

Planning Committee

13 September 2019

Agenda item number 11

Consultation: Draft Marketing and Viability SPD

Report by Planning Policy Officer

Summary

The Marketing and Viability Supplementary Planning Document (SPD) has been produced to help with the interpretation and implementation of the Broads Local Plan.

Recommendation

To endorse the draft Marketing and Viability SPD and recommend that the Broads Authority approves the draft SPD and permits public consultation.

1. Introduction

- 1.1. Now that the Broads Local Plan is adopted, it is considered that some requirements or policies would benefit from supporting guides or Supplementary Planning Documents (SPDs) to help with their interpretation and implementation.
- 1.2. A guide and two Supplementary Planning Documents (SPDs) are presented to this meeting, with the intention that they will be published for public consultation and the final version of the documents adopted at a future meeting.
- 1.3. This SPD is about marketing and viability.
- 1.4. Several policies in the Local Plan will require applicants or agents to carry out a robust marketing strategy and/or a viability assessment if the proposed scheme is promoting something different to the adopted policy position. This SPD explains what is meant by marketing and viability, and which Local Plan policies have this requirement.

2. About SPDs

- 2.1. National Planning Policy Guidance states that: ‘Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. [Regulations 11 to 16 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) set out the requirements for producing Supplementary Planning Documents. In exceptional circumstances a

[Strategic Environmental Assessment](#) may be required when producing a Supplementary Planning Document.'

3. Strategic Environmental Assessment

- 3.1. SPDs are required to be screened for impacts on the environment with the 'Consultation Bodies' of Natural England, Environment Agency and Historic England.
- 3.2. The Consultation Bodies were consulted on the screening, as set out in Appendix 1. Their responses are below.
 - a) Historic England: 'Given the nature of the SPD and on the basis of the information provided in this consultation, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA'.
 - b) Environment Agency: 'It elaborates on already adopted policy. We therefore agree with the conclusions you have drawn in that a SEA likely is not required'.
 - c) Natural England: No response received
- 3.3. A full SEA has not been completed, reflecting the responses from the Consultation Bodies and the SEA screening at Appendix 1.

4. Consultation

- 4.1. It is proposed that the Broads Authority consults on the draft Marketing and Viability SPD, together with the other documents presented for consultation at this Planning Committee, for a period of 8 weeks, likely to be from 27 September to 22 November.

5. Next steps

- 5.1. We will log and respond to all representations on the draft SPD. Any changes to the SPD will also be logged. It is intended that the final draft SPD, together with consultation responses to the consultation, will be presented to Planning Committee and subsequently to the Broads Authority for adoption.

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Appendix 1 – Strategic Environment Assessment screening of marketing and viability SPD

Appendix 2 – [A Supplementary Planning Document on marketing and viability assessment requirements](#)

Appendix 1

Strategic Environment Assessment screening of marketing and viability SPD

Broads Authority

Strategic Environmental Assessment

Marketing and Viability SPD

August 2019

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.

Table 1

Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
Is on or after 21st July 2004.	Yes. The SPD will be completed in 2019.

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
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 tables 2 and 3.

Criteria for determining the likely significance of effects on the environment

Table 2

The characteristics of plans and programmes

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
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.

Table 3

Characteristics of the effects and of the area likely to be affected

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
the probability, duration, frequency and reversibility of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the cumulative nature of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the transboundary nature of the effects	<p>The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries.</p> <p>It is considered that the subject of the SPD does not negatively impact this criterion.</p> <p>The requirements will relate to a specific scheme and site.</p>
the risks to human health or the environment (for example, due to accidents)	It is considered that the subject of the SPD does not negatively impact this criterion.
the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the Broads Authority which includes 6,000 permanent residents. There are also visitors throughout the year.
<p>the value and vulnerability of the area likely to be affected due to:</p> <ol style="list-style-type: none"> 1. special natural characteristics or cultural heritage; 2. exceeded environmental quality standards or limit values; or 3. intensive land-use; 	<ol style="list-style-type: none"> 1. The Broads is special in its natural characteristics and cultural heritage. 2. Unsure if standards or limits have been exceeded in the Broads 3. Not relevant
The effects on areas or landscapes which have a recognised national, Community or international protection status.	The area to which the SPD applies is the Broads with an equivalent status to that of a National Park.