

Planning Committee

Minutes of the meeting held on 10 November 2023

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Tony Grayling, Tim Jickells and Keith Patience

In attendance

Natalie Beal – Planning Policy Officer (items 10-13), Jason Brewster – Governance Officer, Andrea Kelly – Environment Policy Advisor (item 7), Kate Knights – Historic Environment Manager (item 9), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

No members of the public in attendance.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Bill Dickson, James Harvey, Martyn Hooton, Kevin Maguire, Vic Thomson and Fran Whymark

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

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

3. Minutes of last meeting

The minutes of the meeting held on 13 October 2023 were approved as a correct record and signed by the Chair.

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

No members of the public had registered to speak.

6. Requests to defer applications and/or vary agenda order

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

7. Applications for planning permission

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

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

BA/2023/0320/FUL – Buttle Marsh, Ludham - restoration of peat

Engineering works to re-wet Buttle Marsh and restore sustainable peat building conditions.

Applicant: Broads Authority

The Senior Planning Officer (SPO) provided a detailed presentation of the application that involved engineering works at Buttle Marsh, Ludham intended to restore peat building conditions to the marsh within five years of their completion.

The presentation included a location map, a site map, a site map showing the boundary of the applicant's land at Buttle Marsh, site maps with the engineering works marked, an indicative plan of a wind pump and photographs of various aspects of the site.

The site, an area of marshes measuring approximately 25.6Ha forming part of the Buttles Marsh Norfolk County Wildlife Site, was located to the west of the village of Ludham, on the eastern side of the River Ant. To the north of the site lay the environmentally designated area of How Hill Nature Reserve, which was a Broadland Special Protection Zone, a Broadland RAMSAR, part of The Broads Special Area of Conservation and the Ant Broads and Marshes SSSI. To the south of the site lay the Listed Building, Neaves Mill and to the east and west of the site were public footpaths Ludham FP10 and FP18. (The SPO indicated that the report had incorrectly specified Fleggburgh in the context of public footpath FP18).

The SPO explained the purpose of the engineering works (as detailed in section 1.4 of the report) and then explained the engineering works themselves (as detailed in section 1.5 of the report). With respect to the proposed wind pump, the SPO indicated that its final design was still outstanding and for this reason had been conditioned.

In her assessment the SPO indicated that there was no specific policy within the Local Plan for the Broads that related to this type of development. Given the importance of this site, within a nationally and internationally important wetland habitat, she explained that Strategic Policy SP6 (Biodiversity) would be relevant. Policy SP6 required that development protects the value and integrity of nature conservation interest, and, for this reason, the principle of development was therefore considered acceptable.

Following pre-application advice and with guidance from the Authority's Landscape Architect, a Landscape and Visual Appraisal had been submitted. The Authority's Landscape Architect was content with the predicted/potential effects of the proposal on the landscape.

Following pre-application advice, a Preliminary Ecological Assessment (PEA) had been submitted and concluded that the proposed development would have a positive impact upon the habitat for all species. There were no objections regarding the impact on biodiversity of this development.

The SPO explained that, given the outcome of these engineering works would be to raise the water level of the site, the Environment Agency (EA) had some initial concerns regarding the Flood Risk Assessment. Additional information had been provided to the EA to confirm that there would be no increases in above-ground water levels as a result of the development, and the EA had subsequently confirmed that they had no objection on flood risk grounds.

Given the site's proximity to the Grade II Listed, Neaves Mill the Authority's Historic Environment Manager (HEM) had been consulted and, subject to the final designs of the wind pump and other visible structures, concluded that there would be no adverse visual impact from this development. The HEM confirmed that, given the size of the proposed wind pump and its setting within the site, this new structure would not be competing visually with Neaves Mill.

The SPO concluded that the recommendation was for approval of this application subject to the conditions laid out in section 8.1 of the report.

