

# Planning Committee

## Agenda 05 February 2021

10.00am

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**Participants:** You will be sent a link to join the meeting. The room will open at 9.00am and we request that you **log in by 9.30am** to allow us to check connections and other technical details.

**Members of the public:** We will publish a live stream link two days before the meeting at [Planning Committee – 5 February 2021](#). The live stream will be suspended for any exempt items on the agenda. Please email [committees@broads-authority.gov.uk](mailto:committees@broads-authority.gov.uk) with any queries about this meeting.

### 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 8 January 2021 (Pages 3-9)**
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

### Matters for decision

6. Chairman's announcements and introduction to public speaking  
Please note that public speaking is in operation in accordance with the Authority's [Code of Conduct for Planning Committee](#) and the new Government regulations and standing orders agreed by the Authority.
7. Request to defer applications include in this agenda and/or vary the order of the agenda
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
  - 8.1. BA/2020/0238/FUL: land north of Wood Street, Catfield: habitat restoration works including excavation of 0.45Ha pool (Pages 10-19)
  - 8.2. Enforcement - Beauchamp Arms – prosecution (Pages 20-31)

## Enforcement

9. **Enforcement update** (Pages 32-37)  
Report by Head of Planning

## Policy

10. **Greater Norwich Local Plan Regulation 19 consultation**  
Presentation by Mike Burrell, Greater Norwich Planning Policy Manager
11. **Adopting the Residential Moorings Guide** (Pages 38-85)  
Report by Planning Policy Officer
12. **Consultation documents update and proposed response** (Pages 86-95)  
Report by Planning Policy Officer

## Matters for information

13. **Heritage Asset Review Group – notes of meeting held on 18 December 2020** (Pages 96-103)  
Notes by Governance Officer
14. **Appeals to the Secretary of State update** (Pages 104-105)  
Report by Senior Planning Officer
15. **Decisions made by officers under delegated powers** (Pages 106-112)  
Report by Senior Planning Officer
16. **To note the date of the next meeting – Friday 5 March 2021 at 10.00am**

# Planning Committee

## Minutes of the meeting held on 08 January 2021

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## Present

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

## In attendance

Natalie Beal – Planning Policy Officer, Essie Guds – Governance Officer (Moderator), Sarah Mullarney – Governance Officer (Moderator), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services, Sara Utting – Governance Officer (minute taker) and Tony Wilkins – Planning Officer (Compliance & Implementation)

## Members of the public in attendance who spoke

None

## 1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

### 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 and officers introduced themselves, and 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 4 December 2020, as amended by a correction which had been previously circulated, were approved as a correct record and would be signed by the Chairman.

## 4. Points of information arising from the minutes

There were no points of information arising from the minutes.

## 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 including matters for consideration of enforcement of planning control

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/2017/0035/ENF – Enforcement at Brograve Marshes, Coast Road, Waxham Unauthorised development comprising the excavation of a scrape of land**

The Head of Planning (HoP) introduced her report on the unauthorised development which had taken place comprising the excavation of a scrape on land at Brograve Marshes. The HoP also provided a detailed presentation, including photographs of the site. An appeal against the refusal of planning permission to retain the scrape had been dismissed in December 2020 and the site would need to be restored.

The site was within the North Norfolk Area of Outstanding Natural Beauty (AONB) and surrounded by Ramsar sites, Special Protection Area, Special Areas of Conservation and Sites of Special Scientific Interest.

It was noted that officers had been in protracted discussions with the landowner/agent on how to resolve the matter since they first became aware of the scrape in late 2017, including a planning application to retain the feature and what might be an acceptable landform, through to 2019. It became apparent in February 2020 that there was no prospect of a negotiated resolution. The appeal against the refusal of planning permission was submitted in July, just before the six month period expired.

In assessing how to take this matter forward, members took into consideration whether the unauthorised development was acceptable in planning terms; whether it was capable of being made acceptable or whether it was unacceptable and accordingly, the expediency of taking enforcement action. In addition, Members were mindful of planning law which stated that, if unauthorised development persisted for four years without any formal action being taken against it, it became immune from enforcement action. This meant that, should restoration be delayed, for whatever reason, there was a risk that the development would become immune from enforcement action simply by the passage of time (late 2021). However, this risk could be addressed by the serving of an Enforcement Notice which would "stop the clock".

In response to a question, the HoP confirmed that planning officers had referred to the conservation team for guidance on how and what works needed to be done, following the receipt of the Planning Inspector's decision. The schedule of works would include the temporary stopping up of the dyke which emptied into the scrape; bunds to be moved in phases to control water levels to facilitate a phased infilling; management of the materials used to ensure they were spread evenly and whether any additional material would be

needed. Due to the nature of the soil (peat) this would initially decompress but would rise again.

Due to conflict with policies SP7 and DM16 of the Local Plan, as well as paragraph 172 of the NPPF, the unauthorised development was considered to be unacceptable due to its impact on the landscape.

It was accepted that infilling of the scrape would not be straightforward as the marsh was wet until late in the year and care would need to be undertaken to avoid breeding birds and not to compromise the soil structure. The agent had confirmed that this could not be undertaken until May 2021 at the earliest.

Members acknowledged that this was a case which had been characterised by delay and negotiations which achieved no resolution and therefore, a more formal approach was required through the serving of an Enforcement Notice setting out that was required to be done to remedy the breach. They noted that this action would not preclude the landowner coming forward with a revised scheme for a lesser restoration.

James Knight proposed, seconded by Tim Jickells and

**It was resolved by 10 votes in favour and three abstentions (two members having lost connection for a part of the item) to serve an Enforcement Notice with a compliance deadline of 31 August 2021.**

## 9. Enforcement update

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

**former Marina Keys, Gt Yarmouth:** officers unable to visit site since last meeting, therefore no update.

**land at the Beauchamp Arms PH:** landowner responded to PCN after 10 December, querying why the information was needed. Advised it was a legal requirement and granted an extended time period to provide (4 January 2021). No further response received as at 7 January 2021 so issued with a final letter requesting information to be submitted within seven days prior to legal action being considered.

**Blackgate Farm, High Mill Road, Cobholm:** appeal hearing scheduled for 9 February 2021.

**Ditchingham Maltings:** committee received a visual presentation by the Planning Officer (Compliance and Implementation) on the completed landscape scheme. All work had been completed satisfactorily and the enforcement case was now closed.

**land east of North End, Thorpe next Haddiscoe:** to date, no response had been received to the PCNs served on 8 December 2020.

**The report was noted.**

The Committee adjourned at 11.13am and reconvened at 11.22am.

## 10. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which provided proposed responses to two planning policy consultations received by the Broads Authority – the Beccles Neighbourhood Plan and the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan.

In response to a question on the future of Neighbourhood Plans, the PPO advised that these were referred to in the recent “Planning for the Future” White Paper, with an increased emphasis on design. The Regulations were clear that NPs could not stop development or seek to reduce housing numbers but were a way for local issues to be addressed in local development. In her experience, NPs were generally well-written and the policies generally acceptable and were a good way of getting local people involved. The PPO advised that comments were made on the Plans, mainly to help clarify them and ensure that Development Management Officers could use them easily. The vast majority relevant to the Broads did not tend to include housing and if they did, the housing tended to be within local authority boundaries and not in the area of the Broads Authority. Furthermore, many NPs now included projects for communities to work towards and also have policies that addressed the Dark Skies initiative.

The Chair asked if Members were happy to endorse the recommendations and unanimously

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

## 11. Filby Neighbourhood Plan – agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Filby Neighbourhood Plan. Members were advised that the Broads Authority was a key stakeholder and therefore, able to comment on the Plan. It was anticipated that a report would be presented to the next meeting of the Committee for endorsement of the suggested response.

In response to a question on whether consultation could be carried out satisfactorily under the current Covid-19 restrictions, the PPO commented that the district councils led on consultation and would use a variety of factors such as email and provide paper copies. She emphasised that the planning function needed to continue despite the lockdown.

The Chair asked if members were happy to endorse the recommendation and unanimously

**It was resolved to note the report and endorse the proposed response.**

## 12. Rollesby Neighbourhood Plan – agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Rollesby Neighbourhood Plan. Members were advised that the Broads Authority was a key stakeholder and therefore, able to comment on the Plan. It was anticipated that a report would be presented to the next meeting of the Committee for endorsement of the suggested response.

The Chair asked if members were happy to endorse the recommendation and unanimously

**It was resolved to note the report and endorse the proposed response.**

### **13. Appeals to the Secretary of State update**

The Committee received a schedule of appeals to the Secretary of State since December 2020. In terms of the barn adjacent Barn Mead Cottages in Coltishall, the Senior Planning Officer advised that the Authority had been notified of a date for the hearing but this has been declined as it did not allow sufficient time to undertake the necessary notifications due to the Christmas/new year break and a new date was awaited.

**The report was noted.**

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

The Committee received a schedule of decisions made by officers under delegated powers from 21 November to 11 December 2020.

**The report was noted.**

### **15. Date of next meeting**

The next meeting of the Planning Committee would be on Friday 5 February 2021 at 10.00am and would be held remotely.

The meeting ended at 11:42am

Signed by

Chairman



## Appendix 1 – Declaration of interests Planning Committee, 08 January 2021

Member	Agenda/minute	Nature of interest
Harry Blathwayt	8.1	Site was within his Ward and had had discussions with landowner.
Leslie Mogford	8.1	Member of Internal Drainage Board

# Planning Committee

05 February 2021

Agenda item number 8.1

## **BA/2020/0238/FUL: Land north of Wood Street, Catfield: Habitat restoration works including excavation of 0.45Ha pool**

Report by Planning Officer

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### **Proposal**

Habitat restoration works including excavation of 0.45Ha pool

### **Applicant**

RSPB - Mr Daniel Hercock

### **Recommendation**

Approve subject to conditions

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

Major development due to site area

### **Application target date**

16 November 2020

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## 1. Description of site and proposals

- 1.1. The application site is a nature reserve owned and operated by the Royal Society for the Protection of Birds (RSPB). The application site is located in an area of marshland known as Sutton Fen to the north west of Wood Farm, Wood Street, Catfield. The fen is to the east of Barton Turf which is on the opposite side of the River Ant (40m to the west at its closest point) and Barton Broad to the south west of the site. Access to the site is via an access track which runs to the south east to Wood Farm and joins the public highway at Wood Street, Catfield. This track is in the ownership of Wood Farm and the RSPB have an access agreement in place with the landowner.
- 1.2. The site as a nature reserve is important in terms of protected species and habitat. Sutton Fen is part of The Broadland Special Area of Conservation (SAC), the Broadland Special Protection Area (SPA), The Broadland Ramsar and The Ant Broad and Marshes Site of Special Scientific Interest (SSSI). The fen is managed entirely as a nature reserve for the benefit of wildlife with limited public access. The reserve supports a wide range of SSSI and SAC species and habitats and of particular note are its areas of SAC Calcareous Fen (an Annex 1 priority habitat) and its very large population of fen orchid (an Annex 2 priority species).
- 1.3. Sutton Fen is currently in favourable SSSI condition, although a number of SSSI threats have been registered against its various SSSI Units by Natural England, including *Crassula helmsii* in SSSI Unit 8 which has been categorised as a high risk.
- 1.4. *Crassula* is an invasive, non native, aquatic weed which is native to Australia and New Zealand. It grows vigorously in wet habitats such as Sutton Fen and outcompetes native vegetation. As such, *Crassula* is considered a major threat to the conservation value of wetlands in the UK.
- 1.5. Due to its low lying nature and proximity to the River Ant and Barton Broad, Sutton Fen is at risk of flooding and is located within Flood Zone 3 as identified by the Environment Agency. The site is set back from most public viewpoints, but is located within the

Broads Authority area and this area of fen and marshland is an important feature in the wider protected landscape.

