

Planning Committee

21 May 2021

Agenda item number 10

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

Report by Planning Policy Officer

Summary

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

Recommendation

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

1. Introduction

- 1.1. Several policies in the Local Plan for the Broads¹ will require an applicant or agent to carry out a robust marketing campaign and/or a viability assessment if a development is proposed which is promoting something different to the adopted policy position. This guide explains what is meant by marketing and viability, and which Local Plan policies have this requirement. It highlights how to carry out these processes and provide information in the way the Broads Authority requires. Following this guide will reduce the chances of a delay in determining the subsequent planning application in relation to these requirements.
- 1.2. We consulted on the first draft of this document back in September 2019. We then consulted on an amended version in March/April 2020. Comments received as a result of both consultations are at Appendix 1 and 2.
- 1.3. During the second consultation, movement and access to public venues were restricted due to COVID19. We extended the consultation period twice and it ran for many more weeks than originally intended. We also offered the opportunity to request a hard copy of the document. Despite that, we would still prefer to have had a fuller consultation, so we are consulting a third time. We have assessed the comments received as part of

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

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

2. Change from SPD to Guide

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

3. The consultation

- 3.1. The consultation is proposed to last for 7 weeks, as it is during the summer holidays (as the decision about this consultation would be presented to the next Broads Authority meeting, to endorse the consultation, on 21 July).
- 3.2. This consultation document and consultation process have been developed to meet the Broads Authority's Statement of Community Involvement² requirements. We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:
 - If someone wants to discuss the document, they can still call. They can also request a video conference appointment to talk about the document.
 - No hard copies will be placed in libraries
 - No hard copies will be in Yare House or district/county council offices.
 - If someone wishes to have a hard copy, we can send this to you. This will initially be for free, but if we get many requests, we may have to consider charging for postage and printing.

4. Financial implications

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

² 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

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

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Date of report: 30 April 2021