Members were concerned about the possible impacts of the engineering works on the existing wildlife of the marsh. The Environment Policy Advisor (EPA) indicated that the PEA detailed a mitigation plan for water voles and reptiles and that the engineering work would be scheduled to avoid impacts on breeding birds and any over-wintering birds that may use the site.

In response to a question the EPA confirmed that the water required to maintain the water level of the site would not be sourced from the river but from the drains within the marsh. These drains formed part of the wider Broads Internal Drainage Board network within the area, and the act of adding the sluice would enable better management of this water across the site.

Stephen Bolt proposed, Tim Jickells seconded and

It was resolved unanimously to approve the application subject to the following conditions:

- **Time Limit**
- **In accordance with plans**
- **Prior to their installation, details of the following shall be submitted and approved**
 - a) **the wind pump,**
 - b) **sluice,**
 - c) **drain block and culverts,**

- d) raised track,
- e) carrier drain.

The works shall then be carried out and retained in accordance with the agreed details.

- Prior to commencement of the 'Construction Phase' (as detailed in the Planning Statement), a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing.
- All mitigation measures detailed in Section 6 of the PEA shall be implemented and adhered to throughout the works.

8. Enforcement update

Members received an update report from the Head of Planning (HoP) on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

Broadgate Bakery, Horsefen Road, Ludham – The HoP had been informed that the unauthorised bakery had ceased operating, and she had not received any evidence to indicate otherwise. The Enforcement Notice had not been appealed within the statutory period and the HoP confirmed that the Notices would remain in effect indefinitely. The Authority would monitor this site in spring 2024 when, historically, the bakery would resume operation for the new tourist season.

9. Tree Preservation Order (proposed site visit) – Butterfield House, 1 The Score, Northgate, Beccles

The Historic Environment Manager (HEM) presented the report seeking Members' views on whether to undertake a site visit in relation to a Tree Preservation Order (TPO) for an Ash tree at Butterfield House, 1 The Score, Northgate, Beccles. The applicant had submitted an application for Works to Trees in a Conservation Area relating to the Ash tree on the site within the Beccles Conservation Area. The proposed works, to pollard the Ash tree to approximately 3m above the initial union at the top of the trunk, would result in approximately two-thirds of the canopy being removed. The Authority's Arboricultural Consultant had inspected the tree and reported that the proposed works would cause unnecessary damage and harm to the tree for little to no reason as the tree was not deemed a risk. The proposed works therefore had not been deemed acceptable and a provisional TPO had been served which, the HEM indicated, would need to be confirmed by 13 January 2024.

A neighbour had objected to the provisional TPO stating that the tree was a health and safety hazard and should be reduced in size. The objection had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee. In preparation for this determination Members of the Planning Committee could choose to undertake a site visit prior to the provisional TPO being presented to the next Planning Committee on 8 December 2023 for consideration.

Members considered a site visit would be beneficial to consider the amenity value of the Ash tree with respect to the proposed works.

Tim Jickells proposed, seconded by Keith Patience, and

It was resolved unanimously to undertake a site visit before the provisional TPO was considered at the next Planning Committee meeting.

Members, having been presented with several options for when to undertake a site visit, selected Wednesday 22 November 2023 at 10am.

10. Consultation responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to Regulation 16 version of the Reedham Neighbourhood Plan. The PPO indicated that the response sought some clarifications and highlighted differences in the classification of open space at Reedham Quay; the Authority had deemed some areas as amenity green space whereas the Neighbourhood Plan had classed some of these same areas as Local Green Space.

Tim Jickells proposed, seconded by Stephen Bolt and

It was resolved unanimously to endorse the nature of the proposed response.

11. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed eleven new or amended policy areas that were proposed to form part of the Preferred Options version of the Local Plan. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

Green Infrastructure

The PPO indicated that policy DM8 (Green infrastructure) had been updated to strengthen the policy and include considerations for climate change, supporting ecosystem services, Biodiversity Net Gain (BNG) and Public Rights of Way and Access. The PPO confirmed that this policy would be applied on a case-by-case basis and was not restricted to larger developments.

