

Planning Committee

Agenda 08 December 2023

10.00am

Yare House, 62-64 Thorpe Road, Norwich NR1 1RY

John Packman, Chief Executive – Friday 01 December 2023

Under the Openness of Local Government Bodies Regulations (2014), filming, photographing and making an audio recording of public meetings is permitted. These activities however, must not disrupt the meeting. Further details can be found on the [Filming, photography and recording of public meetings](#) page.

Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 10 November 2023** (Pages 3-15)
4. To note whether any items have been proposed as matters of urgent business
5. Chairman's announcements and introduction to public speaking
Please note that public speaking is in operation in accordance with the Authority's [Code of Practice for members of the Planning Committee and officers](#).
6. Request to defer applications included in this agenda and/or vary the order of the agenda

Planning and enforcement

7. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
 - 7.1. BA/2022/0357/FUL – Ludham - Water storage reservoir for agriculture (Pages 16-67)
 - 7.2. BA/2023/0290/FUL – Geldeston - Angling platforms on river (Pages 68-87)
8. **Enforcement update** (Pages 88-94)
Report by Head of Planning

Tree Preservation Orders

9. **BA/2023/0012/TPO - Butterfield House, 1 The Score, Northgate, Beccles** (Pages 95-104)
Report by Historic Environment Manager

Policy

10. **Chet Neighbourhood Plan - Agreeing to consult** (Pages 105-106)
Report by Planning Policy Officer
11. **Consultation responses** (Pages 107-117)
Report by Planning Policy Officer
12. **Annual Monitoring report** (Pages 118-161)
Report by Planning Policy Officer
13. **Local Plan – Preferred Options - Bitesize pieces** (Pages 162-293)
Report by Planning Policy Officer

Matters for information

14. **Appeals to the Secretary of State update** (Pages 294-298)
Report by Senior Planning Officer
15. **Decisions made by Officers under delegated powers** (Pages 299-304)
Report by Senior Planning Officer
16. **To note the date of the next meeting – Friday 05 January 2024 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich**

For further information about this meeting please contact the [Governance team](#)

Planning Committee

Minutes of the meeting held on 10 November 2023

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Present

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

In attendance

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

Members of the public in attendance who spoke

No members of the public in attendance.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

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

Openness of Local Government Bodies Regulations 2014

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

2. Declarations of interest and introductions

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

3. Minutes of last meeting

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

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

No members of the public had registered to speak.

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

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

7. Applications for planning permission

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

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

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

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

Applicant: Broads Authority

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

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

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

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

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

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

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

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

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

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

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

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

Stephen Bolt proposed, Tim Jickells seconded and

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

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

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

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

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

8. Enforcement update

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

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

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

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

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

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

Tim Jickells proposed, seconded by Keith Patience, and

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

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

10. Consultation responses

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

Tim Jickells proposed, seconded by Stephen Bolt and

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

11. Local Plan - Preferred Options (bitesize pieces)

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

Green Infrastructure

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

Navigation section

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

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

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

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

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

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

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

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

Planning Obligations

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

Retail Development

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

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

Soils

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

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

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

Source of Heating

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

Tourism

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

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

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

The Coast

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

Land at Whitlingham Lane

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

Acle

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

Replacement Quay Heading/Piling topic paper

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

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

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

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

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

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

Stephen Bolt proposed, Tim Jickells seconded and

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

Members' comments were noted.

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

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

Nutrient Neutrality

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

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

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

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

Biodiversity Net Gain

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

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

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

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

Green Infrastructure and Recreational impacts Avoidance and Mitigation Strategy

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

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

The report was noted.

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

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

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

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

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

The report was noted.

15. Appeals to the Secretary of State

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

16. Decisions made by officers under delegated powers

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

17. Date of next meeting

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

The meeting ended at noon, 12pm.

Signed by

Chair

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

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

DRAFT

Planning Committee

08 December 2023

Agenda item number 7.1

BA/2022/0357/FUL – Ludham- Water storage reservoir for agriculture

Report by Planning Officer

Proposal

A balanced cut and fill earth moving operation to create an irrigation reservoir for the storing of winter abstractions.

Applicant

Nicholas Collier

Recommendation

Approve, subject to conditions.

Reason for referral to committee

Major application in terms of area.

Application target date

22 May 2023

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1. Description of site and proposals

- 1.1. The application site is situated to the west of the village of Ludham on the east side of the River Ant. To the north is the How Hill estate and National Nature Reserve (NNR). To the south is How Hill Fen Nature Reserve. Much of the land to the northwest and south of the site is covered by a number of statutory designations, including as part of the Ant Broads and Marshes SSSI which forms part of the Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and is a County Wildlife Site (CWS).
- 1.2. The application site is currently a grassed field measuring 6.2 hectares in total, located within a meander of the River Ant on raised land overlooking Buttles Marsh to the south. The nearest residential properties are located approximately 150m to the south-east of the site. A public footpath (Ludham FP10) runs along the southern boundary of the site.
- 1.3. The proposal is for a new reservoir which will encompass the whole field, except for a grass margin around the edge. The approximate footprint of the reservoir would be 230m by 215m.
- 1.4. The boundary treatment will be 2.4m high green fencing to prevent animals and people gaining entry. Hedgerows will be planted on the southern boundary, adjacent to the public footpath. Bunds approximately 4m high will be constructed inside the fence and these will be grassed to allow for sheep grazing.
- 1.5. Two sets of pipework are proposed to be constructed, one to fill the reservoir and the second to remove the water. The fill pipe is 134.95m long and connects through the woodland to the north into the River Ant. It will be 0.9m below the ground surface in a 1.05m deep trench, except through the woodland where the pipework will be above ground. The irrigation pipe, which would remove the water for use, is proposed to be 3034m long and will connect to an existing pipe just south of Grove Farm on Goffins

Lane. This will require the excavation to a depth of 1.05m but all surfaces will be reinstated after construction. The underground main route goes through gaps in hedges and therefore there will be no loss of hedgerow.

- 1.6. Three abstraction licences were granted by the Environment Agency on 16 February 2023 for abstraction at How Hill Farm (Grid Ref TG 26835 18412). These allow for abstraction between 1 November and 31 March up to a maximum of 90,000 cubic metres per year, not exceeding 1,500 cubic metres per day. The licences expire on 31 March 2030.

2. Site history

- 2.1. A Members site visit took place on 17 April 2023 and the minutes of this meeting are attached at Appendix 2.

3. Consultations received

There have been several consultations throughout the application process. The following responses include the most recent consultation responses received following the submission of additional information to allow the Habitat Regulations Assessment Appropriate Assessment to be carried out (September 2023).

Ludham Parish Council

- 3.1. No response (to any consultations).

BA Ecologist

- 3.2. Full Habitats Regulations Assessment Appropriate Assessment (HRA AA) is attached in Appendix 3.
- 3.3. Looking at this project in isolation, the conclusion of the HRAAA is that, provided the mitigation outlined in the supporting documentation ('Construction Environment Management Plan', Supporting Evidence for the Appropriate Assessment, Ecology Report 2023) is conditioned and implemented, if planning permission is granted for this application, it is expected that no adverse effect on the integrity of the Broads SAC and Broadland SPA will be seen due to this development taking place in isolation.
- 3.4. It has been highlighted that another reservoir proposal application maybe submitted within close vicinity of the Limes Farm proposal, approximately 1km north-east. If the construction of the two proposed reservoirs took place over the same winter period, there is the potential for additional noise and therefore disturbance impacts to qualifying bird populations. However, mitigation in the form of pre-construction bird surveys will be in place for this application to avoid disturbing any SPA/Ramsar bird species. It is also unlikely that construction of the two reservoirs would take place at the same time, given they would be at different stages in the planning process.
- 3.5. Looking at this project and the potential for in combination effects, the conclusion of the HRAAA is provided that the mitigation outlined above and in the supporting

documentation is conditioned and implemented, if planning permission is granted for this application, it is expected that no adverse effect on the integrity of the Broads SAC and Broadland SPA will be seen due to this development taking place in isolation or in combination with other projects.

BA Landscape

- 3.6. My previous comments included requests for additional information and since then, the information submitted includes an Arboricultural Impact Assessment (AIA), Construction Environment Management Plan (CEMP) and Ecology Reports.
- 3.7. The AIA 5.6 *Installation of Pipe Through Woodland* notes that the pipeline through the rest of the woodland will be put in place above ground. Whilst this avoids potentially damaging excavation, it would introduce a new engineered feature into the landscape. No details seem to have been provided to enable assessment. 5.6 also refers to a new track proposed along the eastern edge of the reservoir to give access to refuel the pump. Again, this would introduce a new engineered feature into the landscape, for which no details seem to be available.
- 3.8. The AIA concludes that the proposed development will have minimal impact to trees on and adjacent to the site. This would be subject to the tree protection measures in the Arboricultural Method Statement being implemented in full and arboricultural supervision being followed. These would need to be secured by condition and would require monitoring.
- 3.9. The CEMP has been prepared in accordance with best practice by suitably qualified Ecologists.
- 3.10. The Ecology report recommends species rich grassland on reservoir banks, which is supported. However, this alone would not represent adequate landscape mitigation.
- 3.11. Fencing: previous details were provided for Otter fencing. The Ecology report now suggests a need for Badger fencing. As fencing could be a significant visual intrusion, clarification of proposals is needed.
- 3.12. Concern remains that the proposals involve not only the introduction into a highly sensitive landscape of a large scale engineered reservoir, but also a range of associated ancillary features, the nature, impacts and appearance of which remains unclear.
- 3.13. Further concern remains that the LVIA has been carried out without comprehensive information of the proposals being available and that the design of proposals have not been informed by the LVIA. This may consequently be the reason why insufficient landscape mitigation is proposed.
- 3.14. As a result of the above concerns there is a Landscape **objection**. This could be overcome by submission of the following:
 - Outstanding information and clarifications.

(1. Pipework connecting abstraction point to reservoir: Pipeline/trenching layout, cross-section, construction methodology. 2. Irrigation pipework: Pipeline/trenching layout, cross section of trench and pipe, construction methodology and 3. Operation of pumping, irrigation, and abstraction – timings, duration, noise levels.)

- An updated LVIA on full proposals which informs landscape mitigation and enhancement.

- Amendments to the design of the reservoir and ancillary features in response to LVIA.

- A Landscape scheme informed by LVIA.

- A Landscape management plan

Natural England

3.15. Natural England welcomes the production of the HRA, which includes an Appropriate Assessment which addresses the concerns raised in their previous letter dated 15 June 2023.

3.16. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

3.17. Your Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

3.18. No objection subject to appropriate mitigation:

- Implementation of all measures as outlined in the Construction Environment Management Plan (Wild Frontier Ecology September 2023).
- Strict adherence to the Reservoir Act 1975, including weekly reservoir checks by a qualified engineer.
- Installation and weekly checking of suitable 'wildlife fencing' to ensure the reservoir banks are not destabilised by excavating animals.

RSPB

3.19. The additional information regarding construction of the reservoir and mitigating solutions is helpful. However, we wish to know who or how these mitigating solutions and actions will be overseen and monitored? An example might be the response to a diesel spillage at the point of abstraction. However, RSPB's principal concern still centres on the abstraction licences. Throughout the HRA statements are made without empirical evidence.

- 3.20. At EA HRA Annex 1 Page 17, in the last paragraph the sentence 'This suggests that there is water available to licence at higher flows, typically in the winter for new abstractions as long as there is a suitable hands-off flow to ensure the CSMG flow targets are still protected.' We ask; are we basing the decision to potentially damage adjacent protected sites based on a model, which seems to indicate water is available? This doesn't appear to be a robust foundation on which to make decisions about abstraction in the driest part of the UK.
- 3.21. We seem to recall that the graphs in the HRA refer to the impact on flow resulting from mostly groundwater abstraction, not the current string of new applications to abstract surface water. This take from the R Ant would be more direct and have an immediate impact on protected sites and flow locally. RSPB disagrees that the single HoF monitoring point at Honing Lock is appropriate to validate and evaluate flow at Little Reedham some 10km to the south. We would also question how the draw down of water at this point of abstraction would impact Little Reedham if the pump creates a depressed, local, inverted hydraulic cone within the spur ditch connected to the R Ant?
- 3.22. Page 12 2nd paragraph states '... in the interest of fairness on operators wanting to abstract winter water from the R Ant it has been agreed that applications downstream of the Ant Broads and Marshes will be awarded the same HoF conditions.' Again, there is no empirical data describing the evidence and how this position has been arrived at. It also doesn't take account of the landowners and managers trying to maintain quality of habitat in the face of impacts on water supply, especially for sites which rely on gravity feed from the river.
- 3.23. Reference is made to other known proposals to abstract surface water from the R Ant, which would lead to an in-combination impact. The process is flawed as it only considers individual planning proposals, not the total, incremental effect on flow and thus potential for salt water to move further upstream.
- 3.24. RSPB would ask how future applications to abstract surface water will be prioritised, especially in a scenario when flow is low? Will it be a case of the first application accepted has first take of water and subsequent proposals may or may not be viable? How will any water abstracted be correlated to the flow reading at Honing Lock? What would be the implications of a landowner abstracting outside of the flow parameters?
- 3.25. Until the evidence is provided to the questions outlined above the RSPB maintains its position to object to this proposal.

Norfolk Wildlife Trust

- 3.26. No response to the latest consultation. Last response 14 June 2023 as follows:
- 3.27. We previously objected to this application in our letter dated 5 April 2023, noting that the Habitats Regulations Assessment (HRA) screening exercise provided by the Broads Authority determined that there would be a Likely Significant Effect on the Broads SAC. We are concerned at the continued absence of information to inform the Habitats Regulations decision making process and believe that it would have been beneficial to

have provided the shadow Habitats Regulations Assessment (HRA) at the same time as the ecology report. Due to the absence of the HRA, it is impossible to conclude that adverse effects on the Broads SAC could be avoided. We strongly recommend that the shadow HRA is sought from the applicant prior to any decision on this application.

- 3.28. Whilst we are grateful for the submission of the Ecology Report, we also remain concerned that the potential impacts on the adjacent CWS from leaks or spills, and the potential risk of damage from badgers, has not been sufficiently covered to rule out adverse effects on the CWS. The ecology report recommends that a Construction Environmental Management Plan (CEMP) is provided as part of the mitigation measures. Whilst CEMP are sometimes secured by way of condition should consent be granted, given the proximity of the proposal to multiple designated sites of high ecological sensitivity, we strongly recommend in this situation that any CEMP for this proposal should be provided prior to determination, in order to ensure that any aspired mitigation measures can be demonstrably delivered.
- 3.29. In conclusion, insufficient information has been provided to allow the Authority to safely rule out any adverse effects on the Broads SAC, and we also recommend that further information is sought on mitigation measures for potential impacts on the adjacent Buttles Marsh CWS. We share the ongoing concerns raised by the RSPB and Landscape Partnership and maintain our objection to this proposal.

NCC - Archaeology

- 3.30. The proposed development site is located between two areas where cropmarks have been recorded from aerial photographs. The cropmarks are thought to represent field systems and enclosures of possible prehistoric, Roman, medieval and post-medieval date. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.
- 3.31. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205.
- 3.32. In this case the programme of archaeological mitigatory work will commence with geophysical survey and informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).
- 3.33. We suggest that the following conditions are imposed:-
- A. No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to

be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

and,

- B. No demolition/development shall take place other than in accordance with the written scheme of investigation approved under condition (A) and any addenda to that WSI covering subsequent phases of mitigation.

and,

- C. The development shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team. We charge applicants for the elements of our involvement in planning cases not covered by our service level agreements with local planning authorities.

4. Representations

- 4.1. Landscape Partnership on behalf of Mr & Mrs Harris of Catfield Hall, Ludham:
- 4.2. We note that additional information has again been posted, specifically supporting evidence for a Habitats Regulations Assessment and a CEMP prepared by Wild Frontier Ecology, and also an Appropriate Assessment carried out by the Broads Authority. We are satisfied that these are of a reasonable standard, but they highlight the very high degree of risk associated with this reservoir site.
- 4.3. Consequently, we remain of the opinion that the proposed location at Buttle Marsh, so close to designated habitat, including a wetland SAC, when numerous suitable alternative locations exist (which do not carry this high level of ecological risk nor need for a strict programme of regular stability checks), is undesirable.
- 4.4. The extensive mitigation proposed by the Broads Authority's Ecologist and Wild Frontier demonstrate the level of risk created by siting a reservoir at this location. Should the Broads Authority nevertheless be minded to approve the application, the following should be conditioned, as a minimum:

- Wild Frontier Ecology would carry out a watching brief of the reservoir works area as well as the neighbouring Buttle Marsh to identify any potential ecological impacts, including on bird species. This will be done prior to the commencement, but on the same day as, the works. A report would be provided to the Broads Authority on completion, highlighting any issues that arose during construction and the manner in which they were resolved.
- Wild Frontier Ecology would carry out a watching brief of the proposed irrigation pipeline on a field by field basis. A report would be provided to the Broads Authority on completion, highlighting any issues that arose during construction and the manner in which they were resolved.
- An ECoW would be appointed to deliver the CEMP on-site. A log of site attendance would be completed and the ECoW would report back to the Broads Authority on completion, highlighting any issues that arose during construction and the manner in which they were resolved.
- A badger-proof fence would be installed around the reservoir and this and the condition of the walls of the reservoir would be inspected weekly by a qualified reservoirs engineer. An annual report containing a schedule of inspection visits should be submitted to the Broads Authority, highlighting any issues arising and the manner in which they were resolved.
- Badgers are highly mobile mammals, and we would wish to see Wild Frontier Ecology visit the site at least quarterly to assess whether there is any change in badger activity levels at the site. An annual report containing a schedule of inspection visits should be submitted to the Broads Authority, highlighting any issues arising and the manner in which they were resolved.

4.5. We remain, however, extremely concerned about the practicability of undertaking all of the proposed mitigation and the mechanism by which the Broads Authority might ensure that the mitigation actually takes place. We are also concerned that, whatever conditions are placed on the long-term water abstraction and the reservoir itself, both the EA's permitting team and the BA's own officers will find it difficult to enforce them; noting that any failure to deliver mitigation on the part of the applicant operator or on the EA/BA in enforcing the mitigation has potential to damage Buttle Marsh, Little Reedham and The Broads SAC.

4.6. We note that the following matters still remain to be resolved:

We welcome and endorse the views of Natural England with regard to the requirement for the project to deliver ecological enhancement / net gains for biodiversity in line with the NPPF.

- Incorporating shallow, muddy margins
- Linking the reservoir to other wetland habitat
- Planting trees and shrubs on the edges
- Where embankments are present, grazing with sheep, or sowing a wildflower mix
- Creating shallow margins around the edges to encourage reed and rush growth

- Shaping to include shallow and deep areas of water
 - Allowing aquatic plants to colonise the margins
 - Establishing floating islands in deeper areas, and covering with shingle or vegetation
 - Creating shallow dips in areas adjacent to the reservoir, to provide habitat for waders
 - Establishing reed, scrub, and wet grassland habitat on the surrounding land.
- 4.7. We would wish to see further information on the proposed spillway as no information has been supplied other than that that excess water will ‘soak away into the adjoining arable land and woodland’ and ultimately travel to the soke dyke and IDB pump. Any significant flow risks carrying eutrophic water and non-native species down to Buttle Marsh.
- 4.8. We would wish to see further information on the mechanisms to regulating water height within the reservoir so as ensure requirement for a spillway is minimised.
- 4.9. We would wish to see an assessment of the hydrological effects of abstraction from the rear of Little Reedham (a site of SSSI quality and which supports SAC Priority habitat); specifically, the implications of drawing in nutrient rich, saline water to the high-quality fen habitats at the ‘upland’ side of the fen and the potential for a hydraulic ‘cone of depression’ to form, which would inevitably damage the priority habitat.
- 4.10. No information has been submitted as to the outcome of an archaeological desk-based assessment. We are aware that the county archaeologists have stated that they will require archaeological investigation to be carried out and we welcome this stance as we consider that the location of the proposed reservoir to be of potential archaeological significance, occupying, as it does, an elevated peninsula of land in a loop of the river and thus ideally suited as a prehistoric settlement site.
- 4.11. We concur with the view of the Broad’s Authority’s Landscape Officer that the submitted Landscape & Visual Impact Assessment (LVIA) appears to have been carried out without full knowledge of the overall proposals.
- 4.12. No information has been provided to allow assessment of the noise impacts generated by pumping water across a footpath and up to the reservoir or through the system of irrigation pipes.
- 4.13. The planning implications of the proposed system of irrigation pipes which will traverse agricultural land, footpaths and public highways, is not covered in the application and remains unclear.
- 4.14. We note that the proposed water abstraction from the River Ant has not yet been permitted. Further, no information has as yet been submitted to show how the timing of abstraction might be controlled; for example we would wish to see a mechanism for automated cut-off during low river flows, as without this, the abstraction would risk breaching its licence. We have formally objected to this abstraction, along with others

which have potential to negatively impact upon freshwater flows and flushing in the Ant catchment.

- 4.15. Accordingly, we maintain our objection to the proposed development and re-iterate many of the points made in our previous objection letters; and endorse the views of RSPB, Norfolk Wildlife Trust, Natural England, the County Archaeologists, and your own Ecologist and Landscape Officer.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
- DM5 – Development & Flood Risk
 - DM13- Biodiversity
 - DM16 – Development & Landscape

6. Assessment

- 6.1. The main considerations in the determination of the application are the principle of the development and the impact of the proposal on the landscape and biodiversity.

Principle of development

- 6.2. Prior to considering the principle of the proposed development, it is useful to understand the background to this application. As is clear from the description of the area at 1.1 above, the site is located within an internationally important and highly sensitive wetland environment which is protected by multiple designations. It is also, however, set within a working agricultural landscape and there is evidence that current abstraction levels may be causing damage to the environment. Consequently, in June 2021 the Environment Agency announced major changes to water abstraction licences held by businesses in the Ant Valley, reducing both the volume and the timings of abstraction. This has meant that farmers and local businesses have had to develop alternative and more sustainable sources of water, rather than continuing to take it from rivers, lakes or groundwater. The Environment Agency has a phased programme to revoke, reduce and/ or constrain licences used by businesses in order to bring abstraction back to sustainable levels. Farmers within the Ant catchment have therefore been looking at the construction of reservoirs so that they can store winter rainfall for use in the growing season.
- 6.3. In terms of the principle of development, there are no specific policies within the Local Plan for the Broads which relate to this type of development, which has arisen as a result of a particular set of circumstances. However, it is recognised that the marshes surrounding the site are nationally and internationally important wetland habitats for many species and large areas are designated as a result. On this basis, Strategic Policy

SP6 is relevant as this requires that development protects the value and integrity of nature conservation interest and objectives of national and local nature conservation designations. These are the principles behind the proposal, which seeks to secure a more sustainable water and thereby contribute to reducing the water pressures in the Ant Valley. The principle of the development is therefore in accordance with SP6 and is considered acceptable.

Impact on biodiversity

- 6.4. Whilst the proposed development is acceptable in principle, in that it seeks to address positively an identified issue, it must also be acceptable in detail such that the specific factors of the development cause no harm. The key consideration is the potential impact on the designated sites. As the competent authority under the Conservation of Species and Habitats Regulations 2017 (as amended), the Broads Authority has carried out an Appropriate Assessment (AA) and this is attached in Appendix 3.
- 6.5. Looking first at the potential impact on habitats and species in the SAC, the conclusion of the AA is that there would be no adverse impact on the protected sites as a consequence of the development, subject to compliance with the following mitigation measures:
 - i. strict adherence to the Reservoir Act 1975, including weekly checks by a qualified engineer; and
 - ii. the installation and weekly checking of wildlife fencing in order to significantly reduce the risk of a potential bank breach.
- 6.6. Turning to the potential impact on species in the SPA, the conclusion of the AA is that there would be no adverse impact on the protected sites as a consequence of the development, subject to additional mitigation to ensure the construction of the reservoir and pipeline being undertaken only during the winter period of November – February in order to prevent disturbance to nesting birds. This can be covered by planning condition.
- 6.7. The AA also considers the measures that would need to be taken to ensure the prevention of pollution impacts on both the SAC/SPA habitats and species and functionally linked wetlands during the reservoir construction. Several mitigation measures are identified as necessary and these are noted in the submitted CEMP.
- 6.8. Natural England are the statutory consultee with responsibility for providing advice on the protection of the natural environment and their consultation response supports the conclusions of the AA. Therefore, it is considered that the development is in accordance with Policies DM5 and DM13 of the Broads Local Plan.
- 6.9. It is noted, nonetheless, that there remain objections to the proposal on biodiversity grounds and these must be considered. The RSPB raises a detailed objection, but this relates primarily to the abstraction licences and is not a matter for the Local Planning Authority (LPA) directly. Whilst the issues are linked (in that the reservoir is required to

store the rainfall that would be abstracted from the river in winter), the LPA is not able to give weight to matters that are the responsibility of another regulatory body. The abstraction licence applications have already been through the HRA Appropriate Assessment process by the Environment Agency, and have been granted, and the appropriate route to challenge these is through the Courts, not the planning process. The RSPB raise no concerns that are material considerations under the planning process.

6.10. There is also an outstanding objection from the Norfolk Wildlife Trust, on grounds of incomplete information for the HRA AA and the absence of a CEMP. The response, however, has not been updated following the submission of further HRA details and the CEMP.

6.11. A detailed representation has also been submitted on behalf of local residents. In this they acknowledge the information that has been provided and the HRA AA assessment that has been completed, and do not disagree with the conclusions of either, but go on to outline their continuing concerns about the risk to the designated sites of the proposal, stating:

“we remain of the opinion that the proposed location at Buttle Marsh, so close to designated habitat, including a wetland SAC, when numerous suitable alternative locations exist (which do not carry this high level of ecological risk nor need for a strict programme of regular stability checks), is undesirable. The extensive mitigation proposed by the Broads Authority’s Ecologist and Wild Frontier demonstrate the level of risk created by siting a reservoir at this location.”

6.12. The concerns that are raised are valid, as is evident from the fact that these are the very matters that are the subject of the proposed planning conditions to ensure that the necessary mitigation is implemented and maintained. The LPA, however, is required to determine the application that has been submitted and can give little weight here to an argument that there may be a better site elsewhere. If the development proposed is in accordance with planning policy and/or can be made acceptable through the use of planning conditions then permission should be granted. So, whilst there may be other suitable locations for the reservoir, the conclusion of the Appropriate Assessment that the mitigation measures proposed are acceptable and will ensure that no adverse effect on the integrity of the Broads SAC and Broadland SPA will be seen due to this development taking place in isolation or in combination with other projects indicates that planning permission should be granted.

6.13. The objection also raises other issues requiring to be resolved, including archaeology, noise implications and the effect on the PROW, however conditions can be imposed to cover the first two issues and there is no change proposed in respect of the footpath. The issue of the abstraction licence is, as detailed above, a matter for the EA.

6.14. In conclusion, whilst the objections are noted and have been considered, there are no valid reasons to refuse planning permission on grounds of impact on biodiversity or the protected sites.

Impact upon landscape

6.15. The proposal will introduce a new feature into the landscape at the site and it is the case that this will be very visible from close views, particularly from the PROW. However, the site is quite isolated in terms of views from the wider area and, being on rising ground, the visual impact would not be prominent from long- or medium range vantage points. There is also existing vegetation to the boundaries and the agent has confirmed that they would be content to screen the fencing here with a hedge, details of which can be conditioned.

6.16. Despite the submission of an Arboricultural Impact Assessment and Construction Environmental Management Plan, there still remains an objection from the Broads Authority Landscape Officer, who has concerns about the potential adverse impacts of a large scale engineered reservoir and associated ancillary features into this sensitive landscape. However, it is considered that the additional information including detailing of the pipework installation and a Landscape Management Plan can be conditioned to be subsequently approved, meaning the development is in accordance with Policy DM16 of the Local Plan for the Broads.

Other issues

6.17. Norfolk County Council's Archaeology Team have requested a written scheme of investigation prior to the commencement of development, and this is considered to be an acceptable condition of planning consent.

7. Conclusion

7.1. Based on the information submitted to support this application for the proposed works, the principle of development is in accordance with all relevant planning policy, in particular DM5, DM13 & DM16. The design of the proposal is considered to be acceptable subject to additional information secured by condition and it is not considered that the proposal will result in an adverse impact on biodiversity, flood risk or landscape character. Therefore, it is recommended that planning permission is approved subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions:

- Time limit.
- In accordance with submitted plans.
- Mitigation in accordance with the submitted CEMP.
- Submission of a Landscape Scheme and Management Plan.

- Archaeological conditions.
- Construction only during the winter period (November – February).
- Vegetation ground clearance only outside of breeding bird season.
- Pre-construction watching brief surveys for wintering birds.
- No lighting.
- Reservoir generator operation 1 November – 31 March.
- Ecological enhancements as per the Ecology Report.

Author: Cheryl Peel

Date of report: 27 November 2023

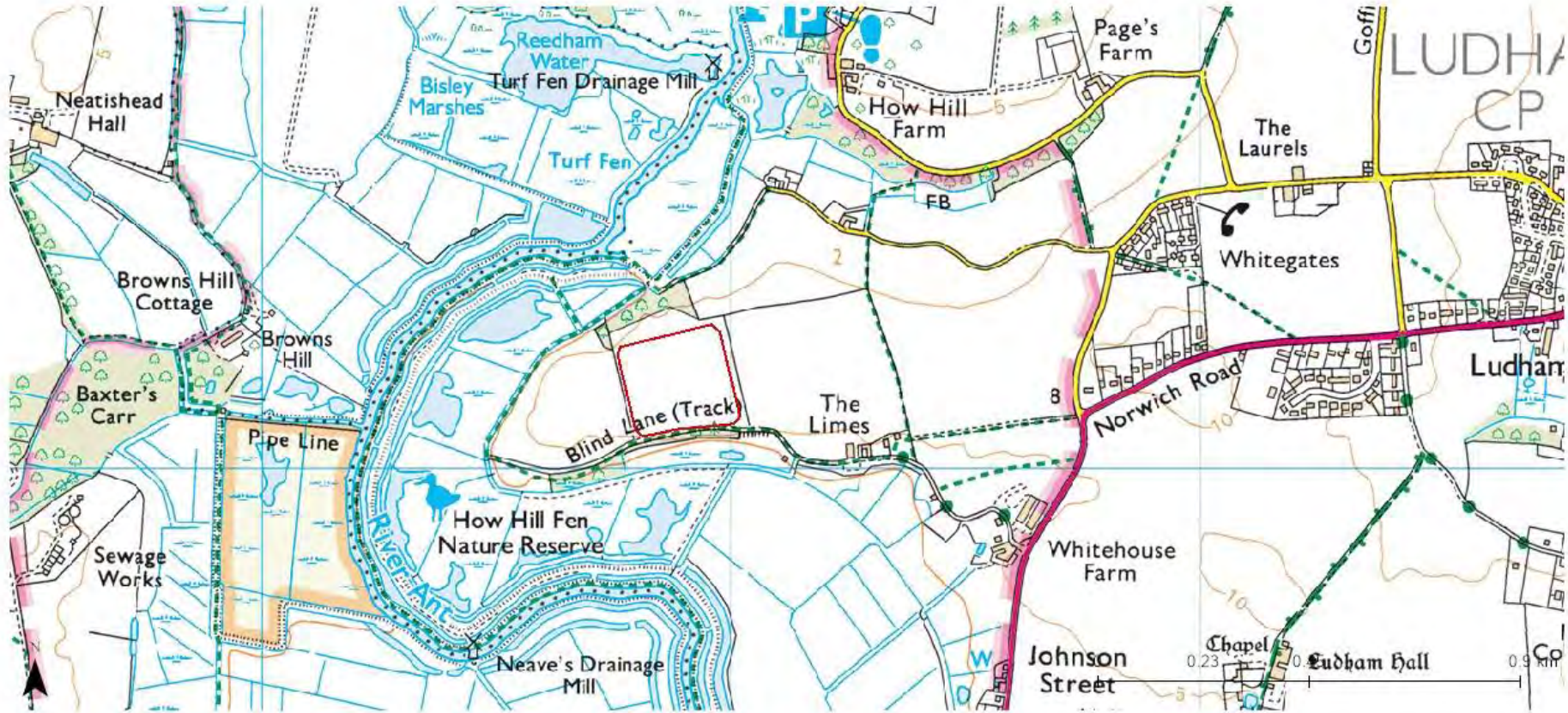
Appendix 1 – Location map

Appendix 2 – Minutes of the site visit held on 17 April 2023

Appendix 3 – Habitats Regulation Assessment, Appropriate Assessment

Appendix 1 – Location map

BA/2022/0357/FUL - Field 500M West Of, Limes Farm, Blind Lane, Ludham



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Minutes of the site visit held on 17 April 2023

Present

Harry Blathwayt – in the Chair, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Tim Jickells and Melanie Vigo di Gallidoro.

In attendance

Jason Brewster – Governance Officer, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning and James Watts – Senior Operations Technician.

Members of the public in attendance

Andrew Alston – a landowner on behalf of the applicant, and his son Henry Alston. Keith Bacon - observer on behalf of the Broads Society and Adam Varley - DC Cllr for St. Benet Ward (Horning & Ludham).

1. Apologies

Apologies were received from Tony Grayling, Gail Harris, James Knight and Fran Whymark.

2. Introduction

Members met at Buttle Barn, Clint Street, Ludham which was located on the southern boundary to an adjacent field to the east of the site. Clint Street leads onto Blind Lane, a Public Right of Way (PRoW), which traversed the southern boundary of the site.

The Chair welcomed everyone and invited attendees to introduce themselves.

The Chair reminded members of the protocol associated with a site visit emphasising that it was purely a fact finding exercise and no decision would be made at this visit. The application would be considered for determination at a future committee meeting. The aim of the visit was not to debate the issues, but to enable members to see the site and its context, and to make sure all participants were satisfied that members had seen all the appropriate details of the site and its surroundings.

Members were reminded:

- To be as impartial as possible before, during and after the visit.
- To avoid discussing the application with applicants/agents or objectors before, during or after the site visit.
- If members wanted to ask questions of any party, this should take place only when the whole group was present.

3. BA/2022/0357/FUL – Ludham - Water storage reservoir for agriculture

The Senior Planning Officer (SPO) provided an overview of the application for an irrigation reservoir within a grassed field measuring 6.2 hectares located 500m west of Limes Farm, Blind Lane, Ludham. Members were provided with the following material:

- A diagram detailing the proposed reservoir layout, showing the gradient of slope of the bunds, the elevations of the bunds and depth of the reservoir as well as illustrating a typical cross-section of the bund structure (Appendix C in Part 2 of the Landscape and Visual Appraisal).
- A map showing the site, with viewpoint locations marked (see Appendix 1 below).
- A map detailing the landscape character and designations within 1.5km of the site (Figure INF_N0977(08)003 in Part 2 of the Landscape and Visual Appraisal)

The SPO indicated that the reservoir would result in bunds approximately 4m high marking the perimeter. Due to the topography of the site the slope of the bunds would vary from 1:3 on the east and northern boundaries, 1:5 on the southern boundary and 1:8 on the western boundary. The base of the bunds would be approximately 7m from the existing field boundary. The boundary treatment consisted of a 2.4m high wire mesh fence intended to keep people and animals out and keep sheep, used to graze the bunds, in.

In response to a member question, the SPO confirmed that there was no peat within the site. The SPO confirmed that a Habitat Regulations Assessment had been received. A member believed some historic artefacts had been found in the local area and the SPO confirmed that Historic Environment Services had been consulted.

Mr Alston confirmed that the reservoir would be lined and non-contiguous with the existing watercourse, and that the abstraction licences would apply from November to March.

The Head of Planning (HoP) confirmed that photographs from all the viewpoints would be included in the planning report.

4. Site Context

The group followed Blind Lane, stopping at Points 02, 01 & 03 as indicated on the map in appendix 1.

At Point 02 members had an unbroken view of the site looking north, along the tree lined eastern boundary, then tracking west across the field, along the wood on the northern boundary and then following the hedge along the western boundary.

This location was where the pump house would be installed, at the base of the eastern bund on the south-eastern corner.

The HoP highlighted the distance from the shared track/Public Right of Way (PRoW) to the start of the bund by walking into the field.

Andree Gee joined the meeting.

The landowner took a sample of the soil from the field and showed it to members to demonstrate its sandy nature and very fine texture.

Point 01 provided a view north along a hawthorn hedge demarcating the western boundary of the field and then the reverse of the view from Point 02 as you tracked east across the field to the tree lined eastern boundary and the shared track/ProW on the southern boundary.

Point 03 provided an extensive view of the western boundary hedge as it formed the horizon along with the tops of the trees marking the eastern boundary. The HoP indicated that the reservoir would alter the skyline beyond the western hedge boundary and this would be reflected in the Landscape Architect's visual assessment of the development.

At this point the group split in two as Andrée Gee and Melanie Vigo di Gallidoro were driven to Point 08.

The remainder of the group followed the PRow as it tracked round to the north following the boundary of the field to the west of the site.

At point 04 looking east the site was obscured by the slope of the neighbouring field. Looking along the footpath to the north provided a view of How Hill House.

Just before the footpath reached the wood on the northern boundary of the site the group took the PRow heading north-west and leading on to the flood bank to the east of the river Ant (midway between points 06 and 07). Once up on the flood bank, looking south-east, provided a clear view of the wood along the northern site boundary and the north-west corner of the site where it intersected with the western boundary hedge.

The group followed the flood bank heading south to a vantage point opposite the mouth of dyke adjacent to Browns Hill (midway between Points 06 and 14). At this location the eastern horizon, framed between the woods that denoted the north and south site boundaries, consisted of a view of the site's western hedge boundary along with the tree tops of the eastern boundary.

The group then returned north along the flood bank towards Point 07 leaving the flood bank at the intersection of paths to How Hill and Turf Fen Lane. This point marked where the abstraction pipe required to fill the reservoir would start.

The group took the path to Turf Fen Lane and after 50m left the path to follow the eastern tree line of the wood on the northern boundary of the site. On reaching the northern boundary of the site the group walked east following the site's northern boundary and then along the eastern boundary of the site to return to Point 02. Both groups were reunited at Buttle Barn (Point 15) where the site visit terminated. The Chairman asked if there were any further questions relating to the proposal and none were raised.