- 1.6. Planning permission is sought for engineering works directly associated with a proposed scheme of Crassula eradication. The applicant has set out that the proposal is based on the available scientific evidence of eradicating the Crassula (ie to remove it from the site), but in the first instance to stop its further spread. The applicant states that there is little information on the effective control and eradication of Crassula, however, the available information has been reviewed and the submitted plan is considered to be the most appropriate approach with the greatest prospect for success in this location.
- 1.7. The chosen method is to spray the plant with a pesticide treatment (Roundup) to reduce its vigour, then to bury the plant with compacted peat to prevent it from photosynthesising, leaving the area covered and undisturbed for at least 10 years. A deer proof fence will be installed to minimise ground disturbance of the peat.
- 1.8. The peat overburden would be obtained by the excavation of a pond, which would in itself be designed to provide biodiversity gain in this location. The excavation will create a c. 0.45Ha pool, dug up to 60cm depth but mostly 30cm to 50cm depth. The applicant has stated that the RSPB have previous experience of pond digging at Sutton Fen SSSI Units, and this experience will be used in maximising ecological value, for example through varied edge, varied profile and being mostly shallow with some deeper areas, etc. Based on the succession of the ponds at Sutton Fen, it is expected that this new pond will become vegetated to >50% cover in 10 years and be swamp / fen vegetation within 20 years.

## 2. Site history

- 2.1. None relevant to this application at the site, however a separate planning application has been submitted by the RSPB for nearby Catfield Fen (Ref. BA/2020/0254/FUL) at the same time as this application. This separate application relates to a water management scheme as part of a proposed habitat restoration scheme.
- 2.2. The applications are not interdependent. The second application is not being determined at the same time because additional hydrological information is required (and awaited) to overcome a Natural England objection.

## 3. Consultations received

### Parish Council

- 3.1. In response to this application and application ref. BA/2020/0254/FUL the Parish Council stated that it does not have the expertise to assess authoritatively the scientific merits of the proposals but it notes their significant scale and the use of heavy machinery. It would therefore ask the relevant bodies, the Broads Authority and Natural England, to consider their content carefully and not just approve them as 'self-evidently a good thing'.

### Environment Agency

- 3.2. No objection. No objection to using the evacuations. Looking at it on a risk based approach the development is classified as is water compatible, in a marshland area and it is only temporary while the Crassula dies back. The new pond would provide compensation within that time. There are no neighbouring developments which would be at risk of this proposal.

### BA Landscape

- 3.3. No objection

### Natural England

- 3.4. Natural England consented RSPB directly for this work to undertake treatment of Crassula at Sutton Fen on August 31st 2020. In terms of the planning perspective, Natural England consented the work and have no objection.

## 4. Representations

- 4.1. No representations regarding this application however there have been discussions regarding the application BA/2020/254/FUL where this application was mentioned with neighbouring land owners.

## 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
  - DM10 Peat soils
  - DM13 Natural Environment
  - DM16 Development and Landscape
  - DM18 Excavated Materials
  - DM23 Transport, highways and access
- 5.3. The National Planning Policy Framework (NPPF) is a material consideration.

## 6. Assessment

- 6.1. The key consideration is the principle of development, which considers the impact upon the statutorily protected habitat and nature reserves site features; then the site specific considerations of impacts upon the wider landscape, peat soil and flood risk are also key considerations.

## Principle of development

- 6.2. As set out in the application's supporting statement and design and access statement, the land in question is a nature reserve owned and operated by the RSPB solely for the benefit of wildlife. As set out in the technical information, the identified risk of the invasive non native species *Crassula Hemsii* is considered a threat to Sutton Fen in terms of loss of habitat and species which are important features of the site. There is a requirement for the applicant therefore to address this threat which Natural England have identified.
- 6.3. On this basis, the applicant has proposed to eradicate the *Crassula* on site. The risk posed by the existing invasive species and its potential to expand is significant and has resulted in a scheme of works which are extensive enough to require planning permission by virtue of excavation of the pond and some degree of land raising. Separate consent is required from Natural England, which has been granted in advance of this planning application being determined.
- 6.4. In policy terms, both the NPPF and Local Plan for the Broads do in principle support the works as the scheme has the primary objective to restore and create new habitat. (Policy DM13 (b) of the Local Plan for the Broads and Paragraph 175, part d) of the National Planning Policy Framework).
- 6.5. In regards to the proposed works, the applicant has been clear in setting out that there is not a guaranteed solution to the issue of this particular invasive species. However the method proposed is based on scientific research and existing case studies. The Broads Authority's ecologist has assessed the methodology and does not object. Natural England have been consulted on this application and do not object to the proposed methodology and stated that they have approved the separate consenting process that they administer.
- 6.6. In summary, the proposed works are in principle acceptable. Whilst the site lies in an area of statutory protection for its biodiversity and wildlife features, the works are primarily to conserve these features and the application has set out a thought through methodology which has the potential to eradicate the invasive species with no identified harm to the remaining site's protected features. The proposed pond, which would be created following the excavation of the peat, would have the potential to increase the biodiversity of the site which is potentially an additional benefit of the proposed scheme.

## Impact upon the landscape

- 6.7. The application site is located within an area of low lying marshes within Landscape Character Area: 28 Ant Valley - Wayford Bridge to Turf Fen.
- 6.8. This is often a difficult area to view, as much of the area is inaccessible and carr woodland often terminates views within the area and to the landscape beyond. There is a contrast between the busyness of the waterways (during the summer months) and

the limited land-based access. There are a significant number of areas designated for their nature conservation value.

- 6.9. The proposal has a landscape effect due to the excavation of the pool, which would create a new landscape feature. This would not be particularly uncharacteristic of the area and is likely to be colonised with fen vegetation so that overtime the initial adverse effect would be mitigated.
- 6.10. The creation of the raised area would introduce a more uncharacteristic landscape feature in the flat marshland. This could be mitigated by improving the design of the earthwork, and by re-vegetation. The site is proposed to be re-vegetated through natural succession which has previously occurred at the site and has been successful.
- 6.11. The visual effects associated with this proposal are limited because the site is in an isolated location with few visual receptors and a lack of public access. The proposed pool and raised area of peat could potentially be partially visible from the river by boat users during winter when canopies of intervening trees are not in leaf. At worst, this would be a minor adverse effect.
- 6.12. The proposed sections of the proposed burial area show steep edges on the raised area of compacted peat which, together with straight sides and flat top would create an appearance of a man-made/engineered feature which would make it more noticeable in the marsh landscape. It would be preferable for the edges of the raised area to be more gently graduated back to existing ground levels, whilst edges of the raised area could be less straight and the top could have some slight variation in topography. This can be dealt with by way of condition.
- 6.13. On the basis that a minor alteration to the proposed raised land can be agreed through an amended drawing, the development is not considered to have an adverse landscape impact in the long-term. Any short term impacts are limited and the applicant has considered these and addressed them as best they can in terms of succession planting and pond design. The features proposed are of limited visibility and when considered against the function and statutory protection of the nature reserve, there is a justification for the proposed works in landscape terms and the proposal is considered to accord with Policy DM16 of the Local Plan for the Broads and paragraphs 170 a), b) and 172 of the NPPF.

### **Peat**

- 6.14. In regards to the proposed peat excavation, this is to be assessed against policy DM10 of the Local Plan for the Broads. Peat is an important soil typology which provides many ecosystem services. It is also the basis for the species-rich fen which this site seeks to protect through its statutory protection and nature conservation land use. Additionally, peat is a carbon sink and is of importance due to the palaeoenvironmental information stored in the layers of peat. As such, policy DM10 seeks to protect peat and there is a presumption in favour of in-situ preservation of peat unless four criteria are met. These are set out below at 6.16.

- 6.15. In this instance, it is considered that the majority of the spoil will be peat from the information provided by the applicant by the very nature of this site. The depth of the excavations is relatively limited and therefore peat coring would not add any additional information regarding the quality of peat, and its presence on site as this is not disputed.
- 6.16. Policy DM10 does allow for unavoidable harm or loss to peat where it can be demonstrated that there is not a less harmful viable option and(i), the amount of harm has been reduced to a minimum (ii), satisfactory provision is made for the evaluation, recording and interpretation of the peat prior to commencement of development (iii), and finally the peat is disposed of in a way that will limit carbon loss in to the atmosphere(iv). As addressed in the principle of development section of the report, there is an identified need to complete the works to protect the SSSI features of the site. This proposal is considered the most likely viable and successful option to stem the spread and potentially eradicate *Crassula* from the site. As such, the proposal is considered to meet criterion i) of Policy DM10 of the Local Plan for the Broads.
- 6.17. The development sees the extent of the peat being the minimum possible that would have a realistic chance of suppressing the invasive species. In allowing the pond and raised area to be retained in the same area and use, including succession planting, the site would protect all peat under the excavated site which limits harm in accordance with criterion ii) of Policy DM10 of the Local Plan for the Broads.
- 6.18. A condition would be attached to ensure that prior to excavation of the peat, access is permitted to relevant bodies to take samples of the peat and to make this information available during the course of the development where required. On this basis the proposal would meet criterion iii) of Policy DM10 of the Local Plan for the Broads.
- 6.19. In regards to the emission of CO<sub>2</sub> from the excavated peat, criteria iv) of Policy DM10 of the Local Plan for the Broads is relevant. As material will be laid on marsh land at a slightly elevated level (0.6m max) there is a chance that some of this excavated peat would dry out. When peat dries out it releases CO<sub>2</sub> which is to be avoided and is one of the principles behind the Policy. However, as the area is to be compacted and the overall character is marsh, it can be expected that the lower part of the peat would retain moisture. Alternative options had been suggested by the BA landscape architect in terms of using peat from a neighbouring site (ref. BA/2020/0254/FUL), however this is reliant on planning permission being granted, and would not be acceptable in terms of moving materials between sites which could result in bio-contamination and also increased CO<sub>2</sub> emissions from moving the peat. Finally, the applicant has stated that the proposal through creation of a pond as well as the wider site's carbon sequestering credentials means that the net impact would not be adverse in this instance.
- 6.20. Considering the need for the development and the limited impact on peat following consideration given to this issue by the applicant the proposal is considered to meet all relevant criteria of Policy DM10 of the Local Plan for the Broads.