Navigation section

The PPO explained that this section had been updated, following consultation with the Authority's Head Ranger and Asset Officer, and had been presented to the Navigation Committee on 2 November 2023. A change for all the policies within this section was the reference to "riverbanks" that was deemed too restrictive and had been replaced by "banks" to reflect the banks beside various types of bodies of water found within the Broads.

Policy DM31 (Access to the water) had been updated to include electric charging points, references to the correct name for the Water Framework Directive and reference to the Water Management Strategy.

Policy DM32 (Bank Stabilisation) had been updated to include references to the correct name for the Water Framework Directive and reference to the Water Management Strategy.

Strategic Policy SP14 (Mooring provision) had been updated to include references to Mooring Design and Riverbank Stabilisation Guides. In relation to these guides the Navigation Committee had indicated that some recent mooring schemes had not been designed to accommodate all vessel types and suggested the need for these guides to be reviewed. Discussions were ongoing regarding the Waterways and Recreation Officer being responsible for ensuring these documents were reviewed. The Navigation Committee also noted these guides were not prescriptive and they had discussed the provision of a standard that the Authority would deem adequate for approval. A reduction in the quality of materials used on new mooring schemes compared with previous equivalent schemes over time had been raised and it had been agreed that the Authority would investigate this matter further.

Policy DM33 (Moorings, mooring basins and marinas) had been updated to reflect a different method for determining the number of visitor moorings associated with a new mooring development. The PPO indicated that the visitor mooring allocation, rather than apportion a number of moorings from the total provided by the development, would now apportion a length in metres of the total mooring provided for this purpose. This new apportioning by total mooring length also incorporated how the moorings were to be facilitated; alongside and double alongside moorings versus stern on moorings.

The Navigation Committee had questioned the need to prescribe visitor moorings on all new developments as they believed some locations may not be appropriate for this purpose. The PPO had responded that this requirement had successfully delivered 20-25 new visitor moorings in the last ten years or so and, if a development had identified a need for new moorings, then that may be indicative of a visitor moorings need.

The PPO agreed to add some supporting text to item 2 point m) to cross reference the supporting table (shown between lines 290 and 291 of Appendix 2 in the report).

The PPO indicated that the advertising of visitor moorings and its effectiveness had been raised by the Navigation Committee and she explained that this was another area where further investigation was required.

Planning Obligations

Policy DM47 (Planning obligations and developer contributions) had been updated to reference mitigations for impacts to biodiversity and reference to occasions where planning obligations may not necessarily be monetary. Within the reasoned justification section of the policy, it now referenced the Recreational Avoidance and Mitigation Scheme (RAMS), Nutrient Neutrality, the Community Infrastructure Levy, and a possible replacement levy for Section 106 planning obligations.

Retail Development

Policy DM51 (Retail development in the Broads) had been updated to reflect the new replacement use Class E and its wider ranging definition compared to the previous retail related use class. The PPO explained that not all commercial businesses and services within

the Class E definition would be suitable or appropriate in a retail context and the policy reflected this technical restriction.

Soils

The PPO indicated that policies SP4 (Soils) and DM10 (Peat soils) had been updated to reflect comments received during the Issues and Options consultation.

Strategic Policy SP4 had been updated to protect agricultural land and its use as a carbon sink.

Policy DM10 (Peat soils) had been updated to reflect decisions by Planning Inspectors elsewhere in the country relating to peat being classed as an irreplaceable habitat that is protected in the NPPF. A Member enquired about the definition of peat, and it was agreed to update the policy to include a footnote to the British Geographical Society's definition of peat.

Source of Heating

The PPO indicated that this new policy had been updated to reflect comments received during the Issues and Options consultation and guidance from the Authority's Carbon Reduction Project Manager. The policy sought to encourage more sustainable forms of heating in new developments. A Member noted that biomass had not been listed as a source of heating and the PPO agreed to investigate this option. The PPO noted a Member's comment regarding insulating properties for inclusion in an energy related policy for review at a future meeting.

