, 5m or so then an increase of height of more than double the current height, to reach the capped height of 15m is extremely significant. Even if it is a single pole.

Some kinds of monopoles need supports anchor in the ground. How have these been factored into the impact from this change?

#### **Detailed comments on the document**

It is disappointing that images of the infrastructure in question has not been included to help aid understanding. This was suggested as part of the last consultation. Detailed dimensions of the infrastructure is also missing. This coupled with lack of images makes for a consultation whereby the impacts cannot be easily understood due to lack of accessible information.



Para 1 – these changes have been planned for a few years. This paragraph implies it is in response to the pandemic and is therefore misleading.

Para 5 says ‘Through the Code of Practice mobile network operators **can** provide more clarity on how mobile infrastructure will look and how it **can** be well-designed and well-built in a way that benefits people and communities’. Query the use of the word ‘can’. Why not ‘will’?

Para 19 – still no dimensions provided.

Para 47 – Code of best practice needs to be made a requirement and form part of the PD.

Para 49 – what is a major road? This needs defining. Is it all A roads? What about A roads that go through Article 2(3) land?

Para 81 – commitment to improve code of best practice welcomed, and involvement of protected landscapes welcomed. But this needs to be a requirement and form part of PD. What is the timeline for this update? It could be that these PD rights come in without an improved code of practice in place. The timeline for the review and amendment needs to be announced and completed before the PD rights come into place.

Para 85 – impact assessment does not mention environmental impacts of 5g and it does not mention the landscape impact of masts as a result of the changes – that some schemes will not need prior approval/planning permission, but could impact landscape.

It is not until the FAQs that it is stated that this will not apply to listed buildings and curtilage – only SSSIs have been mentioned. The FAQs say ‘the proposed changes will also not apply to land on or within sites of special scientific interest, to listed buildings and their curtilage, or sites that are or contain scheduled monuments’.

# Organisation: Winterton Parish Council

**Document:** *To follow*

**Due:** July 2021

**Status:** Regulation 16

**Proposed level:** Planning Committee Endorsed

## Notes

### Proposed response

#### Summary of response

The Plan is welcomed, but concerns continue to remain about changes to national policy. Namely the change that small-scale rural exception sites or entry-level exception site proposals for affordable housing can be reasonably related/adjacent to development boundaries; national policy says adjacent to. No clear justification for the change to national policy is given. There is also concern about the wording of policies relating to protecting grade 1 and 2 agricultural land. There are also some concerns about the design policy and the character appraisal which is now part of the document and has been brought into policy.

#### Comments on the Neighbourhood Plan

##### Main concerns

- Para 37 – rural exception/entry level sites are required to be adjacent to development boundaries as stated in the NPPF. This paragraph implies that they can be further from the development boundary. We do not think this is the same as the NPPF, para 71b that says such sites need to be ‘adjacent’
- HO2 a and Para 38 – we maintain that we do not support the policy wording that says development can be away from the development boundary. The word ‘adjacent’ means next to or adjoining something else, and not away from something. We consider saying that sites can be ‘reasonably related’ to development boundaries is contrary to the NPPF. Further, this approach would be open to interpretation. A developer has the potential to interpret the meaning in a way that could see development proposals far from the boundary, thus resulting in the issues set out in para 37. It is not clear how need for a departure from national policy is proven.
- Policy E2 – I have just noticed that this refers to major development only. So, schemes of up to 9 dwellings or up to 0.49 Hectares, or up to 999.99 sq m could be allowed on grade 1 and 2 land. In a response to one of my comments relating to the 5 dwelling threshold used in some policies of this Neighbourhood Plan, you responded saying that the average scheme size is 5 dwellings (see section 3 of the original evidence document). So as this policy only applies to 10 or more dwellings, 0.5Ha or 1,000 sqm or larger, it could be argued that it may not actually apply to any development in the parish and so grade 1 and 2 land will not actually be protected. Is this the intention? Should the policy apply to all development? If my interpretation is correct, this seems



contrary to the Local Plan for the Broads. I do not know if it is different to the GYBC Local Plans and that may need checking.

- HO3

- This mainly deals with the built environment and architectural design. It doesn't really make any reference to landscape either in the policy text or supporting text. I think this is something of an omission and contrasts with the BA design policy which makes clear reference to the need for high quality landscaping.
- Para 41. *The Character Appraisal ... summarises aspects of the built-environment that are characteristic of the parish and which, individually or in combination, are considered to be essential in order to maintain the character and appearance of the parish.* I don't feel that it fully achieves this. The Character assessment is mainly descriptive, focussed on the built environment, and doesn't include much analysis or identification of key issues/aims or characteristics which are valued and should therefore be protected or enhanced. For example, it identifies important views of key landmarks but doesn't offer any prescription such as the need to protect or maintain these views. As a result, its usefulness in policy terms is perhaps rather limited.
- A map to identify key views and landmarks would be helpful.
- In general, landscape is not dealt with in any detail. There isn't much coverage of natural features/trees/hedgerows and open space. Given that the plan area includes countryside around Winterton, it would be useful to have some consideration of the village setting and also the importance of the setting of the Broads.
- Could say 'Alterations or extensions to buildings of heritage value, whether in the historic village centre or not, should use traditional materials and designs'. And delete 'for roofs, chimneys, porches, elevations, windows, doors etc'.
- I have concerns that in tying this Character Appraisal to the policy, and because of its suggestion that buildings are 'very diverse', it may become harder to ensure that new development does reflect the predominant character and relate well to its immediate context.