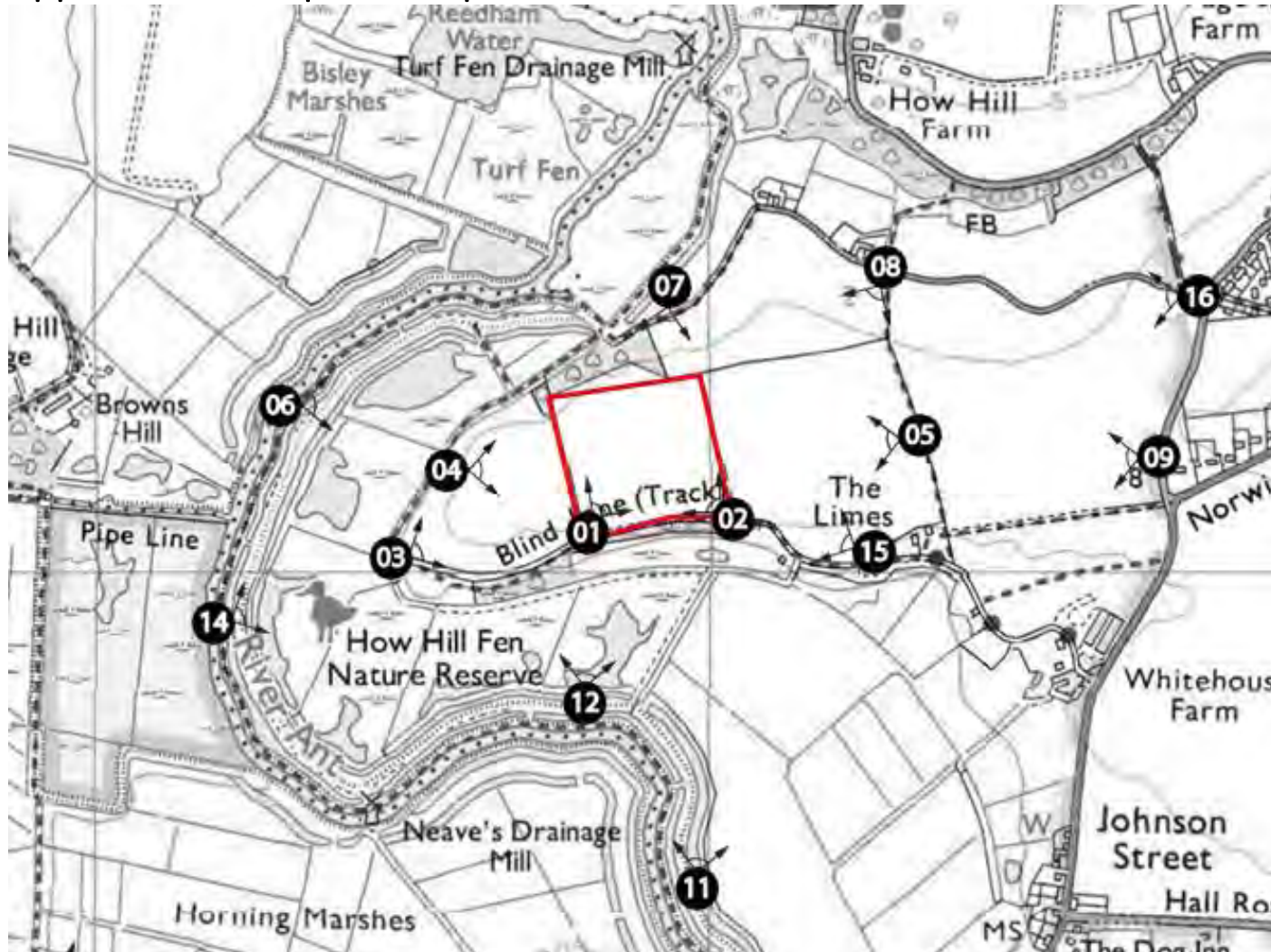
5. Conclusion

The Chairman confirmed that the application would be considered by the Planning Committee, subject to consultation responses, in due course. It was hoped that it could be considered at the 26 May 2023 meeting. The Chairman thanked everyone for attending the site inspection.

The meeting was closed at 12:08pm

DRAFT

Appendix 1 – Map of viewpoint locations



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Appropriate Assessment for BA/2022/0357/FUL

Proposed Irrigation Reservoir: Limes Farm, Ludham, Norfolk

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1.0 Development Area

The proposed development site is located within the holding of Limes Farm, Blind Farm, Ludham, Norfolk. The National Grid Reference is TG 36897 18182. (See Appendix Map 1)

The reservoir development area is primarily cultivated arable fields; however, the proposed fill pipe will also pass through a broad-leaved plantation woodland and some modified grassland before reaching the River Ant.

2.0 Description of Development Proposal

The development proposal is for a balanced cut and fill earth moving operation to construct an agricultural irrigation reservoir for the storage of winter water abstractions. The reservoir capacity is estimated at 140,000 cubic metres irrigation water which will be shared between three farming businesses. The water will be abstracted from the River Ant via a 135-metre fill pipe. The proposed pumphouse will be situated at the south-east corner of the proposed reservoir and will be powered by a diesel generator. Approximately three-kilometres of irrigation pipes to transport the stored water to agricultural fields is included as part of the application. (See Appendix Map 2)

3.0 Legislation and Protected Habitats and Species

The proposed development site lies adjacent to Buttle Marsh County Wildlife Site, and just south of The Ant Broads and Marshes SSSI, which is also designated as part of the Broadland Special Protection Area (SPA), and Broads Special Area of Conservation (SAC). The SPA's and SAC's are now known as 'National Site Networks' as amended under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019).

These important nature conservation sites are also designated wetlands of international importance under the Ramsar Convention.

The areas described above are within the nationally designated landscape of the Broads National Park.

4.0 Role of the Broads National Park Authority

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

As a planning authority, it is a duty of the Broads Authority to consider any development impacts on designated conservation sites and protected species within the national park. The Broads Authority will also consider potential impacts, and opportunities for

enhancement to habitats and species outside of these protected areas, as part of its commitment to conserving and enhancing biodiversity.


5.0 Habitats Regulations Assessment

The proposal for the reservoir construction and associated pipeline has triggered a Habitats Regulations Assessment (HRA), in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019). An HRA is undertaken to determine if a plan or project may affect the protected features of a designated habitat site. This process is undertaken so a decision can be made on whether to grant planning permission.

If a proposed plan or project is considered likely to have a significant effect on a protected habitat site (either individually or in combination with other plans or projects) then an Appropriate Assessment of the implications for the site, in view of the site’s conservation objectives, must be undertaken.

An HRA screening assessment (figure 1 below) has been undertaken for the proposal, and a likely significant effect of potential impacts to the nearby designated sites cannot be ruled out at this stage. An Appropriate Assessment is therefore required.

HRA – Stage 1 Screening

HABITAT REGULATIONS ASSESSMENT – SCREENING	
Record of Assessment of Likely Significant Effect On The Broads Special Area of Conservation, Broadland Special Protection Area and Broadland Ramsar site (HRA Stage 1)	
1. Type of permission/activity	
The creation of an irrigation reservoir for storing winter water abstractions. This HRA only covers the reservoir construction. The abstraction is considered as part of a separate HRA assessment.	
2. National Grid reference	
TG36985 17803	
3. Site reference	
Field 500M West Of Limes Farm Clint street Ludham Norfolk NR29 5PA	
4. Brief description of proposal	

A balanced cut and fill earth moving operation to create an irrigation reservoir for the storing of winter abstractions.

5. European site name(s) and status:

the Broads Special Area of Conservation (SAC), Special Protection Area (SPA) and the Broad Ramsar Site.

6. List of interest features:

The Broads SAC

The SAC qualifying features are listed below and are Annex I natural habitat types of Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). The habitat group to which they are allocated in Environment Agency guidance documents is also indicated.

Annex I habitats that are a primary reason for selection of this site

(Habitat group in brackets):

- 3140 Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp (1.5);
- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* type vegetation (1.5);
- 7140 Transition mires and quaking bogs (1.2);
- 7210 Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* (1.2);
- 7230 Alkaline fens (1.1); and
- 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) (1.1).

Annex I habitats present as a qualifying feature, but not a primary reason

for selection of this site (Habitat group in brackets):

- 6410 *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*).

Annex II species (listed on the *Natura 2000* Standard Data Form for the SAC) which form part of the primary reason of selection in the SAC:

- 1016 Desmoulin`s whorl snail (*Vertigo moulinsiana*);
- 1903 Fen orchid (*Liparis loeselii*);
- 4056 Ram`s-horn snail (*Anisus vorticulus*); and
- Additionally listed within the SAC is the Eurasian otter (*Lutra lutra*) which is a qualifying feature, but not a primary reason for site selection.

Broadland SPA

The SPA qualifying bird species are listed below in two groups according to whether they qualify under Article 4.1 or 4.2 of Council Directive 79/409/EEC on the conservation of wild birds. The designated population for each species is indicated, i.e. whether it is the breeding or non-breeding population. The lists are based on those given in the Natura 2000 Standard Data Form submitted to the EU, with amendments based on the SPA Review (2001) in accordance with JNCC (2011)¹. The habitat groups used are shown within brackets after each species/assemblages.

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season

- Bittern *Botaurus stellaris*; and
- Marsh harrier *Circus aeruginosus*.

Over winter

- Bewick's swan *Cygnus columbianus bewickii*;
- Bittern *Botaurus stellaris*;
- Hen harrier *Circus cyaneus*;
- Eurasian Wigeon (*Anas Penelope*)
- Northern Shoveler (*Anas clypeata*)
- Pink-footed goose *Anser brachyrhynchus*;
- Ruff *Philomachus pugnax*; and
- Whooper swan *Cygnus Cygnus*.

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

- Gadwall *Anas strepera*; and
- Northern shoveler *Anas clypeata*.

Assemblage qualification: A wetland of international importance. The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl:

Over winter, the area regularly supports in excess of 20,000 individual waterfowl (RSPB, Count 99/00) including: Cormorant *Phalacrocorax carbo*, Bewick's swan *Cygnus columbianus bewickii*, Whooper swan *Cygnus cygnus*, Ruff *Philomachus pugnax*, Pink-footed goose *Anser brachyrhynchus*, Gadwall *Anas strepera*, Bittern *Botaurus stellaris*, Great crested grebe *Podiceps cristatus*, Coot *Fulica atra*, Bean goose *Anser fabalis*, White-fronted

goose *Anser albifrons albifrons*, Wigeon *Anas penelope*, Teal *Anas crecca*, Pochard *Aythya ferina*, Tufted duck *Aythya fuligula*, Shoveler *Anas clypeata*.

Broadland Ramsar

Ramsar criterion 2

This site supports a number of rare species and habitats within the biogeographical zone context, including the following Habitats Directive Annex I features:

- H7210 Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* - Calcium-rich fen dominated by great fen sedge (saw sedge);
- H7230 Alkaline fens - Calcium-rich springwater-fed fens; and
- H91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) – Alder woodland on floodplains.

and the Annex II species;

- S1016 Desmoulin's whorl snail *Vertigo moulinsiana*;
- S1355 Eurasian otter *Lutra lutra*; and
- S1903 Fen orchid *Liparis loeselii*.

The site supports outstanding assemblages of rare plants and invertebrates including nine British Red Data Book (RDB) plants and 136 British RDB invertebrates.

Ramsar criterion 6 – species/populations occurring at levels of international importance.

Qualifying Species/populations (as identified at designation).

Species with peak counts in winter:

Tundra/Bewick's swan *Cygnus columbianus bewickii*;

Eurasian wigeon *Anas Penelope*;

Gadwall *Anas strepera*; and

Northern shoveler *Anas clypeata*.

Species/populations identified subsequent to designation for possible future consideration under Criterion 6.

Species with peak counts in winter:

Pink-footed goose *Anser brachyrhynchus*.

7. Is the proposal directly connected with or necessary to the management of the site for nature conservation?

No				
8. What potential hazards are likely to affect the interest features? Are the interest features potentially exposed to the hazard?				
Assessment methodology				
The potential hazards to the interest features are assessed using a matrix based approach. Each hazard is ranked based on likelihood of the effect (low to high) and its severity (low to high). The risk is then derived from the matrix below. A certainty (low to high), based on evidence, is also assigned to each effect.				
		Severity		
		Low	Moderate	High
Likelihood	Low	<i>Low</i>	<i>Low</i>	<i>Moderate</i>
	Moderate	<i>Low</i>	<i>Moderate</i>	<i>High</i>
	High	<i>Moderate</i>	<i>High</i>	<i>High</i>
The Broads SAC Annex I habitats				
Sensitive Interest Feature	Potential hazard	Potential exposure to hazard and mechanism of effect / impact if known		
3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.	Reservoir breach and associated Impacts on ditch and pond flora and fauna	<p>The location of the proposed reservoir is directly east of Buttle Marsh, a mosaic of reedbeds, ponds, ditches and meadow, and part of a wetland creation project for bitterns and other wildlife, and designated a County Wildlife Site. The proposed development area is on the upland and therefore elevated above Buttle Marsh wetland. The proposal is for a large cut and fill reservoir. In the event of a reservoir breach, water flow and sediment would likely flow west downhill towards the wetland and infiltrate the ditches and large pools. The ditches and pools on Buttle marsh are considered to be of high environmental importance for aquatic plants including potamogeton species, stoneworts and invertebrates, as well as supporting wetland birds such as bittern and water voles. Buttle marsh is directly south of How Hill National Nature Reserve, SSSI and part of the Broads Special Area of Conservation (SAC), Special Protection Area (SPA) and the Broad Ramsar Site.</p> <p>Risk = low likelihood x high severity = moderate risk (medium certainty)</p>		
3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation (1.5);				

7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> (1.2).	Reservoir breach and associated Impacts on fen flora	Small areas of mixed fen habitats are located within Buttle Marsh. The proposed reservoir is on the upland and therefore elevated above Buttle Marsh wetland. In the event of a reservoir breach, water flow and sediment would likely flow west downhill towards the wetland, infiltrating the ditches, large pools and the fen and reedbed habitats. The arable sediment is likely to be high in nutrients which would be detrimental to the wetland flora communities.
7230 Alkaline fens (1.1);		<p>Directly north of the proposed development area is Little Reedham, a fen site, with important <i>Cladium</i> communities. This fen site sits in the Ant valley and could potentially be impacted by a reservoir breach transporting water and arable sediment downhill into nearby fen ditches. Nutrient enrichment caused by the arable sediment would be detrimental to the wetland ditch flora and fauna and potentially Reedham fen.</p> <p>Risk = low likelihood x high severity = moderate risk (medium certainty)</p>
91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) (1.1).	Removal of areas of alder carr	<p>Alder carr woodland is not considered present on Buttle Marsh or within the immediate vicinity of the site.</p> <p>low likelihood x low severity = low risk (high certainty)</p>
Is the potential magnitude of the above effects likely to be significant?		
Yes, if there were to be a reservoir breach.		

The Broads SAC Annex II species		
Sensitive Interest Feature	Potential hazard	Potential exposure to hazard and mechanism of effect / impact if known Likely significant effect
Desmoulin's whorl snail/ <i>Vertigo moulinsiana</i>	Impacts to invertebrate species from reservoir breach	It is not known if Desmoulin's whorl snail is present on Buttle Marsh, but there is suitable habitat to support this species. Desmoulin's whorl snail could be directly affected if a reservoir breach did occur with flows of arable sediment infiltrating the freshwater ditches and ponds. This semiaquatic snail is found in the vegetation on the banks of ditches, preferring reed and dense sedges including <i>Carex acutiformis</i> and <i>Carex riparia</i> . The arable sediment would likely be high in nutrients which would cause algal blooms, impacting water quality and leading to a loss of important aquatic vegetation that this and other invertebrate species rely on. Risk = low likelihood x high severity = moderate risk (medium certainty)
Eurasian otter/ <i>Lutra lutra</i>	Disturbance to protected species	Otters are widespread in the Broads and are likely to use Buttle marsh for feeding and resting. Disturbance to otters could occur through prolonged machinery noise created by the construction and timing of the reservoir build. If a reservoir breach occurred it could transport nutrient rich water to the ditches and pools on Buttle Marsh, negatively impacting the fish communities that otters use as prey. Risk = moderate likelihood x moderate severity = moderate risk (medium certainty)
Is the potential magnitude of the above effects likely to be significant?		
Yes, if there were to be a reservoir breach and if noise levels from the construction are significant.		
Broadland SPA species		
During the breeding season	Disturbance to breeding SPA birds from construction	Potential impacts to bittern include disturbance during the breeding season from the construction of the reservoir, and the associated noise from large machines over a long duration. Buttle marsh has suitable nesting and feeding habitat for bitterns given the large areas of reedbed

<ul style="list-style-type: none"> • Bittern <i>Botaurus stellaris</i>; and • Marsh harrier <i>Circus aeruginosus</i>. 	<p style="text-align: center;">Impact on Bittern prey species</p> <p style="text-align: center;">Disturbance to breeding SPA birds from construction</p>	<p>for breeding, and the extensive dyke network and various ponds that can be used for foraging for food.</p> <p>Bitterns can establish their breeding territories by the end of February, starting to boom as early as January. Egg laying can be started between end of March and mid-July.</p> <p>Disturbance is dependent on the timing and construction phase of the reservoir.</p> <p>Risk = moderate likelihood x moderate severity = moderate risk (medium certainty)</p> <p>If a reservoir breach occurred it could transport nutrient rich water to the ditches and pools on Buttle Marsh, negatively impacting the fish communities and amphibians that bittern's prey on.</p> <p>Risk = low likelihood x high severity = moderate risk (medium certainty)</p> <p>Potential impacts to marsh harrier include disturbance during the breeding season from the construction of the reservoir, and the associated noise and its duration from large machines. Marsh harriers normally begin nest building in April, however earlier nest site prospecting and breeding has been noted in the northern Broads.</p> <p>moderate likelihood x moderate severity = moderate risk (medium certainty)</p>
<p>Over-wintering Birds:</p> <ul style="list-style-type: none"> • Bewick's swan <i>Cygnus columbianus bewickii</i> • Bittern, <i>Botaurus stellaris</i> 	<p style="text-align: center;">Disturbance to overwintering SPA birds</p>	<p>Potential impacts to over wintering bittern include disturbance from the construction of the reservoir during the winter months, and the associated noise from large machines over a long duration.</p> <p>Hen harrier –Occasionally a winter visitor to Buttle Marsh, using the large expanse of wetland for hunting and resting. Disturbance to hen harrier is possible from the associated noise from large machines over a long duration.</p> <p>Wigeon and Shoveler– can be found during the winter months on the pools at Buttle Marsh. They are particularly sensitive to disturbance, and</p>

<ul style="list-style-type: none"> • Hen harrier, <i>Circus cyaneus</i> • Eurasian Wigeon, <i>Anas Penelope</i> • Northern Shoveler, <i>Anas clypeata</i> • Pink-footed goose, <i>Anser brachyrhynchus</i> • Ruff <i>Philomachus pugnax</i> • Whooper swan <i>Cygnus Cygnus</i> 		<p>there is the potential for the construction noise and plant movement from the development to displace these species.</p> <p>Bewick's swan, Whooper swan, and Pink-footed goose have been noted in the adjacent fields close to the development site in recent years. These fields provide important outlying sites for these SPA species. These birds are particularly sensitive to disturbance, and there is the potential for the construction noise and plant movement to displace these species.</p> <p>moderate likelihood x moderate severity = moderate risk (medium certainty)</p>
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Is the potential magnitude of the above effects likely to be significant?

Yes

Broadland RAMSAR

<p><u>RAMSAR criterion 2</u> <u>Habitats:</u></p> <ul style="list-style-type: none"> • H7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> - Calcium-rich fen dominated by great fen sedge (saw sedge); 		<p><u>As outlined in SAC features above.</u></p>
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<ul style="list-style-type: none"> • H7230 Alkaline fens - Calcium-rich springwater-fed fens; and 		
<ul style="list-style-type: none"> • H91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) – Alder woodland on floodplains. 		
<p><u>RAMSAR criterion 2</u> <u>Species:</u></p> <ul style="list-style-type: none"> • S1016 Desmoulin’s whorl snail <i>Vertigo moulinsiana</i>; 	<p>Destruction of habitat and killing of individuals</p>	
<ul style="list-style-type: none"> • S1355 Eurasian otter <i>Lutra lutra</i>; 		
<p>RAMSAR criterion 6 Species</p> <ul style="list-style-type: none"> • Tundra/Bewick’s swan, <i>Cygnus columbianus bewickii</i> • Eurasian wigeon, <i>Anas Penelope</i> • Gadwall <i>Anas strepera</i> • Northern shoveler, <i>Anas clypeata</i> • Pink-footed goose, <i>Anser brachyrhynchus</i> 	<p>Audible and visual disturbance of wintering wildfowl.</p>	

Broadland RAMSAR

See previous sections for comments regarding habitats and species falling under the Ramsar criterion

Is the potential magnitude of the above effects likely to be significant?

Yes

Conclusion

<p>Is the proposal likely to have a significant effect 'alone and/or in combination' on a European site?</p>	<p>Further information is required to allow a full HRA assessment of the proposed project;</p> <p>The proposal is for a large reservoir close to the Ant Broads and Marshes SSSI. The proposed reservoir is immediately adjacent to Buttle Marsh County Wildlife Site which supports SPA birds and priority habitats. As well as Buttle Marsh CWS, European designated sites are situated close by in the river valley. If a reservoir bank breach were to occur, there would likely be a significant effect on these priority habitats, and species therefore the ecological impacts of such a breach should be considered as part of the proposal.</p> <p>The HRA screening highlights that there is the potential for disturbance to SPA breeding and wintering bird species on Buttle Marsh CWS, and potentially on functionally-linked land (FLL) including Little Reedham fen and the surrounding arable land. Natural England's response (17/03/2023) provides further information the applicant should provide with regards to FLL. Further information is required on the reservoir construction and operational phase, as well as any possible maintenance work which will be required. Additional information regarding timings and possible noise effects during these phases is required.</p> <p>An ecological assessment of the impacts of the pipeline construction between the reservoir and the abstraction point is also required by a suitably qualified ecologist.</p> <p>Further information on the proposed spill way is required, as it is implied in the screening report that water will 'soak away into the adjoining arable land and woodland'; and end up in the soke dyke and IDB pump. Further information on the mechanisms to regulating water height and volume of the reservoir should be given, as any discharge from the reservoir to Buttle Marsh could potentially impact wetland habitats and the aquatic flora and fauna of the ditches and ponds. This could result in associated ecological impacts on SPA birds such as bittern.</p> <p>Recent surveys have shown that the soke dyke proposed for the residual spill way water contains good aquatic plants communities and populations of water voles. Ecological impacts to these species should be considered as part of the proposal.</p>
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10. Broads Authority Officer

Name: Senior Ecologist	
Date: 27/04/2023	
11. Natural England comments	

6.0 Appropriate Assessment

The scope of the Appropriate Assessment follows the interest features and potential hazards from the proposed construction and development works that were identified in the HRA screening above.

Further information as requested at the HRA screening stage has been submitted in the form of a *Supporting Evidence for the Appropriate Assessment and Construction Environment Management Plan: Biodiversity (Wild Frontier Ecology Ltd 2023)*.

The information provided in the *Supporting Evidence for the Appropriate Assessment and Construction Environment Management Plan (2023)*, will be considered in relation to mitigating those identified impacts to the special interest features of the designated sites below, particularly the Broads Special Area of Conservation (SAC), and Broadland Special Protection Area (SPA).

- Ant Broads and Marshes Site of Special Scientific Interest (SSSI)
- The Broads Special Area of Conservation (SAC)
- Broadland Special Protection Area (SPA)
- Broadland Ramsar Site
- The Broads National Park

6.1 Hazards

SAC Annex I habitats

3140 Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.

3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation

1. Potential hazard: **Reservoir breach and associated impacts on freshwater habitats**
2. Potential hazard: **Pollution incident during reservoir construction and operation and associated impacts on freshwater habitats**

Issue

The location of the proposed reservoir is directly east of Buttle Marsh, a mosaic of reedbeds, ponds, ditches and meadow, and part of a wetland creation project for bitterns and other wildlife, and designated a County Wildlife Site. This site also acts as functionally linked land for features of the nearby Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA). Buttle Marsh is hydrologically connected to the nearby designated sites via the River Ant.

The proposed development area is on the upland and therefore elevated above Buttle Marsh and the river valley. The proposal is for a large cut and fill reservoir. In the event of a reservoir breach, potentially large quantities of water and sediment would flow downhill towards the wetland and infiltrate the ditches and large pools. The ditches and pools of Buttle marsh are considered to be of high environmental importance for aquatic plants including potamogeton species, stoneworts and invertebrates, as well as supporting wetland birds such as bittern and water voles.

Buttle marsh is directly south of How Hill National Nature Reserve, which is part of the Ant Broads and Marshes SSSI, and also designated as part of the Broads Special Area of Conservation (SAC), Special Protection Area (SPA) and the Broadland Ramsar Site. Areas of the SPA and SAC downstream, could be impacted if there were to be an uncontrolled breach of water from the reservoir.

There is the potential for pollution incidents to arise during the reservoir construction from oil/ fuel spills associated with the construction machinery or other sources. The primary risk of pollution during the operational phase of the proposed reservoir is oil and fuel spills from running and refuelling the generator used to power abstraction. If pollution sources were to reach the wetland habitats of Buttle Marsh they could negatively impact the ditch flora and fauna which support SPA/SAC interest features.

7210 Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* / 7230 Alkaline fens

7230 Alkaline fens

7140 Transition mires and quaking bogs

3. Potential hazard: **Reservoir breach and associated Impacts on fen flora**
4. Potential hazard: **Pollution incident during reservoir construction and operation and associated impacts on fen habitats**

Issue

Small areas of mixed fen habitats are located within Buttle Marsh. The proposed reservoir is on the upland and therefore elevated above Buttle Marsh wetland. In the event of an uncontrolled reservoir breach, water flow and sediment would flow downhill towards the wetland, infiltrating the ditches, large pools and the fen and reedbed habitats. The arable sediment is likely to be high in nutrients which would be detrimental to the wetland flora communities.

Directly north of the proposed development area is Little Reedham, a fen site, with important *Cladium* communities. This fen site sits in the Ant valley and could potentially be impacted by a reservoir breach transporting water and arable sediment downhill into nearby fen ditches. Nutrient enrichment caused by the arable sediment would be detrimental to the wetland ditch flora and fauna and potentially Reedham fen.

There is the potential for pollution incidents to arise during the reservoir construction from oil/ fuel spills associated with the construction machinery or other sources. The primary risk of pollution during the operational phase of the proposed reservoir is oil and fuel spills from running and refuelling the generator used to power abstraction. If pollution sources were to reach the wetland habitats of Buttle Marsh they could negatively impact the fen flora and fauna, and peat habitats which support SPA/SAC interest features.

Discussion

If there were to be an uncontrolled release of water from the reservoir, then there is the potential for large quantities of water and sediment to be washed into nearby Buttle Marsh, an important wetland, which also acts as functionally linked land to the nearby SPA, and SAC designated sites.

The water in the reservoir may become eutrophic over time, and in the case of a reservoir bank breach, then large quantities of eutrophic water and sediments infiltrating the nearby wetland sites could cause nutrient enrichment, and have a detrimental impact on the qualifying habitats and species of the nearby designated sites such as breeding bittern.

As discussed in the *Supporting Evidence for the Appropriate Assessment* (page 43; section 8.4) the reservoir proposal falls within the Reservoirs Act 1975 (as amended) 25.

This act aims to prevent the risk of flooding and other related impacts from reservoirs through design standards, regular inspections, maintenance and repairs, regulatory oversight and enforcement. As stated in the document, to date there has been no uncontrolled release of water from any structure covered by this legislation.

Under the Reservoirs Act 1975 regular inspections by a qualified engineer are required, and in the case of this reservoir proposal, checks on a weekly basis are required, due to the possibility of wild animals excavating the soil of the reservoir, and causing a bank breach.

Mitigation in the form of 'Wildlife fencing' has been identified and will be required around the reservoir to avoid the risk of this occurring. The fencing will need to be checked regularly, as part of the reservoir inspections.

The potential for pollution risks is evident during the construction and operation stages of the proposed reservoir, with sources including fuel/oil spills from construction machinery, and the generator fuel. However, these risks can be minimised with the implementation of safety precautions in the Construction Environment Plan.

Conclusion: SAC Annex I habitats

We conclude that the following mitigation, will significantly reduce the risk of a potential reservoir bank breach and the uncontrolled release of water to nearby SAC/SPA designated habitat sites and the adjacent Buttle Marsh CWS.

1. Strict adherence to the Reservoir Act 1975, including weekly reservoir checks by a qualified engineer.
2. The installation and weekly checking of appropriate 'wildlife fencing' (as identified in the Supporting Evidence for the Appropriate Assessment (2023)) to ensure the reservoir banks are not destabilised, by excavating animals.

We conclude that the risks of pollution to nearby SAC/SPA designated habitat sites and the adjacent wetlands of Buttle Marsh CWS, during the construction and operation of the reservoir can be mitigated, with the implementation of a Construction Environment Plan (2023).

The mitigation identified above (points 1 & 2) to avoid the uncontrolled release of water from the reservoir, and a Construction Environment Plan to mitigate risks of pollution is to be conditioned as part of the planning permission if granted by the LPA.

SAC Annex II species

1. Potential hazard: **Impacts to invertebrate species from reservoir breach & pollution**
Desmoulin's whorl snail (*Vertigo moulinsiana*)

Issue:

It is not known if Desmoulin's whorl snail is present on Buttle Marsh, but there is suitable habitat to support this species. Desmoulin's whorl snail could be directly affected if a reservoir breach did occur with flows of arable sediment infiltrating the freshwater ditches and ponds. This semiaquatic snail is found in the vegetation on the banks of ditches, preferring reed and dense sedges including *Carex acutiformis* and *Carex riparia*. The arable sediment would likely be high in nutrients which would cause algal blooms, impacting water quality and leading to a loss of important aquatic vegetation that this and other invertebrate species rely on.

There is the potential for pollution incidents to arise during the reservoir construction from oil/ fuel spills associated with the construction machinery or other sources. The primary risk of pollution during the operational phase of the proposed reservoir is oil and fuel spills from running and refuelling the generator used to power abstraction. If pollution sources were to reach the wetland habitats of Buttle Marsh they could negatively impact the ditch and pond water quality leading to declines in invertebrates, such as Desmoulin's whorl snail (*Vertigo moulinsiana*).

Discussion:

If there were to be an uncontrolled release of water from the reservoir, then there is the potential for large quantities of water and sediment to be washed into nearby Buttle Marsh, an important wetland, which also acts as functionally linked land to the nearby SPA, and SAC designated sites.

The water in the reservoir may become eutrophic over time, and in the case of a reservoir bank breach, then large quantities of eutrophic water and sediments infiltrating the nearby wetland sites could cause nutrient enrichment, and have a detrimental impact on freshwater invertebrates such as Desmoulin's whorl snail (*Vertigo moulinsiana*).

Under the Reservoirs Act 1975 regular inspections by a qualified engineer are required, and in the case of this reservoir proposal, checks on a weekly basis are required, due to the possibility of wild animals excavating the soil of the reservoir, and causing a bank breach.

Mitigation in the form of 'Wildlife fencing' has been identified and will be required around the reservoir to avoid the risk of this occurring. The fencing will need to be checked weekly, as part of the reservoir inspections.

2. Potential Hazard: **Disturbance to Sensitive Interest Feature and Impact on prey species from reservoir breach** - Eurasian otter (*Lutra lutra*)

Issue:

Otters are widespread in the Broads and are likely to use Buttle marsh for feeding and resting. Disturbance to otters could occur through prolonged machinery noise created by the construction and timing of the reservoir build. If a reservoir breach occurred it could transport nutrient rich water to the ditches and pools on Buttle Marsh, negatively impacting the fish communities that otters use as prey.

Discussion:

If there were to be an uncontrolled release of water from the reservoir, then there is the potential for large quantities of water and sediment to be washed into nearby Buttle Marsh, an important wetland, which also acts as functionally linked land to the nearby SPA, and SAC designated sites.

The water in the reservoir may become eutrophic over time, and in the case of a reservoir bank breach, then large quantities of eutrophic water and sediments infiltrating the nearby wetland sites could cause nutrient enrichment, and have a detrimental impact on the qualifying habitats and species of the designated sites such as breeding bittern, and otter.

As discussed in the *Supporting Evidence for the Appropriate Assessment* (page 43; section 8.4) the reservoir proposal falls within the Reservoirs Act 1975 (as amended) 25. This act aims to prevent the risk of flooding and other related impacts from reservoirs through design standards, regular inspections, maintenance and repairs, regulatory oversight and enforcement. As stated in the report, to date there has been no uncontrolled release of water from any structure covered by this legislation.

Under the Reservoirs Act 1975 regular inspections by a qualified engineer are required, and in the case of this reservoir proposal, checks on a weekly basis are required, due to the possibility of wild animals excavating the soil of the reservoir, and causing a bank breach.

Mitigation in the form of 'Wildlife fencing' has been identified and will be required around the reservoir to avoid the risk of this occurring. The fencing will need to be checked weekly, as part of the reservoir inspections.

There is the potential for otters to be disturbed during the construction phase of the reservoir, if they were present on the functionally linked land surrounding the development site. Otters are highly mobile mammals, and if disturbed they could easily move to nearby wetlands via the River Ant. The proposed construction work is due to take place during the winter months, reducing the chance that otters would be actively breeding.

The potential for pollution risks is evident during the construction and operation stages of the proposed reservoir, with sources including fuel/oil spills from construction machinery,

and the generator fuel. If pollution did reach nearby Buttle Marsh it could negatively impact the prey species of otters, and other SAC/SPA interest features.

However, these pollution risks can be minimised with the implementation of safety precautions in the Construction Environment Plan for the reservoir works.

Conclusion: SAC Annex II species

We conclude that the following mitigation, will significantly reduce the risk of a potential reservoir bank breach, and the uncontrolled release of water to nearby SAC/SPA designated sites and the adjacent Buttle Marsh CWS, therefore impacts to SAC Annex 11 species are not anticipated.

1. Strict adherence to the Reservoir Act 1975, including **weekly** reservoir checks by a qualified engineer.
2. The installation and **weekly** checking of appropriate 'wildlife fencing' (as identified in the Supporting Evidence for the Appropriate Assessment (2023)) to ensure the reservoir banks are not destabilised, by excavating animals.

We conclude that the risks of pollution to nearby SAC/SPA designated habitat sites and the adjacent wetlands of Buttle Marsh CWS during the construction and operation of the reservoir can be mitigated, with the implementation of a Construction Environment Plan (2023).

The mitigation identified above (points 1 & 2) to avoid the uncontrolled release of water from the reservoir, and a Construction Environment Plan to mitigate risks of pollution is to be conditioned as part of the planning permission if granted by the LPA.

SPA Annex 1 Species

1. Potential Hazard: **Disturbance to breeding SPA birds** – Bittern (*Botaurus stellaris*) & Marsh harrier (*Circus aeruginosus*)
2. Potential Hazard: **Impact on SPA breeding bird prey species** - Bittern (*Botaurus stellaris*)

Issue:

Potential impacts to bittern include disturbance during the breeding season from the construction of the reservoir, and the associated noise from large machines over a long duration. Buttle marsh has suitable nesting and feeding habitat for bitterns given the large areas of reedbed for breeding, and the extensive dyke network and various ponds that can be used for foraging for prey.

Bitterns can establish their breeding territories by the end of February, starting to boom as early as January. Egg laying can be started between end of March and mid-July. Disturbance is dependent on the timing and construction phase of the reservoir.

Potential impacts to marsh harrier include disturbance during the breeding season from the construction of the reservoir, and the associated noise and its duration from large machines. Buttle marsh has suitable nesting and feeding habitat for marsh harriers which normally begin nest building in April. However earlier nest site prospecting and breeding has been noted in the northern Broads.

Marsh harriers are known to also nest in arable fields with tall crops, so they could potentially nest in the development site if conditions were preferable. The reservoir construction could potentially disturb a Schedule 1 bird.

Discussion:

Disturbance to SPA breeding birds on the adjacent Buttle Marsh, and nearby designated SPA sites are possible during the construction phase of the reservoir. Sources can include increased noise and vibration impacts from the construction, as well as an increased presence of machinery and people to the site. Marsh Harriers are known to nest in arable fields where there is a tall crop, however there are large expanses of reedbed in the nearby designated sites, and Buttle Marsh wetland which is the harriers preferred nesting habitat.

There is the potential for SPA species such as bittern to be impacted by the proposed development if there were to be pollution impacts from the proposed development, which negatively impacted their aquatic prey items. Pollution sources could potentially originate from the uncontrolled release of water from the reservoir infiltrating ponds and ditches on Buttle Marsh with eutrophic water, impacting aquatic invertebrate species that Bitterns rely on for prey.

However, mitigation is proposed above regarding safeguards to prevent the uncontrolled release of water from the reservoir, in the form of weekly checks by a qualified engineer and wildlife fencing to prevent burrowing animals damaging the reservoir walls.

Other pollution sources could originate from oil/ fuel spills associated with the construction machinery or possibly the reservoir generator and fuel. An *Environmental Construction Management plan 2023*, has been submitted which provides safeguards to prevent possible pollution leaks from machinery associated with the construction, maintenance and operation of the reservoir.

The following mitigation is proposed to prevent disturbance to SPA nesting birds;

- Construction of the reservoir and pipeline (including works at the abstraction point) to be undertaken during the winter period (November – February inclusive).

We conclude that the mitigation outlined above will avoid disturbance to breeding SPA species from the proposed reservoir construction. Timing of the construction works during November – February is to be conditioned as part of the planning permission, if granted by the LPA.