## **Flood risk**

- 6.21. Whilst the site is located in the highest area of flood risk, the works would not have an adverse impact upon flood risk . A flood risk assesement has been submitted with the application and the Environment Agency have assessed this and do not object to the scheme.
- 6.22. The development is classified as is water compatible,located in a marshland area and it is only temporary while the Crassula dies back. The new pond would provide compensation within that time and there are no neighbouring developments which would be at risk of this proposal. The proposal is therefore in accordance with Policy DM5 of the Local Plan for the Broads.
- 6.23. During the development construction phase, a flood response plan for contractors would be required to be submitted prior to commencement of works.

## **7. Conclusion**

- 7.1. The development has been proposed as part of the RSPB Sutton Fen Nature Reserve's on going management of the site to protect its status as a statutorily protected SSSI and address a high risk threat . The works as proposed are therefore supported in principle by Policy DM13 and the NPPF.
- 7.2. The works do involve excavation of peat and creation of new landscape features. The landscape features would not have an adverse landscape impact subject to details of the raised area being amended, and the impact of the loss of peat has been minimised. The landscape feature of the shallow pond is considered to potentially result in biodiversity gain.
- 7.3. On balance, the benefits of the scheme in terms of protecting the site's conservation importance far outweigh the impacts of the potential for loss of peat in the form of potential CO2 emissions. The proposal has not been identified to result in adverse landscape harm and is potentially a tempory process if this results in the eradication of the Crassula. Conditions are proposed to ensure the LPA retains control of development should the future remediation of the site becomes possible.

## **8. Recommendation**

- 8.1. Approval subject to standard conditions and the following additional conditions:-
  - Additional details of raised land form
  - Flood response plan
  - CEMP to be submitted including details of biosecurity measures for development phase to be submitted
  - Reasonable access made available to the site to record the peat from relevant bodies should it be required prior to commencement of development

- Details of remediation works prior to commencement of any remediation/site restoration following eradication of crassula.

## 9. Reason for recommendation

- 9.1. The proposed development is considered to accord with all relevant policies of the Local Plan for the Broads and the NPPF.

Author: Jack Ibbotson

Date of report: 25 January 2021

Appendix 1 – Location map

## Appendix 1 – Location map



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# Planning Committee

05 February 2021

Agenda item number 8.2

## Enforcement- Beauchamp Arms- Prosecution

Report by Head of Planning

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### Summary

Officers have been seeking to obtain information regarding a potential breach of planning control using their powers under section 171 of The Town and Country Planning Act 1990. The landowner has failed to provide the information requested and this is an offence.

### Recommendation

That members authorise the commencement of prosecution proceedings in respect of non-compliance with a Planning Contravention Notice.

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### 1. Introduction and legal background

- 1.1. An effective enforcement service is a fundamental part of the planning system. It ensures compliance both with planning law and planning conditions, investigates and resolves planning breaches and, where necessary, instigates direct action or prosecution in order to achieve compliance. The latter are usually remedies of last resort. The National Planning Policy Framework states at paragraph 58 that “Effective enforcement is important to maintain public confidence in the planning system” and

the law gives a Local Planning Authority (LPA) a wide range of powers that it can use in the discharge of its enforcement duties.

- 1.2. The preliminary actions in any enforcement case involve an investigation of the facts of the matter, in order that the LPA can determine whether or not there has been a breach of planning control. The Town and Country Planning Act 1990 allows the LPA to make a formal request to a landowner (or any person with an interest in the land) for information about activities on land through the serving of a Planning Contravention Notice (PCN). The person on whom the PCN is served is required by law to respond to it, with failure to do so or to knowingly and/or recklessly make false or misleading statements on a material particular, being offences. The penalties on summary conviction are £1000 and £5000 respectively.
- 1.3. The PCN is a very useful tool and enables an LPA to make an accurate assessment of whether or not there has been a breach of planning control. This will inform the decisions on what further actions need to be taken.

## **2. Enforcement investigations at the Beauchamp Arms**

- 2.1. The Beauchamp Arms Public House is situated in a remote location between the villages of Claxton and Langley on the south bank of the River Yare. It is a very prominent building over three storeys with moorings for craft on the south bank and it immediately adjoins Buckenham Sailing Club which is to the south east of the Beauchamp Arms alongside the River Yare. It sits in a big plot, with a large open area to the rear and a long driveway which connects it to the public highway.
- 2.2. In May 2018 officers became aware that a number of static caravans had been installed on land adjacent to the driveway at the Beauchamp Arms. The landowner indicated that he intended to refurbish them and to hire them out to fishermen as accommodation. At a site visit in July 2018, it was noted that they had been moved to the car park to the rear of the premises, and the landowner was asked to remove them off site by the end August 2018. They were not removed and a report was brought to the Planning Committee meeting on 14 September 2018 meeting seeking authority to serve an Enforcement Notice and for prosecution in the event of non-compliance. A copy of this report can be viewed at Appendix 2.
- 2.3. By the date of the Planning Committee meeting, one of the units had been removed and two relocated to land adjacent to the access drive; one remained on the car park. None were in use. Members resolved to authorise the enforcement action as requested, to enable officers to take action should there be a breach of planning control and it be necessary, reasonable and expedient to do so. A copy of the Minutes can be viewed at Appendix 3.
- 2.4. Officers have continued to monitor the site. PCNs were served on 1 March 2019 seeking information on the ownership and use of the three caravans, further to which it

was established that they were not in use. A fourth caravan was installed on the site in September 2019.

- 2.5. In October 2020 a number of complaints were received about works at the site and officers visited on 29 October 2020. They found three static caravans had been located to rear of site, with a close boarded fence around them effectively creating a compound. The landowner was present and advised that the caravans were being used by workers at the pub and the intention was to use them as additional accommodation in order to support the viability of the pub. He authorised officers to view them. Officers found services appeared to be attached to the caravans (ie electricity, water and bottled gas) and that two of the caravans appeared to be occupied.
- 2.6. The landowner was also constructing a small extension to the pub building, for which planning permission is required. No application has been submitted.
- 2.7. On 13 November 2020 a PCN was served. The PCN asked for information on matters including the ownership of the caravans, when and why they had been moved, the services attached and their use. There were also a number of questions about the accommodation in the pub, principally because of the apparent use of the caravans by pub workers. The deadline for the return of the completed PCN was 4 December 2020.
- 2.8. On 10 December a response was received from the landowner, stating the following:

“With reference to your notice please be advised due to the Covid !9 restrictions I am unable to consult with the necessary professionals to respond. Before I do consult and respond can you please advise.

There is no name of the officer who sent this email please provide.

Is this an officers opinion or is it the BA's legal position.

Your officers have inspected the caravans and are fully aware of their status so please quote exactly the planning law (not policy) that has been breached.

Our position is as follows.

There have been 3 statics on site for over 15 years and listed on the rates listing.

We do not accept the argument that when replaced there is any legal time limit. We have asked numerous times for the law or case law to support this position.

We do have a document by who we believe is the officer behind this harassment Cally Smith stating it is an officers opinion as to the time limit between losing enforcement action. Law cannot be an officer's opinion.

There is no connection between the statics and the pub building so under what authority are u asking about the occupants and usage of the main building.

I look forward to your response before I involve my business partners planning consultant.”

- 2.9. The LPA responded on 11 December, explaining that it was lawfully entitled to serve a PCN where it believes there may have been breach of planning control and wishes to obtain information about the activities on the land and that the purpose of the PCN was to obtain information so it could establish the planning position. It extended the deadline for response to 4 January 2021.
- 2.10. No response had been received by 4 January, so a final letter giving a further 7 days was sent on 7 January 2021.
- 2.11. On 10 January a response repeating the questions and remarks at 2.8 above was received.
- 2.12. The LPA responded on the 11 January, reiterating the basis on which it was seeking information and reminding the landowner of the penalties for failure to respond.
- 2.13. Later on the 11 January a further response was received. The landowner advised that:
- “It would appear that despite this being a blatant abuse of power I have been advised to respond to the request and attach the information as best as my knowledge extends ...
- ... As a matter of record I need to know if this is an officer's opinion as this illegal enforcement action has cost us a lost potential revenue of 1,500 per week since September 2018 and we are looking for compensation from the BA or an officer. Standard wording on BA's letters state about it being an officer's opinion. Hope somebody has received an indemnity from the BA.”
- A copy of the PCN was attached, with responses. Incomplete addresses were provided for the owners of the three caravans and the response to most of the other questions was, effectively, ‘don’t know’. A copy of this response is attached at Appendix 4.
- 2.14. On 13 January the LPA responded again to the landowner. The contents of that correspondence was as follows:

“I am writing to advise that I have received the PCN that you returned on 11 January 2021.

In your response you provide a name of the owners of the three caravans, but no contact addresses.

You advise that you do not know when they were moved to the part of the site where they are currently situated (Q2), what they are being used for (Q5), that you are not aware that they are being used for residential purposes (Q6 and 7) and that you do not know anything about a visitor use (Q7). You do not answer the question about why they were moved (Q3), the services to them (Q4) or their intended use (Q8).

You have not provided any information in respect of question 9 – 12 and have instead questioned the basis on which the Local Planning Authority has asked the questions.



You have previously told me that you own the caravans and that they were moved to this part of the site so that you could let them as additional accommodation to support the pub use and/or to fishermen as holiday accommodation. At my site visit on 30 October 2020 at least 2 of the caravans were occupied.

You are required by law to provide complete and accurate responses to the PCN. I do not find it credible that you do not know the answer to these questions.

Please complete the PCN in full and return it to me by 17.00 on Friday 15 January 2021”.

- 2.15. A further response was received from the landowner on 13 January, but it did not include the information requested. There has been no further correspondence.

### **3. Action proposed**

- 3.1. The law gives an LPA a wide range of powers that it can use in the discharge of its enforcement duties. The function of a PCN is to enable an LPA to obtain sufficient information to be able to establish whether or not a planning breach is taking place and the nature of that breach. It can then decide how to proceed, including whether or not enforcement action is expedient. An LPA cannot exercise its enforcement function in the absence of complete and accurate information as it cannot be certain of the breach that it is addressing; were it to do so it would run a high risk of a successful challenge.
- 3.2. It is precisely because the PCN is such a fundamental tool in the investigation of a suspected planning breach that the penalties for failing to respond, or knowingly providing false or misleading information, are high.
- 3.3 In this case the landowner has failed to provide the requested information, despite the deadline being extended three times. It is apparent both from the correspondence and the returned document that he does not intend to respond.
- 3.3. The LPA is unable to progress this investigation in the absence of the requested information. It also has a duty to take action to uphold public confidence in the planning system.
- 3.4. It is proposed that the LPA commence prosecution proceedings against the landowner for failing to comply with the PCN served.