Appendix 1 – Comments received as part of first consultation

Appendix 2 – Comments received as part of the second consultation

Appendix 3 – Draft Marketing and Viability Guide for consultation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reference	Name	Organisation	Comment	BA response	Amendments
#13	Kate Wood	Pegasus Group on behalf of Crown Point Estate	<p>Section 7.10 should include other Assets of Community Value in addition to pubs. It should also acknowledge that the Community Right to Bid process is not bound to the planning system. The fact that land or property is designated as an ACV does not prevent planning applications being made or permission being granted for alternative uses, particularly if the community value is maintained or enhanced through the planning application (for example we are aware of the sale of part of a Scout field for dwellings, to fund the upgrade of the scout hut and car part, to retain its financial viability). Clearly, if the landowner wishes to sell the land / property in question, then the relevant moratorium periods will be triggered in the usual way.</p> <p>Follow up comment: I guess it is sufficient that you have referred to the ‘certain requirements’ (line 431). The question is whether marketing is required for any other facilities that may not be pubs. Line 106 refers to policy DM12 which is historic buildings and some of these could be ACVs as well as pubs. Policy DM44 relates to community facilities and services. I don’t think there needs to be a separate section on ACVs but it’s worth expanding on the pubs section perhaps, to remind people that other community facilities that fall within the requirement to undertake marketing may also be ACVs. I think the point being made in 7.10 is to remind people that there are other matters they may need to consider. Thus, in line 429, after “public houses” the insertion of “and other land and premises” should be sufficient to warn potential applications to look further.</p>	<p>Noted, but that section is specifically about pubs and using the CAMRA test. As set out in the Guide and Local Plan, marketing is required for a scheme that is different to what a policy fundamentally seeks whether it is a ACV or not. We could add a reference to ACVs in the document but it should be noted that ACV status, according to the regulations and advice out there, seems to be only relevant to the property/site being sold, rather than change of use or redevelopment.</p>	<p>Add footnote that says: It should be noted that other properties/venues/sites can be allocated as Assets of Community Value. Again, see websites of our Councils.</p>
#14	Gill Lack	Somerton Parish Council	<p>It is felt that the proposals will deter investment in the Broads area and in particular from small scale and/or first time tourism ventures. The costs of appointing an independent expert to assess the viability study on behalf of the Broads Authority will have to be paid for by the applicant. We consider this a ‘pay twice’ proposal. This expenditure could be considerable and come on top of existing planning requirements i.e. landscape character assessment, flood risk assessment, bat and nesting bird survey and, perhaps the most expensive, a heritage statement report.</p>	<p>The Local Plan (adopted May 2019) sets the marketing and viability assessment requirements. This SPD elaborates on how the requirements can be met. The requirement to have a viability assessment independently assessed is set out in the Local Plan and was a requirement in the previous suite of planning policy documents (namely, the Development Management DPD). What is required in terms of submitting a planning application is proportionate and will reflect the constraints or potential impacts a scheme will have on the special qualities of the Broads which are the qualities the tourism venture will promote. In terms of what other Local Planning Authorities do, North Norfolk have in house expertise (the BA does not) to assess applications (so they are still assessed on behalf of the Council). South Norfolk and Broadland Councils, Norwich City Council and East Suffolk Council get the applicant to pay for an independent assessment of the viability appraisal. As for GYBC, at present they review viability assessments in-house initially. However, if the applicant is unhappy with the assessment, they refer it to an independent assessor. The applicant is then charged for this assessment. Most viability assessment at GYBC are those associated with affordable housing. If a more specialist assessment is sent in to justify a particular application they may need to refer it to an external consultant – in those scenarios GYBC would expect the applicant to pay. We also received a comment from an Agent acknowledging that requiring the applicant to pay for the independent assessment of the viability study is accepted.</p>	<p>No change to document.</p>
#15	Gill Lack	Somerton Parish Council	<p>Can we suggest that the Authority enters into discussions with representatives from local tourism bodies and surrounding District planning departments to agree a common approach, otherwise the Broads area may well become a no-go area for small scale, independent tourism investment. With the significant impact on tourism from the coronavirus, the industry recovery will not be helped by imposing additional costs.</p>	<p>See previous comment about how our approach aligns with local Councils.</p> <p>In terms of marketing period, these are the periods that local councils and some other National Parks use. You can see that we are similar to most of the examples.</p> <ul style="list-style-type: none"> • Broadland Council, Development Management DPD, Policy CSU2, page 54. Requires change of use of community facilities to prove no longer viable. 12 month marketing period. • South Norfolk, Development Management DPD, Page 34 onwards. Employment use – evidence not viable and at least 6 months active professional marketing. Page 97 onwards. Community use – 6 months. • North Norfolk, Core Strategy and Development Management DPD, Page 97 onwards. Tourism accommodation – 12 months. Page 103 onwards. Local facilities and services – 12 months • Former Waveney area, Local Plan, Page 58 – change of use of employment at a particular site – 12 months. Page 205, 8.22 – self build plots – 12 months. Page 220 – employment – 12 months. Page 228 – tourist accommodation - 12 months. Page 237 – community facilities -12 months. Appendix 4 – marketing requirements. • Great Yarmouth, Core Strategy Local Plan, Page 54 – employment – 18 months. Page 97 – community facilitates ‘thorough’ but no timescale. • Norwich City, Development Management DPD, Page 155 onwards – community facilities – 9 months • Exmoor National Park, Local Plan, Page 195 - local commercial services and community facilities - 12 months. Page 213, employment land, 12 months. Page 228, serviced accommodation, 12 months. • Peak district, Development Management Document, Page 109, shops, community services and facilities, 12 months. Page 63, employment sites, 12 months. <p>In terms of the requirements for marketing, you will see that East Suffolk's Waveney Local Plan requirements are similar. Go to page 321 of https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Adopted-Waveney-Local-Plan-including-Erratum.pdf</p>	<p>No change to document.</p>
#16	Sam Hubbard	Great Yarmouth Borough Council	<p>On the whole the document provides useful guidance on the content of marketing and viability evidence and will help support the implementation of policies in the adopted Broads Local Plan. However, there are a number of areas where the guidance could be improved or made clearer as detailed below.</p>	<p>Noted.</p>	<p>No change to document.</p>
#17	Sam Hubbard	Great Yarmouth Borough Council	<p>Sections 4 and 5</p> <p>These sections could be enhanced by the inclusion of a matrix stating clearly which policies require either a marketing assessment or a viability assessment and which sections of the SPD apply. This would help remove potential confusion as to where the SPD is to be applied.</p>	<p>Agreed.</p>	<p>Add a matrix.</p>

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

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

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

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

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

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

A guide on marketing and viability assessment requirements

Consultation runs from xxx to xxxx.