The following mitigation is proposed to prevent pollution impacts to nearby SAC/SPA habitats and species, and functionally linked wetlands during reservoir construction:

- Safeguards to prevent pollution as detailed in the Construction Environment Plan 2023
- The CEMP will make provision for an Ecological Clerk of Works (ECoW), who will be available to oversee and advise on site works as required.
- The ECoW's duty will be to familiarise the workforce with the qualifying species/habitats on, or near to, the site, and to keep these features uppermost in the minds of site workers for the duration of the works.
- The CEMP will conform to The British Standard for Biodiversity BS42020:2013, and should include the following information:
 - a) Risk assessment of potentially damaging construction-type activities.
 - b) Identification of "biodiversity protection zones" and areas where invasive species have been identified.
 - c) Inclusion of or reference to details for implementation of method statements required to achieve specific biodiversity outcomes, and particularly mitigation measures.
 - d) Identification of practical measures, both physical measures and sensitive working practices to avoid impacts during development, for protecting biodiversity through the control or regulation of construction-type activities
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction or development implementation when particular specialists need to be present on site to oversee works.
 - g) Responsible persons and lines of communication.
 - h) Defining and communicating the role and responsibilities on site of an ecological clerk of works (ECoW), or appointed ecologist(s) responsible for managing

biodiversity issues on site, and times and activities during construction or development implementation when they need to be present to oversee works.

- i) Use of exclusion fences, protective barriers and warning signs.

The following mitigation is proposed to prevent pollution to nearby SAC/SPA habitats and species, and functionally linked wetlands during the reservoir operation

- The fuel tank and generator for the reservoir will be double-bunded.
- Spill kits will be located in the bunded area and near to the generator.
- All hydraulic oil used in the operation and maintenance of the generator will be biodegradable.

We conclude that the mitigation outlined above and in the Construction Environment Plan 2023, will mitigate any potential impacts from pollution to the nearby SAC/ SPA habitats and species and functionally linked wetlands. These details are to be conditioned as part of the planning permission, if granted by the LPA.

3. Potential hazard: **Disturbance to overwintering SPA birds -**

Bewick's swan (*Cygnus columbianus bewickii*), Bittern, (*Botaurus stellaris*) Hen harrier, (*Circus cyaneus*), Eurasian Wigeon, (*Anas Penelope*), Northern Shoveler, (*Anas clypeata*) Pink-footed goose, (*Anser brachyrhynchus*), Ruff (*Philomachus pugnax*), Whooper swan (*Cygnus Cygnus*)

Issue:

During the construction and operational phase of a proposed reservoir, impacts to nearby habitat sites from disturbance is likely. As discussed in the *Supporting Evidence for the Appropriate Assessment (2023)*, Disturbance impacts can include an increase in on site activity (in terms of presence and movements of people and machinery), noise, lighting and possibly ground vibration during construction. Disturbance can impact wildlife in a variety of ways, including causing a species to avoid the site and the surrounding land.

The proposed reservoir footprint, proposed fill pipe route and proposed irrigation pipe route are situated 250m, 150m and 185m from the nearest point of the Broads SAC and Broadland SPA/Ramsar, respectively. At this distance there is the potential for construction works to disturb certain qualifying species situated both within the boundary of nearby habitat sites, as well as qualifying species using the surrounding area and the land within the red line boundary of the proposed development.

The following SPA bird species are known to use the adjacent wetland of Buttle Marsh, which is functionally linked to the nearby designated SPA habitats, and is an important wetland habitat.

Bittern - disturbance from the construction of the reservoir during the winter months, and the associated noise from large machines over a long duration.

Hen harrier –Occasionally a winter visitor to Buttle Marsh, using the large expanse of wetland for hunting and resting. Disturbance to hen harrier is possible from the associated noise from large machines over a long duration.

Wigeon and Shoveler– can be found during the winter months on the pools at Buttle Marsh. They are particularly sensitive to disturbance, and there is the potential for the construction noise and plant movement from the development to displace these species.

Bewick's swan, Whooper swan, and Pink-footed goose have been noted in the adjacent arable fields close to the development site in recent years. These areas are likely to be used as a winter foraging resource or resting area between suitable wetland sites. These fields provide important outlying sites for these SPA species. These wetland birds are particularly sensitive to disturbance, and there is the potential for the construction noise and plant movement to displace these species.

Discussion:

The proposed reservoir site is 150-250m metres from the Broadland SPA, and adjacent to the wetland of Buttle Marsh, and other functionally linked land of the SPA designated sites including Little Reedham fen, and the arable land proposed for the development which can be used by SPA over- wintering swan and goose species.

It is therefore possible that SPA wintering bird species, could be disturbed by the construction of the reservoir and associated pipeline installation.

Mitigation has been proposed in the form of pre-construction watching brief surveys to be undertaken by a Suitably Qualified Ecologist (SQE).

The surveys will be carried out as follows:

- Proposed reservoir: a watching brief will be undertaken of the reservoir works area as well as Buttle Marsh. This will be done prior to the commencement, but on the same day, of the works.
- Proposed irrigation pipeline: pre-commencement watching briefs will be undertaken on the same day of construction on a field-by-field basis as works progress.

- If there is the likelihood of construction disturbing any qualifying species present in the area then works will be allowed to proceed until the SQE has confirmed, through additional watching briefs, the species will not be impacted by the works (i.e. when the species is outside its individual disturbance zone). Where required, qualifying species will be protected from disturbance by a buffer zone advised by the SQE. The scope of the watching brief surveys will be adjusted if needed by the SQE depending on factors such as the project's construction timescale and any change in the perceived risk to wintering birds. *Supporting Evidence for the Appropriate Assessment (2023)*

The proposed abstraction point area close to Little Reedham Fen, is already regularly disturbed by walkers using the public footpath. The proposed construction works in this area are proposed to be small in nature, with no trenching proposed, therefore it is not anticipated that the construction works will contribute to SPA wintering bird disturbance in this area.

We conclude that the mitigation outlined above will significantly reduce the impacts of construction disturbance to wintering SPA species from the proposed reservoir. The mitigation outlined above, and in the Construction Environment Plan 2023, will be conditioned as part of the planning approval, if granted by the LPA.

Conclusion: SPA Annex 1 Species

In conclusion, provided that the mitigation in the form of watching brief bird surveys prior and during the construction of the reservoir and pipelines, and the appropriate advice is carried out by a suitably qualified ecologist, then impacts of disturbance to wintering SPA species from the proposed reservoir can be mitigated, and it is felt that **no adverse effect on the integrity of the designated SPA site features** will be seen due to this development taking place.

Broadland RAMSAR

See previous sections for comments regarding habitats and species falling under the Ramsar criterion.

7.0 Conclusion

In conclusion, provided that the mitigation outlined above and in the supporting documentation ('Construction Environment Management Plan', Supporting Evidence for the Appropriate Assessment, Ecology Report 2023) is conditioned and implemented, if planning permission is granted for this application, it is expected that **no adverse effect on the integrity of the Broads SAC and Broadland SPA will be seen due to this development taking place in isolation.**

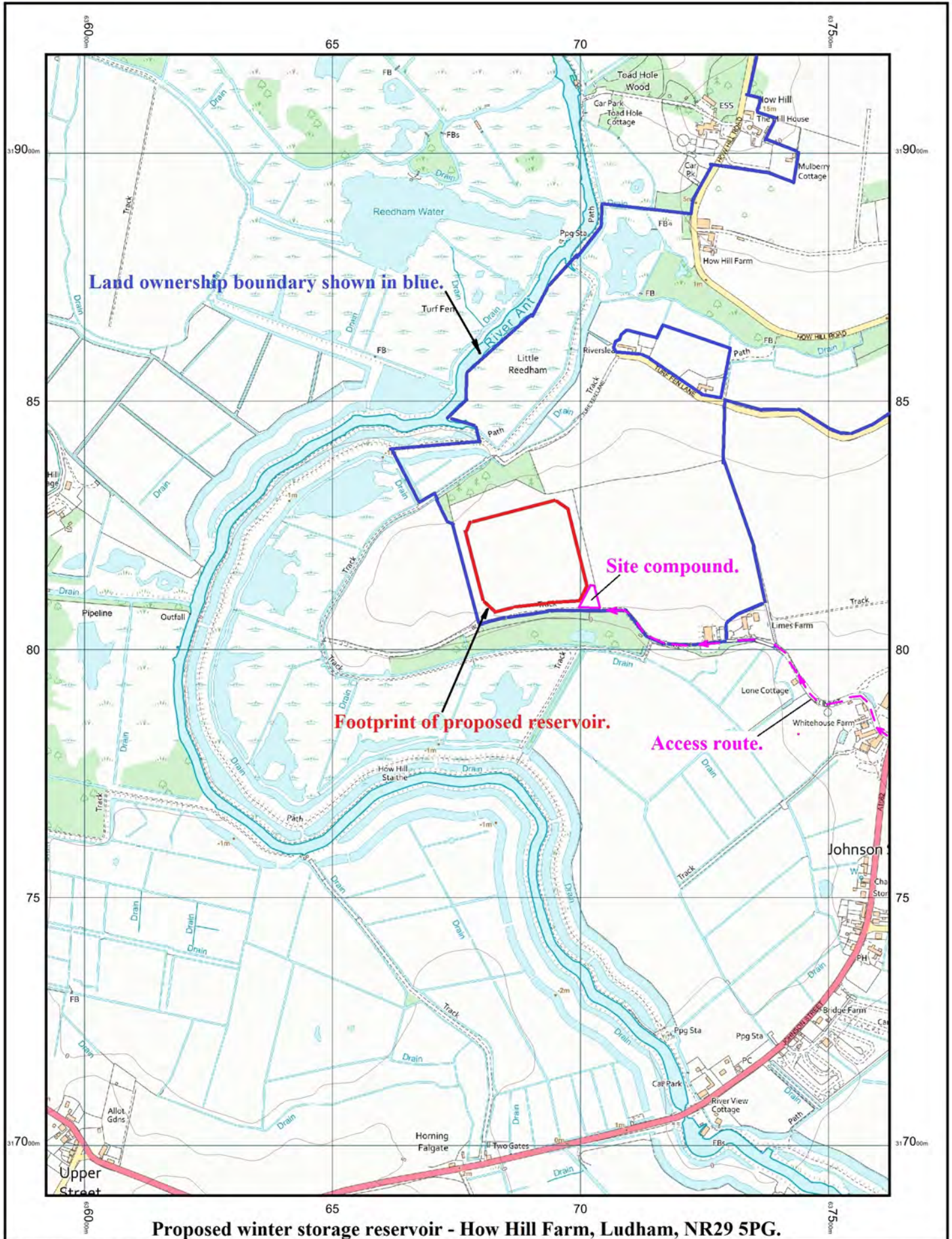
It has been highlighted that another reservoir proposal application maybe submitted within close vicinity of the Limes Farm proposal, approximately 1km north-east.

If the construction of the two proposed reservoirs took place over the same winter period there is the potential for additional noise and therefore disturbance impacts to qualifying bird populations. However, mitigation in the form of pre-construction bird surveys will be in place for this application to avoid disturbing any SPA/Ramsar bird species.

It is also unlikely that construction of the two reservoirs would take place at the same time, given they would be at different stages in the planning process.

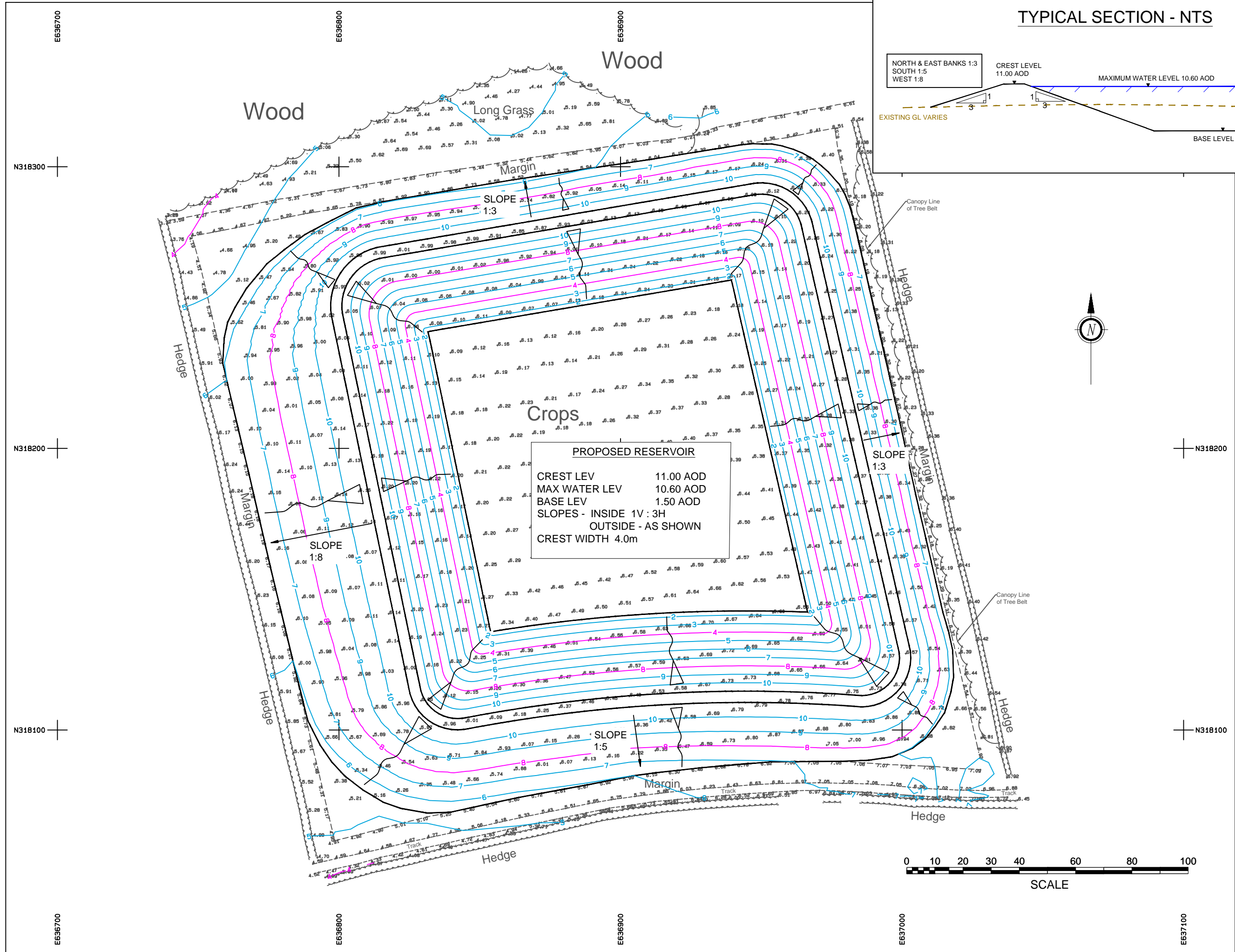
In conclusion, provided that the mitigation outlined above and in the supporting documentation is conditioned and implemented, if planning permission is granted for this application, it is expected that **no adverse effect on the integrity of the Broads SAC and Broadland SPA will be seen due to this development taking place in isolation or in combination with other projects.**

Appendix 1 – Site Location Plan



Proposed winter storage reservoir - How Hill Farm, Ludham, NR29 5PG.

Appendix 2 – Site Proposal Plan



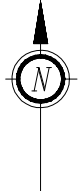
TYPICAL SECTION - NTS

NORTH & EAST BANKS 1:3
SOUTH 1:5
WEST 1:8

CREST LEVEL
11.00 AOD

MAXIMUM WATER LEVEL 10.60 AOD

BASE LEVEL 1.50 AOD



PROPOSED RESERVOIR
 CREST LEV 11.00 AOD
 MAX WATER LEV 10.60 AOD
 BASE LEV 1.50 AOD
 SLOPES - INSIDE 1V:3H
 OUTSIDE - AS SHOWN
 CREST WIDTH 4.0m



SCALE

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 BUILDING LOCATIONS & LEVELS TAKEN USING REMOTE MEASURING METHODS



Client
 BLIND LANE
 LUDHAM, NORFOLK
 NR29 5PA

Title
 PROPOSED
 RESERVOIR LAYOUT

SURVEYING AND GEOMATICS

- Topographical Surveying • Setting Out • 3D Modelling •
- Earthworks Volumes • As Built Surveys •
- GPS Machine Control • Drone Surveys & Photography •

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Planning Committee

08 December 2023

Agenda item number 7.2

BA/2023/0290/FUL – Geldeston- Angling platforms on river

Report by Planning Officer

Proposal

Install 18 wooden angling platforms for use 39 weeks per year in conjunction with Environment Agency closed season

Applicant

Mr David Lilley, Bungay Cherry Tree Angling Club

Recommendation

Approval with conditions

Reason for referral to committee

Material considerations of significant weight raised.

Application target date

01 November 2023

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1. Description of site and proposals

- 1.1. The subject comprises the northern riverbank of the River Waveney where it passes to the south of the village of Dunburgh. The development proposed comprises the installation of 18 timber angling platforms, each measuring 1.2m x 1.5m, sited at specific points along a 660 metre length of riverbank. The precise siting of the platforms is dependent on where there are trees, with the densely wooded sections being avoided.
- 1.2. The riverbank is predominantly vegetated, with a variety of widths of vegetated areas between the river and a public footpath which runs parallel to the river. The public footpath is sited atop an Environment Agency flood bank between the river and the valley side to the north. Much of the riverbank is tree lined. A portion at the western end of the subject area features little vegetation as the path moves closer to the river, and sections of old timber piling are visible at the water's edge.
- 1.3. The flood bank appears to be the subject of routine vegetation clearance, both on top and to both sides.
- 1.4. The site is accessed via a track leading south from Dunburgh Road, the opening of which is between residential dwellings known as Orchard House and Manor House. The

track leads to a car park, originally provided as a contractor's compound, but since granted planning permission for use as a car park providing 20 parking spaces for the Bungay Cherry Tree Angling Club, applicants for this proposal. From the car park is a further track which leads down towards the river.

- 1.5. The Bungay Cherry Tree Angling Club is an established club in this area. To the north/north-east of proposed platforms 1 - 7 is a fishing lake, operated by the club, which provides 20 platforms for lake fishing and associated car parking, for which planning permission was granted in November 2023. This site is separated from the river by woodland, although views of that site from the public footpath are possible. In addition, approximately 360 metres west (upstream) of the subject site is another section of angling platforms, also operated by the club, approved under planning reference BA/2017/0112/FUL. That application was for the renovation of 16 angling platforms along 400 metres of riverbank.
- 1.6. The proposed platforms would be used by members of Bungay Cherry Tree Angling Club, they will be used for 39 weeks per year in conjunction with the Environment Agency (EA) closed season (14 March to 16 June each year). The club propose a maximum of 4 or 5 angling matches per year but commit to these taking place outside of peak boating season only, with no matches between 16th June to 15th September.
- 1.7. It is noted that the Bungay Cherry Tree Angling Club have a lease agreement with the landowner to fish from the riverbank, as such this application is to consider the provision of the angling platforms only, not the use of the riverbank for angling. This is relevant as it means that the riverbank could be used for angling irrespective of the whether or not the platforms are constructed.
- 1.8. The site is within flood zone 3 which extends north as far as the car park area. The site is not the subject of any designation but is subject to a provisional Tree Preservation Order (TPO) served on 29 September 2023. There is an Environment Agency pumping station and sluice on the southern bank of the river, roughly between proposed platforms 13 and 14.

2. Site history

- 2.1. In January 2023 an application was received proposing 25 angling platforms on the same site. That application was withdrawn. Planning reference BA/2023/0031/FUL.
- 2.2. In November 2023 planning permission was granted for the development detailed at 1.5 above. The application was retrospective. Planning reference BA/2023/0168/FUL.
- 2.3. In June 2017 planning permission was granted for the renovation of 16 fishing pegs and construction of a parking area, this site being 360 metres upstream of the subject site. Planning reference BA/2017/0112/FUL.

3. Consultations received

Geldeston Parish Council

3.1. Geldeston Parish Council met on 11th October and would like to recommend Objection on the following reasons:

- It is a beautiful unspoilt area, and the angling platform scale is too big, even though it has been reduced from 25 to 18.
- Unsure of the tree issues, but today's immature trees are tomorrows mature trees.

Gillingham Parish Council

3.2. Gillingham Parish Council, voted 6 to 1 in objection for this planning application. On the following grounds:

- The current retrospective application says the car park is for 20 cars- however, they've already built 20 platforms on the lake so there is no parking for the addition of 18 further platforms.
- There is currently no explanation of how they will protect the trees and wildlife along this route - proposed platforms 7 -18 are situated in an area filled with trees and wildlife and we cannot see how these platforms can be built without impacting on these in a detrimental way.
- We agree with previous objectors that the river is narrow and winding in this area meaning that the fishing lines etc. will have a detrimental impact on others using the river.
- At most we would say that platforms 2 - 6 are the only ones that could be justified as they would not impact on the landscape in such a damaging way.
- We are still no further forward on the retrospective planning application, whether this has been approved or not. Seems a little out of sync. Should you not make a decision on the retrospective one before making a decision on this one?

Norfolk and Suffolk Boating Association (NSBA)

3.3. Our committee has discussed this application and is happy to advise no objection.

3.4. We seek to foster good relations with all users of the waterways, and embrace the well-being benefits of enjoying the beautiful natural environment to all.

3.5. The current proposal is for platforms that do not extend out beyond the river bank into the waterway, and we recommend appropriate checks to ensure this, if consented.

Environment Agency

3.6. We have reviewed the documents as submitted and have no objection to the planning application. Further information on [this] can be found in the relevant sections below.

Flood Risk

- 3.7. Our maps show the site lies in the tidal and fluvial Flood Zone 3, which is the area of high flood probability, as defined in Table 1 of the Planning Practice Guidance (PPG). The development for the installation of 18 wooden angling platforms is classed as water-compatible under Annex 3: Flood Vulnerability classification of the PPG. Please note that our view should not fetter you in reaching your own conclusion on the flood risk status of the development proposal.
- 3.8. Therefore, to comply with national policy the application is required to pass the Sequential and Exception test and be supported by a site-specific Flood Risk Assessment (FRA).
- 3.9. In accordance with the footnotes of Table 2: Flood risk vulnerability and flood zone 'incompatibility' of the PPG, for water compatible development within Flood Zone 3b (functional floodplain), the applicant has designed their development to:
- remain operational and safe for users in times of flood;
 - result in no net loss of floodplain storage;
 - not impede water flows and not increase flood risk elsewhere.
- 3.10. To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, titled 'Bungay Cherry Tree Angling Club' and dated July 2023, are:

Actual Risk

- The site lies within the flood extent for a 0.5% annual probability event (1 in 200 chance each year), including an allowance for climate change.
- The site does not benefit from the presence of defences.
- Compensatory storage is not required.

Sequential Test

- 3.11. The requirement to apply the Sequential Test is set out in Paragraph 161 of the National Planning Policy Framework. This test is your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Other Sources of Flooding

- 3.12. In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental Permit for Flood Risk Activities

- 3.13. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Waveney is designated a 'main river'.
- 3.14. The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt, and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:
- 'Exemption,
 - 'Exclusion',
 - 'Standard Rules Permit'
 - 'Bespoke permit.

Flood Defences

Access and Maintenance

- 3.15. We will always seek an undeveloped margin between built development and the top of bank or rear edge of river wall/defence as a starting position when we are advised about any proposals close to a main river watercourse.
- 3.16. If we currently use or require access at the location, we should be contacted before any work is carried out so that we can advise on what may be acceptable. This may include the need to preserve an access strip from the nearest public road through to the riverside which is wide enough to enable large vehicles to pass, probably in excess of 6 metres wide.
- 3.17. Maintenance of the area close to and within the watercourse, out to the centreline of the channel, is a riparian responsibility and you will find more details about this in our ['Living on the Edge' document](#).
- 3.18. In an effort to prevent damage to the slopes of the embankment by increased footfall leading to and from the new platforms, steps could be added to the plans to ensure a dedicated path is followed.

Ecology

- 3.19. We have reviewed the Ecological Impact Assessment and we are satisfied with the ecological considerations made. Special care will need to be taken when siting the platforms during the works, it is vital to have an ecology trained person to survey for water voles, which is stated in the Ecological Impact Assessment paragraph 5.3.2.

Norfolk County Council (NCC) Highways

- 3.20. I am clearly minded of recent planning history (especially BA/2023/0031/FUL for the installation of 25 angling platforms) and the Highway Authority's response to that. [Note - the response referred to raised no objection, observing that the platforms

would be for club members only, during the 39 week EA fishing season, no day licences, and no night time fishing. It acknowledged that fishing on this stretch of river already occurs, and that high frequency of visitor turnaround is unlikely. Comments were also made regarding the local road conditions which it noted influence and restricts vehicle speeds]. Clearly given that response and the fact that this application reduces the number of platforms, the Highway Authority raise no objection.

BA Ranger

- 3.21. As regards the angling platforms, I would prefer it if there were fewer platforms planned, say 10 as a max. because if they ever decided to have all the 18 proposed in use at one time that would cause severe disruption to river users especially the paddle boarders and canoers who are now a pretty permanent fixture along that stretch of river. They did say that it would never happen that all platforms were in use, but what actually stops that happening?? They also said that the timings of all users would be different, but again there is no guarantee that it would be the case as fishermen could and would be there when they want to go fishing and they could have fishing matches whenever (closed season accepted).

BA Tree Officer

- 3.22. No objection subject to a condition to secure the measures detailed in the submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in particular Appendix 5, the Arboricultural Method Statement (AMS) which details the proposed construction methodology.

BA Project Support Officer

- 3.23. Platforms positioned on river bank and not to go out into the river. Works Licence required before construction. No objection to project.

BA Ecologist

- 3.24. Platforms positioned on river bank and not to go out into the river. Works Licence require before construction. No objection to project.
- 3.25. The development is unlikely to have significant ecological impacts if the mitigation measures detailed in the Ecological Impact Assessment are followed.

4. Representations

- 4.1. 29 representations were received, 16 in support and 13 objections.
- 4.2. The 16 representations in support are summarised as follows:
- This will benefit local businesses and families of anglers wishing to use the waterways.
 - Anglers are great watch dogs of the environment.

- Broadland rivers require more safe bank positions for anglers and the placement of platforms, as installed elsewhere within Broadland, by the BA and EA, provide this safe environment.
- There has been no detrimental Environmental effect to any form of wildlife where these fishing positions have been installed. In fact, a few hundred yards upstream, where platforms have been erected, the wild life is thriving, Otters, Kingfishers, swans, buzzards, warblers and other wild life sightings being common.
- There is currently more disturbance to wildlife, caused by the boaters, canoeists, swimmers etc, than ever created by anglers sitting quietly, enjoying their chosen pastime.
- Over the years the available places to fish have greatly reduced on local rivers in the Broads area.
- The addition of these platforms would help others enjoy the riverbank safely and prevent excessive deterioration to the riverbank in inclement weather.
- Having designated platforms ensures that fishing is done from a safe stable surface without damaging the riverbank.
- Makes access for fishing safer for all especially pensioners, the bank footpath will be better maintained.
- I believe fishing days are a great way to enjoy the beauty of nature, but it also provides many mental health benefits.
- It is increasingly accepted that angling has a considerable social and mental health benefit, particularly in certain social groups. Indeed, it is now considered a mental health therapy by the medical profession.
- Allowing the application will also mean that bankside maintenance in the area will be much improved by the angling club, allowing improved access in that area for both walkers and anglers alike.
- The club would make this area better for all; not just anglers, but for the wildlife in general and all public users of the previously overgrown footpath.
- This application will encourage more people to take an interest in fishing and would hopefully encourage more youngsters to take part.

4.3. The 13 representations in objection are summarised as follows:

- The river bank subject to the planning application has spaces for at least 6 people to fish already, albeit not from platforms, but from the river bank.
- The river is constantly in use by river craft, paddle boards, canoeists and wild swimmers. Adding fishing to this mix would cause major disruption.
- This is a very large (commercial scale) development in this area.

- The scale and concentration of fishing in such a small and special area is totally unacceptable and represents an unjustified bias in favour of one interest group to the cost of many others.
- Shows no consideration towards any other users of the river and footpath or to local residents and visitors.
- In the summer the 3 mile stretch of river between Beccles and Geldeston has become very popular and I have at times encountered more than 50 craft in an hour or so using the full expanse of the river. In the winter, the river is quiet.
- The river bank is a well used designated footpath, it is fairly narrow and would not easily allow pedestrian access as well as space for fishing poles, tents and all the other paraphernalia that people take with them when fishing.
- Fishing Club members predominantly bring barrow loads of kit onto the bank and pole fish which is not acceptable given the room they occupy and proximity to the footpath and this will inevitably create conflict.
- The existing platforms are for the most part underused and are a fairly unattractive feature to what is otherwise a charming stretch of river. I would question that there is actually a need to add additional platforms, despite the alleged increase in club members.
- This development is not in line with the Broads Authorities main and strategic objectives.
- It is likely all of the club members will be driving cars to use their facilities.
- The applicant wishes to have 18 platforms along the river but already have 20 platforms on their adjacent lake- they only have parking for 20 cars so basic maths tells us that there is not enough available parking for the potential level of anglers.
- A vehicular, access track from the land owner's property down to river bank was created when Broads Authority contractors needed to restore the river bank damaged by flooding. This should be removed and the previous habitat restored.
- If as stated these platforms will be placed on the river edge how does the club intend to access the majority of them?
- To access riverbank at the end of this track involves climbing a steep bank that is part of the flood protection area. How does the club intend to provide access for all members onto the river bank?
- Proposed platforms 8 to 18 will very much put river users at risk at these points.
- Provision for recreational fishing would become an over-dominant feature of this stretch of river, changing its character to the detriment of other users of the river, and walkers.

- Visual impact of the car parking in this open countryside location. Whilst at present it is largely disguised by a crop, this is seasonal and indeed there is no guarantee of this in the future. There should be a condition requiring adequate landscaping of the car park.
- It would cause major disruption and destruction to wildlife, it would not benefit the local area in any way and is unnecessary bearing in mind the already existing opportunities for fishing that are in the area.
- The ecology survey only deals with installation and not the impact of regular use, access and ongoing clearance. It does not include a management plan for the riverbank as it does for the fishing lakes.
- Suggested platforms 7-18 cannot be feasibly built without significant damage to the local habitat. There are multiple trees in this area and no feasible way that platforms could be built there without their destruction.
- The platforms are intended to be used at times for competition fishing. This will attract a score or more of people to this relatively quiet river bank, with their rods, nets, brollies, shelters, bite alarms, refreshments and other paraphernalia.
- There are already a high number of fishing platforms between Dunburgh and Geldeston, owned by the same fishing club, that are very underused. I walk that path regularly and rarely see more than a couple of people fishing, except on match days.
- No platforms should be installed near the Landspring Dyke outfall - those numbered 12 to 18 in the Block Plan are too close to this feature. No more than 11 or 12 platforms are suitable along this stretch of river.
- The club proposes to patrol the bank regularly but I see that as a cynical inclusion in the application to aid its success. They haven't been able to do this on the existing stretch why should we believe that it will change on another even bigger section?

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
 - DM5 - Development and Flood Risk
 - DM13 - Natural Environment
 - SP7 - Landscape character
 - DM16 - Development and Landscape
 - DM21 - Amenity

- DM23 - Transport, highways and access
- DM24 - Recreation Facilities Parking Areas
- SP11 - Waterside sites
- DM29 - Sustainable Tourism and Recreation Development
- DM31 - Access to the Water
- DM43 - Design
- DM46 - Safety by the Water

5.3. Material considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Landscape Character Area: Waveney - Barsham, Gillingham and Beccles Marshes

6. Assessment

- 6.1. The proposal is for the installation of 18 riverbank mounted wooden angling platforms. The main issues in the determination of this application are the principle of development, the design of the platforms and their appearance in the landscape, impact on navigation, ecological issues and protected trees, impact on amenity of neighbouring residents, parking provision and highways.

Principle of development

- 6.2. The principle of the development is considered acceptable insofar as it contributes to the provision of recreational facilities in the Broads, and angling in particular. The [National Parks Circular 2010 paragraph 33](#), states that “the Government expects the Broads Authority to continue to encourage a greater range of people to take up sailing, canoeing and fishing and other water related activities” and the proposal is in accordance with this. It is noted that the Bungay Cherry Tree Angling Club operate a number of facilities in this area including a 20 pitch fishing lake, and a length of 16 angling platforms 360 metres upstream of the subject site, and cumulatively the concentration of angling activities in this area would contribute to the close management of the sites to the benefit of club members and the general public.
- 6.3. As noted above, the Bungay Cherry Tree Angling Club have a lease agreement with the land owner to fish from the riverbank and have been observed on site carrying out this activity. Whilst it could be argued that the provision of platforms would encourage participation, they would also arguably contribute to the overall maintenance of the riverbank in providing robust and defined areas for riverbank angling, thereby avoiding unnecessary trampling of vegetation in the search for a suitable swim, rather than simply using the areas provided.

- 6.4. With regard to the sustainable location, Policy DM29 considers recreational facilities and provides locational requirements which includes that the site be closely associated with a 'boatyard or established sailing or similar club'. The Bungay Cherry Tree Angling Club are an established operator in this area and the location of the proposed platform is considered to meet the policy requirements for location.

Impact upon the landscape

- 6.5. The proposed angling platforms are considered to be modest in size, of a simple unfussy design and utilising natural materials. They would be mostly sited on vegetated riverbank so would not be a stark or obvious presence, with the materials proposed contributing to a reasonably discreet presence. Towards the western end of the subject site, where the riverbank is more bare and has areas of dilapidated timber piling, the platforms would be in the context of a section of riverbank where their presence would not be incongruous or of detriment to the landscape of river scene.
- 6.6. To the land side of the riverbank is the Environment Agency flood bank, this rises above the riverbank level. The proposed platforms will be seen against the slope of the floodbank, which will provide some screening in most areas.
- 6.7. The main issue is the concentration of platforms in specific areas. The applicant has advised that the siting of the platforms is in relation to more accessible sections of the riverbank, and particularly away from the heavily wooded sections, and this means that there is a concentration of platforms towards the eastern and western ends of the site, of 5 and 7 respectively. Whilst this concentration in these particular areas would make them more apparent, it is considered that the actual number involved in each section is not excessive, and there are fewer platforms in the intervening space.
- 6.8. The use of the platforms would result in anglers being present on the riverside, for three-quarters of the year. It is noted that the presence of anglers is not limited by a lack of platforms, although it would be reasonable to argue that platforms do make it more likely that anglers would visit when ground conditions are less favourable because the platforms provide a dry and secure base, although it should also be noted that the poor access is a significant discourager which may not outweigh the advantages offered by the platforms. Overall, it is considered that the presence of anglers on a section of riverbank with a reasonable level of access would not be unexpected and not detrimental to the character and appearance of the landscape and river scene in this area. By all accounts, these are well used areas and the presence of people is part of the area.
- 6.9. The overall number of anglers here would be limited by the number of platforms. These are restricted to use by club members only and this is regulated and controlled by angling club bailiffs. The same level of control also applies at the fishing lake and the 16 platforms some 360m upstream. Whilst the fishing lake is a very recent addition to the angling club portfolio, the 16 platforms upstream are well established and there are no known reports of issues with the use of the platforms.

- 6.10. It is important to consider the potential cumulative impact of a new section of riverbank angling platforms downstream of 16 existing platforms. These 16 platforms are spread out along a section of riverbank 400m in length, there would then be a 360m gap and then the 18 new platforms spread out along 660m of riverbank. This gives a total of 34 platforms over a distance of 1,420m. Discussions have been held with the applicant, these began in considering the previous (now withdrawn) application which was for 25 platforms. In taking on board the comments made regarding that application, and a subsequent site meeting to discuss the various issues raised, the applicants have reconsidered the number and siting of the platforms before proposing the 18 currently under consideration. The suggestion from the BA Ranger of reducing the number to 10 has been considered, with the applicant stating that such a reduction would significantly impact on the viability/practicality of the scheme. They have also pointed out that by providing a wider range of platform location, anglers have the opportunity to spread out along a greater length of the riverbank minimising the impact on other river users.
- 6.11. Those wishing to spend leisure time at this location, whether that be for walking or river based activities, could potentially encounter when heading upstream/west, a stretch of 9 platforms, followed by a gap of 75m to a pair of platforms, followed by a gap of 145m to 7 platforms, followed by a gap of 360m to 16 platforms. The concentration of proposed platforms is less than at the approved site upstream, and overall given the distances between would not result in an unacceptable concentration of platforms and associated activity.
- 6.12. Taken as a whole it is considered that the proposed 18 angling platforms would not result in an unacceptable impact on landscape and the river scene, with regard to Policy DM16 of the Local Plan for the Broads.

Impact on navigation

- 6.13. Angling forms one part of river leisure activity which includes boating, canoeing, kayaking, and paddleboarding. There can be pressures on the use of rivers where there are a number of activities in the same area, however it is recognised that angling is established here through the 16 existing platforms upstream of the subject site.
- 6.14. The main area of conflict between anglers and other river users arises from the need for those navigating on the water to avoid the lines and nets associated with fishing. Whilst motorboats and paddled craft can move easily out of the way, tacking sailing boats may need to use the whole river, so this can cause problems. These issues can be particularly sensitive when match fishing is underway and conflict is more likely where the river is narrow.
- 6.15. In this case, as noted above, there are gaps between groups of platforms, the purpose of which is to offer an increase in options of fishing situations, rather than an increase in numbers of people fishing. The realistic number of anglers at any one time is limited by the car park size. In addition, there are proposals to limit any match fishing to outside of peak season when the river would be less busy. The existing trees which line

much of the riverbank do restrict sailing which lessens potential conflict. Finally, it is noted that the river width would not be reduced by the presence of the platforms which do not protrude into the river, therefore the existing navigation width is maintained.