### **4. Financial implications**

- 4.1. There will be a financial cost associated with a prosecution. The extent of this will depend on whether or not the landowner pleads guilty or offers a defence; the complexity of the proceedings will also have an impact. If the matter proceeds to trial the costs could be around £3,000.
- 4.2. It is worth noting that the threat of legal proceedings does sometimes prompt compliance.



## **5. Risk implications**

- 5.1. There are reputational risks arising from the LPA failing to take action where there has been an abuse of its lawful processes.

## **6. Recommendation**

- 6.1. That members authorise the commencement of prosecution proceedings in respect of non-compliance with a Planning Contravention Notice.

Author: Cally Smith

Date of report: 22 January 2021

Appendix 1 – Location map

Appendix 2 – [Report](#) to Planning Committee 14 September 2018

Appendix 3 – [Minutes](#) to Planning Committee 14 September 2018

Appendix 4 – Response to Planning Contravention Notice

## Appendix 1 – Location map

BA20180047UNAUP3 Beauchamp Arms, Carleton St Peter



## Appendix 4 – Response to Planning Contravention Notice

### IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

#### TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

#### PLANNING CONTRAVENTION NOTICE

SERVED BY: [the Broads Authority]

On: Mr Ray Hollocks,  
c/o The Beauchamp Arms  
Ferry Road  
Carleton St Peter  
Norfolk  
NR14 6DH

and by email at [REDACTED] and [REDACTED]

**1. THIS NOTICE** is served by the Authority because it appears to it that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Authority requires you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interests in, and activities on, the land.

#### 2. THE LAND TO WHICH THE NOTICE RELATES

The premises and/or land at;  
Beauchamp Arms  
Ferry Road  
Carleton St Peter  
Norfolk  
NR14 6DH

shown edged in red on the attached plan ("the Land"), with the approximate location of the three static caravans marked with three crosses (x).

#### 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Standing and use of 3 Static Caravans on land to the rear of the Beauchamp Arms public house in the approximate locations marked with three crosses (x) on the attached plan.

#### 4. WHAT YOU ARE REQUIRED TO DO

Provide in writing the following information:

(1) The name of the person(s) to whom the caravans belong:

Caravan 1: was owned by T Smith who abandoned it address unknown  
Caravan 2: K Willingham address unknown  
Caravan 3: J Kazandy Orlando FL USA

(2) The date when they were moved from the land adjacent to the access road to their current position to the rear of the Beauchamp Arms public house:

Caravan 1:

Caravan 2:

Caravan 3:

} unknown

(3) The reason for their being moved – i.e. why were they moved there:

Caravan 1:

Caravan 2:

Caravan 3:

no reason

(4) Details of the services provided to the caravans, including electricity, gas (mains or bottled), water and sewerage:

Caravan 1:

Caravan 2:

Caravan 3:

(5) Details of what they are being used for, e.g. ancillary storage, residential accommodation or visitor accommodation. If there is no use, please state. Please provide full details:

Caravan 1:

Caravan 2:

Caravan 3:

Unknown

~

~

(6) If they are being used as residential accommodation, please state:

(a) the name(s) of the occupant(s):

Caravan 1:

Caravan 2:

Caravan 3:

} not aware they're residential

(b) The date when they first started to use the caravan as residential accommodation:

Caravan 1:

Caravan 2:

Caravan 3:

} see above

(c) Details of the tenancy or rental agreement and the date that this commenced. Please supply a copy of this.

Caravan 1:

Caravan 2:

Caravan 3:

not aware of any

(d) Details of the amount of rent paid, either per week or per calendar month:

Caravan 1:

Caravan 2:

Caravan 3:



(e) Does this payment include the services identified at (4) above? If so, please state which ones.

Caravan 1: YES/NO

Caravan 2: YES/NO

Caravan 3: YES/NO

} not aware any

(f) Does this include Council Tax payments?

Caravan 1: YES/NO

Caravan 2: YES/NO

Caravan 3: YES/NO

} check council records

(7) If they are being used as visitor accommodation, please state:

(a) The date when this use first started:

Caravan 1:

Caravan 2:

Caravan 3:

} not aware any

(b) Details of the basis on which the static caravans are rented out, e.g. daily or weekly or longer:

Caravan 1:

Caravan 2:

Caravan 3:

} not aware any

(c) Details of the amount of amount charged to rent the units, for the periods identified in 7(b) above:

Caravan 1:

Caravan 2:

Caravan 3:

} not aware any

(d) Details of where the static caravans are advertised for rent. Please supply a copy of all advertising material.

Caravan 1:

Caravan 2:

Caravan 3:

} not aware any

(8) If the answer to question (5) above is that there is no use, please provide details of the intended use of the static caravans:

Caravan 1:

Caravan 2:

Caravan 3:

Caravan 3:

(9) Please provide details of the number of rooms in the Beauchamp Arms and the current use of these rooms:

Ground floor:

First floor:

Second floor:

Please advise law that requires this and relevance

(10) How many of these rooms are available for letting purposes?

Ground floor:

First floor:

Second floor:

Please explain what this is connected to planning

(11) Is any part of the main building of the Beauchamp Arms used as residential accommodation?

Ground floor:

YES/NO

First floor:

YES/NO

Second floor:

YES/NO

As above

(12) If the answer to question (11) is yes, please provide the names of the occupants:

Ground floor:

First floor:

Second floor:

As above

**Time within which the information must be provided:** within twenty-one days, beginning with the day on which this notice is served on you:

## 5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO NOTICE

If you wish to make an offer to apply for planning permission, or to stop carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Authority, or representatives of the Authority, will consider them on Thursday 26<sup>th</sup> November 11am where you will be able to make any offer or representations in person at that time and place. Please contact us at [planning.mail@broads-authority.gov.uk](mailto:planning.mail@broads-authority.gov.uk) to arrange for this meeting to be conducted either in person or as a virtual meeting.

## 6. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in any way. The maximum penalty on conviction of this offence is an unlimited fine.

## 7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Authority may take further action to deal with the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of

the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied. If the Authority serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable for any loss or damage which could have been avoided had you given the Authority the information required by this notice, or had you otherwise co-operated with the Authority when responding to it.

Dated: 13 November 2020

Signed:.....

On behalf of: The Broads Authority, 62-64 Thorpe Road  
Norwich,  
Norfolk, NR1 1RY.

# Planning Committee

05 February 2021

Agenda item number 9

## Enforcement update- February 2021

Report by Head of Planning

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### 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.

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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></ul>



Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Monitoring 15 June 2017. Further vandalism and deterioration.</li> <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> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <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> <li>• Application approved and demolition almost complete. 24 September 2020.</li> <li>• Demolition completed and site almost cleared. November 2020</li> <li>• <b>Final inspection needed.</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> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <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> <li><b>Incomplete response provided 11 January 2021</b></li> <li><b>See report on February agenda with recommendation for prosecution for failure to comply</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> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Appeal start date 17 August 2020.</li> <li>• Hearing scheduled 9 February 2021.</li> <li>• <b>Hearing cancelled</b></li> <li>• <b>Hearing rescheduled to 20 July 2021</b></li> </ul>
6 March 2020	Ditchingham Maltings	Failure to implement approved landscaping scheme (BA/2012/0005/FUL) Approved in August 2016	<ul style="list-style-type: none"> <li>• Planning Contravention Notice (PCN) served 9 September 2019.</li> <li>• Breach of Condition Notice (BCN) served 22 October 2019 Non-compliance with condition 15 of planning permission - planting not in accordance with approved scheme.</li> <li>• Revised landscaping scheme submitted 21 January 2020.</li> <li>• Authority from Planning Committee to authorise prosecution, but stayed and delegated to Head of Planning to proceed only if adequate measures not undertaken by the developer to implement a satisfactory landscaping scheme and management plan. 6 March 2020.</li> <li>• Due to COVID-19, not been possible to engage contractors to work on the landscaping scheme for the site. New contractors now appointed and hoped that work could be progressed in the near future. 29 May 2020.</li> <li>• Maintenance work commenced, with replanting scheduled for autumn 2020/winter 2021 season. 15 June 2020.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Maintenance underway. Awaiting final approval of replanting scheme. 3 July 2020.</li> <li>• Landscaping scheme approved and planting to commence in November 2020.</li> <li>• Landscaping underway and almost complete.</li> <li>• <b>Landscaping completed and maintenance underway. Case closed</b></li> </ul>
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>• <b>Enforcement Notice served 12 January 2021 with compliance date 12 February 2021.</b></li> </ul>
8 January 2021	Brograve Marshes, Coast Road, Waxham	Unauthorised development comprising the excavation of a scrape of land	<ul style="list-style-type: none"> <li>• <b>Authority given for the service of Enforcement Notice</b></li> </ul>

Author: Cally Smith

Date of report: 22 January 2021

# Planning Committee

05 February 2021

Agenda item number 11

## Adopting the Residential Moorings Guide

Report by Planning Policy Officer

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### Summary

A Residential Moorings Guide has been produced to help decision makers, applicants and site owners implement the policies of the adopted Local Plan for the Broads relating to residential moorings. The first draft guide and revised draft guide were subject to consultation last year and the final draft guide is presented at Appendix 3 of this report.

### Recommendation

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

---

## 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 for decision makers, applicants and site owners, with useful information to help make schemes as successful as possible.
- 1.2. The first draft guide and revised draft guide were subject to consultation in 2020, and the final draft guide is at Appendix 3.

## 2. Consultation responses

- 2.1. The responses to the first draft guide are at Appendix 1. Some of the comments resulted in changes to the guide. We then consulted on the revised draft guide, and the responses are at Appendix 2. Again, some of the comments resulted in changes to the guide.

## 3. Navigation Committee and Boat Safety Group

- 3.1. A report on the final draft guide was presented to the Navigation Committee on 14 January 2021, and information was sent to the Boat Safety Group in December 2020. No further comments were received.

## 4. Final draft guide for adoption

- 4.1. The final draft guide for adoption, with track change amendments, is at Appendix 3. Additions are shown as blue underline and deletions as red strikethrough. The marked changes result from the second consultation; the changes following the first consultation have been accepted and are not marked up.
- 4.2. Members' views on the final draft guide are invited. Members are also asked to endorse the guide and recommend it to the Broads Authority for adoption.