Tourism

Strategic Policy SP12 (Sustainable tourism) had been updated to reflect the tourism industry post the Covid pandemic and the resulting inflationary impacts on the global economy.

Policy DM29 (Sustainable tourism and recreation development) had been updated to reference mitigations for recreation impacts and nutrient enrichment.

Policy DM30 (Holiday/tourism accommodation) had been updated to reflect comments received during the Issues and Options consultation and included the need to market hotels and guest houses before being considered for conversion to residential use and references to mitigations for recreation impacts and nutrient enrichment.

The Coast

The PPO confirmed that, apart from a reference to the recently adopted Coastal Adaptation Supplementary Planning Document (2023), there was no change to this policy.

Land at Whitlingham Lane

Policy WHI2 (Land at Whitlingham Lane) had been created to reflect the allocation of a new site, at a former boatyard and former rowing club, consistent with the outcome of the Authority's Housing and Economic Land Availability Assessment (HELAA). The aim of this policy was to encourage the appropriate reuse of this site and prevent the existing buildings from falling into disrepair. This policy reflected the suitability of this site for development although it also noted that not all commercial businesses and services within the Class E definition would be suitable or appropriate on this site. A new policy map showing this site, within Whitlingham Country Park, had been created.

Acle

The PPO indicated that there was no change to policy ACL1 (Acle Cemetery extension) although a note had been added to reflect that, despite planning permission having been granted to a different location for the cemetery extension, the Parish Council would prefer to utilise the site allocated in this policy. Policy ACL2 (Acle sports field extension) had been updated to refer to the fact that the site was on peat.

Replacement Quay Heading/Piling topic paper

The PPO explained that the Replacement Quay Heading/Piling topic paper had been produced working with the Authority's Head Ranger and Head of Construction, Maintenance and Ecology and had been presented to the Navigation Committee on 2 November 2023.

The PPO explained that repeatedly replacing quay headings/piling over time would reduce the width of the navigation. This topic paper sought to address this risk by creating a policy to refuse replacement quay headings that adversely impacted the navigation and promote the assessment of these replacement structures on waterways less than 30m in width. The proposed assessments would involve measuring the width of the waterway and would need to incorporate how moorings were facilitated as this would have an impact on the navigable width of the waterway. Following the assessment, applied on a case-by-case basis, the policy may require that the replacement quay heading/piling was in line with or behind that of the existing structure.

The Navigation Committee recognised the need to protect the navigation and the possible complexity and extra cost associated with replacing a quay heading/piling in line with or behind that of the existing structure.

In response to a question about the scope of this policy, the PPO agreed to clarify whether the policy would relate to all waters within the Broads that are navigable, be limited to the Broads Navigation or some other definition.

There was a discussion regarding the mechanism for measuring the width of a waterway and it was agreed that the Authority's GIS data should constitute the definitive mapping data for this purpose.

Members discussed the implications of reducing the width of the waterway on the owners of the riverbed. Members were supportive of the proposed new policy.

Stephen Bolt proposed, Tim Jickells seconded and

It was resolved unanimously to endorse the Replacement Quay Heading/Piling topic paper as evidence for the Local Plan.

Members' comments were noted.

12. Nutrient Neutrality, Biodiversity Net Gain and GI RAMS update

The Planning Policy Officer (PPO) introduced the report that explained the current situation regarding Nutrient Neutrality, Biodiversity Net Gain and Green Infrastructure and Recreational impacts Avoidance and Mitigation Strategy (GI RAMS). The PPO discussed each of these planning policy considerations in turn.

Nutrient Neutrality

The PPO explained that despite the Government attempting to negate the consideration of Nutrient Neutrality (NN) via the Levelling Up and Regeneration Bill 2022–23 these amendments had been defeated by the House of Lords on 13 September 2023. Consequently, all 31 designated sites across England, identified by Natural England (NE) to contain freshwater habitats in ‘unfavourable condition’ as a result of excess nitrogen and/or phosphorus, cannot permit new developments which would create new overnight accommodation without implementing a recognised mitigation solution. The report detailed the work undertaken within Norfolk to identify possible mitigation solutions for nutrient enrichment.