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1. Introduction

- 1.1. Several policies in the [Local Plan for the Broads¹](#) will require you, as an applicant or agent, to carry out a robust marketing [strategy campaign](#) and/or a viability assessment if your proposed scheme is promoting something different to the adopted policy position. This [Supplementary Planning Document \(SPD\) guide](#) explains what is meant by marketing and viability, and which Local Plan policies have this requirement. It highlights how to carry out these processes and provide information in the way the Broads Authority requires. Following this [SPD guide](#) will reduce the chances of a delay in determining your application in relation to these requirements.
- 1.2. The Broads Authority is the Local Planning Authority within the Broads area and this [Supplementary Planning Document \(SPD\) guide](#) applies only to land within the Authority's executive boundary. ~~The NPPF 2019 defines supplementary planning documents as 'documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.'~~
- 1.3. The Authority considers that this [\(SPD\) guide](#) will help applicants consider the issue of marketing and viability in an appropriate way. The [\(SPD\) guide](#) should be read alongside relevant policies of the Local Plan for the Broads (adopted 2019). The [\(SPD\) guide](#) is a material consideration in determining planning applications. The advice and guidance herein will not add unnecessary financial burden to development; [it is designed to help deliver policy requirements of the adopted Local Plan for the Broads.](#)
- 1.4. In the Local Plan, we refer to 'viability assessment'. This effectively has two meanings. The first is an assessment of the viability of continuing the current land use, when a proposal is submitted to change the use. The second is to determine the level of planning contributions that might be appropriate for a proposed development whilst maintaining its viability and deliverability.
- 1.5. We consulted on the first draft of this document back in September 2019. We then consulted on an amended version in March/April 2020. Comments received as a result of both consultations are here [xxxx for the purposes of planning committee and Broads Authority, see appendices to the committee reports.](#)
- 1.6. ~~Historic England, Natural England and the Environment Agency were asked for their opinions relating to the need for a Strategic Environment Assessment. Historic~~

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

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

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

2. Change from SPD to Guide.

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

3. Consultation

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

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

3.3. This consultation document and consultation process have been developed to adhere to the Broads Authority’s Statement of Community Involvement². We have updated our Statement of Community Involvement. The main changes to how we intend to consult on this document are as follows:

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

² 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

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

3.4. The third consultation on this document is for 7 weeks from xxxx to xxxx. We will then read each of the comments received and respond. We may make changes if we agree with you. If we do not make changes we will set out why. The final Guide will be adopted at a future meeting of the Broads Authority. Please email us your comments: planningpolicy@broads-authority.gov.uk.

3.5. Information provided by you in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004). Please see Appendix B for the Privacy Notice. We will make your name and organisation public alongside your comment.

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

4. National Planning Policy on viability and marketing

4.1. The National Planning Policy Guidance³ (NPPG) states that: ‘Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return’.

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

4.3. Regarding viability, the 2019 National Planning Policy Framework⁴ (para 57) states that: ‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the

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

⁴ NPPF:

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

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

110 4.4. More information from the NPPG relating to viability assessments can be found
111 online: [Standardised inputs to viability assessment⁵](#).

112 4.5. Whilst not necessarily National Policy, the Royal [Institution](#) of Chartered Surveyors
113 have a guidance note⁶ and are intending to update it.

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

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

⁶ Financial Viability in Planning, 1st edition <https://www.rics.org/uk/upholding-professional-standards/sector-standards/land/financial-viability-in-planning/>. Please note that at the time of this consultation, this document is being reviewed. (<https://consultations.rics.org/consult.ti/financialviabilitygn/consultationHome>)