Author: Natalie Beal

Date of report: 21 January 2021

Appendix 1 – Responses to consultation on first draft RM guide

Appendix 2 – Responses to consultation on revised draft RM guide

Appendix 3 – Final Draft Residential Moorings Guide (with track changes) – for adoption

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 March 2021](#)

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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.
- 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](#)

## 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>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 in libraries.~~
- ~~• No hard copies will be in Yare House<sup>3</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>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)

<sup>3</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](#)

### 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'.

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>4</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
- 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

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<sup>4</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](#)

- 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>5</sup>. See policy DM5 of the Local Plan for the Broads as well as the Flood Risk SPD<sup>6</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 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

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<sup>5</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>6</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)

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>7</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.

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.

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<sup>7</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)

- 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. [The Environment Agency emphasise the need for adequate pollution prevention measures in place at all times.](#) 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. 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

- i) You need to consider flood risk through a flood risk assessment and flood response plan.
- j) You need to consider the impacts of Climate Change.
- k) A management plan is required that details how you will manage the residential moorings. A template is included at [Appendix A](#).
- l) You need to keep a register of those who are living on the residential moorings.
- m) You should contact your District Council to confirm the approach to Council Tax.
- n) You need to provide adequate facilities for those living at the residential moorings. You may already have many of these in place.
- o) 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.
- p) 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/>

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 BWML 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>8</sup> and its addendum<sup>9</sup> has more information on meeting the need for residential moorings.~~

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<sup>8</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>9</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

- ~~e) 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

05 February 2021

Agenda item number 12

## Consultation responses

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 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: 20 January 2021

Appendix 1 – Planning Policy consultations received

# Appendix 1 – Planning Policy consultations received

**Organisation:** East Suffolk Council

**Document:** Draft Historic Environment Supplementary Planning Document.

<https://eastsuffolk.inconsult.uk/consult.ti/HISTENVSPD/consultationHome>

**Due date:** 01 February 2021

**Status:** Draft

**Proposed level:** Planning Committee endorsed

## Notes

The Historic Environment Supplementary Planning Document (SPD) will provide further guidance on the implementation of planning policy including guidance for developers and property owners who are either planning new development or making changes to an existing property. It will cover a range of topics including conservation areas, listed buildings, non-designated heritage assets and historic parks and gardens, as well as guidance on shop fronts, sustainable construction and renewable energy, extensions and alterations to a historic building, replacing windows, doors and porches and development within the setting of a historic building.

Supplementary Planning Documents expand upon policy and provide further detail to support the implementation of policies in Local Plans. Whilst not a part of the development plan, they are a material consideration in the determination of planning applications.

## Proposed response

### Summary

The SPD reads well and provides useful detail. Whilst it will not apply to the Broads, we do have some comments that we hope are helpful. Generally we identify areas that could benefit from referring to the Broads, we feel the lighting section needs to address issues of light pollution and negative impacts on dark skies, and there are also some technical issues that we identify could be clarified.

### Detailed comments

1.3, 1.6 – Just say Broads, not National Park.

Para 1.7 Section 15 (Repairs and Maintenance) of the document may also be a useful reference for owners of pre-1919 unlisted properties built with traditional construction methods.

1.8 – Neighbourhood plans and Suffolk Minerals and Waste Local Plan are relevant to the Broads as well.

Para 2.4. I know it is mentioned in the paragraph above, but it might be worth repeating here that LBC is required for internal and external works? It's a common misconception that it isn't.

Para 3.5 Is it worth making clear that not all PD rights, but only specified PD rights, are removed by an Article 4 and also why a local authority would do this – eg to remove PD rights for works that could otherwise cause harm to the character and appearance of a conservation area.

We think there is one more Article 4's in CA's which is in BA area and not listed (although this does not relate directly to alterations to houses but the erection of gates/fences/means of enclosure but can change the historic character of this area in particular):

Oulton Broad– off Boathouse Lane	Erection of gates, walls, fences or other means of enclosure  GDO 1977	1981	GPDO 1995 – Part 2 Class A
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Para 4.2 and through the Neighbourhood Plan process?

Para 5.5- should Somerleyton Park (grade II\*) be included as a Registered Park and Garden? I think it's in ESC?

Para 7- should there be a small section on underfloor heating in historic properties? We are seeing more and more applications for this.

Section 7: Sustainable Energy and construction – as an introduction to this section would it be worth explaining the embodied energy inherently encapsulated within historic buildings and also outlining how buildings built with traditional methods and materials work differently to modern buildings, in terms of the need for adequate ventilation, for surfaces to be permeable etc. Leading on from this the 'whole house retrofit' approach might be worth referring to.

Para 7.13 Check solar panels PD?

Para 7.30 'The building is not listed' is on the list twice

10- Could there be an opportunity here to discuss the issues with using upvc in historic buildings? General guidance along the lines... *'In terms using upvc, the use of timber is traditional in the area both for joinery and boarding. It is also encouraged because the use of sustainably sourced timber is far more environmentally friendly than upvc which is an oil derived plastic material and far less sustainable in terms of its manufacture and use. The benefits of upvc such as improved seal and double or triple glazing are also standard features of timber with timber having the added benefit of a traditional appearance. In addition, it is considered that upvc is visually more prominent than timber. Unlike timber it does not soften visually through weathering and therefore always remains visually prominent throughout its*



*lifetime and will be at odds with the soft and traditional materials of historic properties. The level of high quality detail that can be achieved with timber cannot be achieved in the same way with upvc because of the limitations of the manufacturing process, meaning the profile will be heavy in section and as a consequence the frames will appear bulky. Although not a planning matter a slimmer profiled window in timber can also improve the level of light into the property’.*

10.1- The statement about replacement windows not requiring PD is not technically correct, as the PD rights do not apply to blocks of flats, flats over shops or business premises and it can be argued that a change in windows and doors needs pp in some instances (even outside CA’s).

Para 10.8/9 is it worth stating that where possible historic timber should be retained as it tends to be slower and grown and of better quality than more modern timber?

Section 3 – are some conservation areas shared with the Broads? If so, that should be mentioned.

11.7- The PD rights relating to a change to residential use of agri buildings also does not apply within the Broads Executive Area if you wanted to mention that.

11.17 – perhaps mention the Broads Landscape Character Assessment as the asset could be in the ESC area, but the Broads could be the landscape that surrounds a property.

11.20 – is it prudent to mention the Broads here as well?

Para 11.24 states, ‘substantial alterations will mean that the building is of little value, despite the existence of some historic remains’ – might it be the case that alterations that reinstated lost features may be considered acceptable?

Lighting section and also illumination section for shops

- Care needs to be taken here.
- I would suggest that the first part of this should be saying something about whether the property needs lighting in the first place, regardless of the scale and whether it needs permission or not, so 12.14 should be first. As written, the order is quite odd – all about lighting, then actually, do you need lighting in the first place. Querying the need in the first place needs to be first.
- Maybe refer to the benefits of a dark sky.
- Do state that the Broads has intrinsically dark skies and there should be no impact of a scheme on the dark skies of the Broads.
- I also think that you should say that lighting should point down, rather than up which can happen on older buildings. But equally, when pointing down, need to think about the surface and the issue of reflection.
- 12.16 – care taken about angle of lighting. I really think you need to refer to light trespass.

- Throughout the lighting section, you refer to security lighting. I would suggest you say external artificial lighting as the term. Maybe then say that one of its uses could be to address security. I think that people will say they have lighting for security... but there is some literature that queries how lighting something up is addressing security.
- If it is needed for security – maybe they need to say what the actual issue is and how they can prove that lighting and the lighting they propose, in the design they propose, will address that.

12.21 needs to be much earlier in this section.

Para 12.24 – add something along the lines of ‘are there other means of mitigating the security risk? – for example, a sign stating that CCTV is in operation, a managed approach with an increased physical presence on site etc’, rather than installing CCTV as a first step.

Para 12.27 as well as being small and in dark colours, CCTV cameras should make use of wireless technology wherever possible.

Para 13.41 Should it be said that UPVC will rarely be considered appropriate for shopfronts in a historic context?

Paras 13.46-13.49 It is my understanding that traditionally neither bright whites or true blacks were used but rather a slightly off-white colour and very dark colours used that almost appear black.

Paras 13.50-13.52 the material used can also have a big impact.

Para 14.1 all of the points listed under the bullet points need to be met OR it must be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Section 14 – is the embodied energy of buildings something to consider in this section as well, in terms of climate change and carbon dioxide emissions?

Para 15.28-15.31 – should it be stated that the LPA need to be given 6 weeks’ notice of works to trees in a conservation area?

Para 15.69 – 15.72 should any advice be provided for instances where historic buildings have a cement render, which is unfortunately very common? Particularly advice re repairs or reinstatement with a lime render where it is damaged.

Para 16.3-16.9 should removal of redundant pipework (and other obsolete utilities) wherever possible be encouraged?

**Organisation:** Suffolk County Council

**Document:** Suffolk Design Guide for Streets: <http://www.suffolk.gov.uk/suffolkstreets>

**Due date:** 10 February 2021

**Status:** Draft.

**Proposed level:** Planning Committee Endorsed

#### **Notes**

A draft of the [Street Design: Street Guide](#) is now available to read and you are invited to shape the final version of the document by completing the [survey](#). Organisations such as yours are being invited to consider the document during a consultation period that will close on 10 February 2021. A report of the consultation will be published when Suffolk Design: Streets Guide is presented to Suffolk County Council's Cabinet.

The District, Borough and County Councils of Suffolk have been working to improve the design of new developments through the [Suffolk Design](#) initiative. As part of this programme, the County Council commissioned Stantec to produce a new Street Guide to update guidance for residential streets.

The Streets Guide seeks to draw together national policies, guidance and other best practice and set within the Suffolk context. It covers more than just technical standards for roads. Requirements for footpaths, cycleways, utilities, sustainable drainage are also set out for example. It also sets out a design approach that is needed to deliver genuinely attractive walking and cycling routes.

This [Streets Guide](#) provides a new process for thinking about how new development provides access for all sorts of users, not just to the road network but the surrounding area. This follows on from the [National Design Guide](#) and [Manual for Streets 2](#) which set out design approaches to encourage walking and cycling, but also the needs of vulnerable users.

The focus on users and then translates to movement corridors to inform layouts for new developments of any scale. The approach can also help to develop new policy through local and neighbourhood plans.

The Guide does not set out detailed parking standards or measures to control the volume of traffic. It also does not provide the answer to all sites and, although examples are provided, these might not apply on all cases. The provision of electric charging points has been a particular challenge to address because standard charging points for use on streets are not yet available. The County Council is part of an innovate project known as [Live Labs](#) that is investigating how existing lighting infrastructure could create vehicle charging.

The guide is not intended to be used to resist development. It is to guide designers and developers and, hopefully, small-medium-sized companies will find this guide helpful in drawing together proposals that they want to put forward.

Account has been made of the Planning White Paper that was published by the Government in August 2020 and the detailed guidance on the provision of cycling infrastructure.