- Character Appraisal – Appendix 1.

- I don't fully agree with the summary that states that the buildings are 'very diverse in terms of styles, heights and materials'. In terms of height they are predominantly 1 and 2 storeys. I'd also say that the predominant building material is red brick, with some flint, pebble stones and painted brickwork or render in the historic core – no mention of the render or painted brickwork is made.

- Could the Character Assessment expand on the boundary treatments in the village?
- Is there a Conservation Area Appraisal for the area that can also be referenced?
- The village has quite distinct areas containing different types of development and I wonder if the document could be developed to include 'character areas' that could be described?

### **Comments seeking clarity**

- Para 33 says 'It is recommended that the Local Planning Authority removes permitted development rights on new homes that are two or three bedrooms to prevent much needed smaller housing from being extended without appropriate consideration of the impacts'. Do you mean for this to apply to all dwellings? Or do you mean for this to apply to one bedroom dwellings as well? It seems that the point is to require planning permission to extend, rather than make it permitted development and by missing out one dwelling houses in the sentence, they could be extended and you say that small housing is much needed. As worded, it does not seem that the threshold will meet the desired effect.
- HO3 – This seems to say that development in the village centre does not have to be of high environmental standards? Is that what is intended?
- HO3 - What kind of walking route and distance would be acceptable? We say 800m for a route that can be used all year round. Not necessarily lit though because of impact on dark skies.
- Para 55 says 'A 10% net gain will be applied unless a higher standard is required by the Environment Bill'. I wonder if it would be better to say 'Environment Act, when it is finalised' rather than referring to the Bill?
- Para 58 says that all development must demonstrate no increase in flood risk, but para 1 of policy E4 only applies to schemes of 5 or more dwellings. Is that threshold needed considering the concern locally and the supporting text referring to all development needing to not cause issues? Para 1 of E4 does say that the strategy needs to be proportionate.
- Policy E4 – a layout and formatting issue perhaps, but why are there bullet points? There does not seem to be an introductory sentence to the bullet points which is what I would expect. The first few seem to relate to the Surface Water Drainage Strategy, but the rest are about other things. They may be relevant and useful, but the format is confusing.
- Policy E4 – the last paragraph seems to refer to foul water drainage. Perhaps the title of the policy needs to say foul water drainage rather than just drainage? Reading the title as it is now, does not really say that the policy also talks about foul water

drainage. Could the two parts of the policy have sub titles? So, the first part is about surface water and the second is about foul water?

### **Typos and grammatical errors**

- Para 43 says 'The socio-economic effects **of** second and holiday homes are being felt by the local community'.
- Policy numbering is a bit off – we go from E1 to E4.

### **General comments**

- Number/letter all bullet points so they can be easily referenced by DM Officers.
- Policy E4 - last paragraph. We already cover this and set out a foul water drainage hierarchy. See Policy DM2 of the Local Plan.
- Add map of the SSSIs and CWS's as other assets, such as water and soils are mapped.
- Could a map of the potential biodiversity net gain sites or projects, or commitment to form a local action plan to identify these be mentioned. I note that a footpath connection project is mentioned, so adding the commitment for a biodiversity net gain project seem appropriate.
- Add in para 55 recognition that Winterton could potentially receive biodiversity net gain projects that occur from development outside of this neighbourhood plan area.
- In a couple of places in this document and some of the supporting documents, reference is made to locally important 'landmark' buildings, in particular the Fisherman's Rest PH, the lighthouse, the Hermanus Holiday Park roundhuts. I would suggest that these are candidates for local listing and perhaps this is an exercise that should be considered as part of the NP process? Other candidates for consideration would be the former Methodist Chapel on Beach Road, Corner Croft on Back Road and the row of mid-20<sup>th</sup> century thatched cottages along The Lane.

### **Comments on the evidence base**

- This does not include the Broads' Landscape Character Assessment
- Not sure of the date of figure 16 and 17. Does that need updating?

### **Comments on the Basic Conditions Statement**

- Figure 3 still includes the old HO1
- Concern about 'reasonably' adjacent still. That is not what the NPPF says and not what GYBC policy says.

### **Comments on evidence base update**

I note that this updates parts of the original evidence base, that was dated 2018. However, I see that this update has not updated:

- housing numbers

- GP Practice resilience
- number on roll at the school
- the situation regarding the consultation on closing the school (though I appreciate this is covered in the main Plan).

# Organisation: Worlingham Parish Council

**Document:** Worlingham Neighbourhood Plan, Regulation 14 version.

[Worlingham – The Official Website for Worlingham, Beccles, England](#)

**Due date:** 09 June 2021

**Status:** Regulation 14

**Proposed level:** Planning Committee Endorsed

## Notes

The purpose of the Neighbourhood Plan is to guide development within the parish and provide guidance to any interested parties wishing to submit planning applications for development within the parish. The process of producing a plan has sought to involve the community as widely as possible and the topic areas are reflective of matters that are of considerable importance to the residents of Worlingham.