- 6.16. Concern has been raised about the number of platforms and the potential for a concentration of activity in a relatively small stretch of river which could impact on navigation. The BA Ranger for this area has considered this and commented that a maximum of 10 platforms would be preferable. This would be the simplest way to minimise interactions between conflicting river users, with anglers needing to reel in to avoid passing craft. The applicant has argued that the use of all 18 platforms would be rare, usually limited to organised match days only, and these to be restricted to outside of peak summer time, proposed as 16th June to 15th September.
- 6.17. The applicant states that the 16 existing riverside platforms and the 20 existing lake platforms are for the most part underused. In justifying the proposed platforms in addition to the existing platforms upstream, the applicant has commented that the two areas have different characteristics and provides different options/challenges when fishing. They have also cited an increase in membership and the loss of use of other river stretches. Although providing only anecdotal evidence, having visited the site on a number of occasions, arranged and unarranged, I am yet to witness more than a handful of platforms in use at any one time in either existing location. The applicant has stated that in 6 years using the existing 16 riverside platforms, the 6 space car park has only been full once.
- 6.18. However, despite the level of the existing use of angling facilities in this locale, there is nothing to stop all the platforms being used at the same time. Arguably the parking provision for the 16 existing platforms does provide some limiting factor. The proposed platforms would be served by a 20 space car park, although it must be remembered that those spaces also serve the approved fishing lake platforms which number 20.
- 6.19. Assuming that all 18 proposed riverside platforms are in use at the same time, taking into account their siting and the separation between groups, it is considered that there would not be an unacceptable impact on navigation. This is partly based on the lack of known or reported issues in the operation of the 16 existing platforms. Even taken together, the separation between the existing and proposed sections is considered sufficient to allow for shared river use without there being an unacceptable impact on a particular user group.
- 6.20. The final point to take into account is the fact that fishing from the riverbank is permitted to members of the Bungay Cherry Tree Angling Club and is not dependant on the provision of the platforms. The provision of platforms does help to regularise the use and provides some level of expectation in terms of known angling locations for other river users. The absence of platforms would not result in an absence of fishing in this location, and its unrestricted nature is a consideration in assessing the subject proposal. The limit on fishing matches, and the suggestion that these take place only

outside of peak summer times provides a level of control which would also be absent were all fishing done from the riverbank.

- 6.21. Taking into account the above, it is considered that the proposed 18 riverbank angling platforms would not result in an acceptable impact on navigation with regard to Policy DM31 of the Local Plan for the Broads.

Ecology

- 6.22. The proposal is to site 18 riverside angling platforms on the northern riverbank of the River Waveney. These would be sited predominantly on areas of riverbank which are described in the submitted Ecological Impact Assessment (EclA) as 'a mix of f2d – aquatic marginal vegetation and woodland'. The assessment carried out by Norfolk Wildlife Services, submitted in support of the application, asserts that 'the platform installation is predicted to have a very minor negative and not significant impact on the local abundance of aquatic marginal vegetation'. In addition, it has concluded that there would not be an impact on protected species.
- 6.23. The submitted EclA has been reviewed by the BA Ecologist who commented that the 'development is unlikely to have significant ecological impacts if the mitigation measures detailed in the EclA are followed', these would be secured by planning condition.
- 6.24. It is acknowledged that there would be moderately worn areas between the public footpath and the platforms resulting from the use, as is fairly common at areas where angling takes place from a riverbank. There are existing worn areas from recent riverbank angling activity. The benefit of platform provision is that it formalises the angling areas and avoids needless wear to other sections of the riverbank so that habitats and vegetation are more likely to be left undisturbed.
- 6.25. It is considered that the installation and use of the proposed 18 riverbank angling platforms would not result in an acceptable impact on ecology with regard to Policy DM13 of the Local Plan for the Broads.

Trees

- 6.26. The applicant is clear that there is no intention to remove or carry out works to trees in order to install the proposed platforms. The siting of the platforms, predominantly in two groups, with a pair of lone platforms towards the centre, has been proposed as it avoids areas of riverbank where tree coverage is at its greatest. Precise locations are to be determined by selecting areas of riverbank where platform provision could be undertaken without causing harm to trees. This is the same approach as proposed within the EclA which seeks a reasonably fluid approach to platform siting based upon on site observations by a qualified Ecological Clerk of Works. Although the applicant sought to assess the proposed areas, marking the locations with small wooden stakes, the wooden stakes unfortunately were removed prior to any form of assessment.

- 6.27. Taking into account the contribution the series of trees along most of the subject riverbank make to the landscape and river scene, in addition to their amenity and ecological value, against the perceived uncertainty regarding precise platform location, the Broads Authority has taken the decision to issue a provisional Tree Preservation Order (TPO). The effect of this is to provide a level of protection to the trees as any work requires consent.
- 6.28. The BA Tree Officer has visited the site and, with the aid of the applicant, viewed the areas where the platforms would be provided. It was concluded that the proposed works would not have an unacceptable impact on adjacent trees where these are present, however, considering the number of trees and their high amenity value, a tree survey was nonetheless requested covering the application site so this could be confirmed. This has been provided, along with a tree asset plan and tree protection plan.
- 6.29. These have been assessed by the BA Tree Officer, who has confirmed that the impact of the development on the existing trees would be negligible and would not compromise the health of the riverside woodland belt. Minor works only, such as minor reduction of limbs and/or coppicing, would be required to facilitate the development and there are no objections.
- 6.30. It is considered that the installation of the proposed 18 riverbank angling platforms would not result in an acceptable impact on the protected trees with regard to Policy DM16 of the Local Plan for the Broads.

Amenity of residential properties

- 6.31. The subject riverbank is not within the proximity of a residential property. The access track to the angling club's car park is sited between two residential properties. The track is narrow and access from the public highway is such that vehicles would typically be travelling slowly, use of the platforms would be during daylight hours only, and the car park is limited to a maximum of 20 vehicles. Taking these points into consideration the proposed provision of riverside angling platforms would not have an unacceptable impact on residential amenity with regard to Policy DM21 of the Local Plan for the Broads.

Highways and public rights of way

- 6.32. The proposal has been assessed by Norfolk County Council as Highways Authority who raise no objections. It is noted that the Highways Authority raised no objection to the previous application (withdrawn) for 25 proposed platforms.
- 6.33. It is useful to consider, however, the situation with regard to the car parking. There are 20 platforms approved at the fishing lake and there is a 20 space car park. The Highways Authority have commented that 'given the constraints of the local adopted road network it is unlikely that parking would be displaced onto the highway especially when having regard to the distance the platforms are from the highway and the equipment that the anglers would have. I am of the opinion therefore that if expansion

of the “formal” parking provision is unlikely to be supported, then parking is likely to occur on/adjacent to the private access track (given it is some 200m in length) and as such would again not impact on the highway. It would clearly still possibly constitute an environmental consideration which is not within the remit of the LHA’. The constraints of the access track are such that additional parking is not appropriate or acceptable, and a planning condition is proposed to prohibit this.

- 6.34. In concluding their comments specific to the question of two platform areas (20 at the lake and 18 on the riverside), the Highways Authority stated that ‘there would not be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe if both applications were approved on the basis of the submissions (i.e. 20 parking spaces available to serve 38 platforms) and as such the Highway Authority could not sustain an objection on parking grounds in this case’. The applicant has maintained that parking would be limited to a maximum of 20 cars and have provided a parking management plan to emphasise this.
- 6.35. The Public Right Of Way (PROW) runs along the full length of the floodbank to the land side of the proposed platforms. For the majority of the platforms there would be a clear distance between the footpath and the platform location. This is not the case at the western end of the site as the riverbank comes close to the PROW. There is no suggestion that the platforms would be sited on the footpath, but the proximity does necessitate some consideration of potential impacts through the provision of angling platforms.
- 6.36. There is adequate room for angling without causing issue with users of the footpath. It is accepted that this will rely on reasonable and sociable behaviour from both sets of users, but in terms of this proposal there is opportunity to both protect and reinforce the legal status of the PROW through a robust planning condition, and relying on club bailiffs to ensure that the behaviour of anglers is at all times reasonable and acceptable. Again, it must be taken into account that fishing from the riverbank can take place without the need for planning permission, and in some respects the riverbank at the western end would be advantageous in such circumstances as without platform provision it provides the most easily accessible point. The provision of platforms in this respect does therefore allow some level of control in the activities carried out adjacent to the public footpath in this location.
- 6.37. With regard to the above assessment, it is considered that the proposed angling platforms and use of the existing car park would not give rise to an unacceptable impact on highway safety, and that use of the platforms would not result in the obstruction of the footpath or an impediment to footpath users, subject to the provision of suitable planning conditions, with regard to Policy DM23 of the Local Plan for the Broads.

7. Conclusion

- 7.1. The proposed provision of 18 angling platforms along a 660 metre length is considered acceptable in principle and complies with location criteria as required by the Local Plan for the Broads. The platforms and their use would not have an unacceptable impact on landscape and river scene, or navigation. Sufficient information has been provided to ensure that there would not be any unacceptable harm to ecology and protected species. The siting of the platforms would be such that they would not harm the long-term health of the trees on the riverside. There would be no impact on residential amenity through access to the site, and it is noted that there is access already to the car park. The parking provision has been assessed as being sufficient, with no detrimental impact on highway safety, nor would there be an unacceptable impact on the PROW.

8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions:
- i. Time limit
 - ii. In accordance with approved plans and supporting documents
 - iii. In accordance with the submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in particular Appendix 5, the Arboricultural Method Statement (AMS)
 - iv. Timber preservatives only
 - v. Daylight only, no night fishing
 - vi. Only for angling club members use
 - vii. No day tickets
 - viii. No obstructing the public footpath with persons or equipment
 - ix. Submission of a scheme of monitoring and enforcing approved use
 - x. Matches limited to 5 per fishing season and not between 16th June and 15th September
 - xi. Parking within designated car park area only, maximum 20 vehicles
 - xii. No vehicle access beyond car park
 - xiii. Details of flood response plan
 - xiv. Details of Water Safety Plan
 - xv. Vegetation clearance not to be undertaken during breeding bird season (1st March - 31st August, inclusive)

- xvi. Platforms must be micro-sited to avoid any potential water vole burrows and overseen by a qualified Ecological Clerk of Works (ECoW)
- xvii. Pre-works checks for otters by qualified Ecological Clerk of Works (ECoW)
- xviii. Biodiversity enhancement as per section 6 of the Ecological Impact Assessment, submission of management plan for maintenance and construction

9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM5, DM13, DM16, DM21, DM23, DM24, SP11, DM29, DM31, and DM43 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

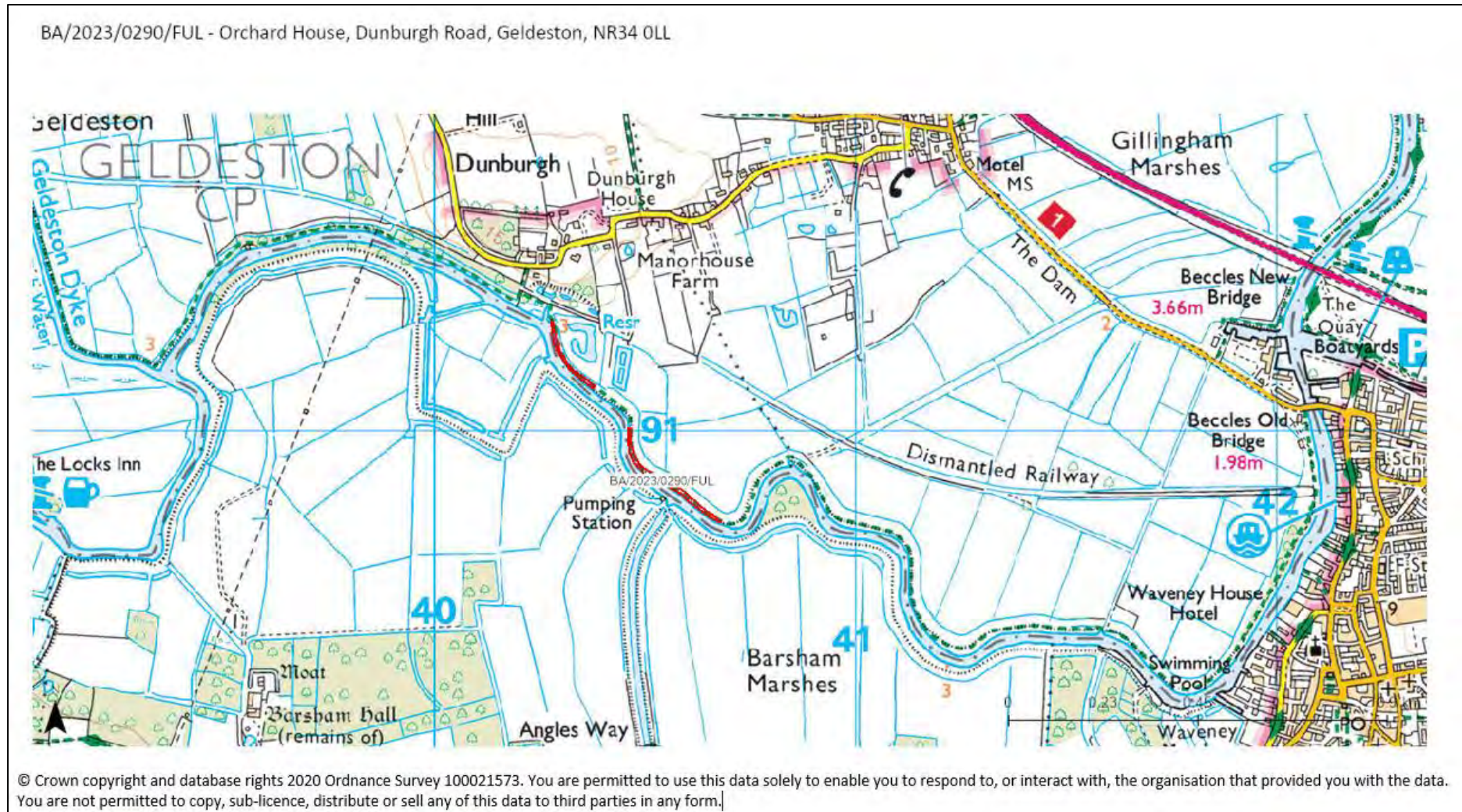
Author: Nigel Catherall

Date of report: 27 November 2023

Background papers: BA/2023/0290/FUL

Appendix 1 – Location map

Appendix 1 – Location map



Planning Committee

08 December 2023

Agenda item number 8

Enforcement update

Report by Head of Planning

Summary

This table shows the monthly updates on enforcement matters. The financial implications of pursuing individual cases are reported on a site by site basis.

Recommendation

To note the report.

Committee date	Location	Infringement	Action taken and current situation
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans (Units X and Y)	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. • Site being monitored. October 2018 to February 2019. • Planning Contravention Notices served 1 March 2019. • Site being monitored 14 August 2019. • Further caravan on-site 16 September 2019.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Site being monitored 3 July 2020. • Complaints received. Site to be visited on 29 October 2020. • Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020. • Incomplete response to PCN received on 10 December. Landowner to be given additional response period. • Authority given to commence prosecution proceedings 5 February 2021. • Solicitor instructed 17 February 2021. • Hearing date in Norwich Magistrates Court 12 May 2021. • Summons issued 29 April 2021. • Adjournment requested by landowner on 4 May and refused by Court on 11 May. • Adjournment granted at Hearing on 12 May. • Revised Hearing date of 9 June 2021. • Operator pleaded 'not guilty' at Hearing on 9 June. Trial scheduled for 20 September at Great Yarmouth Magistrates Court. • Legal advice received in respect of new information. Prosecution withdrawn and new PCNs served on 7 September 2021. • Further information requested following scant PCN response and confirmation subsequently received that caravans 1 and 3 occupied on Assured Shorthold Tenancies. 27 October 2021 • Verbal update to be provided on 3 December 2021

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Enforcement Notices served 30 November, with date of effect of 29 December 2021. Compliance period of 3 months for cessation of unauthorised residential use and 4 months to clear the site. 6 Dec. 2021 • Site to be visited after 29 March to check compliance. 23 March 2022 • Site visited 4 April and caravans appear to be occupied. Further PCNs served on 8 April to obtain clarification. There is a further caravan on site. 11 April 2022 • PCN returned 12 May 2022 with confirmation that caravans 1 and 3 still occupied. Additional caravan not occupied. • Recommendation that LPA commence prosecution for failure to comply with Enforcement Notice. 27 May 2022 • Solicitor instructed to commence prosecution. 31 May 2022 • Prosecution in preparation. 12 July 2022 • Further caravan, previously empty, now occupied. See separate report on agenda. 24 November 2022 • Planning Contravention Notice to clarify occupation served 25 November 2022. 20 January 2023. • Interviews under caution conducted 21 December 2022. 20 January 2023 • Summons submitted to Court. 4 April 2023 • Listed for hearing on 9 August 2023 at 12pm at Norwich Magistrates' Court. 17 May 2023 • Operator pleaded 'not guilty' at hearing on 9 August and elected for trial at Crown Court. Listed for hearing on 6 September 2023 at Norwich Crown Court. 9 August 2023.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Hearing at Norwich Crown Court adjourned to 22 September 2023. 1 September 2023. • Hearing at Norwich Crown Court adjourned to 22 December 2023. 26 September 2023.
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers’ site.	<ul style="list-style-type: none"> • Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action. • Correspondence with solicitor on behalf of landowner 20 Nov. 2019. • Correspondence with planning agent 3 December 2019. • Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020. • Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020. • Appeal start date 17 August 2020. • Hearing scheduled 9 February 2021. • Hearing cancelled. Rescheduled to 20 July 2021. • Hearing completed 20 July and Inspector’s decision awaited. • Appeal dismissed with minor variations to Enforcement Notice. Deadline for cessation of caravan use of 12 February 2022 and 12 August 2022 for non-traveller and traveller units respectively, plus 12 October 2022 to clear site of units and hardstanding. 12 Aug 21 • Retrospective application submitted on 6 December 2021. • Application turned away. 16 December 2021

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Site visited 7 March 2022. Of non-traveller caravans, 2 have been removed off site, and occupancy status unclear of 3 remaining so investigations underway. • Further retrospective application submitted and turned away. 17 March 2022 • Further information on occupation requested. 11 April 2022 • No further information received. 13 May 2022 • Site to be checked. 6 June 2022 • Site visited and 2 caravans occupied in breach of Enforcement Notice, with another 2 to be vacated by 12 August 2022. Useful discussions held with new solicitor for landowner. 12 July 2022. • Further site visited required to confirm situation. 7 September 2022 • Site visit 20 September confirmed 5 caravans still present. Landowner subsequently offered to remove 3 by end October and remaining 2 by end April 2023. 3 October 2023. • Offer provisionally accepted on 17 October. Site to be checked after 1 November 2022. • Compliance with terms of offer as four caravans removed (site visits 10 and 23 November). Site to be checked after 31 March 2023. 24 November 2022 • One caravan remaining. Written to landowner’s agent. 17 April 2023 • Gypsy and Traveller Accommodation Needs Assessment commissioned. June 2023
13 May 2022	Land at the Beauchamp Arms Public House,	Unauthorised operation development	<ul style="list-style-type: none"> • Authority given by Chair and Vice Chair for service of Temporary Stop Notice requiring cessation of construction 13 May 2022 • Temporary Stop Notice served 13 May 2022.

Committee date	Location	Infringement	Action taken and current situation
	Ferry Road, Carleton St Peter	comprising erection of workshop, kerbing and lighting	<ul style="list-style-type: none"> • Enforcement Notice and Stop Notice regarding workshop served 1 June 2022 • Enforcement Notice regarding kerbing and lighting served 1 June 2022 • Appeals submitted against both Enforcement Notices. 12 July 2022
21 September 2022	Land at Loddon Marina, Bridge Street, Loddon	Unauthorised static caravans	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravans. • Enforcement Notice served. 4 October 2022. • Enforcement Notice withdrawn on 19 October due to minor error; corrected Enforcement Notice re-served 20 October 2022. • Appeals submitted against Enforcement Notice. 24 November 2022
9 December 2022	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravan (Unit Z)	<ul style="list-style-type: none"> • Planning Contravention Notice to clarify occupation served 25 Nov 2022. • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravan • Enforcement Notice served 11 January 2023. 20 January 2023. • Appeal submitted against Enforcement Notice. 16 February 2023.
31 March 2023	Land at the Berney Arms, Reedham	Unauthorised residential use of caravans and outbuilding	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of the caravans • Enforcement Notice served 12 April 2023 • Enforcement Notice withdrawn on 26 April 2023 due to error in service. Enforcement Notice re-served 26 April 2023. 12 May 2023 • Appeal submitted against Enforcement Notice. 25 May 2023

Author: Cally Smith

Date of report: 15 November 2023

Background papers: Enforcement files

Planning Committee

08 December 2023

Agenda item number 9

BA/2023/0012/TPO- Butterfield House, 1 The Score, Northgate, Beccles

Report by Historic Environment Manager

Summary

A Provisional Tree Preservation Order (TPO) has been served on a tree at Butterfield House, 1 The Score, Northgate, Beccles.

A single objection to the TPO was received and a site visit was attended by Members on 22 November 2023.

Recommendation

To confirm the TPO.

1. Background

- 1.1. As part of its obligation as a Local Planning Authority (LPA), the Broads Authority is required to serve Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and which are under threat. There are criteria set out in The Town and Country (Tree Preservation) (England) Regulations 2012 against which a tree must be assessed in order to determine whether it meets the threshold for protection.
- 1.2. This report explains how this process has been carried out in respect of an ash tree at Butterfield House, 1 The Score, Northgate, Beccles (BA/2023/0012/TPO).

2. Tree Preservation Order procedure

- 2.1. There are two prerequisites which must be met for a tree to be considered for protection through a TPO. Firstly, the tree must be of amenity value, and secondly it must be under threat. There are many trees in the Broads (and elsewhere) which are of sufficient amenity value to qualify for TPO status, but which are not protected as they are not under threat. The TPO process is not a designation like, for example, a Conservation Area which is made following an assessment of particular character, but is effectively a response to a set of circumstances.
- 2.2. Typically, the consideration of a tree for a TPO designation will arise in connection with either a Section 211 notification, notifying the authority of proposed works to trees

within a Conservation Area or a development proposal, either through a formal planning application or a pre-planning application discussion. At a site visit or when looking at photos or other visual representation, a case officer may see there is a tree on the site which is potentially of amenity value and under threat from the proposed development. The case officer will consult the Authority's arboricultural adviser, who may need to investigate further and will visit the site and make an assessment of the tree under the 2012 Regulations. If the tree is considered to meet the criteria in the Regulations, then a provisional TPO will be served.

- 2.3. After a provisional TPO has been served there is a consultation period, which gives the opportunity for the landowner and other interested parties to comment on it.
- 2.4. The Regulations require that a provisional TPO must be formally confirmed by the LPA within 6 months of it being served; if it is not confirmed then it will lapse automatically.
- 2.5. The Authority's scheme of delegation allows provisional TPOs to be served and for non-controversial TPOs (i.e., where no objections have been received) to be confirmed by officers under delegated powers.
- 2.6. Where an objection has been received as part of the consultation process, TPOs are brought before the Planning Committee for decision, and Members may undertake a site visit to view the tree prior to making the decision.

3. The potential Tree Preservation Order at Butterfield House, Beccles.

- 3.1. The site is located on the eastern edge of the town of Beccles. It is within the Beccles Conservation Area. The Score runs from the Old Market towards the River Waveney. Butterfield House sits amongst a cluster of buildings on The Score, with its garden running down to the river's edge.
- 3.2. The site contains a number of trees but most prominently a large ash tree, which sits close to the boundary between this and the neighbouring property, The Old Maltings. The tree is a large mature specimen in good condition and, due to its size, it has amenity value across a wide area, being visible from across the wider landscape and the river to the west and from Northgate within the town to the north-east.
- 3.3. A section 211 notification, Tree Works application reference BA/2023/0195/TCAA, was submitted by the owner. The proposal was to pollard the tree to approximately 3 metre above the initial union at the top of the trunk and to remove 8m of canopy with a finished height of approximately 12 metres. It was considered that the proposed works would cause unnecessary damage to the tree for little or no reason as the tree is in good condition and is not considered a risk. The reduction in height would also reduce the significant amenity value of the tree.
- 3.4. On 13 July 2023 a provisional TPO was served on the tree.

- 3.5. On 24 July 2023 a letter objecting to the TPO was received from a neighbour. The grounds of the objection are that the tree is huge (around 30-40m high) and that it stands only 2m from the neighbour’s boundary. Its branches hang more than halfway across the neighbour’s lawn. As such it blots out the sun for most of the day and in autumn there are branches blown down on to the neighbour’s lawn and clusters of leaves that cover it. The neighbour considers the tree to be a health and safety hazard and believes it should be reduced in height.
- 3.6. On 22 November 2023 Members undertook a site visit to view the tree in its immediate and wider context. The notes of the site visit are attached at Appendix 2.

4. Next steps

- 4.1. Following the site visit, the provisional TPO is reported to Planning Committee for their consideration.
- 4.2. The Authority’s arboricultural advisor considers that the tree detailed in this report is worthy of a TPO due to the contribution that it makes to the street scene, as explained at 3.2 above. There are also other considerations, such as how trees increase our resilience to climate change, improve air quality in the area, provide shade, and aid biodiversity and encourage wildlife.
- 4.3. An objection has, however, been received and the following Statement of Case sets out the objection formally, along with the response from the arboricultural advisor.

No.	Representation	Response
1.	The tree although a fine specimen is huge and must be between 30 to 40 meters high! It stands only about 2 meters from my garden and its branches hang more than halfway over my lawn. It blots out the sun for most of the day and every autumn when we get Westerly gales, branches are blown down onto my lawn and last year a branch blew down that was too heavy to lift. Also, in the autumn it sheds clusters of leaves that cover my lawn for days on end. I think it is a health and safety hazard!	The tree is a large tree that overhangs the adjacent garden. The tree is on the northern aspect of the garden of The Score and therefore, whilst it does overhang the garden the shading caused by the tree will be minimal. Unfortunately, strong gales and storms will affect trees and cause minor damage but unfortunately this is not considered an acceptable reason to undertake such drastic works. The risk of falling deadwood can be managed without the need for such works. With regards the falling leaf litter this is an accepted part of living with trees and not considered a reason to justify drastic tree works.

No.	Representation	Response
	I am not talking about felling this tree, but I think it should be tastefully reduced by an expert.	The Broads Authority is willing to work with all parties to allow the suitable management of the tree in order to maintain its high visual amenity as well as the safety and well-being of those persons and property potentially affected by the tree.

4.4. Members should consider this Statement of Case when considering whether to confirm the TPO.

5. Recommendation

5.1. It is recommended that the provisional Tree Preservation Order (BA/2023/0012/TPO) at Butterfield House, 1 The Score, Northgate, Beccles is confirmed.

Author: Kate Knights

Date of report: 13 November 2023

Background papers: TPO (BA/2023/0012/TPO) file and Tree Works (BA/2023/0195/TCAA) file

Appendix 1 – Location map

Appendix 2 – Notes of site visit on 22 November 2023

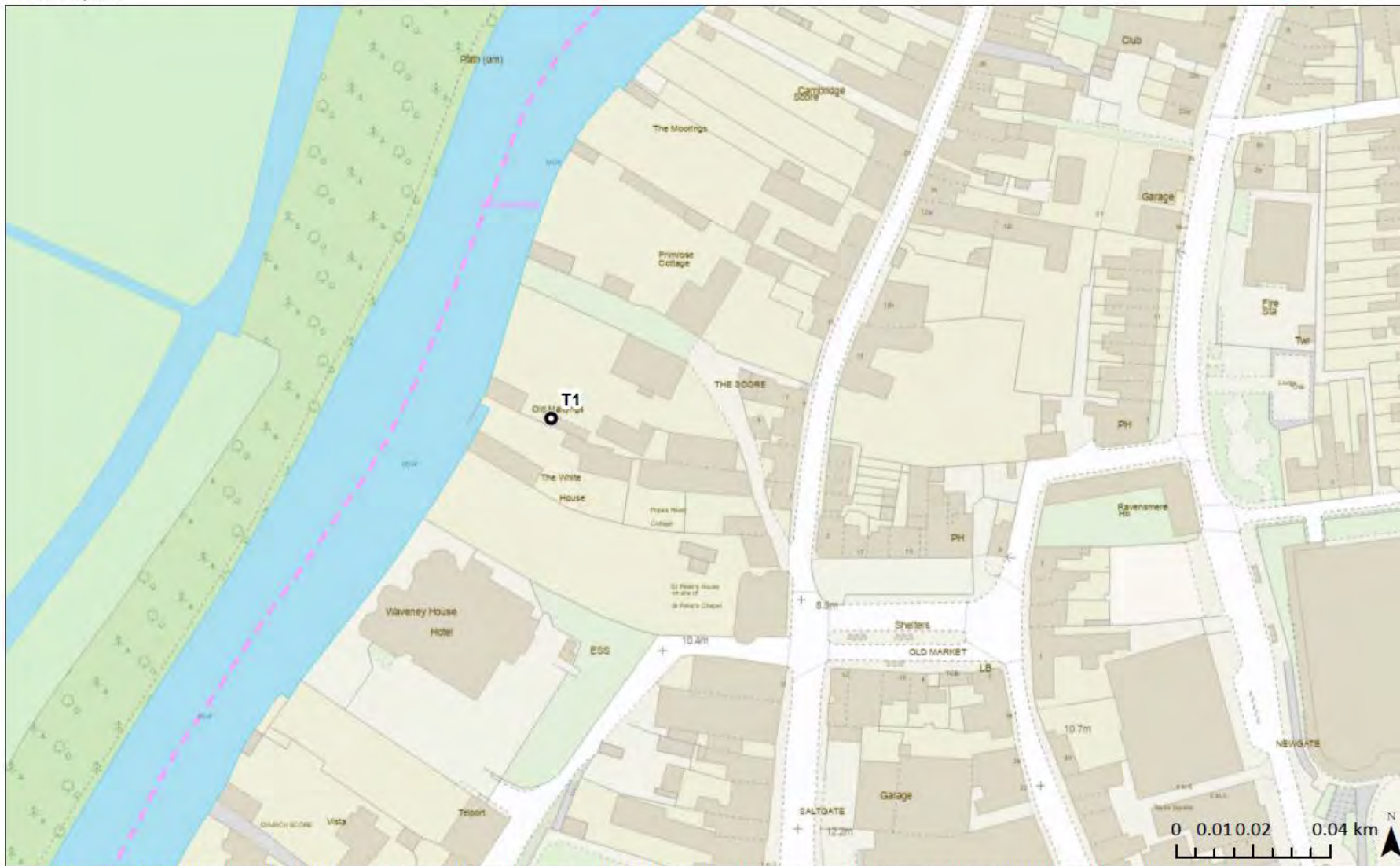
Appendix 1 – Location map

BA/2023/0012/TPO - Butterfield House, 1 The Score, Northgate, Beccles

Scale: 1:10,000



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Minutes of the site visit held on 22 November 2023

Present

Harry Blathwayt – in the Chair, Bill Dickson, Tim Jickells, Kevin Maguire and Fran Whymark.

In attendance

Jason Brewster – Governance Officer, Stephen Hayden – Arboricultural Consultant and Kate Knights – Historic Environment Manager.

Members of the public in attendance

Andrew Hall – objector, Shaun Jeffrey – the objector’s gardener, Sam Hunt – Cllr for Beccles Town Council and Peter Smith – observer on behalf of the Broads Society.

1. Apologies

Apologies were received from Stephen Bolt, Tony Grayling, James Harvey, Martyn Hooton, Keith Patience, Vic Thomson and Melanie Vigo di Gallidoro.

2. Introduction

Members met at the car park on the west side of Beccles Old Bridge on the southern side of Gillingham Dam.

The Chair welcomed everyone and invited attendees to introduce themselves.

The Chair reminded Members of the protocol associated with a site visit emphasising that it was purely a fact finding exercise and no decision would be made at this visit. The Tree Preservation Order (TPO) would be considered for confirmation at the next committee meeting on Friday 8 December 2023. The aim of the visit was not to debate the issues, but to enable Members to see the site and its context, and to make sure all participants were satisfied that Members have seen all the appropriate details of the tree and viewed it from various aspects.

Members were reminded:

- To be as impartial as possible before, during and after the visit.
- To avoid discussing the TPO with owners/tree surgeon or objectors before, during or after the site visit.
- If members wanted to ask questions of any party, this should take place only when the whole group was present.

3. BA/2023/0012/TPO an Ash tree at Butterfield House, 1 The Score, Northgate, Beccles

The Heritage Environment Manager (HEM) reminded Members that they had received a report on this Tree Preservation Order at the last Planning Committee on Friday 10 November 2023 (all attendees had been provided with a link to this report published on the Authority's website).

The HEM provided an overview of the Tree Preservation Order:

- In May 2023 the Broads Authority received a notification of proposed works seeking consent to "pollard the Ash tree to approximately 3m above the initial union at the top of the trunk. Removing approximately 8m of canopy, with a finished height of approximately 12m." (BA2023/0195/TCAA).
- The Authority's Arboricultural Consultant (AAC) visited the site, inspected the tree and discussed the proposed works with the applicant on 22 May. It was the view of the AAC that the proposed works would cause unnecessary damage and harm to the tree for little to no reason as the tree was not deemed at present a risk.
- On 13 July 2023 a provisional TPO was served on the tree. This must be confirmed by 13 January 2024.
- On 24 July 2023 a letter objecting to the TPO was received from a neighbour. The grounds of the objection were that the tree was huge (around 30-40m high) and that it stands only 2m from their boundary. Its branches hang more than half way across their lawn. As such it blots out the sun for most of the day and in autumn there are branches blown down on to their lawn and clusters of leaves that cover their lawn. They thought that it was a health and safety hazard and should be reduced in height.

Members followed the footpath along the western bank of the river to access vantage point A (see the map in Appendix 1). At the first mooring the AAC directed Members attention to the Ash tree as its crown was clearly visible against the sky. The AAC described where the proposed reduction in height of the crown would be relative to the existing branches of the Ash tree, which would equate to over half to two-thirds of the crown being removed. The AAC believed that the Ash tree was between 75-80 years old and confirmed that it showed no signs of Ash dieback disease. The AAC commented that there would be no objection to necessary and reasonable management of the Ash tree.

Members continued along the footpath to vantage point A, across the river, opposite the rear of Butterfield House. The HEM pointed out the location of the owner's property, Butterfield House.

Members returned to the car park and the visit was adjourned at 10:30am in order for Members travelling by car/bike to drive/cycle to Waveney House Hotel on Puddingmoor Lane, with Fran Whymark walking to Butterfield House.

The visit resumed in the car park of the Waveney House Hotel at 10:40am and Members walked to Butterfield House on The Score where they met Fran Whymark.

The Chair welcomed Mr Andrew Hall, the objector and Mr Shaun Jeffrey, the objector's gardener who were in attendance.

For the benefit of the new attendees, the Chair restated that this was a fact finding exercise and no decision would be made at this visit. The TPO would be considered for confirmation at the next committee meeting on Friday 8 December 2023.

Members viewed the Ash tree from the garden of Butterfield House.

Members viewed the Ash tree from the objector's garden, the immediate neighbour to Butterfield House on its northern boundary. Members noted the orientation of the objector's garden with respect to east, south and west and relative to the Ash tree.

Mr Hall asked whether there was any Ash dieback disease reported locally. The AAC responded that this disease was present in Suffolk. The AAC added that large mature Ash trees seemed more resilient to this fungal disease and that the proposed works to pollard the crown of the tree would likely reduce the tree's resilience to the disease, with the new growth being more susceptible to the pathogen, and consequently lead to a reduction in the tree's expected lifespan.

The Chair thanked Mr Hall for allowing the committee to visit.

Members left the objector's garden and walked to the end of The Score and entered the grass covered lane leading to the river to view the tree from vantage point C.

Members proceeded to leave The Score via the steps leading to Northgate where they could view the Ash tree from vantage point D.

Members then headed south along Northgate and entered the Old Market to reach vantage point E where the top of the crown of the Ash tree was visible over the buildings to the west of the Old Market.

4. Conclusion

The Chairman confirmed that the TPO would be considered for confirmation at the next Planning Committee meeting on Friday 8 December 2023 meeting. The Chairman thanked everyone for attending the site inspection.

The meeting was closed at 11:05am.

Appendix 1 – Map of site visit vantage points

BA/2023/0012/TPO - Butterfield House, 1 The Score, Northgate, Beccles
Scale: 1:1,250

Recommended vantage points



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Planning Committee

08 December 2023

Agenda item number 10

Chet Neighbourhood Plan- Agreeing to consult

Report by Planning Policy Officer

Summary

The Chet (Loddon and Chedgrave) Neighbourhood Plan is ready to for the next round of consultation – Regulation 16 consultation.

Recommendation

To endorse the Chet Neighbourhood Plan Reg16 version for consultation.

1. Introduction

- 1.1. The Chet Neighbourhood Plan is ready for consultation. The Plan says: *'The Chet Neighbourhood Plan addresses what Loddon and Chedgrave's combined community values in its environment and why. It recognises the need for development and says what will suit us in the next twenty years and what will not. It sets out a vision for future development within the context of our landscape and townscape which grows seamlessly from what we have inherited. We have resolved to improve the quality of both Loddon and Chedgrave as places in which to live, work, access services and undertake leisure activities'*.
- 1.2. This report seeks agreement for public consultation to go ahead. It should be noted that the Broads Authority is a key stakeholder and is able to comment on the Plan. It is likely that a report with these comments will come to the next Planning Committee for endorsement.

2. Consultation process

- 2.1. South Norfolk Council will write to or email those on their contact database about the consultation. The Broads Authority will also notify other stakeholders who may not be on the Council's consultee list. The final details for consultation are to be clarified, but the document will be out for consultation for at least 6 weeks.

3. Next steps

- 3.1. Once the consultation ends, comments will be collated and the Parish Council may wish to submit the Plan for assessment. The Parish Council, with the assistance of South

Norfolk Council and the Broads Authority, will choose an Examiner. Examination tends to be by written representations. The Examiner may require changes to the Plan.

- 3.2. As and when the assessment stage is finished, a referendum is required to give local approval to the Plan.