NE had been tasked with identifying nutrient mitigation solutions and they had delivered the first example in March 2023 for the Tees Catchment. The PPO indicated that Norfolk would be the focus of the next NE nutrient mitigation solution.

Broadland, South Norfolk, North Norfolk and Breckland Councils had set-up a not-for-profit organisation, Norfolk Environmental Credits, that had commenced investing in environmental schemes which would provide NN mitigation. These investments, or credits as they are known, would be sold to developers as a means of offsetting a given development’s nutrient enrichment. The PPO confirmed that these credits were available for developments within the Broads Authority Executive Area.

A Member asked whether these mitigation solutions would be available for impacted developments in Norwich. The PPO believed that the Anglia Square development had been permitted by Norwich City Council agreeing to reduce water usage across its existing publicly owned housing stock. The PPO believed that the proposed NN mitigations were not currently available to the Colman site associated with the East Norwich Masterplan.

Biodiversity Net Gain

The PPO indicated that the implementation of Biodiversity Net Gain (BNG) for major developments had been delayed from an initial commencement date of November 2023 until January 2024. The PPO confirmed that the implementation date for BNG relating to small sites which was unchanged and scheduled for April 2024. The PPO indicated that there was still outstanding BNG related guidance, documentation, and templates and BNG could not be implemented effectively until these had been released by Defra.

The PPO confirmed that BNG had a greater scope than NN as it applied to most types of development not just those relating to increasing overnight accommodation. The PPO

indicated that there was still not enough information available to determine whether to adopt a BNG standard greater than the 10% minimum mandated by the Environment Act 2021.

Members commended the Authority for taking a lead locally on this matter with the appointment of a BNG officer.

Green Infrastructure and Recreational impacts Avoidance and Mitigation Strategy

The PPO explained that the Green Infrastructure and Recreation Avoidance Mitigation Strategy (GI RAMS) had been developed to offset the potential increase in population within an area associated with new development and, in particular, the possible impacts this increased local population might have on the ecology and/or biodiversity of designated sites through their recreational activities.

The GI RAMS was a tariff-based scheme that enabled the funding of a detailed programme of mitigation measures aimed at avoiding adverse impacts on the ecology and and/or biodiversity of designated sites. Both Norfolk and Suffolk had developed a GI RAMS and both strategies had been submitted for review. The PPO indicated that neither strategy had funded any mitigation measures at the time of the meeting. Norfolk had been impacted by developments being curtailed by nutrient neutrality and the resulting GI RAMS pot was not as large as expected. Natural England were liaising with Suffolk County Council to help implement their proposed mitigations.

The report was noted.

13. Notes of the Heritage Asset Review Group meeting held on 08 September 2023

The Committee noted the minutes of the Heritage Asset Review Group meeting held on 08 September 2023.

The Chair indicated that the next HARG meeting, which was open to all Members of the Authority, would be held remotely on Friday 15 December 2023.

14. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q3 (1 July to 30 September 2023)

The Senior Planning Officer (SPO) introduced the report, which provided the development control statistics for the quarter ending 30 September 2023. The SPO highlighted that all major and minor applications had been completed within statutory timescales or within an agreed extension of time as shown in table 2 (of the report) and exceeded the national performance indicators as shown in table 3 (of the report). Members commended the planning team on their performance.

The report was noted.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 29 September 2023 to 27 October 2023, a decision from 11 September 2023 and two Tree Preservation Orders confirmed within this period.

17. Date of next meeting

The next meeting of the Planning Committee would be on Friday 08 December 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at noon, 12pm.

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 10 November 2023

Member	Agenda/minute	Nature of interest
Harry Blathwayt on behalf of all Members	7	Broads Authority was the applicant.