Each section of the plan covers a different topic. Under each heading there is the justification for the policies presented, which provides the necessary understanding of the policy and what it is seeking to achieve. The policies themselves are presented in the blue boxes. It is these policies against which planning applications will be assessed. It is advisable that, in order to understand the full context for any individual policy, it is read in conjunction with the supporting text.

## Proposed response

### Summary of response

Generally, the Neighbourhood Plan is welcomed. At this early stage, there are some areas that are confusing and clarification and checking is recommended.

### General comments

- Where you reference other documents, it may be helpful to provide hyperlinks.
- Where there is a number like this <sup>9</sup>, I tend to expect a footnote rather than a list at the end of the document – up to you, but a suggestion is to use footnotes as they save the reader having to scroll through to find what the number refers to.
- We strongly recommend that you contact the BA and ESC for a health check of the REG16 version – this will allow us to provide comments that may be useful to improving the Plan, prior to the last round of consultation. We will be happy to meet online.
- Throughout – other than saying ‘Waveney Local Plan’, it seems prudent to refer to East Suffolk rather than Waveney. Waveney Council is no more.
- Do you think you need to make it obvious which policies apply to the entire Parish and which to the Garden Neighbourhood and which apply to both?
- Throughout – when you say amenities, do you mean facilities? Would that be a better term to use?
- It would be useful if additional actions that are required to enhance this existing wildlife corridor and protect the dark skies are set out, even if they are subject to further detailed assessment. These could include adding ponds, nesting provision and habitat piles. If

further work is required to detail these actions, it would be useful to understand which bodies/groups will take forward the development of these actions.

#### Detailed comments

- 1.1 – and the Local Plan for the Broads.
- 1.2 – so did the Broads Authority.
- Map on page 5 needs to show the Broads Authority Executive Area
- In the part that talks about the spatial context, would it be prudent to talk more about the area that is the Broads and how the Broads has a status equivalent to a National Park?
- 2.66 – seems prudent to say that the Broads Local Plan does not have any policies specific to Worlingham. Although the strategic and development management policies will apply.
- Map at 4.3 – show the Broads Authority Executive Area on the map. Why is the newly designated industrial zone now shown? Could/should it be?
- 4.5 – is that a project? To liaise with them about this idea? Or did you want to allocate a site for this?
- Policy WORL1
  - Whilst it is good that you number/letter the bullet points (as this is useful for Development Management Officers when referring to policies used in their reports), you use A and a and B and b. I wonder if numbers or Roman Numerals might help make things clearer.
  - I do not understand what the policy is trying to do. How can development delineate the parish boundary? What would you like them to do? In b, do you mean duplicating or competing against existing facilities? I think the policy would benefit from being clearer in its intentions – you might benefit from asking for a Development Management Officer's input/interpretation of this wording.
  - WORL1 – how would you expect the applicant to do this? And for what level of development? Do you want this detailed in a design and access statement? But not all development needs a design and access statement. Do you want an application for replacement windows or a biodiversity scrape (for example) to need to do this? You may need to set a threshold – perhaps extensions, new buildings and change of use – just an example.
  - Does A b only relate to development for community facilities? If so, you might want to check the Waveney Local Plan policies as they may cover community facilities. Our policy is DM44 and SP16. And as above, you might want to specify to what development type the policy requirements relates to.
- Affordable Housing section – you may want to liaise with ESC Officers about what the announcement of forthcoming changes to affordable housing policy has on the scheme and your policy. Go here for more detail: [Government response to the First Homes proposals in "Changes to the current planning system" - GOV.UK \(www.gov.uk\)](#). The Secretary of State for Housing, Communities and Local Government will lay a Written Ministerial Statement before Parliament, in due course, which will outline changes to national planning policy in order to ensure First Homes are built.
- Policy WORL2
  - A document completed in 2017 is now 4 years old. It might be that the Neighbourhood Plan is not adopted until 2022. So that would be 5 years old. Is it