Author: Natalie Beal

Date of report: 13 November 2023

The following appendices are available to view on [Planning Committee - 8 December 2023 \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

Appendix 1 - Chet Neighbourhood Plan

Appendix 2 - Local Green Space Assessment

Appendix 3 - Housing Needs Assessment final

Appendix 4 - Evidence Base

Appendix 5 - Key Viewpoints Assessment

Appendix 6 - Statement of Basic Conditions

Appendix 7 - Consultation Statement

Appendix 8 - Strategic Environmental Assessment and Habitats Regulation Assessment

Appendix 9 - Loddon and Chedgrave Design Guidance and Codes

Planning Committee

08 December 2023

Agenda item number 11

Consultation Responses

Report by Planning Policy Officer

Summary

This report informs the Committee of the officer's proposed response to planning policy consultations received recently, and invites members' comments and guidance.

Recommendation

To note the report and endorse the nature of the proposed response.

1. Introduction

- 1.1. Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2. The Committee's comments, guidance and endorsement are invited.

Author: Natalie Beal

Date of report: 15 November 2023

Appendix 1 – Planning Policy consultations received

Appendix 1 – Planning Policy consultations received

Greater Norwich Partnership

Document: Greater Norwich Local Plan Main Modifications www.gnlp.org.uk

Due date: 06 December 2023

Status: Main Modifications

Proposed level: Planning Committee endorsed

Notes

The Local Plan is still in Examination and the hearings have been held. Following the hearings and answers to the various matters and questions raised by the Inspectors, the proposed modifications to the Local Plan are being consulted on.

Please note that the due date is before December Planning Committee and so a draft response has been sent in and following the December meeting, will be confirmed.

Proposed response

Summary of response

There are some objections proposed in relation to referencing the Broads. Some general comments are also made.

Detailed comments

Objection – MM8

The following text is proposed to be removed from Policy 2 - SUSTAINABLE COMMUNITIES: ~~5. Respect, protect and enhance local character and aesthetic quality (including landscape, townscape, and the historic environment), taking account of landscape or historic character assessments, design guides and codes, and maintain strategic gaps and landscape settings, including river valleys, undeveloped approaches and the character and setting of the Broads;~~

If this text is removed, there would be no reference to the Broads in this overarching strategic policy. The Broads is a protected landscape. It has a status equivalent to a National Park. Development near or on the edge of the Broads, that is in the GNLP area, has the potential to affect the Broads. This proposed modification is contrary to the NPPF and diminishes how the Greater Norwich Local Plan reflects and protects the Broads and is contrary to NPPF 176. Policy 2 must have reference to the Broads.

It should be noted that the Levelling Up and Regeneration Act, which received Royal Assent on 26 October 2023, amended Section 17A of the Norfolk and Suffolk Broads Act 1988. Section 17A which creates a general duty of public bodies, and this was amended to replace 'shall have regard to' with 'must seek to further' as follows:

(1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority ~~shall have regard to~~ **must seek to further** the purposes of—

(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;

(b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and] 2

(c) protecting the interests of navigation.

The changes proposed to Policy 2 do not further the purposes as required under the new Act.

Policy 3 has reference to the Broads, which is supported, but Policy 2 is the overarching main policy and given the importance of the Broads nationally and locally, the Broads needs to be mentioned in Policy 2. Furthermore, the change to Policy 3 that mentions the Broads is only in relation to the built and historic environment. It is not logical to just mention the Broads in relation to built and historic environment. The Broads is also relevant to the natural environment, but the Broads is not mentioned in that section (see next objection).

Therefore, the Broads should be mentioned where it is needed, and this starts at Policy 2. There is no reason given for removing reference to the Broads.

Table 8, row 5 – linked objection

Table 8 lists the key issues addressed by Policy 2. The 'local character' row is replaced by 'design' wording. The 'design' wording is fine, but is different to 'local character'. 'Local character' wording needs to be retained with the design wording being an additional row. Fundamentally, this change and the changes to Policy 2 remove all reference to the Broads, a protected landscape, in the 'Sustainable Communities' section. This does not seem to be acceptable.

Objection – MM9

- Policy 3 is about Environmental Protection and Enhancement. Under Natural Environment, it says in the first bullet point 'such as Landscape Character Assessment'. This needs to say 'Assessments' plural like the same text does in bullet one on the Built and Historic Environment. This is because the Broads Authority's Landscape Character Assessment may also be of relevance.
- Under Natural Environment in Policy 3 - needs to mention the Broads due to the landscape and also the Broads being home to much biodiversity; to just mention the Broads under the Built and Historic Environment (which is welcomed) is insufficient. The great importance for biodiversity is reflected in records for the Broads, which indicate:
 - Around 25% of the Broads designated for its international and nationally conservation status
 - 11,067 species
 - 19% of total protected species in the UK and 26% of the UK's Biodiversity Action Plan species and 17% of all nationally notable or scarce species.
 - 1,519 priority species, including 85% of Red and 94% of Amber designated UK Bird species • Nineteen Global Red Data Book species
 - A wide range within taxonomic groups: e.g. 403 species of beetle, 251 species of fly and 179 species of moth

- 66 Broads Speciality species: 14 species entirely, and 17 largely, restricted to the Broads in the UK, and 35 with its primary stronghold in the area.
- Given that development is proposed near to the Broads, and given the importance of the natural environment of the Broads, Policy 3 needs to not only mention the Broads under the Built and Historic environment, but also under Natural Environment section.

Objection – lack of consistency between policies.

There is a lack of consistency between some policies. I have used a table to illustrate this. You will see that all sites are located next to the River in Norwich but some mention the Broads in the supporting text or in the policy and others don't. Indeed, some modifications are proposed to refer to the Broads (which are welcomed), but the reference to the Broads is not consistent between these policies and needs to be. It is not clear why some modifications have been made to some policies and not to others given that the context of all the sites in relation to the Broads is exactly the same. I have added colour coding where green is that no change is needed, orange is that the Broads is mentioned, but not correctly or consistently with other policies so needs changing and red where text is missing and needs adding in order to be consistent. Considering all the sites have exactly the same context, changes are required to make them all consistent and so 'green' across the board, like Policy CC4B.

Site policy number	Location of site	Reference to the Broads in policy	Reference to the Broads in supporting text		Change needed to policy	Change needed to supporting text
			Consider the Broads	Early engage with the Broads Authority		
0068	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	No mention	Yes at 2,29.	Yes, but strangely at 2.30, only regarding flood risk and water disposal which is not our role and this needs changing as it is misleading and factually incorrect.	As per 0401 and CC4b, needs to say something like: <u>takes advantage of its riverside context and prominent location within the City Centre Conservation Area and immediately adjacent to the Broads</u>	Add this wording: <u>As the site lies adjacent to the River Wensum, it is recommended that developers engage in early discussions with the Environment Agency and the Broads Authority.</u> This would make the policy consistent with what is already in CC4b and CC16 and CC7.
0401	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	Yes	Yes at 2.50	No	None	Add this wording: <u>As the site lies adjacent to the River Wensum, it is recommended that developers engage in early discussions with the Environment Agency and the Broads</u>

Site policy number	Location of site	Reference to the Broads in policy	Reference to the Broads in supporting text		Change needed to policy	Change needed to supporting text
			Consider the Broads	Early engage with the Broads Authority		
						<u>Authority</u> . This would make the policy consistent with what is already in CC4b and CC16 and CC7.
CC4B	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	Yes	Yes at 2.121	Yes at 2.121 which is a proposed change	None	None – changed to refer to the Broads which is supported.
CC16	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	No	Yes at 2.193	Yes at 2.203 which is a proposed change	As per 0401 and CC4b and CC8, needs to say something like: <u>takes advantage of its riverside context and prominent location within the City Centre</u>	None – changed to refer to the Broads which is supported.

Site policy number	Location of site	Reference to the Broads in policy	Reference to the Broads in supporting text		Change needed to policy	Change needed to supporting text
			Consider the Broads	Early engage with the Broads Authority		
					<u>Conservation Area and immediately adjacent to the Broads</u>	
0409AR	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	No	Yes at 2.58	No	As per 0401 and CC4b and CC8, needs to say something like: <u>takes advantage of its riverside context and prominent location within the City Centre Conservation Area and immediately adjacent to the Broads</u>	Add this wording: <u>As the site lies adjacent to the River Wensum, it is recommended that developers engage in early discussions with the Environment Agency and the Broads Authority.</u> This would make the policy consistent with what is already in CC4b and CC16 and CC7.
0409BR	Immediately adjacent to the river which is therefore	No	Yes at 2.58	No	As per 0401 and CC4b and CC8, needs to say something like: <u>takes advantage of</u>	Add this wording: <u>As the site lies adjacent to the River Wensum, it is recommended that developers</u>

Site policy number	Location of site	Reference to the Broads in policy	Reference to the Broads in supporting text		Change needed to policy	Change needed to supporting text
			Consider the Broads	Early engage with the Broads Authority		
	immediately adjacent to the Broads.				<u>its riverside context and prominent location within the City Centre Conservation Area and immediately adjacent to the Broads</u>	<u>engage in early discussions with the Environment Agency and the Broads Authority.</u> This would make the policy consistent with what is already in CC4b and CC16 and CC7.
CC7	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	No	Yes at 2.135	Yes at 2.134	As per 0401 and CC4b and CC8, needs to say something like: <u>takes advantage of its riverside context and prominent location within the City Centre Conservation Area and immediately adjacent to the Broads</u>	None – already ok.

Site policy number	Location of site	Reference to the Broads in policy	Reference to the Broads in supporting text		Change needed to policy	Change needed to supporting text
			Consider the Broads	Early engage with the Broads Authority		
CC8	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	Yes	Yes at 2.145	No	None	Add this wording: <u>As the site lies adjacent to the River Wensum, it is recommended that developers engage in early discussions with the Environment Agency and the Broads Authority.</u> This would make the policy consistent with what is already in CC4b and CC16 and CC7.
GNLP0360/3053/R10	Immediately adjacent to the river which is therefore immediately adjacent to the Broads.	Only reference to the part of the Utilities Site in the Broads, nothing in relation to being next to the river/Broads.	Only reference to the part of the Utilities Site in the Broads, nothing in relation to being next to the river/Broads.	Only reference to the part of the Utilities Site in the Broads, nothing in relation to being next to the river/Broads.	For all of the three sites, as per 0401 and CC4b and CC8, needs to say something like: <u>takes advantage of its riverside context and prominent</u>	For all of the three sites say: <u>As the site lies adjacent to the River Wensum, it is recommended that developers engage in early discussions with the Environment</u>

Site policy number	Location of site	Reference to the Broads in policy	Reference to the Broads in supporting text		Change needed to policy	Change needed to supporting text
			Consider the Broads	Early engage with the Broads Authority		
					<u>location within the City Centre Conservation Area and immediately adjacent to the Broads</u>	<u>Agency and the Broads Authority.</u> This would make the policy consistent with what is already in CC4b and CC16 and CC7.

Comments

- **MM11:** This Modification proposes this change to Policy 5: ~~have safe and sustainable access to schools and facilities;~~ **Is within reasonable travelling distance of schools, services and shops, preferably by foot, cycle or public transport.** Being within walking distance or cycling distance is one thing, but what about the route? There needs to be footways for people to use to get to these facilities and the amendment does not say that. The original text referred to 'safe' which is useful and needs to be reintroduced.
- Map page 16 of the Sites document needs to show the part of the Utilities Site that is in the Broads. This does not affect the soundness of the Local Plan especially given the stance in the Plan that the sites in East Norwich are seen as one, including the part in the Broads.
- Para 205 of the Strategy - goes on to state that development should avoid intruding into important views of historic assets. Historic England guidance on the Setting of Historic assets ([The Setting of Heritage Assets \(historicengland.org.uk\)](http://historicengland.org.uk)) and numerous appeal decisions make clear that the setting of a heritage asset is much greater than views and it is the setting of heritage assets that need to be considered not specific views.
- GNLP0378R/GNLP2139R, GNLP0312, GNLP1001 and para 5.42 – please also mention dark skies of the Broads. The Broads has intrinsically dark skies. You mention the setting of the Broads, which is welcomed, but please add reference to protecting the dark skies of the Broads.
- Broadland villages: Cantley map, page 15 – show the Broads for consistency and to show the context.
- Broadland villages: Horstead and Coltishall map, page 25 – show the Broads for consistency and to show the context.
- Broadland villages: Salhouse – again should the Conservation Area (CA) be mentioned – potential for limited impact on the wider setting of the CA at the site allocated in Salhouse.

Planning Committee

08 December 2023

Agenda item number 12

Annual Monitoring report

Report by Planning Policy Officer

Summary

The Annual Monitoring Report (AMR) sets out planning related data from 1 April 2022 to 31 March 2023. It also includes the annual check of exemptions related to self-build.

Recommendation

To note the report and endorse its findings.

1. Introduction

1.1. The Annual Monitoring Report (AMR) assesses planning permissions granted over the monitoring period from 1 April 2022 to 31 March 2023. It also assesses how policies in the Local Plan for the Broads were used. The Local Plan monitoring indicators are a key component of this AMR, which provides an update on the Duty to Cooperate and progress on the Local Plan and other associated documents. The AMR will be published on the Broads Authority's website.

2. AMR Headline figures

2.1. The following are the headline figures taken from the AMR (at Appendix 1):

- a) Total number of dwellings completed in 2022/23: 5
- b) Total number of houses permitted in 2022/23: 3
- c) 1 unit of holiday accommodation count towards the housing need for the Broads
- d) The average number of dwellings permitted since the adoption of the Local Plan is 12.75 dwellings, which is greater than the Local Plan average of 11.43 dwellings.
- e) Approval rate (as a percentage of validated applications) is 88.2%
- f) 0 residential moorings permitted.
- g) 3 appeals decided, 0 allowed and 3 dismissed.
- h) Self-build exemption from the duty to give enough suitable development permissions to meet the identified demand.

i) 5-year land supply:

Approach	Supply in years
Liverpool	5.15
Sedgefield	4.27

2.2. The Authority can only demonstrate a five-year land supply using the Liverpool method. When it comes to the Sedgefield method calculation not reaching 5 years, it should be noted that:

- The presumption in favour of sustainable development applies, as set out in the NPPF paragraph 11(d), must be considered;
- Working the NPPG and NPPF through, however, as set out in paragraph 11(d)(i) of the NPPF and the related footnote 6, the presumption in favour of sustainable development does not apply to the Broads.

Author: Natalie Beal

Date of report: 23 November 2023

Appendix 1 – [Annual Monitoring Report 2022/23](#)

Annual Monitoring Report 2022/23

December 2023



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Cover photo credit: St Benet's Abbey, by Jackie Dent

1. Introduction

The Annual Monitoring Report (AMR) assesses planning permissions granted over the monitoring period from 1 April 2022 to 31 March 2023. It also assesses how policies in the Local Plan for the Broads were used. The Local Plan Monitoring indicators are a key component of this AMR. The AMR provides an update on the Duty to Cooperate as well as progress on any work related to producing the Local Plan and other associated documents.

The source of the data in this AMR is mainly from data collected and held by the Broads Authority (BA). If you have any queries regarding this AMR, please contact the Planning Team at the Broads Authority on 01603 610734.

2. Duty to Cooperate

The Localism Act 2011 introduced a ‘duty to cooperate’ on strategic planning matters (defined as those affecting more than one planning area) applying to local planning authorities and a range of other organisations and agencies. The following provides an overview of the types of cooperation going on between BA and other organisations covered by the duty, during the year under review.

A Duty to Cooperate Statement has been produced to accompany the Local Plan and it can be found here [Duty to Cooperate Statement February 2018 \(PDF | broads-authority.gov.uk\)](#)

The main cooperation outcome has been that Great Yarmouth Borough Council has agreed to accommodate the residual need of 38 dwellings which arises in the Borough’s part of the Broads.

The [Norfolk Strategic Planning Framework version 3](#) has been produced and endorsed by all Norfolk Local Planning Authorities. This is a series of agreements that all Norfolk Authorities will sign up to.

The Authority continues to engage proactively with our District Councils, the rest of Norfolk and Suffolk and the County Councils mainly through meetings and responding to consultations, as well as working on joint projects.

Joint projects that were undertaken, completed or started in the 2022/23 monitoring period are as follows:

- Continued work on a Norfolk and Suffolk Coast Supplementary Planning Document, working with East Suffolk, Great Yarmouth and North Norfolk Councils.
- Suffolk Design Work – working with the rest of Suffolk Local Planning Authorities.
- Suffolk and Norfolk LPAs – joint work on Biodiversity Net Gain.
- Joint work with other authorities on preparation for the Norfolk and Suffolk Local Nature Recovery Strategy.
- Masterplanning work for East Norwich – working with Norwich City Council and Norfolk County Council.

- East Suffolk Walking and Cycling Strategy.
- Endorsing and starting to implement the Suffolk Coast and Norfolk Green Infrastructure and Recreation Impact Avoidance and Mitigation Strategies.
- Early work, with Norfolk Local Planning Authorities, on Nutrient Neutrality.
- Endorsing East Suffolk Affordable Housing SPD.

3. Local Plan and other Planning Policy Documents

The Local Plan for the Broads was adopted in May 2019. It has therefore been in place to be used in determining planning applications for all of the 2022/23 monitoring period. The Local Plan webpage is here: [Local Plan for the Broads \(broads-authority.gov.uk\)](https://broads-authority.gov.uk). The table at [Appendix D](#) reflects the monitoring indicators from the Local Plan. It also shows how the policies are generally working.

During the monitoring period, the Local Plan review began. The Local Plan webpage above includes work completed to date, which is as follows:

- [Issue and Options consultation document](#) with [SA](#) and [HRA](#).
- [Assessment of comments received as part of the Issues and Options consultation.](#)
- Call for sites as part of the Issues and Options consultation.
- Assessment of sites put forward for consideration as part of the call for sites: [HELAA](#).
- [Updated Settlement Study.](#)
- Drafting of some Preferred Options policies – ongoing.

4. Neighbourhood Plans

Neighbourhood Plans continue to be produced during the 2022/23 monitoring period and an up to date list detailing progress of the Neighbourhood Plans is available at:

[Neighbourhood planning \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

[Appendix A](#) shows a map of Neighbourhood Plans that are relevant to the Broads. Notably, the following Neighbourhood Plans were adopted/made in the monitoring period:

- Lound Ashby Herringfleet and Somerleyton neighbourhood area
- Worlingham
- Bungay

5. Completions of net new housing in 2022/23

The following schemes have been completed in the 2022/23 period. Data was collected either through phoning the applicant or agent or site visits. For the purposes of the AMR, completed means that it has windows and doors.

App No	District	Proposal	Type	Net New	Self-Build (April 2016 onwards)?
BA/2020/0042/CUPA	NNDC	Notification for Prior Approval for a proposed change of use of the first floor of building from Office Use (Class B1(a)) to a to single dwellinghouse (Class C3)	Residential	1	No
BA/2022/0152/CLEUD	GYBC	Lawful Development Certificate for 10 years use of a building as a dwellinghouse within Class C3	Residential	1	No
BA/2015/0426/FUL	ESC	Conversion of existing barns and outbuildings to form new residential units and erection of a new stable block.	Residential	3*	No

* 3 of the 4 dwellings that were permitted have been completed.

Number of residential dwellings: 5

Number of holiday homes: 0

Total number of dwellings completed in 2021/22: 5

6. Net new dwelling applications permitted in 2022/23

The following table sets out some details of permitted housing related applications. These applications also appear in Section 8 as they are yet to be completed.

Planning application reference	Parish	District	How many new dwellings?	How many dwellings lost?	Net total of dwellings?	How many new affordable dwellings?	How many affordable dwellings lost?	Net total of affordable dwellings?	On previously developed land?	In development boundary?	Is the dwelling a rural enterprise dwelling?	Is the scheme for elderly/specialist need housing?	Is the scheme for self-build?
BA/2023/0014/FUL	Bungay	East Suffolk	1	0	1	0	0	0	Yes	No ^a	No	No	No
BA/2022/0152/CLUED	Repps with Bastwick	Great Yarmouth	1	0	1	0	0	0	No	No ^c	No ^c	No	No
BA/2021/0434/FUL	Mautby	Great Yarmouth	1	0	1	0	0	0	Yes	No ^b	See below ^b	No	No

a – Location in Bungay and 200m from town centre, surrounded by residential so not appropriate location for additional business or commercial/tourism use, access poor and servicing limited, not appropriate location for additional business or commercial/tourism use (part of justification is existing storage to be moved off site as not functioning well in present location) and majority of building retained in business use.

b – site split across two LPAs. Already had rural enterprise dwelling in GYBC part. Wanted that to be tourist accommodation and therefore a new dwelling for manager in BA part of site.

c – this is a certificate of lawful use and the applicant was able to prove continued use

Total number of dwellings permitted in 2022/23: 3 dwellings

Number of dwellings permitted in 2022/23 that count toward the OAN: 1 dwelling – note that BA/2022/0152/CLUED is included in completions in section 5.

It should be noted that during this entire monitoring period, schemes for overnight accommodation in parts on Norfolk were not able to be put forward due to nutrient enrichment issues. This is the likely reason why only one unit of accommodation has been permitted.

7. Tourism accommodation applications permitted in 2022/23

The following table sets out some details of permitted tourism accommodation related applications. It also identifies if these units are self-contained and, in theory, could be lived in and therefore count towards the Objectively Assessed Housing Need set out in the Local Plan. These applications also appear in Section 8 as they are yet to be completed.

Planning Application Number	What type? (for example, tent pitches, glamping, caravans, second home, holiday home, other)	How many new 'units' of holiday accommodation?	How many lost 'units' of holiday accommodation?	Net total 'units' of holiday accommodation?	Any occupancy conditions?	On Previously developed land?	Count towards OAN?
BA/2021/0424/FUL	Demolition of existing chalet (retrospective) and replacement	1	1	0	Not main or sole residence	Yes	No
BA/2022/0251/COND	Allow year round occupation of 33 holiday units	-	-	-	No	Yes	No
BA/2022/0195/FUL	Proposed conversion of existing barn to a short term holiday let.	1	0	1	No	Yes	Yes

When calculating the need for housing for the Broads, the consultants ensured they considered empty homes – second and holiday homes. The Broads Authority calculated the numbers of second and holiday homes in the Broads part of various districts and provided the consultants with this data. As a result, considering that holiday and second homes were taken into account when calculating the need, they can be counted towards meeting the need. **1 unit of holiday accommodation counts towards the housing need for the Broads** (this is also listed in the table at section 8).

It should be noted that during this entire monitoring period, schemes for overnight accommodation in parts on Norfolk were not able to be put forward due to nutrient enrichment issues. This is the likely reason why only one net new unit of accommodation has been permitted.

8. Outstanding planning permissions for net new housing – all years

Our districts were contacted for any update they have on the schemes, such as through their building regulations teams. If needed, applicants or agents were called to ask if schemes were completed. The following schemes were not completed and the table shows if they had started or not. Applicants or agents were also asked if they had any idea of when the schemes would be completed. For some of the applications, despite numerous attempts at contacting either the agent or applicant, we were unable to get any update on when the scheme was likely to be completed (see last column). Indeed, some applicants who we spoke to, were not able to tell us when their scheme will likely be completed.

App No	District	Proposal	Net New	Self-Build (April 2016 onwards)?	Commenced?	Completion: 2023/24	Completion: 2024/25	Completion: 2025/26	Completion: 2026/27	Completion: 2027/28	Completion: After 2028	Completion: Unknown as at June 2023
BA/2010/0381/CU	SNDC	Change of Use of single storey barn to holiday cottage	1	N/A	y							1
BA/2012/0271/FUL OUL2	WDC	Re-development of former Pegasus Boatyard to provide 76 dwellings, new boatyard buildings, office, moorings and new access road.	76	N/A	y				15	15	46	
BA/2013/0156/FUL	NNDC	Removal of holiday caravan and erection of thatched boathouse with replacement holiday accommodation in roof space.	1	N/A	y							1
BA/2015/0426/FUL	WDC	Conversion of existing barns and outbuildings to form new residential units and erection of a new stable block.	4	yes - 1	y		1%					
BA/2017/0103/OUT THU1	GYBC	Outline application to redevelop Hedera House to form 6 residential dwellings and 10 new holiday cottages.	16	no	n		16					
BA/2017/0191/FUL	BDC	The conversion of a redundant agricultural building to a single dwelling, including associated building and landscaping works and the change of use of an existing dwelling to provide a dedicated tourism use.	1	no	y							1
BA/2018/0007/FUL	GYBC	Change of use of outbuildings to 2 No. holiday lets	2	no	y							2
BA/2018/0279/FUL	GYBC	Change of use of existing barn & cattery to holiday accommodation	1*	no	y							1
BA/2019/0118/FUL	GYBC	Erection of 7 residential dwellings, 12 permanent residential moorings, 9 resident moorings, 10 visitor moorings, 1 mooring for Broads Authority, the	7	No	y		3	4				

App No	District	Proposal	Net New	Self-Build (April 2016 onwards)?	Commenced?	Completion: 2023/24	Completion: 2024/25	Completion: 2025/26	Completion: 2026/27	Completion: 2027/28	Completion: After 2028	Completion: Unknown as at June 2023
		redevelopment of the Marina building as offices & storage with associated landscaping & parking										
BA/2019/0345/FUL	GYBC	Convert barn to two-bedroom holiday let.	1	no	y	1						
BA/2020/0053/FUL	GYBC	Demolition of former marina building & erection of 2 residential dwellings with parking & residential moorings.	2	no	y			2				
BA/2021/0084/FUL	ESC	Sub-divide shop into 2 units, new shop fronts and 1x flat to the rear	1	no	n							1
BA/2021/0276/CUPA	BDC	Conversion of office to 6 residential units	6	no	n		6					
BA/2020/0408/FUL	ESC	Demolition of existing dwelling (Westerley) & erection of replacement dwelling and erection of new dwelling on neighbouring plot (The Moorings).	1	no	n	1						
BA/2021/0233/FUL	NNDC	Three-bedroom detached bungalow.	1	no	n		1					
BA/2021/0181/FUL STO1	GYBC	Residential development of 2no. semi-detached townhouses and 2no. detached houses	4	no	n	4						
BA/2021/0417/FUL	SNDC	Conversion & change of use to short term holiday let	1	no	n							1
BA/2021/0145/FUL	NNDC	Proposed demolition of the existing Ludham Bridge Stores and Wayfares cafe for the erection of a replacement building and extension to accommodate a new cafe and store, alongside 3 proposed holiday lets to the rear.	3	no	n							3
BA/2020/0259/FUL	GYBC	Part retrospective: Restoration of pumphouse including extension to form a dwelling and part use as a visitor centre. Restoration of mill for use as annex including re-instatement of scoopwheel and sails. Construction of an outbuilding to house a water treatment plant. Temporary stationing of caravan.	1	no	y							1
BA/2023/0014/FUL	ESC	Change of use of half of the building from storage to residential incl rooflights and windows	1	no	n		1					
BA/2022/0195/FUL	SNDC	Proposed conversion of existing barn to a short term holiday let.	1	no	n	1						
Total	-	-	130			7	28	6	15	15	46	12

* the permission is for 2 dwellings, but one has been completed (see section 5)

% - the permission is for 4 and three have been completed (see section 5)

9. Local Plan Allocations – net new housing

The following shows when the allocations for net new housing that are allocated in the Local Plan for the Broads could be delivered. Please note that the schemes at Pegasus and at Thurne, and more recently, Stokesby, are included in the previous table (as they also have permission).

Site	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Total	General location	District
HOV3			6										6	Hoveton	North Norfolk
NOR1							40	40	40				120	Norwich	Norwich
Total	0	0	6	0	0	0	40	40	40	0	0	0	126	-	-

- HOV3 – there are some discussions about various uses for this site. In the 2019/20 AMR, following discussion with the agent, they have suggested that delivery could be after the next 5 years; this timeframe is continued in this AMR – the site is not included in the 5-year land supply calculations.
- NOR1 – continues to be a constrained site, but the Broads Authority are working with Norwich City Council who are liaising with the landowners of that site and other sites in the area regarding bringing forward the site for development. A Masterplan, that is likely to become a SPD, is under production.

10. Planning applications data

The following table sets out the number of planning applications received between 1 April 2022 and 31 March 2023 and how many were permitted or refused.

Applications*	Total
Total number submitted	255
Validated applications	229
Approved applications	189
Refused applications	15
Withdrawn applications	18

* These totals do not include any Non-Material Amendments, Applications for Approval of Details Reserved by Condition, Neighbour LPA Consultations/County Matter consultations, Screening/Scoping opinions or Pre-Apps.

Approval rate (as a percentage of validated applications) is 88.2%

11. Appeals

The following table sets out the number of appeals between 1 April 2022 and 31 March 2023 and how they were determined.

- Decisions: 3
- Dismissed: 3
- Allowed: 0
- Part Allowed/Part Dismissed: 0
- Withdrawn: 1
- Decisions outstanding: 16

12. Residential moorings

No applications for residential moorings were received in monitoring period.

13. Moorings/Access to water

The following table sets out some details of permitted mooring/access to water related applications.

Planning Application Number	Location	Description	Number of new moorings/length	New visitor moorings (DM33)	Type	Public or private?
BA/2022/0091/FUL	Horning	Replacement quayheading at raised level	0	0	N/A	N/A
BA/2022/0290/FUL	Ditchingham	Hard bank to base of dwelling flank wall	0	0	N/A	N/A
BA/2022/0339/FUL	Horning	Replace timber quay-heading & decking with plastic quay-heading with timber fascia & timber decking	0	0	N/A	N/A
BA/2022/0484/FUL	Oulton Broad	Replacement quay, floating pontoon, fencing and gate	0	0	N/A	N/A
BA/2022/0145/HOUSEH	Hoveton	Renew and extend quay heading. Remove existing jetty and replace with a timber platform.	0	0	N/A	Private
BA/2022/0172/HOUSEH	Ludham	Creation of an additional mooring	1	0	N/A	Private
BA/2022/0174/HOUSEH	Coltishall	Excavation of a mooring cut and replacement of quay heading	1	0	N/A	Private
BA/2022/0230/HOUSEH	Repps with Bastwick	Replace quay-heading and	0	0	N/A	Private

Planning Application Number	Location	Description	Number of new moorings/length	New visitor moorings (DM33)	Type	Public or private?
		widen mooring cut (retrospective)				
BA/2022/0247/FUL	South Walsham	Reconfiguration of moorings and replacement of 112m of quay-heading	0	0	N/A	Public
BA/2022/0292/HOUSEH	Horning	Replacement of 110m of quayheading in timber	0	0	N/A	Private
BA/2022/0342/HOUSEH	Horning	Removal and replace 57 metres of quay heading, 2. replace existing decking, 3. Install x2 klargester water treatment plants	0	0	N/A	Private
BA/2022/0398/HOUSEH	Oulton Broad	Replace quay (part) & jetty with new quay-heading (part) & floating pontoons	0	0	N/A	Private
BA/2022/0432/HOUSEH	Wroxham	Part retrospective replace timber quay heading and decking.	0	0	N/A	Private

The cumulative list of moorings delivered as a result of policy DM33 (and its predecessor DP16) is as follows. No new mooring schemes were added to this list this monitoring period.

Application number	Location	Detail	Available?
BA/2015/0244/COND	Barnes Brinkcraft, Hoveton	6 moorings now available.	Yes
BA/2012/0121/FUL	Brundall Church Fen	25m provided.	Yes
BA/2013/0397/FUL	Ferryview Marina (now Horning Pleasurecraft)	2 visitor moorings provided.	Yes
BA/2013/0163/FUL	Pyes Mill, Loddon	2 visitor moorings provided.	Yes
BA/2014/0426/FUL	Sutton Staithe	2 visitor moorings provided.	Yes
BA/2015/0172/FUL	Swanecraft	2 visitor moorings provided	Yes
BA/2014/0010/FUL	Eastwood Marine, Brundall	2 visitor moorings provided.	Yes
BA/2017/0268/FUL	Wayford Marina, Wayford Road, Wayford Bridge	2 visitor moorings provided.	Yes
BA/2018/0149/FUL	Oulton Broad	4 visitor moorings provided	Yes
BA/2019/0118/FUL	Marina Quays, Great Yarmouth	10 visitor moorings provided	Yes
BA/2017/0369/FUL	St Olaves Marina	2 visitor moorings provided.	Yes

14. Heritage indicators

a. Conservation Area Appraisals Reviewed

(Source: Broads Authority Historic Environment Officer)

Conservation Area Review	Adopted
Beccles	July 2014
Belaugh	October 2021
Bungay	January 2022
Coltishall and Horstead	August 1983 (currently under review by BDC)
Ditchingham	March 2013
Ellingham	March 2013

Geldeston	March 2013
Halvergate Marshes	March 2015
Halvergate and Tunstall	September 2023
Horning	December 2012
Langley Abbey	February 2014
Loddon and Chedgrave	December 2016
Ludham	August 2020
Neatishead	May 2011
Norwich Bracondale	March 2011
Norwich St Matthews	March 2007
Norwich City Centre	September 2007
Oulton Broad	July 2015
Salhouse	April 2004
Somerleyton	March 2011
Stalham Staithe	March 2017
Thorpe St Andrew	December 2007
Trowse with Newton	September 2012
West Somerton	November 2018
Wroxham	July 2010

b. Number of Listed Buildings at Risk

(Source: Broads Authority Historic Environment Officer)

Grade I	1
Grade II*	5
Grade II	13
SAM	2
Total	21

15. Brownfield Register

The [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) requires local authorities to prepare and maintain registers of brownfield land that is suitable for housing. All Local Planning Authorities were required to set up a Brownfield Register by the end of 2017 and update it every year. The most recent register for the Broads Authority can be found here: <http://www.broads-authority.gov.uk/planning/Other-planning-issues/brownfield-register>.

16. Class E applications

Class E includes the following:

Use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The table within this article shows how some uses have changed to Class E and to other new Classes as well. [Planning: use classes order changes \(pinsentmasons.com\)](https://www.pinsentmasons.com/planning-use-classes-order-changes).

The following table sets out some details of permitted E Class uses.

Planning Application Number	Description	Parish	Which land use?	Is it within the town centre?	New floor space (sqm)	Lost floor space (sqm)?	Net floor space (sqm)
BA/2022/0119/FUL	Installation of new shopfront and signage	Hoveton	Class E	Yes	N/A	N/A	N/A
BA/2022/0465/FUL	Installation of ATM (Retrospective)	Oulton Broad	Class E	Yes	N/A	N/A	N/A
BA/2022/0258/FUL and BA/2022/0419/LBC	Alterations & extensions to 1, 2 & 3 Barn Mead Cottages to create a new Spa Treatment Centre	Coltishall	Class E	No	558	0	272

17. Employment

The following table sets out some details of permitted employment related applications.

Planning Application Number	Description	What use class?	new floor space (state units)	lost floor space (state units)	Net total (state units)	On previously developed land?
BA/2023/0049/FUL	Revised scheme for office and dingy store building	Reception and storage	33.51sq	0	33.51sq	no

18. Renewable/low carbon energy

The following applications were for/included low carbon/renewable energy generation.

Planning application number	Description	Location	Generation
BA/2023/0016/HOUSEH	14 PV panels on roof	Coltishall	390W per panel so in total 5,460W
BA/2022/0373/FUL	Installation of 2no. biomass boilers, associated flues and drying kilns	Barsham and Shipmeadow	210kW

19. RAMS

During the monitoring period, the Suffolk Coast and Norfolk Recreation Impact Avoidance Mitigation Strategies were brought in. The following table shows relevant applications. See also the Infrastructure Funding Statement section for details.

Please note that the scheme BA/2021/0434/FUL, Mautby, Great Yarmouth did not pay RAMS. It was permitted in 2021, but due to a delay in the Section 106 agreement, the decision was issued a year or so later, but it was decided not to charge RAMS.