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

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

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

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

6. Relevant policies in the Local Plan

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

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

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

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

7.1. Introduction

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

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

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

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

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

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

- 178 7.2.5. The price charged per night needs to be reasonable and a level that is acceptable
179 and one that someone is likely to pay to stay at your accommodation. This price will
180 require justifying.
- 181 7.2.6. The property should be able to be let for a variety of time periods (for example 1
182 night, 2 nights, 7 nights etc), in accordance with any planning conditions attached to
183 the property. Again, these time periods need to be justified.
- 184 7.2.7. If the property is unavailable for rent during the 12 months, you need to contact the
185 Broads Authority to discuss this. The policy does say that a sustained period of 12
186 months is required. We may require the time the property is unavailable to be
187 added on to the end of the 12 months.
- 188 7.2.8. The marketing report presented to the Broads Authority at the end of the 12 month
189 period will need to detail what bookings were made and for how long. The report
190 needs to say how many days or weeks in a year the accommodation was rented for
191 and how that relates to what was expected to be successful year for the
192 accommodation. This could usefully include information from the websites used to
193 advertise the property. Indeed, information of the reviews received for the holiday
194 accommodation will be of interest and relevance. If a negative review raises issues
195 that can be addressed, how have you addressed those issues?
- 196 ~~7.2.9. A different approach as stated above could be acceptable, but would need agreeing~~
197 ~~with the Broads Authority in advance.~~
- 198 ~~7.2.10. The rest of this section (section 6) may not necessarily apply to changes of use of~~
199 ~~tourist accommodation, but we advise you to speak to the Planning Team (who~~
200 ~~offer free pre application advice).~~
- 201 7.3. Permitted Development
- 202 7.3.1. Permitted Development rights allow changes of certain uses to other uses, subject
203 to particular criteria. As part of marketing the site, the site will need to be marketed
204 and/or investigated in terms of its potential for other uses permitted by the General
205 Permitted Development Order⁷ as well as for its current use.
- 206 ~~7.4. The marketing strategy~~
- 207 ~~7.4.1. How you market the site will vary based on the type of premises being advertised.~~
208 ~~The scope of the marketing exercise and how you intend to market the site needs to~~
209 ~~be set out in the marketing strategy and agreed with the Broads Authority~~
210 ~~beforehand. This will ensure the marketing strategy meets the requirements set out~~
211 ~~in this SPD/section, and will avoid the need to repeat the marketing exercise should~~

⁷ https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2

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

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

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

214 **Table 1**

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

215 7.5. How to market your site

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

223 7.5.2. Method of marketing and approach to advertisement

224 This will cover:

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

- 230 7.5.3. Marketing board
- 231 a. A simple 'for sale' board for small commercial premises, single tourist unit
- 232 accommodation and community facilities.
- 233 b. For larger commercial units and tourist accommodation sites, larger boards
- 234 giving details of the property including the guide price are required.
- 235 c. Boards need to be placed so they can be seen from the main public vantage
- 236 point (which could be a road and/or river in the Broads) but not so they cause
- 237 obstructions or inconvenience to the public or neighbouring uses. They should
- 238 also be designed and located in a way to not impact the special qualities of the
- 239 Broads.
- 240 d. Temporary 'for sale' boards do not generally require consent, subject to certain
- 241 restrictions, and it is the land owner's responsibility to comply with these⁸.
- 242 7.5.4. Marketing particulars
- 243 a. The details of the site need to be advertised. ~~The Marketing Strategy also needs~~
- 244 ~~to explain how you will advertise these particulars.~~
- 245 b. For a small site, this could be on the website or be a simple handout.
- 246 c. For larger commercial units and tourist accommodation sites, which are more
- 247 likely to have a regional or national audience, the particulars need to be set out
- 248 in a bespoke, well-designed brochure. This needs to include layouts of the
- 249 building and professional photos.
- 250 d. In all cases, the following information is required:
- 251 • Background –why the property is being marketed.
- 252 • Description – including details on floorspace, number of floors, layout, car
- 253 parking and yard facilities.
- 254 • Internal and external photographs
- 255 • Location - including information on proximity to regional centres such as
- 256 Norwich, Ipswich and Lowestoft, links to transport networks and general
- 257 setting (e.g. Business Park / enterprise zone).
- 258 • Description of accommodation

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

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

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

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

7.9. Marketing statement

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

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

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

8. Preparing a Viability Assessment

8.1. Introduction

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

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

8.2. Community Infrastructure Levy (CIL)

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

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

General information

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

8.3.2. It is important to note that the Local Plan and its policies underwent a viability appraisal⁹ as part of the production and examination. The viability appraisal and its assumptions should be an important consideration when producing a site-specific viability assessment¹⁰.

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

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

Requirements of viability assessments

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

⁹ https://www.broads-authority.gov.uk/_data/assets/pdf_file/0020/256115/EP28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf

¹⁰ By way of background, the Local Plan for the Broads was examined using the 2012 NPPF. It is noted that the NPPG and the new NPPF have specific requirements relating to viability appraisals and these are noted. When determining the specifics of a site-specific viability appraisal, the current NPPF and NPPG will be referred to, noting that the Local Plan was examined under the 2012 NPPF.