- best to update that document, so the Neighbourhood Plan is based on the most up to date evidence?
  - Also, the other usual wording used in such circumstances is to add ...'or successor document' – these means that as and when you update it, the updated document will be relevant to the policy.
  - Did you want to add the hyperlinks to the documents as footnotes perhaps?
- 5.17 seems to confuse affordable homes with M4(2) homes (which are accessible homes). You may wish to check what aspect of housing you are referring to as they are different. This also seems to repeat Waveney Local Plan policy WLP8.31 – Lifetime Design.
- What does the photo on page 34 intend to demonstrate? You may want a caption.
- Page 34 – is it prudent to talk about the setting of the Broads and how development needs to consider that? Especially given the proposed changes to the NPPF that increase the emphasis on the setting of protected landscapes.
- Policy WORL4
  - Why such a high threshold? Many of these criteria seem applicable to schemes of 9 or fewer. Our design policies apply to all development and perhaps Waveney Local Plan ones do too – so could this threshold cause conflict between local plans and the Neighbourhood Plan?
  - Why only applicable to residential development?
  - I don't fully understand the requirements of criterion a.
  - Criterion g – what are amenity uses?
  - It may be prudent to have a criterion about respecting/not having a negative impact on the setting of the Broads.
- 5.24 – Building for life 12 has been superseded by Building for a Healthy Life.
- Policy WORL5
  - Criterion A says in general and generally in the same sentence.
  - What about the new Permitted Development right that allows upward extensions? Are you suggesting that schemes should not be allowed to do this PD right? You may want to speak to planners at ESC.
- Policy WORL6
  - How would you expect lighting to be addressed? The Broads area has intrinsically dark skies that are protected through planning policy. By meeting these policy requirements, could there be more lighting? Perhaps you need to talk about that. Perhaps any lighting needs to be thoroughly justified and designed so as to not contribute to light pollution? Perhaps not on all the time?
- Policy WORL7
  - Quite a long sentence. Wonder if it would benefit from being broken up.
  - Think there is some wording issues: '...must demonstrate that proposals to include dedicated sports facilities and other facilities **will be/are to be** designed to be...'
  - I am not 100% sure what you are trying to say. Is it that the MUGA needs to be designed to accommodate different sports to reflect the wishes of the community? I think the policy could be a bit clearer.
- 7.8 seems to imply that insurance premiums and potential vandalism of the car owner are more important than speed of traffic with the associated benefits to the community. And these are reasons for setting the car parking standards. I wonder if this section needs rethinking as to me, pedestrian and cyclists' safety is key.
- WORL9

- Kind of linked to the comment on 7.8 – could such recesses obstruct the obvious desire line and route for pedestrians as per criterion b?
- 7.13 – is this policy wording? It is setting a standard.
- 7.14 says ‘the issue’ – what is the issue?
- WORL12 and WORL14 and WORL16
  - To confirm, is it right that these policies only apply to the Garden Neighbourhood and no other development in Worlingham? As that is how it reads?
- 8.5, second sentence – does not read well. Would benefit from a check.
- 8.10-8.15 – it is unclear if the three satellite parks in Worlingham (All Saints Green, Woodfield Park and Werel’s Loke) are included within the wildlife corridor concept. If they are it would help if this corridor be shown on the map, even if this is provisional and indicative.
- 8.17 – what does NLP mean?
- 9.3 – the Local Plan for the Broads has a policy on SuDS as well.
- 16 – agree water runoff neutrality need to be achieved with existing issues. Could these potential SuDS sites be located on the map – are there suitable potential locations outside of the new development site that need to be acquired?



# Planning Committee

21 May 2021

Agenda item number 12

## Circular 28 83 Publication by Local Authorities of Information about the handling of planning applications

Report by Planning Technical Support Officer

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### Summary

This report sets out the development control statistics for the quarter ending 31 March 2021

### Recommendation

To note the report.

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## 1. Development control statistics

1.1. The development control statistics for the quarter ending 31 March 2021 are summarised in the tables below.

**Table 1**

Number of applications

Category	Number of applications
Total number of applications determined	52
Number of delegated decisions	50
Numbers granted	50
Number refused	2
Number of Enforcement Notices	2
Consultations received from Neighbouring Authorities	24

**Table 2**

Speed of decision

Speed of decision	Number	Percentage of applications
Under 8 weeks	34	65.4%

Speed of decision	Number	Percentage of applications
8-13 weeks	0	0%
13-16 weeks	0	0%
16-26 weeks	0	0%
26-52 weeks	0	0%
Over 52 weeks	0	0%
Within Agreed Extension	17	32.7%
Outside Agreed Extension	1	1.9%

**Table 3**

National performance indicators: BV 109 The percentage of planning applications determined in line with development control targets to determine planning applications.

National target	Actual
60% of Major applications <sup>1</sup> in 13 weeks (or within agreed extension of time)	100%
65% of Minor applications <sup>2</sup> in 8 weeks (or within agreed extension of time)	100%
80% of other applications <sup>3</sup> in 8 weeks (or within agreed extension of time)	97.4%

Author: Thomas Carter

Date of report: 10 May 2021

Appendix 1 – PS1 returns

Appendix 2 – PS2 returns

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<sup>1</sup> Majors refers to any application for development where the site area is over 1000m<sup>2</sup>

<sup>2</sup> Minor refers to any application for development where the site area is under 1000m<sup>2</sup> (not including Household/ Listed Buildings/Changes of Use etc.)