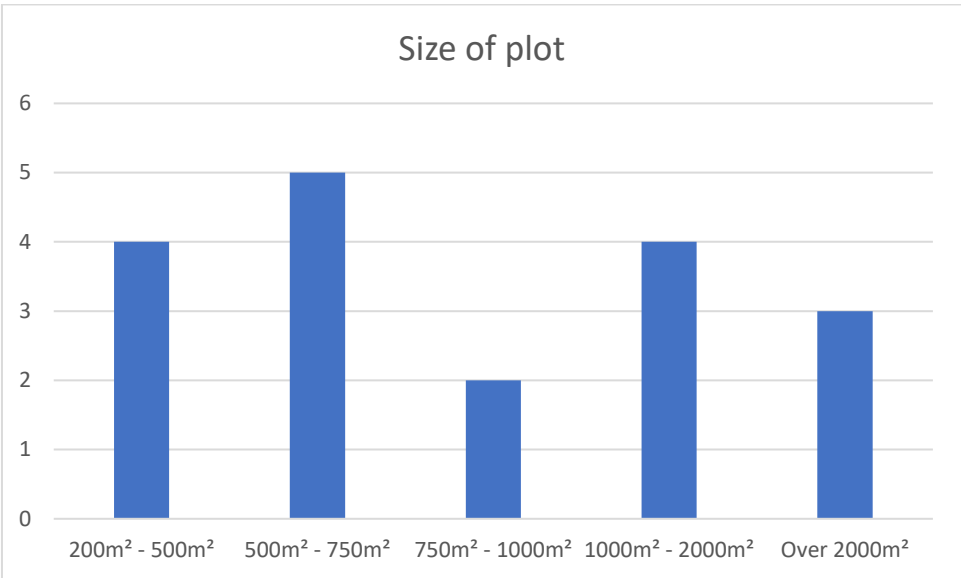
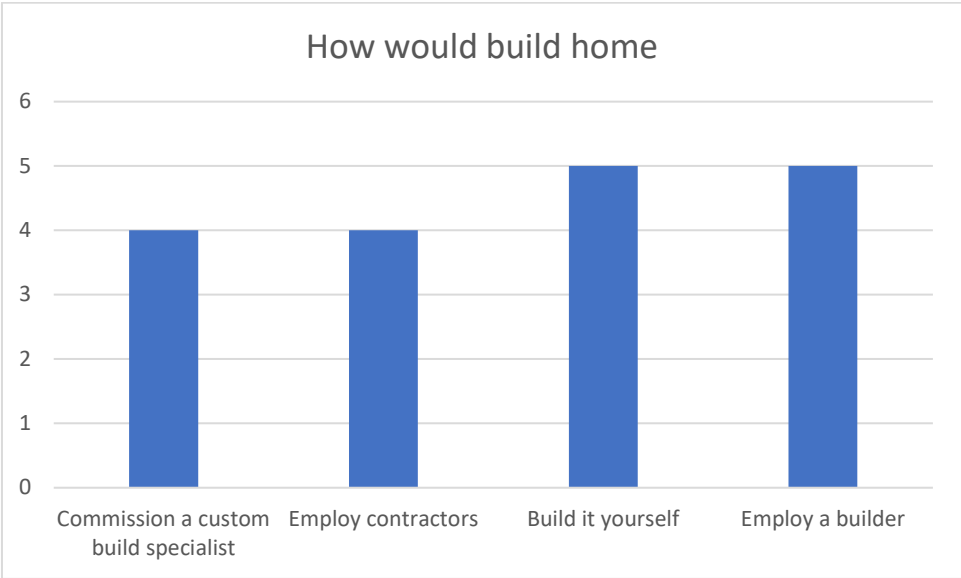
Application number	Location	Description	RAMS payment
BA/2022/0195/FUL	Builders Store, Falcon Lane, Ditchingham, NR35 2JG	Proposed conversion of existing barn to a short term holiday let	£210.84

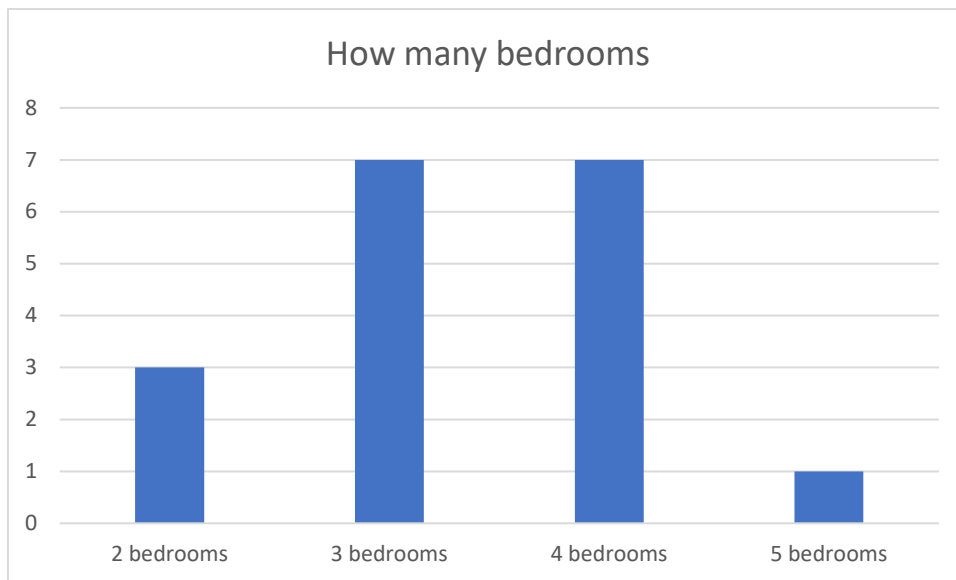
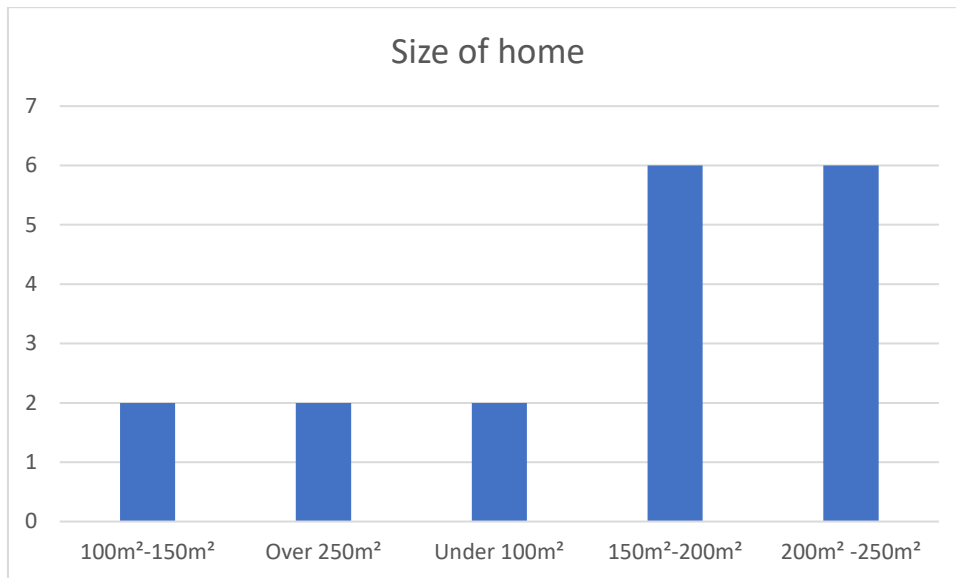
20. Self and Custom Build

Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.

The Broads Authority's register can be found here: [Self-build and custom build register \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

Here is a summary of the information provided by those who filled out the register. The total number of people who filled out the register, between 31 October 2022 and 4pm 30 October 2023 is: 18 people.





Since 2017, the Broads Authority has had an exemption from the duty to give enough suitable development permissions to meet the identified demand. In order to maintain this exemption, the Broads Authority needs to check demand against land availability each year. This calculation is included at [Appendix B](#). As can be seen at Appendix B, when calculating the demand as a percentage of the land availability, in all derivations of the calculation, the % is greater than 20%.

Therefore, the exemption from the duty to permit is maintained.

21. Progress towards housing targets

The Local Plan for the Broads adopts a housing target. This is the first time there has been a housing target for the Broads. The Local Plan says:

The Authority will endeavour to enable housing delivery to meet its objectively assessed housing need throughout the Plan period which is 286 dwellings. The Broads is within 3 housing market areas and the need within each HMA is as follows:

- **Central Norfolk HMA: 163**
- **Waveney HMA: 57**
- **Great Yarmouth Borough HMA: 66**

The Authority will allocate land in the Local Plan to provide around 146 net new dwellings. To meet the remaining requirement of 38 dwellings to 2036, which falls within that part of the Broads in the Borough of Great Yarmouth, the Authority will work with Great Yarmouth Borough Council to address housing need.

As shown in previous sections, in this monitoring period, there were 2 dwellings permitted. See sections 6 and 7.

The annual average housing requirements, as set out in the Local Plan, is 11.43 dwellings.

The cumulative total of dwellings permitted since adoption of the Local Plan is 51, broken down as follows:

2019/20: 21 dwellings

2020/21: 7 dwellings

2021/22: 21 dwellings

2022/23: 2 dwellings

The average number of dwellings permitted over the four years is 12.75 dwellings, which is greater than the Local Plan average of 11.43 dwellings.

22. Progress towards residential moorings target

The Local Plan for the Broads has an adopted residential mooring target of 63 residential moorings. In the monitoring period, 0 residential moorings were permitted. There has been no other progress on the 51 residential moorings allocated in the Local Plan for the Broads.

12 residential moorings have been permitted to date. None in this monitoring period.

23. Infrastructure Funding Statement

The Community Infrastructure Levy (CIL) Regulations and National Planning Policy Framework require all local planning authorities to publish their developer contributions data on a regular basis and in an agreed format. Local planning authorities that have received developer contributions must publish, at least annually, an infrastructure funding statement summarising their developer contributions data. Developer contributions include section 106 planning obligations, CIL, section 278 agreements and any agreements that either secure funding towards new development or provide infrastructure as part of any new development. One scheme resulted in planning obligations in the monitoring period. The details are as follows.

Application number	Location	Description	Planning obligation details
BA/2021/0434/FUL	Mautby and Runham	Proposed managers accommodation bungalow and office facilities	To only use the existing managers accommodation as managers accommodation in accordance with the existing permission until the development is complete. Where the proposed managers accommodation is not occupied or subsequently ceases to be occupied in accordance with the permission to revert back to occupying the existing managers accommodation as managers accommodation in accordance with the existing permission. Subject to paragraph 1.3 not to occupy or allow occupation of the proposed managers accommodation unless and until the commencement of the use of the existing managers accommodation for holiday accommodation has occurred and thereafter not to use the existing managers accommodation in any way as a permanent residence or let/ or lease or otherwise dispose of the existing managers accommodation for such permanent residential purpose.

The actual documents that the Government requires to be completed can be found on our website: [Developer contributions \(broads-authority.gov.uk\)](https://broads-authority.gov.uk/developer-contributions)

24. Five Year Land Supply

24.1. Calculation

The detailed calculations for the 5-year land supply can be found at [Appendix C](#). This is a summary:

Approach	Supply in years
Liverpool	5.15
Sedgefield	4.27

The Broads Authority does have a five-year land supply when using the Liverpool method, but not when using the Sedgefield method.

24.2. Discussion

The Liverpool approach spreads any housing delivery shortfall across the plan period rather than concentrating it into the relevant five-year period as is the Sedgefield approach.

The NPPG says: In decision-taking, if an authority cannot demonstrate a 5 year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in [paragraph 11d of the National Planning Policy Framework](#).

Paragraph: 008 Reference ID: 68-008-20190722

Revision date: 22 July 2019

Paragraph 11d of the NPPF says:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

With footnote 7 saying: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in [paragraph 73](#)); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years. Transitional arrangements for the [Housing Delivery Test](#) are set out in [Annex 1](#).

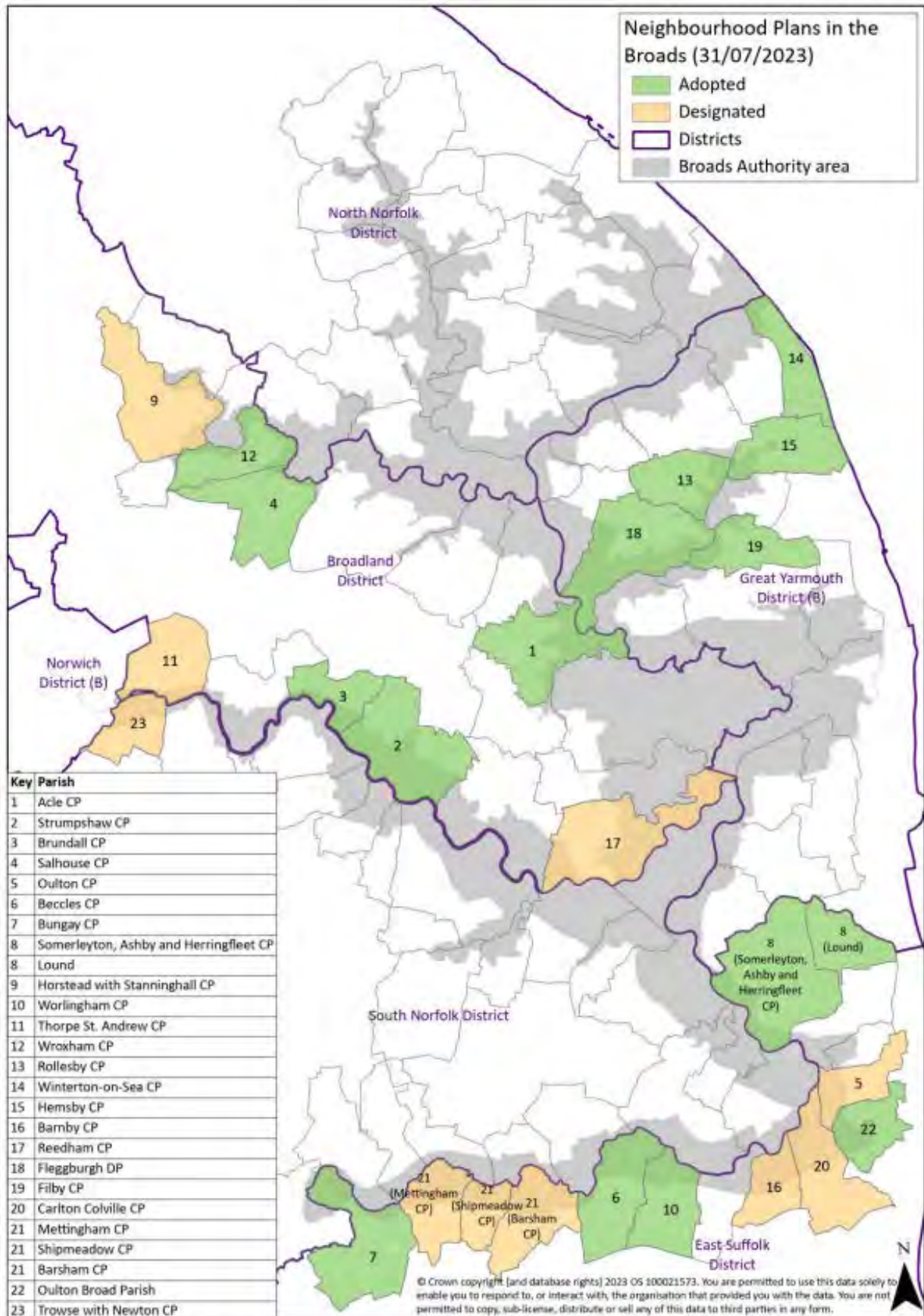
Footnote 6 saying: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in [paragraph 176](#))

and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in [footnote 63 in chapter 16](#)); and areas at risk of flooding or coastal change.

24.3. Conclusion

The Authority can demonstrate a five-year land supply using the Liverpool method, but not the Sedgfield method.

Appendix A: Neighbourhood Plans in the Broads.



Appendix B: Annual refresh of the application for exemption to the duty to permit etc.

B1 Introduction

The purpose of this note is to assess if Broads Authority will still be exempt to the duty to permit for base period 8.

The NPPG says¹:

Paragraph: 031 Reference ID: 57-031-20210508

‘An exemption is only granted in relation to a given base period. At the end of each subsequent base period authorities must calculate demand on their register as a percentage of the deliverability of housing over the next 3 years. If, at the end of any given base period, the demand in that base period, when expressed as a percentage of future land availability, is assessed to be 20% or below, the authority is deemed to no longer be exempt and must inform the Secretary of State that this is the case. For these no longer exempt authorities, should demand as a percentage of future land availability increase to over 20% in subsequent base periods they may again apply for an exemption’.

The percentage of the deliverability² of housing is the result of a calculation based on the following data: land availability and demand from the register. This percentage is compared to the 20% threshold noted in the NPPG.

B2 Land availability

B2.1 Deliverability

In terms of deliverability, the NPPF 2021 states that: ‘To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield

¹ [Self-build and custom housebuilding registers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/90222/self-build-and-custom-housebuilding-registers-2019.pdf)

² Please note that in July 2020 the NPPG was updated in relation to ‘deliverability’. The changes to the NPPG have been considered when determining if a site is deliverable or not.

register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years'

The following assumptions have been taken to measure land availability:

- i. For land availability method 1 is based on emerging allocations/permissions that could come forward as self-build
- ii. For land availability method 2, all allocations/permissions for all dwellings are included.
- iii. The delivery timescales are estimated if not known (see previous sections of AMR)
- iv. The numbers include replacements and net new dwellings.
- v. Holiday accommodation is not included.

The land availability is therefore considered a best-case scenario (in reality could be much less) which is a conservative approach for the calculation of the percentage of deliverability of housing.

B2.2 Allocations in the Local Plan for the Broads

STO1 allocation has permission, but on assessing that permission, no dwellings are for self build. No other allocations in the Local Plan for the Broads are likely to come forward over the next few years.

B2.3 Extant planning permissions

The following table shows the sites with extant planning permission. This includes replacement dwellings and net new dwellings. It is assumed that these extant planning permissions will be delivered in the next three years. This is effectively the 'best case' scenario but in reality, the land availability could be less. The first table sets out the schemes that are self-build and the second sets out net new and replacement schemes that are and are not self-build.

Please note that this data is different to that in the 5-year land supply (later in this document) because this data goes up until 30 October 2023 whereas the five-year land supply data is up to 31 March 2023. Also, the self-build data includes replacements but not holiday accommodation and so is different to the five-year land supply data (which includes net new market and holiday dwellings but not replacements).

Table BA: Applications that are for self-build only – method 1

Application Number	Number of Dwellings	Is the application for self-build/custom-build?	Net new or replacement	Status as at April 2022	Estimated completion
BA/2015/0426/FUL	1 ^x	Yes	Net new	Started	End 2024
BA/2020/0026/FUL	1	Yes	Replacement	Started	End 2024
BA/2022/0082/FUL	1	Yes	Replacement	No	End 2024
BA/2022/0227/FUL	1	Yes	Replacement	No	End 2024

Total: 4

^x This scheme is for four dwellings, but only one is self-build. Three dwellings have been completed. It is assumed that the self-build dwelling that is part of the scheme has not yet been completed.

Table BB: Applications that are for all net new and all replacement dwellings but not holiday accommodation.

App No	Type	No. dwellings	End 2023	End 2024	End 2025	End 2026	End 2027	After 2028
BA/2012/0271/FUL	Net new	76				15	15	46
BA/2015/0426/FUL ^x	Net new	1		1				
BA/2017/0103/OUT [%]	Net new	6		3	3			
BA/2017/0191/FUL	Net new	1			1*			
BA/2019/0118/FUL	Net new	7		3	4			
BA/2020/0026/FUL	Replacement	1		1*				
BA/2020/0053/FUL	Net new	2			2			
BA/2020/0259/FUL	Net new	1			1*			
BA/2020/0408/FUL	Net new and replacement [^]	2			2			
BA/2021/0084/FUL	Net new	1		1*				
BA/2021/0181/FUL	Net new	4	4					
BA/2021/0233/FUL	Net new	1		1				
BA/2021/0276/CUPA	Net new	6			6			
BA/2021/0434/FUL	Net new	1		1*				

App No	Type	No. dwellings	End 2023	End 2024	End 2025	End 2026	End 2027	After 2028
BA/2022/0012/FUL	Replacement	1		1*				
BA/2022/0082/FUL	Replacement	1		1*				
BA/2022/0227/FUL	Replacement	1		1*				
BA/2022/0467/FUL	Replacement	1		1*				
BA/2023/0014/FUL	Net new	1		1*				
BA/2023/0040/FUL	Replacement	1		1*				
BA/2022/0391/FUL	Replacement	1		1*				
BA/2022/0332/FUL	Replacement	1		1*				
Total	-	118	4	19	19	15	15	46

% This scheme is for 6 dwellings and 10 holiday homes. Only the 6 market dwellings are included.

* This date is an estimate for the purposes of this calculation

^ This scheme involves replacing one dwelling and adding another, so the total is 2

x This scheme is for four dwellings, but only one is self-build. Three dwellings have been completed. It is assumed that the self-build dwelling that is part of the scheme has not yet been completed.

B2.4 Land availability method 1 and 2

According to B1 a) above, land availability is to be taken to be the total number of new houses on land in the area of the relevant authority, assessed by that authority as being likely to be deliverable over the next three years. The following table shows the three years that need to be taken into consideration and explains how the land availability for each base period was calculated.

Column 1 (method 1) is for self-build schemes only, including replacements and net new, but not tourist accommodation.

Column 2 (method 2) is for all dwellings including replacements, net new and those that are self-build, but not tourist accommodation.

Please note that the timeline for the AMR is 1 April to 31 March, whereas the base periods for self-build are 31 October to 30 October.

Base period	Dates of base period	How calculated	1: land availability – self-build only	2: land availability – all dwellings, but not tourist accommodation
Base period 9	31 October 2023 to 30 October 2024	For the purposes of this calculation, this includes <u>permissions</u> that could be completed in 2024 (and 2023).	4	23
Base period 10	31 October 2024 to 30 October 2025	For the purposes of this calculation, this includes <u>permissions</u> that could be completed in 2025.	0	19
Base period 11	31 October 2025 to 30 October 2026	For the purposes of this calculation, this includes <u>permissions</u> that could be completed in 2026.	0	15
Total	-	-	4	57

B2.6 Total land availability over next three years

Method :	Self-build plots (1)	All plots (2)
Local Plan allocations*	0	0
Extant planning permissions	4	57
Total	4	57

*Please note that the allocation for 6 dwellings in policy HOV2 have not been included in this calculation as the Authority is aware that the landowner does not want to develop houses on this site.

The calculations using land availability methods 1 and 2 are carried out in this note.

B3 Demand from the Register

B3.1 Numbers on self-build register

The Self-Build Register is made up of the following numbers of people³:

³ Previous AMRs have quoted base period 1 as 49, base period 2 as 60, and base period 3 as 59. However due to double counting, the numbers have been checked and the correct figures are used in this AMR.

- Base period 1, April 2016 to 30 October 2016: **42** people on the self-build register.
- Base period 2, 31 October 2016 to 30 October 2017: **62** people on the self-build register.
- Base period 3, 31 October 2017 to 30 October 2018: **55** people on the self-build register.
- Base period 4, 31 October 2018 to 30 October 2019: **50** people on the self-build register.
- Base period 5, 31 October 2019 to 30 October 2020: **39** people on the self-build register.
- Base period 6, 31 October 2020 to 30 October 2021: **69** people on the self-build register.
- Base period 7, 31 October 2021 to 30 October 2022: **36** people on the self-build register.
- Base period 8, 31 October 2022 to 30 October 2023: **18** people on the self-build register.

Demand method a: The total number on the register at the end of base period 8 is: 371

Demand method b: If the NPPG means to assess those on the register in the base period that has just ended, that would be 18.

B4 Demand and land availability calculation for base period 8

Due to the uncertainties in the NPPG about how to calculate the demand, each combination of demand and land availability is calculated as follows:

Demand method	Availability of land method	People on the register (demand)	Divided by land availability	X100	=
a	1	371	4	X100	9,275%
a	2	371	57	X100	650.9%
b	1	18	4	X100	450%
b	2	18	57	X100	31.6%

The figures all exceed 20% and therefore the exemption continues for base period 8. It is confirmed that the Broads Authority will still be exempt and will not need to apply to the Secretary of State.

Appendix C: Five Year Land Supply Statement

C1 Introduction

This Five-Year Land Supply Statement is produced to reflect the monitoring period of 1 April 2021 to 31 March 2023.

The NPPG ([Housing supply and delivery \[www.gov.uk\]](https://www.gov.uk/government/publications/housing-supply-and-delivery)) says:

A 5 year land supply is a supply of specific **deliverable** sites sufficient to provide 5 years' worth of housing (and appropriate buffer) against a **housing requirement** set out in adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 73 (now para 74 of the 2021 NPPF) of the National Planning Policy Framework.

C2 Housing figures, two Strategic Housing Market Assessments and Duty to Cooperate Agreement with Great Yarmouth Borough Council.

The housing target as set out in the Local Plan for the Broads (adopted May 2019) is 240 dwellings between 2015 and 2037. This is based on the 2017 SHMA.

An additional dimension to the calculation reflects the Duty to Cooperate Agreement with Great Yarmouth Borough Council. The Borough Council agreed to meet the entire housing need of the Broads part of Great Yarmouth Borough through their Local Plan. The Broads Local Plan allocates sites to meet a total of 20 dwellings in Great Yarmouth Borough. The OAN in the Broads part of Great Yarmouth Borough Council is 66 dwellings according to the 2017 SHMA. This statement therefore uses 20 dwellings as the OAN for Great Yarmouth Borough.

C3 Five%, ten% or twenty% buffer?

The NPPG⁴ says the following about applying buffers to the five-year land supply:

How should buffers be added to the 5-year housing land supply requirement?

To ensure that there is a realistic prospect of achieving the planned level of housing supply, the local planning authority should always add an appropriate buffer, applied to the **requirement** in the first 5 years (including any shortfall), bringing forward additional sites from later in the plan period. This will result in a requirement over and above the level indicated by the strategic policy requirement or the local housing need figure.

Buffers are not cumulative, meaning that an authority should add one of the following, depending on circumstances:

- 5% - the minimum buffer for all authorities, necessary to ensure choice and competition in the market, where they are not seeking to demonstrate a 5-year housing land supply;
- 10% - the buffer for authorities seeking to '**confirm**' 5 year housing land supply for a year, through a recently adopted plan or subsequent annual position statement (as set

⁴ [Housing supply and delivery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-supply-and-delivery)

out in [paragraph 74 of the National Planning Policy Framework](#)), unless they have to apply a 20% buffer (as below); and

- 20% - the buffer for authorities where delivery of housing taken as a whole over the previous 3 years, has fallen below 85% of the requirement, as set out in the last published Housing Delivery Test results.

Paragraph: 022 Reference ID: 68-022-20190722

Revision date: 22 July 2019

The Broads Authority is not seeking confirmation of the 5-year housing land supply for a year and the Housing Delivery Test does not apply to the Broads Authority. Therefore, a **buffer of 5% will be added**.

C4 Housing Need

The OAN for the entire Broads Authority Executive Area between 2015 and 2036 is 286 dwellings (as calculated in the 2017 Central Norfolk SHMA). The 'housing need' figure used in this calculation is 286 (the OAN) less 46 dwellings **so 240**. The 46 dwellings number is the OAN for the Great Yarmouth borough part of the Broads (66 dwellings) less the 20 dwellings allocated in the Local Plan. The 46 dwellings will be delivered by Great Yarmouth Borough Council as a result of the Duty to Cooperate.

C5 Deliverable Sites

The five-year land supply calculation and statement needs to reflect sites that are deliverable.

The NPPF [Glossary \[www.gov.uk\]](#) says *to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.

The sources of this information to determine if a scheme is deliverable is as follows:

- For OUL2: East Suffolk Council contacted the developer with a questionnaire. The information set out in the following table reflects the information provided.
- All other applications in this table are scheduled following telephone conversations with the agent or the applicant.

- It should be noted, as set out in [section 9](#), that there are a number of permissions that could be delivered in the next few years, but information about estimated delivery dates from the applicant or agent was not able to be obtained at the time of writing. These applications have not been included in the table below and therefore not included in the 5-year land supply calculation.

It should be noted that some of these schemes are market residential and some are holiday homes (see [section 6](#) and [section 7](#)). As set out at section 7, when calculating the need for housing for the Broads, the consultants ensured they considered empty homes – second and holiday homes. The Broads Authority calculated the numbers of second and holiday homes in the Broads part of various districts and provided the consultants with this data. As a result, considering that holiday and second homes were taken into account when calculating the need, they can be counted towards meeting the need.

Allocations in the Local Plan for the Broads and extant permissions which could come forward over the next five years (from April 2023 to end of March 2028) that have been assessed as ‘deliverable’⁵ are as follows.

App No	Completion: 2023/24	Completion: 2024/25	Completion: 2025/26	Completion: 2026/27	Completion: 2027/28
BA/2012/0271/FUL OUL2				15	15
BA/2015/0426/FUL		1			
BA/2017/0103/OUT THU1		16			
BA/2019/0118/FUL		3	4		
BA/2019/0345/FUL	1				
BA/2020/0053/FUL			2		
BA/2021/0276/CUPA		6			
BA/2020/0408/FUL	1				
BA/2021/0233/FUL		1			
BA/2021/0181/FUL STO1	4				

⁵ The NPPF states ‘To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years’

App No	Completion: 2023/24	Completion: 2024/25	Completion: 2025/26	Completion: 2026/27	Completion: 2027/28
BA/2023/0014/FUL		1			
BA/2022/0195/FUL	1				
Total	7	28	6	15	15

Please note that the allocation for 6 dwellings in policy HOV2 have not been included in this calculation as the Authority is aware that the landowner does not want to develop houses on this site.

Total assumed to be delivered between 2023/24 and 2027/28 = 71 dwellings.

C6 calculating the 5-year land supply

As calculated in section C3, the buffer to be applied is 5%.

As calculated in section C5, total dwellings assumed to be delivered over the next 5 years is 71 dwellings.

Broads Five Year supply	Liverpool approach + 5% buffer	Sedgefield approach + 5% buffer
(a) Housing need total 2015-2036	240	240
(b) Housing need annualised (240/21 years)	11.43	11.43
(c) Housing need April 2018 to 31 March 2023 (11.43 x 5)	57.15	57.15
(d) Completions between 1 April 2018 and 31 March 2023 ⁶	34	34
(e) Shortfall since 2016 ⁷ (c – d)	23.15	23.15
(f) Revised shortfall using the Liverpool approach (e/13 years x 5 years)	8.91	n/a
(g) OAN 2023/24 to 2027/28 (11.43 x 5 years)	57.15	57.15
(h) NPPF 5% buffer (g x 0.05)	2.86	2.86
(i) Total 5 Year requirement 2022/23 to 2026/27 (Liverpool = f+ g + h/Sedgefield = e + g + h)	68.92	83.16
(j) Predicted supply 2023/24 to 2027/28	71	71
(k) Surplus (j-i)	2.08	-12.16
Supply in years (Predicted supply/Total requirement x 5)	5.15 years	4.27 years

C7 Conclusion/Summary

To summarise:

Approach	Supply in years
Liverpool	5.15
Sedgefield	4.27

⁶ 2018/19: 1
2019/20: 8
2020/21: 13
2021/22: 7
2022/23: 5

⁷ Negative implies an over provision.

Appendix D: General summary of how each policy in the Local Plan was used in 2022/23

Policy	Monitoring Indicators	Information for specific indicators	General summary of how policy used in monitoring period	Rating	Notes
SP1: DCLG/PINS Model Policy	No specific monitoring indicator for this policy. Depending on type of development, other polices and their indicators will be of relevance.	-	No applications permitted contrary to this policy.	Green	
DM1: Major Development in the Broads	Planning applications in accordance (or otherwise) with this policy.	-	No applications permitted contrary to this policy.	Green	
DM2: Water Quality and Foul Drainage	Applications involving sewage treatment works and what type of system used.	Connection to public sewer – 9 Package sewage treatment plant – 3 Septic tank – 3 Constructed reed beds – 0	No applications permitted contrary to this policy.	Green	
DM3: Boat wash down facilities	Boat wash down areas and filtration devices delivered as a result of relevant planning applications	Zero relevant applications.	Policy not used in monitoring period.		
DM4: Water Efficiency	Dwellings permitted at 110 l/h/d. Buildings achieving 50% on the BREEAM water calculator.	-	Not all schemes met this requirement.	Green	This policy will need to be applied more consistently in the next monitoring period.
SP2: Strategic Flood Risk Policy	Permissions granted contrary to Environment Agency Flood Risk advice.	Zero schemes contrary.	No applications contrary to this policy.	Green	
DM5: Development and Flood Risk	Permissions granted contrary to Environment Agency Flood Risk advice.	Zero schemes contrary.	No applications permitted contrary to this policy.	Green	
DM6: Surface water run-off	SuDS delivered in line with the hierarchy.	1 scheme provided soakaways.	No applications permitted contrary to this policy.	Green	
DM7: Open Space on land, play, sports fields and allotments	Open space lost. Open space delivered in line with the policy. Green Infrastructure lost.	-	Policy not used in monitoring period.		
DM8: Green Infrastructure	Green Infrastructure delivered in line with this policy.		Policy not used in monitoring period.		
SP3: Climate Change	None identified/ongoing Planning applications in accordance (or otherwise) with this policy.	-	Policy not used in monitoring period.		
DM9: Climate Smart Checklist	Development proposals that have adequately completed the checklist.	19 checklists requested.	Improved use of policy.	Green	
SP4: Soils	Planning applications in accordance (or otherwise) with this policy. Number of planning approvals leading to permanent loss of 'best and most versatile' (BMV) agricultural land'	No schemes on BMV soil.	No applications permitted contrary to this policy.	Green	
DM10: Peat soils	Development on areas of peat permitted in line with this policy.	3 schemes resulted in peat being excavated totalling around 1.2 cubic metres. Scheme and peat disposal method considered acceptable.	No applications permitted contrary to this policy.	Green	Whilst peat was excavated the policy process was adhered to.
SP5: Historic Environment	Heritage at risk	See Heritage section .	No applications permitted contrary to this policy.	Green	
DM11: Heritage Assets	Archaeological field evaluations 'Unknown' assets identified.	1 scheme conditioned this 1 unknown asset identified	No applications permitted contrary to this policy.	Green	
DM12: Re-use of Historic Buildings	Applications with an interpretation element. Heritage assets re-used. Applications granted contrary to Historic Environment Manager advice.	0 2 re-used 0s application contrary.	No applications permitted contrary to this policy.	Green	
SP6: Biodiversity	Brownfield sites with open mosaic habitat of intrinsic biodiversity value and how incorporated in schemes.	0 schemes Bat and bird boxes, hedgehog house, sparrow nest terraces, scrub management.	No applications permitted contrary to this policy.	Green	
DM13: Natural Environment	Biodiversity and geodiversity features incorporated into schemes. Planning Application Habitat Regulation Assessments completed to an acceptable quality (endorsed by Natural England and/or Broads Authority ecologist).	Only 2 HRAs produced (likely reflecting the impact of nutrient enrichment) – also see RAMS section.	No applications permitted contrary to this policy.	Green	

Policy	Monitoring Indicators	Information for specific indicators	General summary of how policy used in monitoring period	Rating	Notes
	Applications permitted against the advice of Natural England.	Zero applications contrary.			
DM14: Energy demand and performance	Relevant schemes meeting 10% of predicted energy requirements as per the hierarchy. Schemes meeting BREEAM very good standard.		No dwellings met the 10%/BREEAM requirement due to threshold not met. Seems that development did not seek to reduce energy demand in the first place.	Red	This policy will need to be applied more consistently in the next monitoring period.
DM15: Renewable Energy	Renewable energy development type and scale	Solar panels and air source heat pumps – see Renewable Energy section.	No applications permitted contrary to this policy.	Green	
SP7: landscape Character	Applications permitted contrary to Landscape Architect advice. Applications permitted contrary to Tree Officer advice.	Zero schemes permitted contrary to advice.	No applications permitted contrary to this policy.	Green	
DM16: Development and Landscape			Most applications met policy requirements.	Green	
DM17: Land Raising			No applications permitted contrary to this policy.	Green	
DM18: Excavated material	Planning applications in accordance with the disposal hierarchy.	-	No applications permitted contrary to this policy.	Green	
DM19: Utilities Infrastructure Development	Planning applications in accordance (or otherwise) with this policy.		Policy not used in monitoring period.		
DM20: Protection and enhancement of settlement fringe landscape character	Applications permitted contrary to Landscape Architect advice.		Policy not used in monitoring period.		
DM21: Amenity	Applications refused on amenity grounds.	Zero schemes refused on amenity grounds.	No applications permitted contrary to this policy.	Green	
DM22: Light pollution and dark skies	Lighting schemes in accordance with zone the application is located in.	-	No applications permitted contrary to this policy.	Green	
SP8: Getting to the Broads	Parking areas provided as part of relevant applications/schemes. Schemes permitted contrary to Highways Authority advice. Schemes permitted contrary to Highways England advice. Changes to the PROW network. Launch facilities for small craft gained or lost. Travel Plans produced.	Zero schemes contrary	Policy not used in monitoring period.		
SP9: Recreational Access around the Broads			No applications permitted contrary to this policy.	Green	
DM23: Transport, highways and access			No applications permitted contrary to this policy.	Green	
DM24: Recreation Facilities Parking Areas			No applications permitted contrary to this policy.	Green	
SP10: A prosperous local economy	New employment land. Employment land lost to other uses. Planning applications in accordance (or otherwise) with this policy	See employment and class E section.	No applications permitted contrary to this policy.	Green	
SP11: Waterside sites			Policy not used in monitoring period.		
DM25: New Employment Development			No applications permitted contrary to this policy.	Green	
DM26: Protecting General Employment			No applications permitted contrary to this policy.	Green	
DM27: Business and Farm Diversification			Policy not used in monitoring period.		
DM28: Development on Waterside Sites			No applications permitted contrary to this policy.	Green	
SP12: Sustainable Tourism	Tourism development located as set out in policy Tourism land use Provision of new holiday accommodation. Holiday accommodation changed to permanent residential use.	No applications contrary See tourist accommodation section See tourist accommodation section Zero schemes	No applications permitted contrary to this policy.	Green	
DM29: Sustainable Tourism and Recreation Development			No applications permitted contrary to this policy.	Green	
DM30: Holiday Accommodation – New Provision and Retention			No applications permitted contrary to this policy.	Green	
SP13: Navigable Water Space		Pontoon moorings provided	Policy not used in monitoring period.		

