

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

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

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

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

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

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

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

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