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

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

Affordable housing

8.3.13. Policy DM34: Affordable housing reasoned justification says that effectively, the district's percentage will be a starting point for assessment. If viability is an issue, the assessment can assess lower percentages. In assessing lower percentages, the assessment should demonstrate at what percentage the scheme becomes unviable. Any assessment should use different tenures as they have different transfer values. For example, shared equity may be 50% market value; Low Cost Home Ownership may be 80 % market value. Where a developer is suggesting a scheme is unviable and seeking to reduce affordable housing they should model the highest transfer values in order to maximise the choice. Conversely, for any market housing, the assessment will work up from zero.

Confidentiality

8.3.14. Planning practice guidance is now clear that viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. In general, viability assessments are published online (as part of the supporting documents for planning applications on the Broads Authority's website) and are kept in the planning application file with the other studies, plans and information contained within the planning application. Members of the public may ask to see these files.

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

8.3.16. Even when there are exceptional circumstances (i.e. the Authority is satisfied that the information is commercially sensitive) the executive summary should be made public. In such publications, the commercially sensitive information should be aggregated into costs in the executive summary. This does not mean that the information is not split out in the appraisal; just that it is not published in agreement with the Authority. Also note the reference to confidentiality in section 9.4.11. Please see detail in NPPG Paragraph: 021 Reference ID: 10-021-20190509

Revision date: 09 05 2019¹¹ entitled 'should a viability assessment be publicly available?'.

Circumstances

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

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

General Information

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

Requirements of viability assessments

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

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

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

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

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

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

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

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

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

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

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

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

500 Proposals relating to Public Houses

501 8.4.7. Owners wishing to pursue other uses of a public house will need to make a planning
502 application and submit a report undertaken by a ~~independent chartered surveyor~~
503 suitably qualified expert or practioner who may well be a member of RICS (Royal
504 Institution of Chartered Surveyors) or other appropriate professional organisation,
505 that meets the tests as set out in the CAMRA Public House Viability Test¹². The
506 Authority will need to verify the content of the report and may need to employ
507 external expertise to do so. The applicant will need to meet this expense.

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

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

517 8.4.10. It is also important to note that some public houses may be listed as Assets of
518 Community Value¹³. These are allocated as such by the District Council, in liaison
519 with the Broads Authority. There are certain requirements relating to these Assets
520 which can be found here: [https://mycommunity.org.uk/help-centre/resources/land-](https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/)
521 [and-building-assets/assets-community-value-acv/](https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/)

¹² CAMRA Public House Viability Test: https://camra.org.uk/campaign_resources/public-house-viability-test/

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

522 Confidentiality

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

525 Circumstances

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

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

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

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

538 9.6 Relevant links

539 8.5.3. The following links may contain useful information:

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

542 **9. Summary**

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

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

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

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

Appendix A: SEA Screening

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

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

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

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

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

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

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004	
Is on or after 21st July 2004.	Yes. The SPD will be completed in 2019.
The plan or programme sets the framework for future development consent of projects.	No. It elaborates on already adopted policy.
The plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects.	See assessment in this table.

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
Criteria for determining the likely significance of effects on the environment	
1. The characteristics of plans and programmes, having regard, in particular, to	
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD expands on adopted policy. It will be a material consideration in determining planning applications. It is considered that the subject of the SPD does not negatively impact this criterion.
the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD does not influence other plans, rather expands on adopted policy. That is to say, it has been influenced by other plans or programmes.
the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	It is considered that the subject of the SPD does not negatively impact this criterion.
environmental problems relevant to the plan or programme	It is considered that the subject of the SPD does not negatively impact this criterion.
the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	It is considered that the subject of the SPD does not negatively impact this criterion.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to	
the probability, duration, frequency and reversibility of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the cumulative nature of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the transboundary nature of the effects	The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries.

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

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

584 ~~Historic England~~

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

592 ~~Environment Agency~~

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

Appendix B: Privacy notice

Personal data

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

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

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

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

2. Why we are collecting your personal data

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

3. Our legal basis for processing your personal data

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

4. With whom we will be sharing your personal data

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

Your personal data will not be transferred outside the EU.

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

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

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

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

a) to see what data we have about you

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

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

Appendix C: Additional requirements relating to specific proposals/policies

Introduction

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

Economy section of Local Plan.

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

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

Heritage section of the Local Plan

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

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

Tourist accommodation section of the Local Plan

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

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

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

680 Affordable Housing policy

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

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

694 Converting buildings

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

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

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

708 **Rural enterprise workers dwellings**

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

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

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

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

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

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