Policy	Monitoring Indicators	Information for specific indicators	General summary of how policy used in monitoring period	Rating	Notes
SP14: Mooring Provision	Number/percentage of short stay visitor moorings delivered on site or via off-site contributions in line with part m in policy DM33.	1scheme involved launching provision for small craft.	Policy not used in monitoring period.		
DM31: Access to the Water	Moorings provided – type and in line with guide.	Zero schemes had significant impact on navigation.	No applications permitted contrary to this policy.	Green	
DM32: Riverbank stabilisation	Riverbank stabilisation provided – type and in line with guide.		Policy not used in monitoring period.		
DM33: Moorings, mooring basins and marinas.	Provision for launching of small vessels. Schemes permitted deemed to have significant impact on navigation		Policy not used in monitoring period.		
SP15: Residential development	Number of dwellings delivered. Development in line with spatial strategy. Housing delivery against target. Five-year land supply against housing trajectory.	See holiday accommodation and dwellings section . See five-year land supply statement .		Green	
DM34: Affordable Housing	Affordable housing delivered.		Policy not used in monitoring period.		
DM35: Residential Development within Defined Development Boundaries	Development within development boundaries	3 relevant schemes	Three not in development boundaries, but policy adhered to generally.	Green	a – Location in Bungay and 200m from town centre, surrounded by residential so not appropriate location for additional business or commercial/tourism use, access poor and servicing limited, not appropriate location for additional business or commercial/tourism use (part of justification is existing storage to be moved off site as not functioning well in present location) and majority of building retained in business use. b – site split across two LPAs. Already had rural enterprise dwelling in GYBC part. Wanted that to be tourist accommodation and therefore a new dwelling for manager in BA part of site. c – this is a certificate of lawful use and the applicant was able to prove continued use
DM36: Gypsy, Traveller and Travelling Show People	Gypsy and Traveller and Travelling Show People sites delivered in line with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
DM37: New Residential Moorings	Provision of residential moorings in line with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
DM38: Permanent and Temporary Dwellings for Rural Enterprise Workers	Rural enterprise dwellings permitted in accordance (or otherwise) with this policy.	1 relevant application	No applications permitted contrary to this policy.	Green	
DM39: Residential Ancillary Accommodation	Residential ancillary accommodation permitted (integral or not integral) in line with this policy.	1application met	No applications permitted contrary to this policy.	Green	
DM40: Replacement Dwellings	Replacement dwellings permitted in line with this policy	7 application met	No applications permitted contrary to this policy.	Green	
DM41: Elderly and Specialist Needs Housing	Elderly and specialist housing delivered in line with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
DM42: Custom/self-build	Permissions for self-build	1application met	No applications permitted contrary to this policy.	Green	
DM43: Design	Schemes permitted contrary to design expert Schemes permitted contrary to landscape consultant advice.	Policy used numerous times Zero schemes permitted contrary to advice.	No applications permitted contrary to this policy.	Green	
SP16: New Community Facilities	Visitor and community services and facilities delivered in accordance with this policy.	2 relevant applications	No applications permitted contrary to this policy.	Green	

Policy	Monitoring Indicators	Information for specific indicators	General summary of how policy used in monitoring period	Rating	Notes
DM44: Visitor and Community Facilities and Services	Visitor and community services and facilities delivered in accordance with this policy.	DM44 used 6 times.	No applications permitted contrary to this policy.	Green	
DM45: Designing Places for Healthy Lives	Planning applications in accordance (or otherwise) with this policy.	Limited use of this policy.	Use of this policy seems limited.	Red	This policy will need to be applied more consistently in the next monitoring period.
DM46: Safety by the Water	Relevant schemes providing adequate safety features on site.	1 relevant application	No applications permitted contrary to this policy.	Green	
DM47: Planning Obligations and Developer Contributions	Developer Contributions monitoring statement – by the Broads Authority as well as Norfolk and Suffolk County Council	Zero relevant applications.	Policy not used in monitoring period.		This likely reflects the impact of Nutrient Enrichment issues.
DM48: Conversion of Buildings	Buildings converted and final use.	2 relevant applications	No applications permitted contrary to this policy.	Green	
DM49: Advertisements and Signs	Adverts and signs permitted in accordance with policy	2 relevant applications	No applications permitted contrary to this policy.	Green	
DM50: Leisure plots and mooring plots	Mooring and leisure plots provided in line with this policy.	2 relevant applications	No applications permitted contrary to this policy.	Green	
DM51: Retail development in the Broads.	Planning applications in accordance (or otherwise) with this policy and the relevant district council's policy. Total amount of retail gaining planning permission. Loss of retail.	See section Class E applications	No applications permitted contrary to this policy.	Green	
ACL1: Acle Cemetery Extension	Cemetery delivered as per policy.	Zero relevant applications.	Policy not used in monitoring period.		
ACL2: Acle Playing Field Extension	Sports field delivered as per policy	Zero relevant applications.	Policy not used in monitoring period.		
BEC1: Former Loaves and Fishes, Beccles	Loaves and Fishes brought back into use in line with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
BEC2: Beccles Residential Moorings (H. E. Hipperson's Boatyard)	Residential moorings provided as per policy.	Zero relevant applications.	Policy not used in monitoring period.		
BRU1: Riverside chalets and mooring plots	Planning applications in accordance (or otherwise) with this policy.	1 relevant application.	No applications permitted contrary to this policy.	Green	
BRU2: Riverside Estate Boatyards, etc., including land adjacent to railway line	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
BRU3: Mooring Plots	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
BRU4: Brundall Marina	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
BRU5: Land east of the Yare public house	Open space lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
BRU6: Brundall Gardens	Residential moorings provided as per policy.	Zero relevant applications.	Policy not used in monitoring period.		
CAN1: Cantley Sugar Factory	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
CHE1: Greenway Marine Residential Moorings	Residential moorings provided as per policy.	Zero relevant applications.	Policy not used in monitoring period.		
DIL1: Dilham Marina (Tyler's Cut Moorings)	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
DIT1: Maltings Meadow Sports Ground, Ditchingham	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
DIT2: Ditchingham Maltings Open Space, Habitat Area and Alma Beck	Habitat area/open space/Beck lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
FLE1: Broadland Sports Club	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
GTY1: Marina Quays (Port of Yarmouth Marina)	Planning applications in accordance (or otherwise) with this policy.	1 relevant application	Policy not used in monitoring period.		
HOR1: Car Parking	Car parking lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		

Policy	Monitoring Indicators	Information for specific indicators	General summary of how policy used in monitoring period	Rating	Notes
HOR2: Horning Open Space (public and private)	Open space lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
HOR3: Waterside plots	Planning applications in accordance (or otherwise) with this policy. Capacity of Horning Water Recycling Centre.	1 relevant application	No applications permitted contrary to this policy.	Green	
HOR4: Horning Sailing Club	Planning applications in accordance (or otherwise) with this policy. Capacity of Horning Water Recycling Centre.	Zero relevant applications.	Policy not used in monitoring period.		
HOR5: Crabbett's Marsh	Marsh lost/negatively affected by development.	1 relevant application	No applications permitted contrary to this policy.	Green	
HOR6: Horning - Boatyards, etc. at Ferry Rd. & Ferry View Rd.	Planning applications in accordance (or otherwise) with this policy. Capacity of Horning Water Recycling Centre.	1 relevant application	No applications permitted contrary to this policy.	Green	
HOR7: Woodbastwick Fen moorings	Planning applications in accordance (or otherwise) with this policy. Capacity of Horning Water Recycling Centre.	Zero relevant applications.	Policy not used in monitoring period.		
HOR8: Land on the Corner of Ferry Road, Horning	Planning applications in accordance (or otherwise) with this policy. Capacity of Horning Water Recycling Centre.	Zero relevant applications.	Policy not used in monitoring period.		
HOR9: Horning Residential Moorings (Ropes Hill)	Residential moorings provided as per policy.	Zero relevant applications.	Policy not used in monitoring period.		
HOV1: Green Infrastructure	Green Infrastructure lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
HOV2: Station Road car park	Car parking lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
HOV3: Brownfield land off Station Road, Hoveton	Planning applications in accordance (or otherwise) with this policy. Number of houses delivered. Number of units delivered.	Zero relevant applications.	Policy not used in monitoring period.		
HOV4: BeWILDerwood Adventure Park	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
HOV5: Hoveton Town Centre	Planning applications in accordance (or otherwise) with this policy.Land use of each unit.	1 relevant application	No applications permitted contrary to this policy.	Green	
LOD1: Loddon Marina Residential Moorings.	Residential moorings provided as per policy.	Zero relevant applications.	Policy not used in monitoring period.		
NOR1: Utilities Site	Planning applications in accordance (or otherwise) with this policy. Number of houses delivered.	Zero relevant applications.	Policy not used in monitoring period.		
NOR2: Riverside walk and cycle path	Delivery of path in line with policy.	Zero relevant applications.	Policy not used in monitoring period.		
ORM1: Ormesby waterworks	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
OUL1: Boathouse Lane Leisure Plots	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
OUL2: Oulton Broad - Former Pegasus/Hamptons Site	Planning applications in accordance (or otherwise) with this policy. Number of houses delivered.	Zero relevant applications.	Policy not used in monitoring period.		
OUL3 Oulton Broad District Shopping Centre	Planning applications in accordance (or otherwise) with this policy. Land use of each unit.	Zero relevant applications.	Policy not used in monitoring period.		
POT1: Bridge Area	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
POT2: Waterside plots	Planning applications in accordance (or otherwise) with this policy.	1 relevant applications	No applications permitted contrary to this policy.	Green	
POT3: Green Bank Zones	Green Banks lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
SOL1: Riverside area moorings	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
SOM1: Somerleyton Marina residential moorings	Residential moorings provided as per policy.	Zero relevant applications.	Policy not used in monitoring period.		

Policy	Monitoring Indicators	Information for specific indicators	General summary of how policy used in monitoring period	Rating	Notes
STA1: Land at Stalham Staithe (Richardson's Boatyard)	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
STO1 Land adjacent to Tiedam, Stokesby	Planning applications in accordance (or otherwise) with this policy. Number of houses delivered.	Zero relevant applications.	Policy not used in monitoring period.		
TSA1: Cary's Meadow	Meadow lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
TSA2: Thorpe Island	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
TSA3: Griffin Lane – boatyards and industrial area	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
TSA4: Bungalow Lane – mooring plots and boatyards	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
TSA5: River Green Open Space	Open space lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
THU1: Tourism development at Hedera House, Thurne	Planning applications in accordance (or otherwise) with this policy. Number of houses delivered.	Zero relevant applications.	Policy not used in monitoring period.		
WHI1: Whitlingham Country Park	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
SSTRI: Trinity Broads	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
SSUT: Upper Thurne	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
SSCOAST: The Coast	Planning applications in accordance (or otherwise) with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
SSROADS: Main road network	Schemes permitted contrary to Highways advice.	Zero relevant applications.	Policy not used in monitoring period.		
SSMILLS: Drainage Mills	Mills brought back into use. Changes to mills in line with this policy.	Zero relevant applications.	Policy not used in monitoring period.		
SSPUBS: Waterside Pubs Network	Improvements to pubs in line with policy. Pubs lost from public house land use.	2 relevant applications	No applications permitted contrary to this policy.	Green	
SSSTATIONS: Railway stations/halts	Improvements to stations in line with policy.	Zero relevant applications.	Policy not used in monitoring period.		
SSTRACKS: Former rail trackways	Stations lost to other uses. Recreation routes delivered on these schemes.	Zero relevant applications.	Policy not used in monitoring period.		
SSLGS: Local Green Space	Local Green Spaces lost/negatively affected by development.	Zero relevant applications.	Policy not used in monitoring period.		
SSSTAITHES: Staithes	Staithes lost/negatively affected by development	Zero relevant applications.	Policy not used in monitoring period.		
SSA47: Changes to the Acle Straight (A47T)	Development that encroaches onto these trackways.	Zero relevant applications.	Policy not used in monitoring period.		

Planning Committee

08 December 2023

Agenda item number 13

Local Plan- Preferred Options- Bitesize pieces

Report by Planning Policy Officer

Summary

This report introduces some new or amended policies that are proposed to form part of the Preferred Options version of the Local Plan. The policies are relating to call for sites, major development, water quality, biodiversity and natural environment, affordable housing, custom/self-build housing, design, new community and visitor/ community facilities, conversion of buildings, leisure plots and mooring plots, Hoveton Town Centre, Oulton Broad District Shopping Centre, and tranquillity.

Recommendation

Members' comments on the policies are requested.

1. Introduction

- 1.1. The first stage of the production of the Local Plan is the preparation of the Issues and Options. These were presented to Members in 'bite size pieces' over a number of months, rather than as a complete document of Issues and Options. The production stages of the Issues and Options are now complete and work has begun on the Preferred Options version, which will contain proposed policies. This will also be presented in "bitesize pieces".
- 1.2. This report introduces some amended or new policies for Members to consider for inclusion in the Preferred Options version of the Local Plan.
- 1.3. It is important to note that until such time as the Local Plan is adopted, our current policies are still in place and will be used to guide and determine planning applications.
- 1.4. Members' comments are requested on the policies and amendments. The policies are relating to call for sites, major development, water quality, biodiversity and natural environment, affordable housing, custom/self-build housing, design, new community and visitor/ community facilities, conversion of buildings, leisure plots and mooring plots, Hoveton Town Centre, Oulton Broad District Shopping Centre, and tranquillity.

Author: Natalie Beal

Date of report: 27 November 2023

Appendix 1 - Trajectories and Call for sites section

Appendix 2 - Policy DM1: Major Development in the Broads

Appendix 3 - Policy DM2: Water quality and foul drainage and Policy DM4: Water efficiency

Appendix 4 - Natural Environment

Appendix 5 - Policy DM34: Affordable housing

Appendix 6 - Policy DM42: Custom/self-build

Appendix 7 - Strategic Design Policy and Policy DM42: Design

Appendix 8 - Policy SP16: New community facilities and Policy DM44: Visitor and community facilities and services

Appendix 9 - Policy DM48: Conversion of buildings

Appendix 10 - Policy DM50: Leisure plots and mooring plots

Appendix 11 - Policy HOV5: Hoveton Town Centre and areas adjacent to the Town Centre

Appendix 12 - Policy OUL3: Oulton Broad District Shopping Centre

Appendix 13 - Tranquillity



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023
Trajectories and call for sites section**

Allocations for residential dwellings and residential moorings

1 Following the Call for Sites as part of the Issues and Options consultation held towards the
2 end of 2022, the sites put forward were assessed against set criteria with stakeholders
3 providing comments. The [Housing and Economic Land Availability Assessment](#) (HELAA)
4 concluded if sites were suitable for development or not.

5 The following table shows the sites that are allocated for residential dwellings. It shows a
6 total of 271 residential dwellings would be allocated. The need to be addressed in the Local
7 Plan is 358 dwellings. Please note that permissions granted since April 2021 will count
8 towards the need (21/22 period, 21 dwellings and 22/23 period, 3 dwellings - totalling 24
9 dwellings). The Authority will need to undertake another call for sites as part of this
10 Preferred Options consultation.

Site	Number of residential dwellings
Utilities Site	271

11 The following table shows the sites that are intended to be allocated for residential
12 moorings. It shows a total of 53 residential moorings are allocated. The need to be
13 addressed in the Local Plan is 48 residential moorings.

Site	Number of residential moorings
Brundall Gardens Marina – small marina	2
Brundall Gardens Marina – large marina	6
Greenway Marine, Chedgrave	5
Hipperson’s Boatyard, Gillingham	5
Loddon Marina	10
Somerleyton Marina	15
Richardson’s Boatyard, Stalham Staithe	10

Site	Number of residential moorings
Total:	53

- 14 Please note that STO1 (4 dwellings), THU1 (16 dwellings) and OUL2 (76 dwellings) already
15 have planning permission and were not assessed in the HELAA but will still be included in
16 the Local Plan until they are built out.

17 **Trajectories**

18 Please note that STO1, THU1 and OUL2 already have planning permission and were not assessed in the HELAA but will still be included in the Local
 19 Plan until they are built out. This table sets out the estimated trajectory for the sites that are to be included in the Local Plan. Please also note that
 20 the trajectory for the Utilities Site is estimated and the final trajectory will reflect the SPD that is being produced.

21 **Residential dwellings:**

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
Utilities Site													50	50	50	50	50	21
STO1	2	2																
THU1			16															
OUL2				15	15	15	15	16										
Total	2	2	16	15	15	15	15	16					50	50	50	50	50	21

22 Residential moorings:

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
Brundall Gardens Marina – small marina				2														
Brundall Gardens Marina – large marina				8														
Greenway Marine, Chedgrave				5														
Hipperson’s Boatyard, Gillingham							5											
Loddon Marina				10														
Somerleyton Marina									15									
Richardson’s Boatyard, Stalham Staithe									10									
Total				23			5		25									

23

24 **Call for Sites**

25 We are undertaking a call for sites for residential dwellings, gypsy and traveller sites and
26 residential caravans.

27 This will require the provision of information and a form is available. This needs to be
28 completed in full and submitted to the Broads Authority for assessment by **xxx** (the date the
29 consultation on the Preferred Options ends).

30 We will work with stakeholders to assess any sites brought forward. We cannot guarantee
31 that your site will be allocated as we may not deem it suitable for allocation in the Local
32 Plan. We will set out our reasons for any decision we make. There are many constraints to
33 development in the Broads.

34 **If you wish to put a site forward for us to consider for residential dwellings, gypsy and**
35 **traveller sites and residential caravans please fill out the survey that can be found here:**

36 [xxxxxx](#)



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023**

Sites Specifics – DM1 – Major Development in the Broads

This is a proposed draft section/policy for the Preferred Options Local Plan. Member’s comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

The currently adopted policy remains in place – these are proposed amendments and this section will form part of the Preferred Options version of the Local Plan.

1 **Policy PODM1: Major Development in the Broads**

- 2 1. For the purposes of this policy, ‘major development’ is defined in this Local Plan as
3 development which has the potential to have a significant adverse impact on the Broads, its
4 purposes and its special qualities due to the development’s nature, scale and setting. ‘Major
5 development’ may include the development covered by the definition set out in the NPPF but is
6 not restricted to that.
- 7 2. Applications for major development will not be permitted other than in exceptional
8 circumstances and where applicants can demonstrate that the development is in the public
9 interest and that public interest outweighs the purposes of the Broads.
- 10 3. Proposals for major development will need to demonstrate:
11 a) the need for the development, including in terms of any national considerations;
12 b) the impact of permitting or refusing the development upon the local economy and local
13 communities and the extent to which it will provide a benefit to the Broads and wider area;
14 c) the cost of and scope for locating the development elsewhere outside the Broads, or meeting
15 the need for it in some other way, and a justified explanation of why these options have been
16 discounted;
17 d) that there are no likely significant effects ~~adverse effects~~ on proposed or designated European
18 Sites for nature conservation both within their boundaries and in areas that ecologically support
19 the conservation objectives of the site. Project Level Habitats Regulation Assessments may be

- 20 needed to assess implications on European Sites. Measures to mitigate for the effects of new
21 development may be required;
- 22 e) any detrimental effect on the natural and historic environment, the landscape, and recreational
23 opportunities, taking into account the special qualities of the Broads, and the extent to which
24 any such effect could be moderated (through applying the avoidance, mitigation and
25 compensation sequence of tests set out in clause 4 of this policy); and
- 26 f) that the cumulative impact of the development when viewed with other development
27 proposals and types of development is acceptable.
- 28 4. Where the tests of clause 3 have been met, then every effort to avoid significant adverse ~~effects~~
29 impacts will be required. Where significant adverse ~~effects~~ impacts cannot be avoided,
30 appropriate steps must be taken to minimise harm through mitigation measures. Appropriate
31 and practicable compensation will be expected for any unavoidable effects that cannot be
32 mitigated.

33 Reasoned Justification

34 The purpose of the planning system is to contribute to the achievement of sustainable patterns of
35 development which support and meet the needs of communities and the local economy whilst
36 protecting the special character and assets of importance to these communities and the wider area.

37 This balance is of particular importance in those areas that have been designated for their special
38 qualities, such as the National Parks and the Broads. These areas are identified in the NPPF as
39 having the highest status of protection in relation to landscape and scenic beauty and where the
40 conservation of wildlife and cultural heritage are important considerations ([2023 NPPF paragraph](#)
41 [176](#)). In respect of 'major development' the NPPF states ([2023 NPPF paragraph 177](#)) that the scale
42 and extent of development within the Broads should be limited and planning permission should be
43 refused for such development in these areas other than in exceptional circumstances and where
44 public interest can be demonstrated. This policy seeks to apply this national test and provide local
45 guidance.

46 Footnote [60 of the 2023 NPPF](#) (that relates to paragraph [177](#)) says that whether a proposal is
47 'major development' is a matter for the decision maker, taking into account its nature, scale and
48 setting, and whether it could have a significant adverse impact on the purposes for which the
49 Broads has been designated. So for the purpose of this policy it is considered to be development of
50 a more than local scale and which could be considered to have potentially significant adverse
51 impacts on the Broads and the delivery of the statutory purposes. The identification of major
52 development will be context specific and a matter of planning judgement and the following criteria
53 will be considered in the assessment:

- 54 a) whether the development is Environmental Impact Assessment (EIA) development;
- 55 b) developments that fall within Schedule 2 of the EIA Regulations that after being screened by
56 the Broads Authority, are considered as likely to have significant effects on the environment
57 due to their nature, scale and setting and require an assessment;
- 58 c) the NPPF ~~2023~~ ~~2019~~ definition of major development in terms of the classification of
59 planning applications (page ~~68~~ [69](#) of NPPF);

- 60 d) developments that require the submission of a Transport Assessment (see SSROADS);
61 e) further information to consider as set out in the [2023 NPPF](#) and in particular footnote [60](#);
62 and
63 f) the development's impact on the purposes for which the Broads has been designated
64 and/or the special qualities of the Broads.

65 The above will be relevant considerations and will be taken into account as part of the assessment
66 by the Broads Authority as decision maker in accordance with paragraph [177 of the 2023 NPPF](#).

67 [Major Development will typically be a proposal of a scale, character or nature which extends
68 beyond what is needed locally, meaning it may have benefits/impacts which extend beyond the
69 Broads' boundary. This could include, for example, a reservoir, energy development, major road or
70 rail scheme, minerals or waste development, large-scale residential or commercial development, or
71 high voltage electricity transmission scheme. However, it could also include smaller scale
72 development with potential to have significant adverse impacts.](#)

73 There are other potential major developments that are subject to their own policy in this Local
74 Plan; this major development policy will be of relevance to those schemes.

75 Due to its status as a protected landscape equivalent to a National Park, there will be limited scope
76 for major development in the Broads area. It is the purpose of this policy to provide a framework
77 for dealing with any such development and to ensure that, in considering any such proposal, the
78 particular characteristics and status of the area is accorded the appropriate significance.

79 A particular scheme that may come forward that will likely be classed as major development is the
80 A47 and this is subject to its own policy detailing specific considerations due to the nature and
81 location of the potential development. The principles of SSA47 are consistent with the Major
82 Development policy but provide additional guidance. [Another scheme that will likely be classed as
83 major development is the Utilities Site development that makes up part of the East Norwich
84 Regeneration Scheme.](#)

85 It is noted that some major development schemes that occur in the Broads will not be determined
86 by the Authority.

87 [If development falls within the definition of Major Development, applicants will be required to
88 demonstrate why it is in the public interest and that there are exceptional circumstances which
89 justify it.](#) Any proposals for development treated as 'major development' should be accompanied
90 by a written statement of justification for the proposal.

91 [If an alternative location is technically and financially viable, applicants will be expected to pursue
92 that option, even if the location within the Broads is more financially advantageous. Where an
93 alternative location outside the Broads is not being pursued a detailed appraisal of alternative
94 options should be submitted](#)

95 **Reasonable alternative options**

- 96 a) No policy
- 97 b) Original policy with no amendments.

98 **Sustainability appraisal summary**

99 The options of no policy, the original policy and the amended policy have been assessed in the SA.
 100 The following is a summary.

A: Keep original policy	5 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 5 ?
C: Amended	5 positives. 0 negatives. 0 ? Overall, positive.

101 **How has the existing policy been used since adoption in May 2019?**

102 According to recent Annual Monitoring Reports, the policy has been used and schemes have been
 103 permitted in accordance with the policy.

104 **Why has the alternative option been discounted?**

105 An alternative option is to not have a policy. By having a policy, it brings the important
 106 considerations into a policy. Other protected landscapes have a policy that builds upon what is in
 107 the NPPF. The amended policy is favoured. The amendments are fairly minor in nature and most
 108 are wording changes to make consistent with the NPPF and regulations.

109 **UN Sustainable Development Goals check**

110 This policy meets these [UN SD Goals](#):



Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

	A: Amended policy		B: No policy		A: Keep original policy	
ENV1						
ENV2						
ENV3	+	Biodiversity is a special quality of the Broads and the policy refers to protecting European protected sites.	?		+	Biodiversity is a special quality of the Broads and the policy refers to protecting European protected sites.
ENV4	+	The landscape character is protected through the policy.	?		+	The landscape character is protected through the policy.
ENV5						
ENV6						
ENV7						
ENV8						
ENV9	+	Heritage is protected through the policy.	?		+	Heritage is protected through the policy.
ENV10						
ENV11						
ENV12						
SOC1						
SOC2						
SOC3						
SOC4						
SOC5						
SOC6						
SOC7						
ECO1						
ECO2	+	Policy relates to development that does	?		+	Policy relates to
ECO3	+	not impact the special qualities of the Broads.	?		+	development that does not impact the special qualities of the Broads.



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023**

Water section of the Local Plan

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

Policy DM2: Water quality and foul drainage

1. Development will be permitted only where it can be demonstrated that it will not have an adverse impact on waterbodies, including surface and ground water, in terms of quality and quantity. This should include the requirements of the Water Framework Directive and Habitats Regulations.
2. Applicants are required to demonstrate there is adequate sewage treatment provision to serve the development or that this can be made available in time for the occupation of the development, and to demonstrate that there is available capacity within the foul sewerage network or that capacity will be made available.
3. Development is required to be connected to a foul sewer unless proven not to be feasible. If connection to a foul sewer is proven to not be feasible, only then will other arrangements of package sewerage treatment works and septic tanks be considered and only in that order. These will be permitted only if the Authority is satisfied that these systems will work for the expected use and there would be no adverse effects on the environment. A statement explaining and justifying the approach taken is required to be submitted as part of any relevant application.
4. Extensions that increase occupancy and proposals for replacement development, as well as proposals to intensify an already permitted use, are required to improve the existing

19 method of foul drainage of the entire property if feasible, in line with the hierarchy as
20 set out in part 3 of this policy.

21 5. The Authority encourages proposals to consider the use of constructed reed beds as a
22 filtration system to remove nutrients before the waste water from small sewage
23 treatment plants and package treatment works enters waterbodies. Production of a
24 management plan will be required to demonstrate the constructed reed beds will
25 continue to function as intended in perpetuity.

26 6. To ensure the protection of designated sites, no new development that increases foul
27 water flows requiring connection to the public foul drainage system within the Horning
28 Knackers Wood Catchment will be permitted, until it is confirmed that capacity is
29 available within the foul sewerage network and at the Water Recycling Centre to serve
30 the proposed development.

31 **Reasoned Justification**

32 The water bodies and wetland environments of the Broads are particularly sensitive to
33 water pollution. Diffuse pollution, including from sewage treatment, remains a problem.
34 This has the potential to have a detrimental impact on water quality and biodiversity and
35 thereby adversely affect the Authority's ability to meet its obligations under the Water
36 Framework Directive and the Natural Environment and Rural Communities Act 2006.

37 This policy applies to residential and commercial development and to new build as well as
38 replacements and extensions. In the case of replacement dwellings, the current foul water
39 drainage system is expected to be improved in line with Government guidance, with the
40 ultimate aim being to connect to the public sewer. The policy also requires betterment for
41 an entire property as a result of an extension that will increase the occupancy of the
42 building. By increasing the occupancy, it is likely that more foul water will be generated. The
43 works associated with an extension or replacement to a building will provide an opportunity
44 to improve the foul water drainage system.

45 The National Planning Practice Guidance¹ sets out a hierarchy of drainage options that must
46 be considered (and discounted as appropriate) in the following order:

- 47 1. Connection to the public sewer
- 48 2. Package sewage treatment plant
- 49 3. Septic tank

50 The first presumption should be to provide a system of foul drainage discharging into a
51 public sewer to be treated at a public sewage treatment works. A private means of foul
52 effluent disposal is only acceptable when foul mains drainage is unavailable. Anglian Water
53 Services should be consulted regarding the available capacity in the foul water
54 infrastructure.

55 Due to the low-lying nature of the area and remoteness of some settlements, connection to
56 a public sewer is not always possible in the Broads. The alternative non-mains drainage
57 proposals, including the use of septic tanks, can have an adverse effect on the quality of

¹ [NPPG Guidance: Water supply, wastewater and water quality \(www.gov.uk\)](https://www.gov.uk/guidance/nppg-guidance-water-supply-wastewater-and-water-quality)

58 controlled waters, the environment and amenity, particularly if the property is close to
59 watercourses, there is a high-water table at any point of the year, or the site is susceptible
60 to flooding.

61 To minimise the likelihood of development having an adverse impact on water resources,
62 new development will only be permitted if it can be properly serviced. If an application
63 proposes to connect a development to the existing drainage system, details of the existing
64 system are expected to be provided and confirmation provided that sufficient capacity
65 exists. If the development would necessitate any alterations to the system or the creation of
66 a new system, detailed plans of the new foul drainage arrangements must also be provided.
67 The costs of providing these systems will, where appropriate, fall on the developer. Anglian
68 Water will have the responsibility for the provision and adoption of any new foul sewers
69 provided as part of a new development.

70 Where development involves the disposal of trade waste or the disposal of foul sewage
71 effluent other than to the public sewer, a foul drainage assessment will be required to
72 demonstrate why the development cannot connect to the public mains sewer system and to
73 provide details of the method of effluent storage, treatment and disposal. The statement
74 should include a thorough examination of the impact of disposal of the final effluent,
75 whether it is discharged to a watercourse or disposed of by soakage into the ground. An
76 Environmental Permit or exemption will be required from the Environment Agency if it is
77 proposed to discharge treated sewage effluent to controlled waters or ground. Further
78 guidance on the information that should be incorporated into this statement is available on
79 the Agency's website². Where development proposes non-mains drainage, early liaison with
80 the Environment Agency is expected. The method of non-mains disposal should be the most
81 appropriate to minimise the risk to the water environment. Septic tanks should only be
82 considered if it can be clearly demonstrated by the applicant that discharging into a public
83 sewer to be treated at a public sewage treatment works or a package sewage treatment
84 plant is not feasible.

85 Reed bed filtration systems (reed beds constructed for the purpose of being a filtration
86 system and not natural reed beds) are a way of treating sewerage that provide multiple
87 habitat and landscape benefits, as well as being a low energy and low carbon option. While
88 it may take more space than other treatment options, the end discharge from a reed bed
89 system could be similar and, when combined with other methods, even better quality than
90 other methods on their own. Constructed reed bed systems should only be formed where
91 there is no impact on the wetland habitat of the Broads.

92 As set out in the next policy, all new/replacement/converted or extended buildings are
93 required to incorporate greywater recycling and rainwater harvesting unless it is not
94 feasible or not viable to do so.

95 Nutrient Enrichment is referred to throughout this Local Plan. At the time of writing, in
96 some parts of Norfolk planning applications for overnight accommodation and some other
97 types of development are not able to be approved without mitigation due to the issue of
98 Nutrient Enrichment. Mitigation schemes are being worked up both locally (Norfolk

² [Environmental Permits Guidance: Discharges to surface water and groundwater \(www.gov.uk\)](https://www.gov.uk/guidance/environmental-permits-guidance-discharges-to-surface-water-and-groundwater)

99 [Environmental Credits](#)) and nationally (led by Natural England). More information can be
100 found here: [Nutrient Neutrality \(broads-authority.gov.uk\)](#).

101 Horning Knackers Wood Water Recycling Centre (WRC) discharges to the River Bure and
102 contributes nutrient loads to the downstream watercourses as well as the Bure Broads and
103 Marshes Site of Special Scientific Interest (SSSI), a component of the Broads Special Area of
104 Conservation (SAC)/ Broadland Special Protection Area (SPA). [Concerns regarding](#)
105 [development in the catchment of the WRC relates to the potential impact of rising nutrient](#)
106 [loads on the river and sensitive downstream receptors and excess flows caused from water](#)
107 [ingress into the system \(from surface water, river over topping and the resultant](#)
108 [groundwater infiltration which is compounded through defects in the public and private](#)
109 [network\)](#). The environmental permit limits for Knackers Wood WRC are set to preserve the
110 [quality of water in the watercourse downstream of the discharge point both to ensure that](#)
111 [there is no deterioration in Water Framework Directive \(WFD\) status and that decisions](#)
112 [support measures to help the waterbody to achieve good ecological potential, nor](#)
113 [deterioration in Conservation Objectives](#). The permit limits are several, set against modelled
114 [conditions specific to that waterbody and interdependent with each other](#). Currently, one of
115 [the permit limits, Dry Weather Flow is in exceedance by a significant amount](#). At present,
116 [the section of the River Bure that receives the discharge from Knackers Wood has an overall](#)
117 [WFD status of 'moderate' and also 'moderate' for ecological potential](#). As a minimum, our
118 [objectives are to ensure that there is no deterioration in water quality in the river and that](#)
119 [the water quality thresholds set out in the Conservation Objectives for European protected](#)
120 [sites continue to be met or bettered](#). Both Anglian Water and the Environment Agency
121 agree that the WRC does not currently have capacity to accommodate further foul flows.
122 Anglian Water Services (AWS) have investigated why the WRC is receiving excessive flows,
123 and there is a [Joint Position Statement](#) setting out more detail [including actions undertaken](#)
124 [and proposed to address the issue](#). The Authority will keep informed of progress on this
125 issue.

126 **Reasonable alternative options**

- 127 a) Original policy
- 128 b) No policy

129 **Sustainability appraisal summary**

130 The options of no policy, the original policy and the amended policy have been assessed in
131 the SA. The following is a summary.

A: Original policy	3 positives. 0 negatives. 0 ? Overall, positive.
B: Amended policy	3 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 3 ?

132 **Why has the alternative option been discounted?**

133 Given that much of the area is water and the importance that water has to the
134 environment, society and economy, to have a policy that seeks to protect water quality is
135 prudent. The amendments are fairly minor and help to clarify the policy.

136 **UN Sustainable Development Goals check**

137 This policy meets these [UN SD Goals](#):

6 CLEAN WATER
AND SANITATION



12 RESPONSIBLE
CONSUMPTION
AND PRODUCTION



14 LIFE
BELOW WATER



138 **Information for Members**

139 As part of the Issues and Options Consultation document, we asked about water efficiency.
140 Here is the relevant section, options and question followed by the responses we received.

141

142 The East of England is an area of water stress. According to the Environment Agency, if no
143 action is taken between 2025 and 2050, around 3,435 million additional litres of water per
144 day will be needed in England to address future pressures on public water supply; within
145 this figure it is estimated that the East of England will require an additional 570 million litres
146 per day to meet the needs of residents and the agricultural sector, industry and energy
147 sector³. Additionally, given the context of Nutrient Neutrality in which we are operating, less
148 water used could mean less water into the waste water network so less water treated at
149 water recycling centres with impacts on the nutrients released into waterways.

150 **Current policy and Norfolk Strategic Planning Framework Agreement**

151 The adopted Local Plan policy DM4 sets a water use standard of 110 litres per household
152 per day (l/h/d), which is beyond the current building regulations requirement of 125 l/h/d.
153 Indeed, all Norfolk Local Planning Authorities have agreed to include the 110 l/h/d in their
154 local plans, through the [Norfolk Strategic Planning Framework](#) agreement which states at
155 Agreement 22 that 'Norfolk is identified as an area of serious water stress. The Norfolk
156 Planning Authorities have agreed that when preparing Local Plans to seek to include the
157 optional higher water efficiency standard (110 litres/per person/per day) for residential
158 development'.

159 **Emerging policy for Greater Cambridge**

160 We are aware that the [Greater Cambridge Local Plan](#) is considering going further than the
161 optional standard for water usage of 110 l/h/d and proposing 80 l/h/d unless demonstrated
162 impracticable. Their evidence suggests that current levels of abstraction in the area are
163 believed to be unsustainable. In terms of deliverability of the 80 l/h/d standard, the
164 proposal says 'the Integrated Water Management Study (IWMS) has shown that 80
165 litres/person/day is achievable by making full use of water efficient fixtures and fittings, and
166 also water re-use measures on site including surface water and rainwater harvesting, and
167 grey water recycling. It also shows that the cost effectiveness improves with the scale of the
168 project, and that a site-wide system is preferable to smaller installations'.

169 **Water neutrality**

170 'Water neutrality' means that new development should not increase the rate of water
171 abstraction above existing levels. It is an issue being raised and looked into in Sussex. In a
172 position statement sent in October 2021 to Horsham, Crawley and Chichester councils,
173 which fall within the Sussex North Water Supply Zone, Natural England laid out its concern
174 that current levels of water abstraction are having an adverse impact on protected sites in
175 the region and advised that developments within the Zone must not add to this impact.
176 Natural England indicates that the matter should be addressed strategically, in partnership
177 with other local planning authorities. Horsham District Council's response is at [Water](#)

³ [Meeting our Future Water Needs: a National Framework for Water Resources](#) (2020)

178 [Neutrality in Horsham District and its planning implications | Horsham District Council](#). This
 179 matter is early on in its investigation and the Broads Authority will keep informed of how it
 180 develops.

181 **Scale of development in the Broads**

182 It may be more feasible and cost effective to meet stricter water use standards over larger
 183 schemes. We do not often have large scale development in the Broads. A scheme in
 184 Ditchingham Dam (over 100 dwellings) has recently been completed, a scheme at Pegasus
 185 (76 dwellings) has been permitted, and there is an allocation for around 120 dwellings in
 186 East Norwich (Utilities Site). Schemes in the Broads, however, usually tend to be for one or
 187 two dwellings at a time.

188 **Options**

- 189 a) Do not set a water efficiency standard – the default would be 125 l/h/d.
- 190 b) Continue the current policy approach of 110 l/h/d
- 191 c) Investigate whether it is reasonable or justifiable to seek a standard that designs for less
 192 water a day than 110 l/h/d.
- 193 d) Investigate the potential to require water neutrality.