The Streets Guide is not intended to be a formal supplementary planning document but will be used by the County Council in responding to applications as the highway authority.

## **Proposed response**

### Summary

The guide is welcomed. There are some detailed comments, listed below, but the main issue is the need for greater emphasis on justifying the need for lighting in the first place and also on good design of lighting that is justified.

### Generally

- On a few occasions the wording along the lines of 'look to' is included (search the document for the word 'look'). What does this actually mean? Is there a better way of getting across the instruction? For example, 'Should look to minimise the number of vehicular crossovers' – does that mean 'Should ~~look to~~ minimise the number of vehicular crossovers'?
- All the photos used could do with a caption to explain why they are in there and explain the features in the photos.

### Detailed comments

1.8 – should light pollution be referred to here?

2.3.1 – what about those on mobility scooters and those on push scooters and electric scooters? So, do developers need to do a destination analysis so they understand where people will want to go?

Figure 9 – recreation cyclists, not so fast commuter cyclists, scooter (electric and push), mobility scooters.

Page 15 photo – should that have a caption saying that this shows a route with smooth surface, good sight lines and passive surveillance?

Page 16, column 2, 2.3.3.3, 2.6.2.10 – where you say that lighting has a role to play/certain provision should be well lit, say that the lighting should be well designed and of the right intensity so as to reduce potential for light pollution.

Page 23 – you mention 'recreation cyclists', but these are not included elsewhere in the various figures about the types of cyclists. For example, figure 9, page 14.

Figure 14 – what is CPTED?

2.6, second para – not sure it is complete.

Last para of page 41- do they also need to consider how to stop parking on the service strips?

P35-36 it is suggested that most adoptable paved surfaces should use flexible asphalt with precast concrete kerbs and edgings. It goes on to state that Granite setts and Yorkshire paving may be used for locations of significance such as neighbourhood squares and local centres – could conservation areas or areas that provide the setting for listed buildings be added to this?

P36 kerbing: it states conservation kerbs can be used in conservation areas but generally materials should match the existing. I would suggest that where possible an enhancement to the CA should be sought.

P39 Private lighting – should reference be made to questioning whether it is necessary, directed appropriately, Dark Skies policy etc.

P40 are there measures / or should measures be put in place to ensure that proposals for trees and planting as part of new developments are fully implemented? Perhaps a statement to say it is expected that approved schemes will be fully implemented, as there is a tendency for developers to leave landscaping to last and then leave site without completing it?

P42 could there be something about replacement of street surfaces on a like-for-like basis should maintenance be required to underground utilities, requiring the street to be dug up? This can be a particular problem where there are non-standard road surfaces such as cobbles or granite setts.

Page 42, column 1, para 4 – you talk about impact on visibility splays, but what about causing obstruction to pedestrians, cyclist, wheelchairs, pushchairs etc? I suggest this para is expanded to mention impact on those users. Also, does this section need to mention this: [Cabinet Siting and Pole Siting Code of Practice, Issue 2, 2016 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531111/Cabinet_Siting_and_Pole_Siting_Code_of_Practice_Issue_2_2016.pdf)?

Page 42, column 1 – should fire hydrants have its own sub section? So, the first part talks about utilities, then the next about fire hydrants and so on.

Page 42, bottom of column 2 – and the third think to consider, after safe movement and sufficient illumination is impact on dark skies or adding to light pollution. This needs to be mentioned in the same sentence.

2.7.1.2 – there is no mention of the specifics of good lighting that benefits dark skies. Like being on a curfew of specifics about the kelvin and a picture showing good design of lighting. This section would benefit from that. Also, is it worth mentioning the potential for street lighting to also host 5g infrastructure, if indeed there is such potential? I believe that there will need to be many 5g units, a short distance from each other and I believe that street lighting may have the potential to host such infrastructure. You may need to look into this in more detail, but it may be appropriate to refer to that.

2.8.1.3 – should this title be ‘adoption of community open space’? It does not make sense to me as written.

Page 47, 48, 49, 50, 56, 64, 65, 66 – it is not clear what the images are actually showing. Suggest you add an explanation to help the reader understand.

Last para, page 48 – ‘As well as providing high quality primary and secondary cycle routes the designer will need to ensure that access for all user’. This sentence is not finished.

3.1.3 – perhaps you need to say that even if separate cycling infrastructure is provided, more confident or faster cyclists may still use the road. I am aware that some motorists think that if there is a cycle path, then a cyclist must use it. Whereas actually, faster cyclists may tend to use the road as it is quicker.

3.1.5.2 says ‘giveaway’. Do you mean ‘give way’? If not, what is a ‘giveaway point’?

3.1.5.3 – the speed is kph. But in the previous para, was mph. Might be worth checking if it should be kph or mph.

Page 51 looks interesting and useful, but needs more explanation.

3.3 – I don’t quite understand what this is showing. You might want a couple of examples written out saying something like ‘as can be seen from the table, cycle track and primary pedestrian route is down as a x which means xxxxxxxx’.

3.4.1.2 – in the introduction you say that the planting help reduces road spends. But in the bullets, landscaping is a ‘should’ whereas there are other bullets that are listed as a ‘must’. Is there a consistency issue here between the intro para and the should/must? The differentiation between some aspects being must, and others should, implies some are more important and are a stronger requirement than others.

3.4.1 – is there some acknowledgement that pedestrians may not cross the roads at crossings? Did you want to show tactile paving on the figures?

Figure 21 title is obscured by the figure.

Figure 22 – I don’t quite get what this is showing. Should such a large area be shown as pink including the footways?

Figures 23 to 26. They are not ordered from left to right in figure number. And if they were in that order, it does not line up with the option number. For example, option number 1 is figure 26. Whereas Figure 23 is option 3. Also, they could do with a few words to explain what they are showing.

3.4.1.7 – I thought that the Manual for Streets suggested tighter junctions because of the arc that pedestrians need to turn to see if something is coming and also to try and reduce vehicle speeds. Should there be some more caveats on this part of the document?

Page 68, 1.3 – rather than ‘council’, how about ‘local planning authority’?

Page 69 – should there be reference to planting in the public realm section? Component of the Public Realm – Materials – should whether the area is within a Conservation Area or forms the setting of listed buildings be a consideration?

### Grammar/typo issues to consider

Page 15, column 2: A narrow pathway with close boarded fencing is not attractive **to** users and is likely to encourage anti-social behaviour; this will discourage use and not create a sense of place.

#### 2.3.1.1 'colour agnosia, hearing loss'

Page 16, column 2: Safe streets should have a sense of personal safety; routes should be overlooked where possible from neighbouring properties.

Page 30: 'The highway authority will not adopt dual systems, that is to say, if a swale is proposed to capture highway run-off, it will not be acceptable to also have a piped highway system under the road'. Does there need to be a . or ; at the yellow?

2.6.3 They **are**-benefit users' health and wellbeing, reducing pollution, providing shade and encouraging wildlife.

Page 42, column 1, para 2 – 'Joint trenching principles should be adopted and **coordination** to remove clashes is required'. Should this be 'coordinated'?

Page 42, column 1 – 'Suffolk Fire and Rescue Service requires, through a condition of planning permission, the prior agreement of the location and specification of fire hydrants within developments, this normally occurs when the water mains are being agreed'. This may need a . or a ; or an 'and'.

3.4.1.1 'Must minimise the crossing distance for **non** motorised users; this must not exceed 11m'

# Heritage Asset Review Group

## Notes of the meeting held on 18 December 2020

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### Present

Chair - Melanie Vigo di Gallidoro, Stephen Bolt, Bill Dickson, Lana Hempsall, Tim Jickells, Bruce Keith.

### In attendance

Kayleigh Judson – Heritage Planning Officer, Kate Knights – Historic Environment Manager, Cally Smith – Head of Planning and Sara Utting - Governance Officer

## 1. Apologies and welcome

The Chair welcomed everyone to the meeting.

**Apologies** received from Harry Blathwayt.

## 2. Declarations of interest and introductions

No further declarations of interest were made in addition to those already registered.



### **3. Notes of HARG meeting held on 09 October 2020**

The notes of the meeting held on 9 October 2020 were received. These had been submitted to the Planning Committee on 6 November 2020.

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

There were no points of information arising from the previous minutes other than those on the agenda.

The Historic Environment Manager and the Heritage Planning Officer presented a joint report for information for items 5-9.

### **5. Conservation area reviews**

The Authority had a statutory duty to review its Conservation Areas and, following discussions with neighbouring authorities, the programme had been amended slightly since the beginning of the year. Attention would be focussed on those older Conservation Area Appraisals most in need of review, as follows: Belaugh; Halvergate & Tunstall and Coltishall, with the latter being a high priority as it was a considerable number of years since the last review. Broadland District Council was likely to lead on Coltishall, with the BA assisting. It was anticipated Neatishead and Somerleyton would also be added to the list.

North Norfolk District Council had adopted both Ludham and Stalham appraisals on 7 December 2020.

### **6. Listing application – The Nebb, Blundeston**

This building had now been officially listed by Historic England on 8 December 2020, for its special architectural or historic interest. Its assessment suggested that the earliest part of the building dated from the first half of the 16<sup>th</sup> century and there was documentary evidence of the building dating from a map of 1614. In the 18<sup>th</sup> century, the building had been extended to either end and the main front and rear elevations largely reconstructed. By the mid-19<sup>th</sup> century, the building had been divided into two dwellings and a small extension added to the north elevation and it was subsequently returned to a single dwelling in 1960. Although a number of alterations had been made, the building continued to tell the story of its long and interesting history.

The Heritage Planning Officer advised that she had contacted the estate agent to make them aware of the listing and, in addition, she would be meeting a potential buyer later that day to discuss what the listing meant and also any potential work they wished to carry out to the property.

### **7. The future of the Broads' Mills**

The Broads Authority area was characterised by its mills, with 31 on the Halvergate Marshes alone. The majority dated from the 19<sup>th</sup> century with many of them either listed or locally

listed but it was never the intention for them to have such a long life, hence they were now redundant in terms of their original use.

The mills were of great importance to the Broads, acting as landmarks within the landscape, and telling us much about how the Broads historically functioned. Halvergate Marshes was also designated as a Conservation Area, although it was considered 'at risk' by Historic England, partly due to the poor condition of the numerous mill structures within it.

Although the structures had the appearance of a conventional windmill and worked in a similar manner, the purpose of the mills was to drain the low-lying land of the Broads. They were positioned adjacent to rivers and had a scoop wheel to lift water from the land into the rivers.

Few, if any, of the drainage mills retained their original function of draining the land, with a number of the mills being converted for residential use (for example, Dilham Dyke and Clippesby), whilst others were open to the public (for example, Berney Arms, Thurne and Stracey). Other mills were in a poor condition but still valued as ruins with the landscape, as well as for their historic significance. The Norfolk Windmills Trust managed 21 mills across the county, 13 of which they owned or leased. However, the others were privately owned.