<sup>3</sup> Other refers to all other applications types

## Appendix 1 – PS1 returns

Measure	Description	Number of applications
1.1	On hand at beginning of quarter	51
1.2	Received during quarter	45
1.3	Withdrawn, called in or turned away during quarter	1
1.4	On hand at end of quarter	43
2.	Number of planning applications determined during quarter	52
3.	Number of delegated decisions	50
4.	Number of statutory Environmental Statements received with planning applications	0
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	2
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	0
7.5	Number of breach of conditions notices served	0
7.6	Number of enforcement injunctions granted by High Court or County Court	0
7.7	Number of injunctive applications raised by High Court or County Court	0

## Appendix 2 – PS2 returns

**Table 1**

Major applications

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Dwellings	0	1	0	0	0	0	0	0	0	1
Offices/ Light Industry	0	0	0	0	0	0	0	0	0	0
Heavy Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Large-Scale Major Developments	1	1	0	0	0	0	0	0	0	2
<b>Total major applications</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

**Table 2**

Minor applications

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Dwellings	1	1	0	0	0	0	0	0	0	1
Offices/Light Industry	0	0	0	0	0	0	0	0	0	0
General Industry/Storage/Warehousing	1	1	0	0	0	0	0	0	0	1
Retail Distribution and Servicing	2	2	0	1	0	0	0	0	0	1
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Minor Developments	8	8	0	4	0	0	0	0	0	4
<b>Minor applications total</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>

**Table 3**

Other applications

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Minerals	0	0	0	0	0	0	0	0	0	0
Change of Use	5	3	2	2	0	0	0	0	0	3
Householder Developments	27	27	0	22	0	0	0	0	0	4
Advertisements	0	0	0	0	0	0	0	0	0	0
Listed Building Consent to Alter/Extend	5	5	0	4	0	0	0	0	0	1
Listed Building Consent to Demolish	0	0	0	0	0	0	0	0	0	0
Relevant Demolition in a Conservation Area	1	1	0	1	0	0	0	0	0	0
Certificates of Lawful Development <sup>4</sup>	1	1	0	1	0	0	0	0	0	0
Notifications <sup>4</sup>	1	1	0	1	0	0	0	0	0	0
<b>Other applications total</b>	<b>40</b>	<b>38</b>	<b>2</b>	<b>31</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>

<sup>4</sup> These types of applications are not counted in the statistics report for planning applications. As a result, these figures are not included in the total row in Table 4.

**Table 4**

Totals by application category

<b>Application type</b>	<b>Total</b>	<b>Granted</b>	<b>Refused</b>	<b>8 weeks or less</b>	<b>More than 8 and up to 13 weeks</b>	<b>More than 13 and up to 16 weeks</b>	<b>More than 16 and up to 26 weeks</b>	<b>More than 26 and up to 52 weeks</b>	<b>More than 52 weeks</b>	<b>Within agreed extension of time</b>
Major applications	2	2	0	0	0	0	0	0	0	2
Minor applications total	12	12	0	5	0	0	0	0	0	7
Other applications total	38	36	2	29	0	0	0	0	0	8
<b>TOTAL</b>	<b>52</b>	<b>50</b>	<b>2</b>	<b>34</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17</b>
<b>Percentage (%)</b>		<b>96.2</b>	<b>3.8</b>	<b>65.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32.7</b>

# Planning Committee

21 May 2021

Agenda item number 13

## Appeals to the Secretary of State update - May 2021

Report by Senior Planning Officer

### Summary

This report sets out the position regarding appeals against the Authority.

### Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
<b>APP/E9505/C/20/3245609</b> BA/2017/0024/UNAUP2	Mr L Rooney	Appeal received by BA on 26 January 2020  Start date 17 August 2020	Blackgate Farm, High Mill Road, Cobholm Great Yarmouth	Appeal against Enforcement Notice	Committee decision 8 November 2019  Hearing date confirmed as 20 July 2021



Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
<b>APP/E9505/W/19/3240574</b> BA/2019/0019/FUL	Mr Gordon Hall	Appeal received by BA 14 February 2020  Start date 26 May 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.	Delegated Decision on 23 April 2019  Hearing held on 27 April 2021  Appeal DISMISSED on 10 May 2021
<b>APP/E9505/D/20/3258679</b> BA/2020/0105/HOUSEH	Mr N Hannant	Appeal received by BA 02 September 2020  Start date 9 November 2020.	Gunton Lodge Broadview Road Lowestoft NR32 3PL	Appeal against refusal of planning permission: Second floor balcony	Delegated Decision on 25 August 2020  Questionnaire and supporting papers submitted 16 November 2020
<b>APP/E9505/W/21/3267755</b> BA/2020/0138/FUL	Mr Keith Wheeler	Appeal received by BA 27 January 2021  Start date 23 April 2021	39 Riverside Estate Brundall Norwich NR13 5PU	Appeal against conditions imposed on planning permission.	Delegated Decision 14 August 2020  Questionnaire submitted 30 April 2021 LPA statement due by 28 May 2021

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
<b>APP/E9505/C/21/3269284</b> BA/2017/0035/UNAUP3	Mr Henry Harvey	Appeal received by BA 18 February 2021  Start date 26 April 2021	Land East Of Brograve Mill Coast Road Waxham	Appeal against Enforcement Notice	Committee Decision 8 January 2021  LPA Statement due by 7 June 2021

Author: Cheryl Peel

Date of report: 10 May 2021

Background papers: BA appeal and application files

# Planning Committee

21 May 2021

Agenda item number 14

## Decisions made by officers under delegated powers

Report by Senior Planning Officer

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### Summary

This report sets out the delegated decisions made by officers on planning applications from 12 April 2021 to 07 May 2021 and Tree Preservation Orders confirmed within this period.