The mills had little intrinsic financial value but were costly to maintain and there were a number of common issues:

- A backlog of repairs: many of the mills were in a very poor condition and had lost many of their original elements (eg boat-shaped caps and sails)
- Subsidence: the mills were only built to last 30-50 years. They were built on inherently unstable ground which resulted in structural issues being commonplace. Underpinning was often required but was very costly.
- Varying degree of retention of the original machinery.
- Isolated locations with difficult access: inevitably located on the banks of a river, frequently only accessible via the river or tracks across extensive marshland where cattle were grazed, the mills were hard to access which made the logistics and costs of repairing the mills, getting visitors to the mill or finding new uses for the mills challenging.
- Lack of millwrighting skills resulted in high costs and limited availability of services.
- The cost of scaffolding could be prohibitive.
- The cost of insuring empty listed buildings was very high.

Consequently, many private building owners were unwilling or unable to ensure that the buildings were maintained and the restoration of the mills was frequently cost-prohibitive. The Authority tried to encourage mill owners, by working in a proactive manner with building owners and other organisations, especially where mills were on the Buildings at Risk register. The Heritage team offered free advice and guidance to building owners on repairs and free

pre-application advice on planning matters. Should a listed mill be in a very poor condition, it would be possible for the Broads Authority to serve a Repairs Notice or Urgent Works Notice through its enforcement powers. However, this would be a last resort measure and officers would always try to negotiate with the owner first.

Occasionally, mills were converted to residential or holiday accommodation, although the drainage mills were not particularly suited to this use. However, especially if the mill was listed, this would only be possible where the conversion would not be considered to be detrimental to the character and appearance of the building and also its significance as a mill. If the mill retained all of its internal machinery, this may not be considered appropriate. There were also other issues such as vehicular access and the impact on the wider landscape setting of domestic paraphernalia.

A study carried out in 2005 examined the possibility of using the mills to generate electricity. However, it established that a mill could never be as efficient as a purpose-built modern wind-turbine, there were high costs associated with power cables and stabilising the mills and it would frequently result in disconnecting or removing elements of the original machinery which would not be encouraged. As a result, this had never been pursued.

A number of the mills were open to the public; for example, Thurne as part of the Wind Energy Museum and Horsey which belonged to the National Trust. However, this was not an option for every mill. We would not want to 'dilute' the attraction of those already open and again there were other considerations such as access, manning the site, insurance etc. However, walking trails that passed 'closed' mills with interpretation outside them was something that the Authority was seeking to improve through the Water, Mills and Marshes project.

Many mills now had value as derelict structures in the landscape and the value of these structures should not be under-estimated, both aesthetically, historically and ecologically ("managed decay"). Physically they could be consolidated, so that they did not deteriorate further.

Over a number of years, the Authority been successful in bidding for external grant funding from organisations such as the National Lottery Heritage Fund, with whom it was running the current Water Mills and Marshes project. Such schemes enabled capacity building (eg heritage skills) in the local workforce, supported local businesses and to carry out programmes of repair and restoration on frequently privately-owned mills where otherwise the buildings' condition would deteriorate. The grants provided important financial stimulus, often with in-kind contributions from building owners.

Programmes like the Water Mills and Marshes scheme also delivered wider benefits such as improving access routes to the mills and across the marshes, promoting the mills and educating the wider community about the buildings and the history and natural environment in their local area.

The Windmills Trust was set up in 1963 by Norfolk County Council for the preservation of windmills, watermills and drainage mills. The Trust cared for 21 buildings across the county

and has been successful at obtaining funding for bigger projects, such as the current project at Stracey Arms Mill and Old Buckenham Mill. However, their annual grant did little more than cover the fixed costs of the mills in their portfolio, for example insurance (which was very expensive), regular machinery lubrication, fire extinguishers, account audits and grounds maintenance. Unfortunately, this has meant there was now something of a maintenance backlog. The Trust was currently undertaking a governance review and was investigating different ways of fundraising. Although the Authority did work with them on a regular basis, the BA's relationship with the Trust was not as formal as it once was (eg we no longer had any Trustees on the board) and this was something the Authority was hoping to strengthen, as the vast majority of their mills were in the Broads Authority area.

In particular, the Authority was working with the Windmills Trust on various aspects of the Water, Mills and Marshes project and were developing ways in which they may be able to carry forward some of the 'legacy items' from this project. These included an improved website, a database that could be publicly accessible for mills-based information, developing a 'Mills Warden' scheme and continuing the Authority's work with City College Norwich, which may aid with some of the Trusts' maintenance issues whilst providing invaluable experience for students.

In conclusion, unfortunately there was no simple solution. Each mill needed to be considered on its own merits, in terms of its historic and architectural significance, its ownership and its geographical location. The Authority would continue to work with building owners to encourage repair and maintenance, but must recognise the constraints that they faced. It was likely that externally funded projects would continue to play a part in repairing and restoring the most significant of the mills, as well as improving interpretation, access and education about the structures so that they were more widely appreciated – all very important in ensuring their long-term survival. Likewise, introducing young people to the heritage skills required to maintain the buildings would continue to be of the upmost importance.

Officers would continue to work with, and develop closer relationships with, organisations such as The Windmills Trust and Historic England. However, it was likely that 'managed decay' would continue to be the option for some of the mills.

The Chair thanked the Historic Environment Manager for her very valuable report and presentation.

A member commented that it was important to strengthen the relationship between the Authority and the Watermills Trust. In addition, he added that whilst the concept of "managed decay" might be difficult to accept, in some cases it might be the only option. He referred to the possibility of adapting some of the mills for use as holiday rental properties and whether this would encourage owners to invest, particularly if some of the requirements were relaxed. Another member agreed that this could be the most commercially viable option in the longer term but would require considerable capital outlay. He also suggested consideration be given to utilising the tallest structures for hosting wi-fi masts/antenna. The Historic Environment Manager considered this to be something worth investigating, drawing similarities to the Wispire initiative which used church towers in a non-visually obtrusive way.

## 8. Grove House and Farm, Irstead

The Heritage Planning Officer presented this item as an example of the type of applications officers dealt with on a day to day basis. A number of applications had been submitted for this site and officers continued to have pre-application discussions.

Grove House was a Grade II Listed Georgian farmhouse and the site also contained an outbuilding (formerly a stable), with the immediate neighbouring site comprising a large thatched barn (Grade II listed) and a very large, modern agricultural unit. The house was of red brick construction under a black glazed pantile roof with a typical Georgian façade such as sash windows, central doorcase and surround, central ridge stack and beautiful projecting modillion eaves cornice. Photographs were shown which evidenced that the farm was originally one unit and a sweeping drive had existed until fairly recently.

The site had been purchased towards the end of 2019 and after pre-application discussions, applications came in for its repair, conservation and reinstatement of the swooping drive. The Highways Authority had a number of concerns regarding re-installing the historic drive (due to lack of visibility and lack of control over how drivers would use the drive to enter one way and exit the other). Following negotiations, it was agreed to realign the access points, remove the existing boundary hedge (Rhododendron) and replant further back with a mixed native hedge. In addition, the proposals also included a small turning area in front of the house which satisfied the Highway Authority's concerns.

Another area of contention was a rear fire place which existed on the back of the main house within a later extension. The stack to the fireplace had been previously removed following consent in 1991. The heritage statement showed that it was fairly old but not original as the bricks sat separately and not tied into the rear wall. Given it was also unusable, on balance, its removal was considered acceptable. Following its removal, a historic windows opening was actually found which had not been infilled correctly and accordingly, was damaging the brick wall behind with large cracking. Fortunately, the removal of the stack enabled the rectification of this damage.

Another point of interest was the fireplace in the front room which was found to consist of Minton & Co tiles; a company which famously produced porcelain pottery but also very characteristic Victorian floor tiles.

Turning to the rear of the house, which was probably the most historic part, the application involved the installation of underfloor heating. There was a modern raised floor step which was lifted and revealed sections of the original historic floor intact underneath. Consequently, each pavement tile was lifted, numbered and relaid in exactly the same position following the installation of the heating, without any evidence of the work taking place. A number of brick arches were also discovered and it was decided to retain these as interesting features.

The west wall of the main room was suffering from severe damp. It had a mix of inappropriate materials which had been installed such as foam and cement to try and rectify the damp issues but unsurprisingly this had made the damp worse, evident by the green tinge

to the bricks on the photographs. As the wall was west-facing, it was unexpected to see so much damp but investigations revealed the guttering was mis-aligned at the top near the cornice. Furthermore, following some digging, the remains of a large tree had been discovered and this tree had more than likely overshadowed that side of the wall for many years and it had been covered in Ivy. The situation had now been rectified by allowing the damp to dry out and the use of more appropriate breathable lime plasters.

The front façade of the dwelling included some very interesting mortar detail comprising white lime mortar behind, then a red mortar and what appeared to be a very thin lime mortar line on top of that, a process known as “tuck-pointing”. This was used to mimic a very highly skilled and costly process of gauged brickwork evident on many Victorian buildings in cities, such as train stations and museums etc. Both the Georgians and Victorians loved this detail as the very thin and precise mortar enabled them to show off their wealth.

Finally, at the rear of the property was a little dairy/pantry which was considered to be a particularly interesting room and would help to read the history of the house and the development of the farm. It was pleasing to note that the owners wanted to retain this room as it would have been.

Historically, the site was connected to a larger farm site containing a Grade II Listed thatched barn, which sat immediately adjacent to Grove House and attached to the historic stable. The wider farm site had been split and demarcated from the farmhouse and consequently the relationship between the farmhouse and setting of the thatched barn had been significantly damaged. Pre-application discussions had also taken place regarding bringing the site back into one and the appropriate repair, conservation and adaption of the thatched barn and landscape improvements of the site.

A member questioned if the owner was using one particular contractor for the renovations as this required particular skills and knowledge. The Heritage Planning Officer responded that there were a number of factors involved – the new owners had previous experience of converting an old Listed Building; a local contractor had been engaged for this current property who had close association with the history of the farm. Therefore, he was familiar with the house and finally, the agent specialised in historic buildings.

In conclusion, it was noted that officers were monitoring progress at the house and it was hoped to bring some photographs of the completed works to HARG in due course.

## **9. Water Mills and Marshes – heritage skills and Land of the Windmills and update**

It was noted that students were now going back out on site, with brickwork students at Six Mile House Mill and decorating students at Strumpshaw Engine House carrying out the internal lime-washing and they would also soon be moving to Six Mile House to carry out the re-tarring of the mill (using a tar substitute as the use of coal tar had been banned since October 2020). There were also students working in the workshop on joinery items including various bird and bat boxes, the windows for Oby mill and the sails for Muttons Mill.

Work was continuing at Six Mile House Mill with repairs to the brickwork and the drainage channel. The cap was now on and should receive its covering this week. The coal tar substitute should be arriving very shortly and decorating could then commence, following which the scaffolding could be removed.

The final pieces of work were being carried out at Strumpshaw Engine House.

## 10. Local Listing project

In the middle of October, the Government had announced a pot of funding for county-led pilot projects to encourage Local Planning Authorities to develop their Local Lists. Working with a number of Norfolk local authorities, a bid had been developed and submitted. An announcement on successful bids was expected by the end of November but to date, no announcement had been received.

The funding would enable the Authority to consolidate its adopted Local List with other identified buildings; develop an improved public interface for the list, establish a county-wide criteria for local listing to ensure consistency and hopefully to extend the list.

## 11. Any other business

A member commended the idea to hold HARG meetings separately from the Planning Committee.

A question was asked what software was used to identify when something such as a post box would be affected by a planning application, referring to his recent awareness that 60% of Local Planning Authorities used Idox. The Head of Planning responded that the Authority used a geographically based system which linked maps to the database, enabling information to be linked and constraints and features to be identified. The relevant map (or layer) would identify a post box so, if a post box was potentially to be affected, the Post Box Protection Society could be notified, however this would rely on the Authority having the relevant layer. The Authority would continue to purchase new layers within the software as they became available.

A new member to the group commented that he found the meeting very interesting and looked forward to attending site visits, once appropriate, to visit the buildings discussed.

The Chair concluded the meeting by wishing everyone a Merry Christmas and happy new year for 2021.

## 12. Date of next meeting

The next HARG meeting would be held on **Friday 12 March 2021 at 10am**.

The meeting ended at 11.15am

Signed by

Chairman

# Planning Committee

05 February 2021

Agenda item number 14

## Appeals to the Secretary of State update- February 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>	Larry Rooney	Appeal submitted 26 January 2020 Request for Hearing  Start date 17 August 2020	Black Gate Farm, Cobholm, Great Yarmouth NR31 0DL	Appeal against Enforcement Notice: Change of use and standing of seven caravans for residential use	Committee decision 8 November 2019  Statement submitted 12 October 2020  Hearing date 9 February 2021



Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
					<b>Hearing cancelled</b>  <b>Hearing rescheduled to 20 July 2021</b>
<b>APP/E9505/W/19/3240574 BA/2018/0012/CU</b>	Mr Gordon Hall	Appeal submitted 14 February 2020 Request for Hearing  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 15 April 2019  Statement submitted 30 June 2020.  Hearing date 2 February 2021
<b>APP/E9505/D/20/3258679 BA/2020/0105/HOUSEH</b>	Mr N Hannant	Appeal submitted 2 September 2020  Start date 9 November 2020	Gunton Lodge Broadview Road Lowestoft	Appeal against refusal of planning permission: Second floor balcony.	Delegated decision 25 August 2020.  Questionnaire submitted 16 November 2020

Author: Cheryl Peel

Date of report: 22 January 2021

Background papers: BA appeal and application files

# Planning Committee

05 February 2021

Agenda item number 15

## 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 14 December 2020 to 22 January 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
Aldeby Parish Council	BA/2020/0279/FUL	Priory Cottage Marsh Lane Aldeby NR34 0BH	Mr Gavin Church	Use of land for siting 4 No. Bell Tents and 4 No. washsheds with compostable toilets and car parking (Retrospective)	Refuse

Parish	Application	Site	Applicant	Proposal	Decision
Ashby With Oby Parish Council -	BA/2020/0368/FUL	Boundary Farm Boundary Road Ashby With Oby Norfolk NR29 3BW	Mr and Mrs Cooke	Proposed demolition and replacement of existing boathouse	Approve Subject to Conditions
Ashby With Oby Parish Council -	BA/2020/0371/HOUSEH	Boundary Farm, Farmhouse Boundary Road Ashby With Oby NR29 3BW	Mr and Mrs Cooke	Proposed demolition and replacement of existing store (adjoining dwelling)	Approve Subject to Conditions
Barton Turf And Irstead Parish Council	BA/2020/0370/HOUSEH	Tweenways Callow Green Barton Turf NR12 8AS	Mr Mark Pell	Conversion of Existing Stable Block into ancillary amenity rooms	Approve Subject to Conditions
Beccles Town Council	BA/2020/0344/HOUSEH	Home Lodge 33 Northgate Beccles NR34 9AS	A.T. Bent Properties	Reinstate former entrance door & 1st floor window and replace existing 1st floor windows in the east elevation	Approve Subject to Conditions
Bramerton Parish Council	BA/2020/0400/HOUSEH	Hillview Hill House Road Bramerton NR14 7EE	Mr & Mrs Jeremy And Patricia Dore	Replacement garage	Approve Subject to Conditions
Brundall Parish Council	BA/2020/0427/DEM	Unit 2 Riverside Estate Brundall Norwich Norfolk NR13 5QA	Mr Nick Hovey	Corner of the unit to the North West and the two storey office/wc building	Prior Approval not Required

Parish	Application	Site	Applicant	Proposal	Decision
Brundall Parish Council	BA/2020/0409/NONMAT	13 Riverside Estate Brundall Norwich Norfolk NR13 5PU	Mr Kevin Peachment	Alterations to window sizes on south and west elevation, additional rooflight on east elevation, non-material amendment to permission BA/2015/0235/HOUSEH	Approve
Burgh St Peter/Wheatacre PC	BA/2020/0394/HOUSEH	Hall Farm Burgh Road Burgh St Peter NR34 0AD	Mr & Mrs Jim Cordner	Proposed orangery and rebuilding of chimney	Approve Subject to Conditions
Cantley, Limpenhoe And Southwood PC	BA/2020/0377/FUL	Cantley Sugar Factory Station Road Cantley Norwich NR13 3ST	Mr Ian Redhead	Erection of temporary office/facilities building	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Great Yarmouth	BA/2020/0269/APPCON	Port Of Yarmouth Marina Caister Road Great Yarmouth NR30 4DL	Neil Burton	Details of Conditions 4: foundation and development scheme,6: Materials, 7: Landscaping, 8: hard landscaping scheme, 9: sewage disposal, 10: surface water disposal and bore hole protection scheme, 12: bat protection information, 15: bird protection information of permission BA/2020/0101/COND	Approve
Horning Parish Council	BA/2020/0389/COND	3 Bureside Estate Still Waters Crabbetts Marsh Horning NR12 8JP	Mr Brian Hutchinson	Removal of upper floor of approved extension, variation of condition 2 and removal of condition 6 of permission BA/2019/0299/HOUSEH	Approve Subject to Conditions
Horning Parish Council	BA/2020/0373/COND	Cedar Lodge Plot 21 Ropes Hill Horning Norfolk NR12 8PB	Mr Jon Poynton	Add velux windows, details of roofing materials, details of external lighting, variation of conditions 2, 3 and 4 of permission BA/2017/0448/FUL	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Hoveton Parish Council	BA/2020/0381/HOUSEH	4 Bure Court, Hickling House Marsh Road Hoveton NR12 8UH	Mr Paul Rayner	Installation of two rooflights and a soil vent pipe to serve first floor loft conversion	Approve Subject to Conditions
Hoveton Parish Council	BA/2020/0397/HOUSEH	Willowside Brimbelow Road Hoveton NR12 8UJ	Mr N & G Featherstone	Replacement Out-Building & Application of External Cladding to Frontage of Detached Bungalow	Approve Subject to Conditions
Hoveton Parish Council	BA/2020/0419/HOUSEH	Grebes Rest Brimbelow Road Hoveton NR12 8UJ	Mr & Mrs Royall	Demolition of existing Garage/Store and erection of a timber cart lodge	Approve Subject to Conditions
Hoveton Parish Council	BA/2020/0281/HOUSEH	The Haven Marsh Road Hoveton NR12 8UH	Mr James Hurrell	Demolish timber Boat House and re build	Approve Subject to Conditions
Langley With Hardley Parish Council	BA/2020/0359/FUL	Church Farm Lower Hardley Road Hardley NR14 6BU	Mr D Tabor	Replacement agricultural building	Approve Subject to Conditions
Ludham Parish Council	BA/2020/0438/FUL	Tanglewood Staithe Road Ludham NR29 5NP	Mr William Grist	Erection of an outbuilding	Approve Subject to Conditions
Ludham Parish Council	BA/2020/0378/HOUSEH	The Mowle Staithe Road Ludham NR29 5NP	Mr Paul Hallatt	Replacement quay heading and boat house, installation of half-slip	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Ludham Parish Council	BA/2020/0396/HOUSEH	Limes Horsefen Road Ludham NR29 5QG	Mr Alan Gepp	Construction of timber deck with amended metal & wire balustrade	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2020/0360/COND	14-17 Pegasus Mews Caldecott Road Lowestoft Suffolk NR32 3PH	Mr Andrew Stubbs	Amended jetty and quay heading design, variation of condition 2 of permission BA/2019/0438/FUL	Approve Subject to Conditions
Oulton Broad Parish Council	BA/2020/0369/HOUSEH	Hillcrest Waveney Hill Lowestoft NR32 3PR	Mr Paul Chilvers	Replace projecting bay window balcony with single storey extension with balcony	Approve
Salhouse Parish Council	BA/2020/0365/FUL	Salhouse Broad Lower Street Salhouse Norwich Norfolk NR13 6RX	Miss Kelly Banthorpe	Erection of children's play equipment	Approve Subject to Conditions
Somerton Parish Council	BA/2020/0376/HOUSEH	Broadmarsh Horsey Road West Somerton Somerton NR29 4DW	Dr David Shuker	Conversion of wash house, disused WC and coalhouse into a garden room and a utility room. Insertion of a window to the first floor bedroom at rear of main property.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
South Walsham Parish Council	BA/2020/0380/HOUSEH	White Lodge 3 Kingfisher Lane South Walsham Norwich Norfolk NR13 6EB	Mr Matthew Thwaites	Replace 115m of quay-heading	Approve Subject to Conditions
Stalham Town Council	BA/2020/0405/FUL	Plot 14 Long Dyke Wayford Bridge Norfolk NR12 9LH	Mr Allan Lynn	Replacing boardwalk, quayheading and outbuilding and enlarging parking area	Approve Subject to Conditions
Thurne Parish Council	BA/2020/0414/HOUSEH	The Cottage The Street Thurne NR29 3AP	Mr Stephen Sayce	Replacement of old garage and erect a new boatshed/garage	Approve Subject to Conditions

### Tree Preservation Orders confirmed by officers under delegated powers

Parish	Address	Reference number	Description
Rollesby	The Retreat, Main Road, NR29 5EG	BA/2020/0004/TPO	4 Oak trees

Author: Cheryl Peel

Date of report: 26 January 2021