### Recommendation

To note the report.

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## Decisions made by officers under delegated powers

Parish	Application	Site	Applicant	Proposal	Decision
Dilham Parish Council	BA/2021/0073/HOUSEH	River View Broad Fen Lane Dilham Norfolk NR28 9PP	Mr Nathan Lankester	Single storey side and rear extension	Approve Subject to Conditions
Geldeston Parish Council	BA/2021/0066/HOUSEH	The Hollies 26 Station Road	Mr Mark Turner	Erect a first floor side extension above, and a single storey extension to	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
		Geldeston Norfolk NR34 0HS		the side of the existing single storey extension on the north east elevation.	
Haddiscoe And Toft Monks PC	BA/2021/0065/HOUSEH	Seven Mile House Langley Marshes Haddiscoe Norfolk NR31 9HU	Dr Martin Scurr	Refurbishment and extension of existing dwelling and conversion of two outbuildings for ancillary domestic use	Approve Subject to Conditions
Horning Parish Council	BA/2021/0074/COND	The Old Vicarage Church Road Horning Norfolk NR12 8PZ	Mr Martin Dibben	Erection of boathouse in alternative location on site, variation of condition 2 of permission BA/2020/0078/HOUSEH	Approve Subject to Conditions
Hoveton Parish Council	BA/2021/0033/FUL	Ere quay The Rhond Hoveton NR12 8UE	Mr Michael Beer	Glazed single storey link between house and boatshed. Change of use of first-floor of boatshed to a dual use self- contained flat which would be used as ancillary accommodation for a family member and as a holiday let flat	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Langley With Hardley Parish Council	BA/2021/0056/HOUSEH	The Oaks Hardley Street Hardley NR14 6BY	Mr Kevin Knights	To build a sheltered balcony on the south facing gable end of the property.	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2021/0050/HOUSEH	Oulton Lodge Borrow Road Lowestoft NR32 3PW	Mr Graham Hunt	Replace timber quay heading with galvanised steel piling, timber capping&waling.	Approve Subject to Conditions
Potter Heigham Parish Council	BA/2021/0101/HOUSEH	Jokers Wild 86 North East Riverbank Potter Heigham Norfolk NR29 5NE	Mr Allan Woolmer	One metre wide extension to three bedrooms on east elevation	Approve Subject to Conditions
Stalham Town Council	BA/2021/0057/HOUSEH	23 Burtons Mill The Staithe Stalham NR12 9FE	Mr S Jones	Replacement fence and erection of shed	Approve Subject to Conditions
Surlingham Parish Council	BA/2021/0079/FUL	Wheatfen Broad Nature Reserve The Covey Surlingham NR14 7AL	Mr W Fitch	Replace timber boardwalks with re-cycled plastic PVC boardwalks.	Approve Subject to Conditions

Author: Cheryl Peel

Date of report: 10 May 2021

# Planning Committee

21 May 2021

Agenda item number 15

## Customer satisfaction survey 2021

Report by Planning Technical Support Officer

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### Summary

The Broads Authority's Planning Department has recently undertaken its annual Customer Satisfaction Survey, which again shows a high level of satisfaction with the planning service. This report provides details.

### Recommendation

To note the report.

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## 1. Introduction

- 1.1. As part of its commitment to best practice in delivery of the planning service, the Broads Authority as Local Planning Authority (LPA) engages regularly with its service users to seek their views on the quality of the service. This occurs annually, although most National Parks undertake this on a two-yearly cycle.
- 1.2. This report sets out the results of the engagement in 2021.

## 2. Customer Satisfaction Survey

- 2.1. The customer satisfaction survey was undertaken by sending a questionnaire to all applicants and agents who had received a decision on a planning application during the period 1 January to 31 March 2021. A total of 53 survey emails were sent out. This is the standard methodology used by all of the National Parks over a given period of time. The contact details used were those submitted on the relevant application form.

- 2.2. As in previous years, the questionnaire asked the recipients to respond and rate the service in respect of the following areas:
1. Advice prior to, and during, the application process
  2. Communication on the progress of the application
  3. Speed of response to queries
  4. Clarity of the reasons for the decision
  5. Being treated fairly and being listened to
  6. The overall processing of the application
- 2.3. The survey also gave the opportunity for users to rate the service on elements it did well and those which could be improved, as well as giving a general comments section. A copy of the questionnaire is attached at Appendix 1.

### 3. Responses

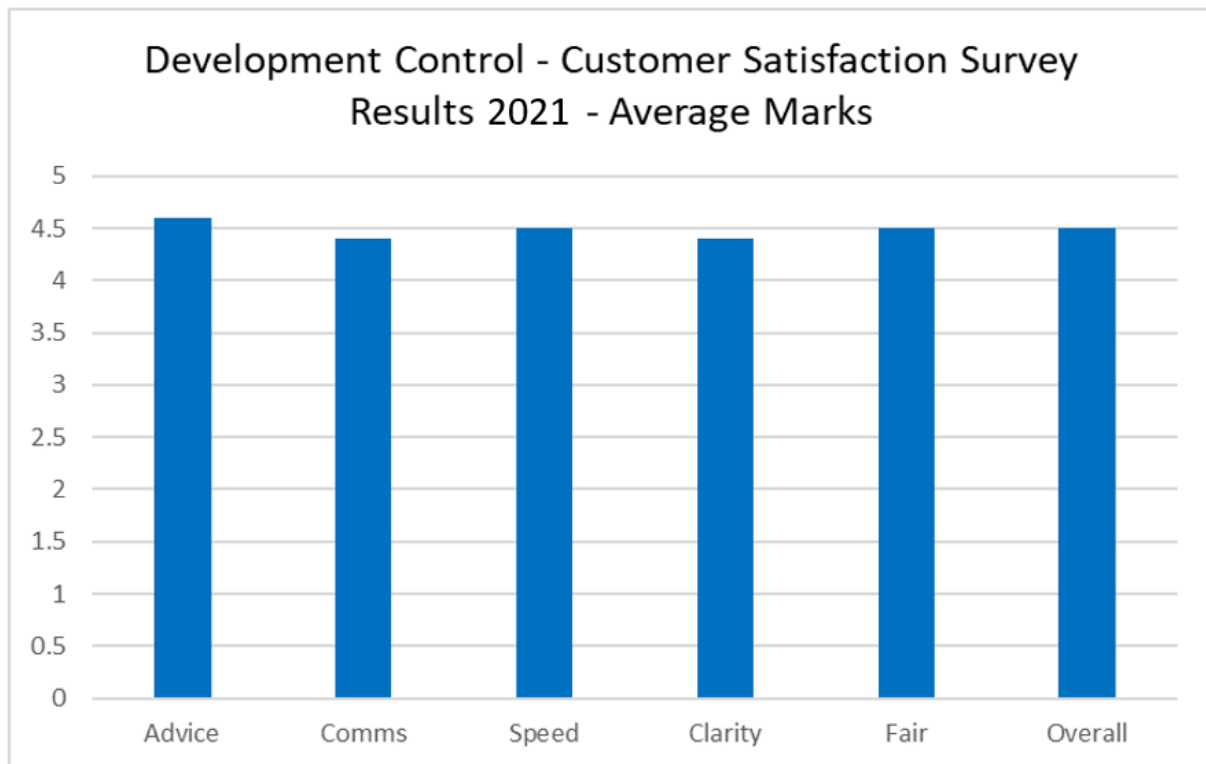
- 3.1. Thirteen responses were received, representing a response rate of 24.5%. This is a slight increase of 1.2% compared to 2020 (23.3%). The response rate is considered encouraging, and the online survey seems to slightly improve the number of responses received.
- 3.2. In considering the results from the questionnaire and assessing the level of satisfaction, the scoring parameters used are based on information published by Info Quest, a company that specialises in customer satisfaction surveys and analysis. These note that a goal of 100% satisfaction is commendable, but probably unattainable as people tend to be inherently critical and it is practically impossible to keep everyone satisfied at all times. They therefore consider that a customer awarding a score of 4 or above (out of 5) is a satisfied customer. They also note that, on average, any measurement that shows a satisfaction level equal to or greater than 75% is considered exceptional. It should be noted that applicants for all decisions – approvals and refusals were asked to take part in the survey. The scoring parameters are:

<b>% Satisfaction</b>	<b>Qualitative Assessment</b>	<b>Comment</b>
75% +	Exceptional	Little need or room for improvement
60% - 75%	Very good	You are doing a lot of things right
45% - 60%	Good	The level of most successful companies
30% - 45%	Average	Bottom line impact is readily available
15% - 30%	Problem	Remedial actions required
0% - 15%	Serious Problem	Urgent remedial actions required

- 3.3. The questionnaire asked customers to rate the service on a scale of 1 – 5, where 5 was the highest score. The answers from respondents are shown below:

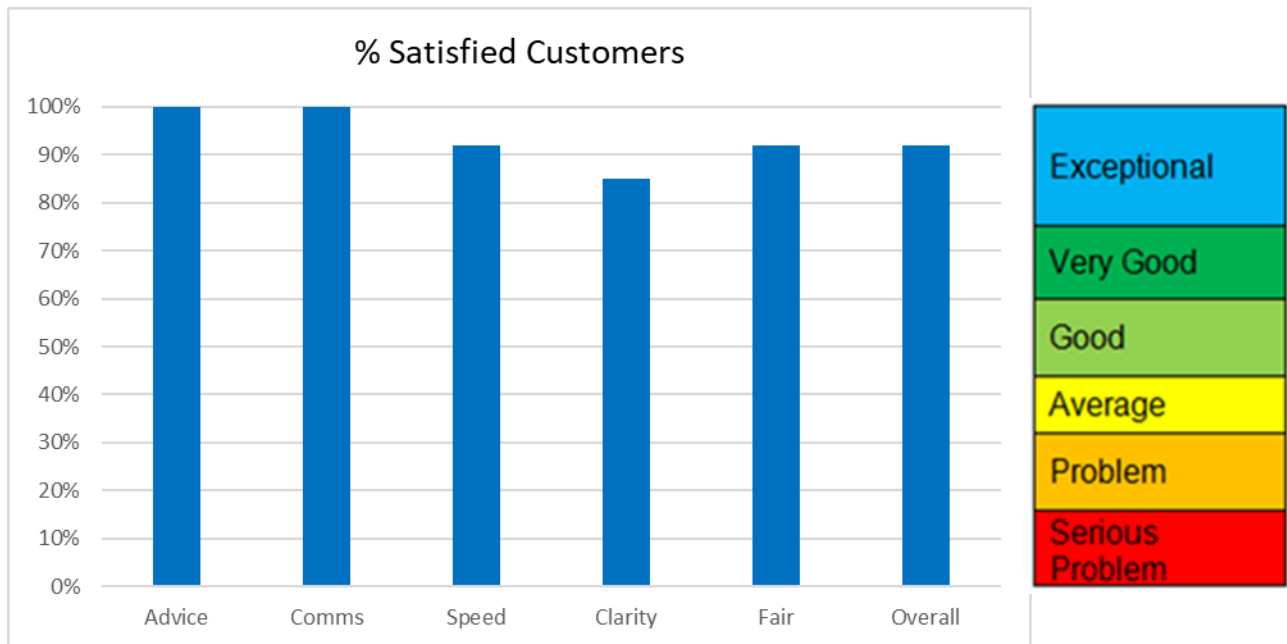
Area	5	4	3	2	1	No Answer
Advice	8	5	0	0	0	0
Communications	5	8	0	0	0	0
Speed of decision	7	5	1	0	0	0
Clarity of decision	7	4	2	0	0	0
Treated fairly	7	5	1	0	0	0
Overall	7	5	1	0	0	0

- 3.4. Average scores for the questions are shown in the following graph:



- 3.5. It is noted that 85% of respondents scored the service at either 4 or 5 out of 5 on all aspects, which is a 5% decrease on 2020. This can be partially explained as one respondent rated all aspects as 4 (good) other than their understanding of the reasoning behind the approval of their application, for which they gave a 3 (okay/acceptable). The overall results are represented under the satisfaction parameters detailed at 2.5 as follows:





3.6. The survey also provided an opportunity for customers to comment on what the planning team did well, and where improvements could be made. These comments are summarised, respectively, below.

3.7. The things that were done well were identified as:

- Officers obliging, easy to contact
- Efficiency and speed of decisions
- Open to discussions regarding proposals
- Helpful pre-application service

3.8. The areas for improvement were identified as:

- “The website” – presumably the Planning Portal, and its mapping system
- Too much planning policy requiring additional application documents or restricting acceptability of proposals
- Lack of clarity of reason behind proposals being considered unacceptable

3.9. Two of the thirteen respondents had no suggestions for improvements.

3.10. The areas for improvement have been noted for consideration, although it should be noted that the Planning Portal and its mapping system are beyond the control of the planning team.

3.11. The final question on the form sought suggestions on what other improvements could be made more generally, with the question designed to pick up examples of best practice from elsewhere. The majority of responses to this question echoed the previous comments made in the areas for improvement section.

- 3.12. Similar to 2020, the majority of the comments were specific individual comments that were likely to be in response to a particular experience or application type. Although this makes the feedback less easy to interpret, it is considered that these comments were mainly ideas of how to further improve the service offered, rather than criticisms of the department's performance.
- 3.13. The results, as in previous years, are considered positive, although some caution should be exercised in interpreting them given the low numbers on which they are based. However, customers who have a bad experience are statistically between two and three times more likely to give feedback compared to those who are happy with their experience. Therefore, the low response rate may demonstrate that on the whole customers are broadly satisfied with the service received.

Author: Thomas Carter

Date of report: 10 May 2021

Appendix 1 – Questionnaire for customers

# Appendix 1 – Questionnaire for customers

## Customer Satisfaction Survey

### **Your comments on the Broads Authority's Planning Service**

The Broads Authority is doing a brief survey of people who have submitted planning applications to us and is asking them for their feedback on the quality of service they received. The comments that we receive are really important to help us understand what we do well and what we need to improve. We know these sorts of questionnaires can be time consuming to complete so we have kept it really simple, but if you want to add further details (or even email or telephone with further comments) these would be very welcome.

Thanking you in anticipation of your

feedback. Yours sincerely

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Please tell us about your overall satisfaction level around:

5 = very good .... 4 = good .... 3 = okay .... 2 = poor.... 1 = very poor

- |   |  |       |
|---|--|-------|
| 1 | The advice and help you were given in submitting your application        | _____ |
| 2 | How well you were kept informed of progress on your application          | _____ |
| 3 | How promptly we dealt with your queries                                  | _____ |
| 4 | How clearly you understood the reasons for the decision                  | _____ |
| 5 | Whether you felt you were treated fairly and your views were listened to | _____ |
| 6 | The overall processing of your planning application                      | _____ |

Please tell us about:

- 7      Things we did well

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- 8      Things we could improve

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- 9      Any other things we could do to improve the service

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Thank you for your time in completing this.