194 **Question 24: Do you have any thoughts on the issues of water efficiency and the options**
 195 **listed above?**

Anglian Water	<p>3.29. We disagree with option a) as our own analysis has shown that 55 out of the 59 local planning authorities in the Anglian Water region have, or are working towards, the higher optional standard of 110 litres/head/day given that the region is identified as a region under ‘serious water stress’. The option to not have a policy standard for water efficiency is not considered to be a reasonable alternative.</p> <p>3.30. As a minimum we would support option b) the continued approach of the optional standard of 110 l/h/d. In supporting the Greater Cambridge Local Plan, we are working with key stakeholders, to evidence more ambitious water efficiency standards to assist local planning authorities in their local plan preparation. We aim to share this with local planning authorities when we have a fully evidenced and agreed approach, which would assist in progressing option c).</p>
Anglian Water	<p>3.31. We are also leading a £6m Ofwat Innovation Project to develop a national framework for integrated water management in all new developments, showing how rainwater harvesting and reuse, SuDS, nature-based solutions, and water efficiency measures can drastically reduce the water and carbon footprint of new housing developments - the Enabling Water Smart Communities project.</p>
Anglian Water	<p>3.32. We are supportive of initiatives such as water neutral development to ensure that there is no increase in the total water use as a result of new development – meaning the additional water demand on the environment arising from a new development is zero. The experience of local planning authorities in the Sussex North Water Supply Zone (such as Crawley and Horsham) is due to abstraction having a detrimental impact on a number of designated habitats sites in the Arun Valley, as set out in a Position Statement from Natural England. LPAs within Sussex North are unable to determine</p>

	<p>applications for new development in the supply zone unless applications can demonstrate they are 'water neutral'. Anglian Water has provided advice on water neutrality to both Crawley and Horsham and further information can be found on the Waterwise website . If this option is taken forward, the challenge will be to ensure developments are much more water-efficient (including through rainwater harvesting and greywater reuse) and to identify sufficient local 'offsets' to enable water neutral development to come forward.</p>
Bradwell Parish Council	<p>We should continue with option b and explore ways of reducing this as outlined in option c.</p>
Broads Society	<p>The Society would support continuation of the current policy detailed in 'Option b'.</p>
Brooms Boats	<p>Option B however economic viability regarding business needs is vital and hence requires a collaborative approach.</p>
East Suffolk Council	<p>As already outlined in other answers, East Suffolk Council recently adopted a Sustainable Construction Supplementary Planning Document (April 2022), which is available to view here: https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Supplementary-documents/Sustainable-Construction-2022/FINAL-Sustainable-Construction-SPD.pdf This SPD includes specific guidance on water efficiency in new dwellings, including reference to the 110 litre/ person/ day water efficiency standard. The development a new Local Plan provides an opportunity to reconsider standards, and East Suffolk Council would support the Broads Authority investigating the reasonableness of seeking a standard that designs for less water a day than 110 l/h/d.</p>
RSPB	<p>As a minimum option c) should be chosen (in Denmark for example households aim for a max use of 80l/h/day). 'Working towards water neutrality' is stronger than the phrase 'investigate the potential to require water neutrality.'</p> <p>There shouldn't be an option of making no reductions/improvements in a part of the country already recognised to be in a state of severe water stress. Indeed, the disconnection between housing targets and the requirement that water companies must provide for a target number of houses needs resolving. If there isn't the possibility of sustainably providing a supply of water and managing household outputs to achieve nutrient neutrality without huge investment the proposal to construct new houses might be considered untenable.</p>
Sequence UK LTD/Brundall Riverside Estate Association	<p>2.60 The matter raised at paragraph 21.5 of the consultation document is particularly pertinent here that there is limited large scale development within the Broads and therefore water use and pressures are significantly less than the cited examples in Sussex and particularly Greater Cambridge. Accordingly we would suggest that water usage for new development should not be reduced below the current 110 l/h/d rate, particularly as this would appear to be consistent with the other Norfolk authorities.</p>
South Norfolk Council	<p>As a minimum the authority should continue with the current policy approach of 110 l/h/d, consistent with Agreement 22 of the NSPF. Whilst it is reasonable for the authority to explore lower usage standards, or water neutrality the imposition of any such standard will need to be particularly carefully balanced against viability and deliverability issues.</p>

Suffolk County Council	Suffolk County Council support higher water efficiency measures in light of the county being in a water stressed area as identified by the Environment Agency in 2021 in its Water Stressed Areas-Final Classification 2021 document..
Broadland Council	As a minimum the authority should continue with the current policy approach of 110 l/h/d, consistent with Agreement 22 of the NSPF. Whilst it is reasonable for the authority to explore lower usage standards, or water neutrality the imposition of any such standard will need to be particularly carefully balanced against viability and deliverability issues.

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal but is included here to show how the policy and options are rated.

196

Policy DM4: Water efficiency and re-use

197

1. All new/replacement/converted dwellings (including holiday/visitor accommodation) will be designed to have a water demand equivalent to 110 litres per head per day.

198

Measures to reduce water demand further will be supported.

199

200

2. All new/replacement/converted or extended buildings are required to incorporate greywater recycling and rainwater harvesting unless it is not feasible or not viable to do so.

201

202

203

3. Washing up provision and toilets and showers associated with camping, caravanning and glamping sites are required to be designed to be water efficient.

204

205

4. All new/replacement/converted non-domestic buildings are required to be designed to be water efficient.

206

207

~~5. All new/replacement/converted buildings for non-residential land uses will be designed to score at least 50% in the water section of the relevant BREEAM assessment.~~

208

209 Reasoned Justification

210

All new homes have to meet the mandatory national standard set out in the Building

211

Regulations (125 litres/person/day). The NPPG says 'Where there is a clear local need, local

212

planning authorities can set out Local Plan policies requiring new dwellings to meet the

213 *tighter Building Regulations optional requirement of 110 litres/person/day*⁴. The policy
214 seeks 110 l/h/d and the reasons for this are set out in the Local Infrastructure Study and
215 summarised below⁵.

216 The Water Stressed Areas Classification (Environment Agency, 2021)⁶ summary table shows
217 that the areas of Essex & Suffolk Water and Anglian Water are water stressed.

218 ~~For the area served by Anglian Water Services (AWS),~~ There is clear support from ~~them~~
219 Anglian Water and Essex and Suffolk Water in adopting this approach. Demand
220 management, such as reducing leakage, and encouraging customers to use less water is an
221 important component of Water Resource Management Plans, and helps to ensure that
222 there will be sufficient water resources for future population growth, coping with the
223 impacts of climate change, and to ensure a healthy and flourishing environment. ~~For the~~
224 ~~area served by Essex & Suffolk Water, the Waveney District Council Water Cycle Study~~
225 ~~includes a recommendation to adopt the 110l/h/d standard, and the Local Plan for the~~
226 ~~former Waveney District Council area (now East Suffolk) includes such an approach.~~

227 New development ~~should~~ need to incorporate measures to minimise water consumption.
228 Water management systems, including grey water recycling and rainwater harvesting,
229 should be incorporated into new development unless proven unfeasible.

230 Greywater recycling is the appropriate collection, treatment and storage of wastewater
231 discharged from kitchens (tap water or dishwasher water), baths or showers, to meet a non-
232 potable water demand in the building, such as toilet flushing, washing machine cycles,
233 outside tap or other non-potable water-compatible use.

234 Rainwater harvesting systems are the appropriate collection and storage of rainwater run-
235 off from hard outdoor surfaces (e.g. roofs) to meet a non-potable water demand in the
236 building or garden, such as toilet flushing, washing machine cycles, outside tap/watering
237 plants or other non-potable water-compatible use. Rainwater harvesting may also be
238 possible to design into a site's sustainable drainage system (SuDS) (see policy xxx).

239 The Authority will consider site constraints, technical restrictions, financial viability and the
240 delivery of additional benefits to the Broads where requirements of the policy cannot be
241 met. The Authority will expect developers to make a case on a site-by-site basis.

242 ~~For non-residential buildings, an assessment of the efficiency of the building's domestic~~
243 ~~water consuming components is required to be completed using the BREEAM Wat 01~~
244 ~~calculator⁷. The water consumption (litres/person/day) for the assessed building is~~
245 ~~compared against a baseline performance and BREEAM. The aim is to reduce the~~
246 ~~consumption of potable water for sanitary use in new buildings from all sources, through~~
247 ~~the use of water efficient components and water recycling systems.~~

⁴ The 'optional' enhanced national standard is defined within the 2015 Approved Document G, Building Regulations 'Sanitation, hot water safety and water efficiency' March 2015, page 15, G2(3). At 2015 this is defined as consumption 110 litres per person per day to be demonstrated [Building Regulations 2010: Sanitation, hot water safety and water efficiency \(PDF | publishing.service.gov.uk\)](#)

⁵ [Broads Local Plan: Local Infrastructure Study \(pdf | broads-authority.gov.uk\)](#)

⁶ [Water stressed areas – 2021 classification - GOV.UK \(www.gov.uk\)](#)

⁷ ~~BREEAM Wat 01 calculator: www.breem.com/BREEAM2011SchemeDocument/Content/08-Water/wat01.htm~~

248 Also see open space policy – this states that artificial pitches that are designed to require
 249 water will not be permitted. Other new pitches that required watering will need to
 250 demonstrate how water will be supplied and used sustainably.

251

252 And in terms of landscaping, the landscape policy states: to reflect that the East of England
 253 is an area of water stress, new landscaping/planting is expected to follow sustainable
 254 planting principles and be adaptive to climate change and be water-smart: using plants that
 255 are not dependent on additional watering/do not require a large amount of water.

256 This guide may be of use to applicants: [Developing water efficient homes \(pdf |](#)
 257 [watersafe.org.uk](#)). So too could the Norfolk and Suffolk ‘Reclaim the Rain’ project: [Reclaiming](#)
 258 [the Rain \(reclaimtherain.org\)](#).

259 More details on implementing the policy is included in Appendix xx.

260 **The Authority is aware of the work going on in the Cambridge area where a standard of 80**
 261 **l/h/d is being explored. New development is currently on hold in Greater Cambridge on**
 262 **the grounds of water availability and the need for new developments to be more water**
 263 **efficient owing to deteriorating condition of water bodies under WFD. The Authority will**
 264 **keep informed of progress and may introduce a lower than 110l/h/d standard.**

265 **Reasonable alternative options**

- 266 a) Original policy
- 267 b) No policy

268 **Sustainability appraisal summary**

269 The options of no policy, the original policy and amended policy have been assessed in the
 270 SA. The following is a summary.

A: Keep original policy	3 positives. 0 negatives. 0 ? Overall, positive.
B: Amended policy	3 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 3 ?

271 **Why has the alternative option been discounted?**

272 Given water supply issues in the area, a policy is prudent. The amended policy ensures that
 273 all types of development consider and address water efficiency.

274 **UN Sustainable Development Goals check**

275 This policy meets these [UN SD Goals](#):



276

Appendix x - Policy implementation - Water efficiency and residential

277

1. Introduction

278

Policy DM4 requires all new, replacement or converted dwellings to be designed to have a water demand of 110 l/h/d. This is the optional building regulations standard that has been incorporated into the Local Plan.

279

280

281

2. What the Building Regulations 2010 (as amended) say...

<i>Requirement</i>	<i>Limits on application</i>
Water efficiency	
G2. Reasonable provision must be made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water.	Requirement G2 applies only when a dwelling is—
	(a) erected; or
	(b) formed by a material change of use of a building within the meaning of regulation 5(a) or (b).
Water efficiency of new dwellings	
36. —(1) The potential consumption of wholesome water by persons occupying a new dwelling must not exceed the requirement in paragraph (2).	
(2) The requirement referred to in paragraph (1) is either—	
(a) 125 litres per person per day; or	
(b) in a case to which paragraph (3) applies, the optional requirement of 110 litres per person per day,	
as measured in either case in accordance with a methodology approved by the Secretary of State.	
(3) This paragraph applies where the planning permission under which the building work is carried out—	
(a) specifies the optional requirement in paragraph (2)(b); and	
(b) makes it a condition that that requirement must be complied with.	
(4) In this Part, “new dwelling” does not include a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(g).	
Wholesome water consumption calculation	
37. —(1) Where regulation 36 applies, the person carrying out the work must give the local authority a notice which specifies—	
(a) which of the requirements in regulation 36(2)(a) or (b) applies to the dwelling; and	
(b) the potential consumption of wholesome water per person per day in relation to the completed dwelling.	
Building (Approved Inspectors) Regulations 2010	
Application of Provisions of the Principal Regulations	
20. —(1) Regulation 20 (provisions applicable to self-certification schemes), 27 (CO ₂ emission rate calculations), 29 (energy performance certificates), 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing) and 44 (commissioning) of the Principal Regulations apply in relation to building work which is the subject of an initial notice as if references to the local authority were references to the approved inspector.	
(4) Regulation 37(2) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed” there were inserted, “or, if earlier the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force”.	

8

⁸ Where there is reference to regulation 5: [The Building Regulations 2010 \(legislation.gov.uk\)](http://legislation.gov.uk)

282 [The relevant Building Regulations Approved Document are part G. Approved Document G provides](#)
283 [guidance on the supply of water to a property, including water safety, hot water supply, sanitation](#)
284 [and water efficiency i.e. an easily accessible water supply that doesn't incur wastage. Approved](#)
285 [Document G - Part G - Sanitation, hot water safety and water efficiency - Planning Portal](#)

286 [G2 is the specific part that relates to water efficiency.](#)

287 [With regards to the optional requirement, which we adopt in the Local Plan, it says:](#)
288 ['The optional requirement only applies where a condition that the dwelling should meet the optional](#)
289 [requirement is imposed as part of the process of granting planning permission.'](#)

290 **3. Calculating water use.**

291 [The Approved Document G \(in particular G2\) refers to two approaches.](#)

292 ['... the estimated consumption of wholesome water calculated in accordance with the methodology](#)
293 [in the water efficiency calculator, should not exceed 110 litres/person/day'.](#)

294 ['As an alternative to calculating the water consumption, a fittings approach that is based on the](#)
295 [water efficiency calculator methodology may be used. Where the fittings approach is used, the water](#)
296 [consumption of the fittings provided must not exceed the values in Table 2.2'.](#)

Water fitting	Maximum consumption
WC	4/2.6 litres dual flush
Shower	8 l/min
Bath	170 litres
Basin taps	5 l/min
Sink taps	6 l/min
Dishwasher	1.25 l/place setting
Washing machine	8.17 l/kilogram

297 [The Water Efficiency calculator is at Appendix A of Approved Document G.](#)

298 **4. Planning Applications**

299 [Since the policy requirement is tied to national standards in the Building Regulations, the process for](#)
300 [providing the necessary information to support a planning application is relatively straightforward.](#)

301 **4.1 Pre application discussions**

302 [Water efficiency will be one of the policy requirements to be discussed by development](#)
303 [management planners and developers from the earliest stages of the design and planning](#)
304 [application process. Early consideration will reduce associated costs.](#)

305 **4.2 Submitting planning applications**

306 [Reference to the requirement for the housing development to comply with the regulation 36 2\(b\) for](#)
307 [water efficiency, and how this will be addressed, should be incorporated in the Design and Access](#)
308 [Statement which supports the planning application.](#)

309 **4.3 Assessing planning applications**

310 For all residential development, regulation 36 2(b) for water efficiency of the Building Regulations
311 will be applied.

312 **4.4 Conditions**

313 Standard water conditions will be applied to relevant planning permissions. These are to ensure that
314 the appropriate levels for water efficiency have been achieved. The standard condition is as follows:

315 The development hereby approved shall be designed and built to meet the regulation 36 2(b)
316 requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building
317 Regulations for water usage. No occupation of [any of] the dwelling[s] shall take place until a
318 Building Regulations assessment confirms that the development has been constructed in accordance
319 with regulation 36 2(b) of part G2 of the Building Regulations for water efficiency and has been
320 submitted to and agreed in writing by the local planning authority.

321 REASON: To ensure the development is constructed to an appropriate standard in accordance with
322 Policy DM4 of the adopted Local Plan for the Broads.

323 **4.5 Long term maintenance**

324 It will be important that developers inform residents and other users of their developments of both
325 the advantages of the installed water efficiency devices and systems and of any issues related to
326 long term maintenance.

Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy
Policy POPSXX: Strategic Design Policy

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1			
ENV2	+ Fundamentally, the policy is about the use of water.	+ Fundamentally, the policy is about the use of water.	?
ENV3	+ Protecting water quality benefits biodiversity.	+ Protecting water quality benefits biodiversity.	?
ENV4			
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1	+ Water is important to the health and wellbeing of people.	+ Water is important to the health and wellbeing of people.	?
SOC2			
SOC3			
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not necessarily mean that these considerations will not be addressed in schemes, but having a policy provides certainty.

Policy DM4: Water efficiency and re-use

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1			
ENV2	+ Fundamentally, the policy is about the use of water.	+ Fundamentally, the policy is about the use of water.	?
ENV3			
ENV4			
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1	+ Water is important to the health and wellbeing of people.	+ Water is important to the health and wellbeing of people.	?
SOC2			
SOC3			
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2	+ Policy ensures that it is not just residential schemes that consider and address water efficiency.	+ Policy ensures that it is not just residential schemes that consider and address water efficiency.	?
ECO3			

Not having a policy does not necessarily mean that these considerations will not be addressed in schemes, but having a policy provides certainty.



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023**

Natural Environment

1 Information for Members

2 We asked the following question as part of the Issues and Options consultation:

- 3 a) Do not set a higher standard relating to biodiversity net gain; continue with the 10% set by
- 4 Government.
- 5 b) Introduce a standard of greater than 10% Biodiversity Net Gain in a similar way to some other
- 6 LPAs around the country.
- 7 c) Introduce 'Environmental Net Gain'.

8 Question 34: Do you have any thoughts on these options in relation to biodiversity net gain?

9 We received these responses:

Anglian Water	<p>3.33. Anglian Water supports a biodiversity net gain requirement, which can, in part, be achieved by requiring Sustainable Drainage Systems (SuDS) built in new developments to deliver water quality and biodiversity benefits as well as reductions in flood risk. We consider the introduction of higher BNG targets is a matter for the Authority in evidencing the policy requirements for new development.</p> <p>3.34. Anglian Water has a voluntary biodiversity net gain (BNG) business plan commitment to deliver 10% BNG against the measured losses of habitats measured by area on all Anglian Water-owned land. It is also important to recognise that Anglian Water through landholdings and projects, as well as working with other bodies such as Wildlife Trusts can support the development of landscape scale BNG and linked habitats which support climate change adaptation and species resilience. We suggest that delivery of offsite BNG should align with Local Nature Recovery Strategies to deliver improvements at a landscape scale to support nature recovery and resilience.</p>
Bradwell Parish Council	Option b to Introduce a standard of greater than 10% Biodiversity Net Gain seems sensible.
Broads Society	The Society considers that the current policy set by the Government should be followed until more stringent standards are put into legislation.
Brooms Boats	Current policy set by the Government should be followed.

East Suffolk Council	The adopted Local Plans for East Suffolk support the implementation of Biodiversity Net Gain whilst not specifying that 10% is required. Suffolk Local Planning Authorities are currently developing an interim position that also supports the 10% requirement, whilst stating that this should be seen as a minimum and that higher values will be supported. If gains of greater than 10% can be robustly justified to be included in policy this would be supported.
East Suffolk Council	East Suffolk would also support the implementation of 'Environmental Net Gain', however this has similar issues as requiring more than 10% Biodiversity Net Gain as it would need to be robustly justified in policy.
Norfolk Wildlife Trust	Biodiversity Net Gain – whilst we support the mandatory 10% biodiversity net gain required by the 2021 Environment Act, given the scale of the global biodiversity crisis, and the need to make clear and tangible progress on nature's recovery, Norfolk Wildlife Trust recommends that wherever possible, a requirement for 20% should be set instead. We therefore support option b, and would also support option c.
RSPB	Adopting a 20% BNG requirement will provide a more powerful and better targeted impact to restore biodiversity and encourage reconnection of fragmented habitats. The importance of this approach should not be underestimated in the ability to restore wildlife, mitigate for the impacts of climate change and contribute to the wellbeing of residents and visitors alike. Extending the network of sites well managed for nature will also enhance the attractiveness of the landscape and reinforce the beauty and desirability as a tourist destination and create that 'breathing space for the cure of souls' you mention.
Sequence UK LTD/Brundall Riverside Estate Association	2.82 We would suggest the Broads Authority follows option a, which is the Government's 10% figure. As set out in previous answers, the majority of development within the Broads Authority area is small scale and therefore 10% on site provision can be challenging. Similarly the purchasing of credits for off-site mitigation as proposed by the Government could be also be challenging for small sites on viability grounds.
South Norfolk Council	The aim of creating biodiversity is in accordance with the NSPF (Agreement 3, 27, 28). As identified, the 10% requirement will also now be covered by other legislation (Environment Act 2021). If there is local evidence to suggest a need to go beyond this requirement either in percentage terms or in terms of an alternative approach then a separate policy may be justified. However, such interventions would need to be carefully balanced against the impact on the viability and deliverability of appropriate development.
Suffolk County Council	At this time, Suffolk County Council supports setting the biodiversity net gain standard at 10% as required by Government from November 2023. However, we are aware other Suffolk Local Authorities, including West Suffolk in their preferred options local plan, have an aspiration of 20% and Suffolk County Council would support investigation as to whether this would be achievable.
Suffolk County Council	It is important to note that although we are still awaiting secondary legislation for biodiversity net gain and further guidance for LNRS, it is Suffolk County Council's understanding that the two will work closely together. Therefore, any policies on biodiversity net gain should also refer to the LNRS.

Broadland Council	The aim of creating biodiversity is in accordance with the NSPF (Agreement 3, 27, 28). As identified, the 10% requirement will also now be covered by other legislation (Environment Act 2021). If there is local evidence to suggest a need to go beyond this requirement either in percentage terms or in terms of an alternative approach then a separate policy may be justified. However, such interventions would need to be carefully balanced against the impact on the viability and deliverability of appropriate development.
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10 The introduction of Biodiversity Net Gain (BNG) for larger schemes has been delayed by the
11 Government from November 2023 to January 2024. For smaller sites, BNG will be implemented
12 from April 2024. At the time of writing, no Regulations, guidance or templates relating to BNG have
13 been released by Government. The Authority will need to consider these when they are published
14 in order to fully understand how BNG will work, prior to any consideration of whether it should
15 require more than 10% BNG. Consequently, it is proposed that:

16 1: The need for 10% BNG is included in the policy in case, for whatever reason, there is further
17 delay in its introduction. This can be removed as required.

18 2: Work to investigate whether to go beyond 10% BNG or not to commence around April 2024
19 time, to inform the next version (Publication version) of the Local Plan.

20 **Thoughts from Members are requested.**

21 This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments
22 and thoughts are requested. This policy is already in the local plan, but some amendments are
23 proposed.

24 Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

25 There is an assessment against the UN Sustainable Development Goals at the end of the policy.

26 The proposed Sustainability Appraisal of the policy is included at the end of the document. This
27 would not be included in the Preferred Options Local Plan itself; this table would be part of the
28 Preferred Options Sustainability Appraisal, but is included here to show how the policy and options
29 are rated.

30 **Policy POSP6: Biodiversity**

- 31 1. All developments will be planned around the protection and enhancement of nature.
- 32 2. Development will:
- 33 a) protect the value and integrity of nature conservation interest and objectives of ~~European,~~
34 international, national and local (such as County Wildlife Sites and Local Nature Reserves)
35 nature conservation designations;
- 36 b) protect against the loss of Section 41 habitats and species;
- 37 c) ~~demonstrate~~ provide biodiversity net gains in line with local and/or national policy and/or
38 through providing biodiversity enhancements (particularly where net gain is not
39 required), ~~wherever possible~~ paying attention to habitats and species including the Broads core
40 habitat within wider ecological networks and habitat corridors, especially linking fragmented
41 habitats;
- 42 d) contribute to the delivery of the Local Nature Recovery Strategy and Broads Biodiversity and
43 Water Strategy;
- 44 e) mitigate any likely significant impacts on the natural environment;
- 45 f) contribute towards creating and managing habitat for wildlife to enhance the urban and rural
46 environment;
- 47 g) incorporate biodiversity features within/ as part of buildings/development proposals. This
48 should be thought about at an early stage and suitably designed with sympathetic/ high quality
49 materials that will last; and
- 50 h) address biosecurity and non-native species as appropriate.

51 **Reasoned Justification**

52 The Broads is a biodiversity resource of international importance, recognised by local, national, and
53 international conservation designations. Despite this, the ecosystems of the Broads are under
54 considerable pressure. Climate change, water quality, habitat fragmentation, non-native species,
55 and scrub encroachment all pose threats to local biodiversity, as do demands for higher levels of
56 food production, water, waste disposal, infrastructure, and small-scale developments.

57 Sites subject to national designations are accorded a high degree of protection under national
58 legislation, with the objective to conserve these resources. The Local Plan policies reiterate this
59 level of protection.

60 Additional protection is given to features accorded statutory designation under European
61 legislation, transposed into UK Law following the UK leaving the EU. On such sites, no development
62 that would harm those features for which the site is designated will be permitted, other than in the
63 most exceptional circumstances where there is no alternative solution, where there are imperative
64 reasons of over-riding public interest, and where appropriate compensatory measures are
65 provided. Indeed, there are particular issues identified in parts of Norfolk and Suffolk that require
66 mitigation of nutrient enrichment and recreational impact arising from development. This is
67 discussed in more detail later in this section. Potentially damaging development might be better
68 located outside the Broads Authority Executive Area.

69 The identification, promotion and creation of ecological networks will help to re-establish
70 vulnerable species and habitats to more viable population levels and enable them to adapt better
71 to change in the medium and longer-term. Habitat corridors and the management that goes on
72 within them are vital for the migration and dispersal of species and help to maintain and enhance
73 biodiversity. In the light of current and future climate change, the role of habitat corridors is likely
74 to become more valuable as species adjust their ranges to accommodate for changing climatic
75 conditions. The Norfolk County-wide ecological network work will be used to inform the design of
76 proposals where relevant.

77 While it is essential that development does not adversely affect the wildlife value, it also provides
78 opportunities for enhancement, and it is important these are embraced to increase the value of the
79 resource over time. Even improvements through small-scale developments in the Broads can
80 support biodiversity targets. Relevant schemes will need to provide Biodiversity Net Gain of 10%
81 when the Regulations come into effect in January 2024 for larger schemes and April 2024 for
82 smaller schemes; this is discussed in more detail later in this section. It is noted that whilst BNG
83 does not apply to all development types, there will nonetheless be the opportunities for most types
84 of development to provide biodiversity enhancements. Therefore, in all relevant development
85 proposals, not only will assessments of ecological impacts will be sought, but so too will ~~along with~~
86 opportunities for enhancement, with particular attention paid to Section 41 priority habitats and
87 species. The Authority has adopted a Biodiversity Enhancements Guide.

88 Development is expected to use the location, type and design of open spaces to improve the
89 connectivity of wildlife habitats in the wider area, including the potential to link to habitats that
90 may be created through future adjacent development. Open spaces should be designed to include
91 a range of habitats which are suitable to the setting and climate of the site. Include habitat creation
92 in the design of buildings, including car and cycle storage and parking structures, such as green
93 roofs, climbing plants on walls, integral bird and bat boxes, and insect habitats. Fencing and walls
94 should be designed to allow for movement of small mammals such as hedgehogs and avoid the
95 installation of green features which require extensive or specialist maintenance.

96 By increasing biodiversity in the Broads, the value and beauty of the area will increase and
97 ecological populations will be strengthened and be better able to maintain viable communities.

98 Policy DM8 on Green Infrastructure is also of relevance and so too are the Waveney Green
99 Infrastructure Study, the Broads Integrated Access Strategy and Norfolk Strategic Planning
100 Framework Ecological Networks Study as well as future guidance on ecological networks.

101 **Reasonable alternative options**

- 102 a) The original policy, with no amendments.
 103 b) No policy

104 **Sustainability appraisal summary**

105 The three options (of the amended policy, no policy and the original policy) have been assessed in
 106 the SA. The following is a summary.

A: Keep original policy	2 positives. 0 negatives. 0 ? Overall, positive.
B: Preferred Option - amend policy.	2 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 2 ? Overall, positive.

107 **How has the existing policy been used since adoption in May 2019?**

108 According to recent Annual Monitoring Reports, the policy has been used and schemes are in
 109 general conformity with the policies.

110 **Why have the alternative options been discounted?**

111 Given the wildlife in the Broads, a policy is required to ensure biodiversity is protected, recovers
 112 and is enhanced. The amendments make the policy stronger, bringing in important considerations
 113 when planning and assessing schemes.

114 **UN Sustainable Development Goals check**

115 This policy meets these [UN SD Goals](#):



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Policy DM13: Natural Environment

1. All development shall:
 - a) Protect biodiversity value and minimise the fragmentation of habitats;
 - b) Maximise opportunities for restoration and enhancement of natural habitats;
 - c) Incorporate beneficial biodiversity and geological conservation features where appropriate which are positively managed; and
 - d) Include green infrastructure where appropriate (see policy DM8).

Habitats Sites¹

2. Any proposal which would adversely impact a ~~European~~ Habitats Site, ~~or cause significant harm to a SSSI~~, will not normally be granted permission. Development should firstly avoid (through an alternative development site or avoidance on the site), then mitigate and, as a last resort compensate for adverse impacts on biodiversity and geodiversity.
3. ~~Where it is anticipated that a development could affect the integrity of a Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site, either individually or cumulatively with other development, a Habitat Regulation Assessment under the Habitats Regulations will be undertaken. If adverse impacts on the integrity of the site and its qualifying features are predicted, measures to mitigate for these effects will be implemented. If it is not possible to mitigate satisfactorily for adverse effects, the development will not be permitted. If there is no alternative solution, the consideration of imperative reasons of overriding public interest, despite a potentially negative effect on site integrity, can be considered.~~
4. Where development proposals are likely to lead to a significant effect upon a Habitats Site, either alone or in-combination with other plans or projects, an appropriate assessment in compliance with the Conservation of Habitats and Species Regulations (Habitats Regulations) 2017 (as amended) will be required in order to understand the nature of effects and if mitigation is required. If it is not possible to mitigate satisfactorily for adverse impacts, the development will not be permitted. In exceptional circumstances, where there remains an adverse impact on site integrity and there are no alternative solutions, a plan or project may meet the test of Imperative Reasons of Overriding Public Interest (IROPI) under the Habitats Regulations which would then require demonstration that appropriate compensation is feasible.
5. Policy XX on Recreation Impacts and Policy XX on Nutrient Enrichment will be of relevance.

SSSI and National Nature Reserves

¹ The NPPF defines Habitats Sites as: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Para 181 of the 2023 NPPF goes on to say: 181. The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites⁶⁴; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

- 151 6. Development that may adversely affect the special interest of a Site of Special Scientific Interest
152 (SSSI) (which is not also subject to an international designation), the zones of impact around
153 SSSI or a National Nature Reserve will only be permitted in exceptional circumstances where:
154 a) There is no significant harm to the features of the site;
155 b) The benefits of the development clearly outweigh the impact of the development on the
156 features of the designated site and the contribution that the designated site makes to the
157 network of habitats and/or geological features in England; and
158 c) The detrimental impact of the proposal on biodiversity interest and/or geodiversity has been
159 minimised through the use of all practicable prevention, mitigation and compensation
160 measures.

161 **Local Nature Reserve, County Wildlife Site, section 41 priority habitat and/or species**

- 162 7. Development that would have an adverse impact on a Local Nature Reserve, County Wildlife
163 Site, a section 41 priority habitat identified under the Natural Environment and Rural
164 Communities (NERC) Act 2006, or a local site of geodiversity, including peat soils, will only be
165 permitted in exceptional circumstances, having regard to the international, national, regional
166 and local importance of the site in terms of its contribution to biodiversity, scientific and
167 educational interest, geodiversity, visual amenity and recreational value.
- 168 8. Development that would be likely to have an adverse impact on a legally protected species or
169 section 41 priority species will only be permitted where mitigation measures are implemented
170 to maintain the population level of the species at a favourable conservation status within its
171 natural range. Habitat and species enhancement will be required, providing they are not at the
172 detriment to other existing valuable habitats. Where the proposed development would
173 adversely impact upon legally Protected Species or habitats, it must also be demonstrated that:
174 a) The development is necessary for reasons of overriding public interest; and
175 b) There are no satisfactory alternatives, in terms of the form of, or location for, the development,
176 that would have a lesser impact on the species or habitats.

177 **Proposals on previously developed/brownfield land**

- 178 9. Proposals on previously developed/brownfield land may require surveys to determine if the site
179 has open mosaic habitat of intrinsic biodiversity value².
- 180 10. If this habitat is found on the site, the design of the scheme is required to protect and enhance
181 these areas and/or to design appropriate compensation and off-site mitigation measures in
182 order to secure a net gain for biodiversity³.

183 **Biodiversity enhancements and wildlife friendly features**

- 184 **11. All schemes are required to provide biodiversity enhancements and incorporate wildlife friendly**
185 **features.**
- 186 **12. Those schemes that are not required to provide BNG will be required to provide biodiversity**
187 **enhancements in line with the Authority's Biodiversity Enhancements Guide. These**

² For more information go here www.buglife.org.uk/sites/default/files/Identifying%20open%20mosaic%20habitat.pdf and here www.incc.gov.uk and from the Wildlife and Countryside Link www.wcl.org.uk [Brownfield high environmental value FINAL June 15.pdf \(wcl.org.uk\)](#)

³ [Biodiversity Net Gain: Good Practice Principles for Development. | CIEEM](#)

188 enhancements will be agreed with the Authority and will reflect the specifics of the site in
189 question. They will be secured through condition on the planning permission.

190 **Local Nature Recovery Strategies**

191 13. Where development is sited within or adjacent to the identified Local Nature Recovery Network
192 it will demonstrate how the proposal will maintain and enhance the ability of the network to
193 restore habitat and provide eco-system services in line with the Local Nature Recovery Strategy.

194 **Schemes for land management and restoration or creation of habitat**

194 ~~14. Development proposals with the principal objective to restore or create new habitat will be~~
195 ~~supported.~~ Development proposals where the principal objective is to conserve or enhance
196 biodiversity and geodiversity interests will be supported in principle.

197 15. Schemes that seek to take innovative approaches to land management will be supported.

198 **Biosecurity and non-native species**

199 16. All development must employ environmental standard operating procedures for biosecurity as
200 a minimum to protect against the spread of invasive non-native species.

201 **Reasoned Justification**

202 **Protected sites and species**

203 Protecting and enhancing the natural environment is a statutory purpose of the Broads Authority.
204 The Authority also has a legal duty under the Natural Environment and Rural Communities Act
205 2006⁴ and the Wildlife and Countryside Act 1981⁵ to protect and enhance biodiversity.
206 Development proposals will therefore be expected to consider the protection and enhancement of
207 biodiversity from the outset. In particular, proposals should take opportunities for the restoration
208 and enhancement of the [Broads core habitat](#), priority habitats and species identified in the [Local](#)
209 [Nature Recovery Strategy](#), Broads Biodiversity Action Plan (BAP), Buglife: Beelines, Important
210 Invertebrate areas⁶. [The Broads Nature Recovery Prospectus \(broads-authority.gov.uk\)](#), the Broads
211 Biodiversity and Water Strategy and the Norfolk Ecological Network Mapping Report⁷ (~~under~~
212 ~~preparation at the time of writing~~) and incorporate appropriate beneficial biodiversity conservation
213 features.

⁴ **Natural Environment and Rural Communities Act, 2006.** Section 40 places a duty on public authorities to conserve biodiversity - for the first time. This section states that (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity, and (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat. This places a duty on all Local Authorities to conserve wider biodiversity in addition to the statutory protection given to certain sites and species. Also Section 55 changes the situation regarding the Local Authority role and SSSI protection. Guidance for Local Authorities on Implementing the Biodiversity Duty has been produced by Defra. Section 41 refers to the list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity.

⁵ The legislative provisions in Great Britain for the protection of wild animals are contained primarily in the **Wildlife and Countryside Act, 1981**, Sections 9-12, the wild animals which are protected are listed in Schedules 5-7 of the Act and the provisions for the granting of licenses and enforcement are set out in Sections 16-27. In England and Wales, enforcement provisions were extended and some amendments for protection made by the Countryside Rights of Access Act 2000 (CRoW act) Section 81 and Schedule 12.

⁶ [Important Invertebrate Areas - Buglife](#)

⁷ The aims of the project are to make the 'connections' between GI and growth, providing LPAs with a deliverable approach to addressing green infrastructure matters to enable and support growth, map the green infrastructure Network of Norfolk, maximising the benefits it brings to the communities of Norfolk, to identify deficiency in GI provision and identify opportunities for enhancement. The work is being coordinated by Norfolk County Council.

214 Sites of nature conservation value will be strongly protected from development that is likely to
215 damage the features that provide their special value.

216 Habitats sites

217 All plans and projects (including planning applications) which are not directly connected with, or
218 necessary for, the conservation management of a Habitats Site, require consideration of whether
219 the plan or project is likely to have significant effects on that site. Where a significant effect alone
220 or in-combination with other plans and projects is likely, an appropriate assessment of the
221 implications for the site, in view of the site's conservation objectives, will be required in compliance
222 with the Habitats Regulations.

223 European Sites and European Offshore Marine Sites are protected under the Conservation of
224 Habitats and Species Regulations 2017 (as amended), known as the Habitats Regulations. In
225 addition, sites listed under Paragraph 181 of the National Planning Policy Framework (NPPF), which
226 include wetlands of international importance (Ramsar sites), are protected by Government policy
227 and subject to the same level of protection as sites of European importance. Together these sites
228 are referred to as Habitats sites (as defined NPPF Glossary).

229 ~~A Habitats Regulations Assessment will be required for all proposals that are likely to have an effect~~
230 ~~on a Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site, on the advice~~
231 ~~of ecology experts or Natural England. Proposals will only be permitted if they do not adversely~~
232 ~~affect the integrity of the site.~~

233 Where an adverse effect on a Habitat Site's integrity cannot be ruled out, and where there are no
234 alternative solutions, the plan or project can only proceed if there are imperative reasons of over-
235 riding public interest (IROPI) and if the necessary compensatory measures can be secured. Given
236 the rigour of these tests, the presumption is that plans or projects that could have an adverse
237 impact upon Habitats Sites would not be approved. In practice, plans and projects which meet the
238 test of IROPI are extremely rare and very unlikely to fall under the Authorities remit for decision
239 making.

240 ~~Where the species is protected under the Conservation of Habitats and Species Regulations 2017~~
241 ~~(the Habitats Regulations)⁸ it will also be necessary to demonstrate that any harm to the species is~~
242 ~~justified by reasons of overriding public interest (IROPI). For SACs, where priority habitats and~~
243 ~~species will be affected, only factors relating to public health, public safety and beneficial~~
244 ~~consequence of primary importance to the environment would constitute IROPI. The IROPI test can~~
245 ~~only be considered once all alternative solutions that would be less environmentally damaging have~~
246 ~~been assessed. Developments for which IROPI could apply will be exceptional.~~

247 Protected species and surveys

248 Where protected species are likely to occur, development proposals should be accompanied by a
249 protected species survey undertaken by a competent, independent and suitably qualified ecologist
250 and submitted with an application. The survey should include an appraisal and appropriate survey
251 evidence of the likelihood and level of presence of the protected species and provide sufficient

⁸ These animal and plant species are listed on Annex IV of the **Habitat Directive**. The animals (not birds) are protected under Regulation 41 of the Habitats and Species Regulations 2010 and are listed on Schedule 2 of these Regulations; plants are protected under Regulation 45 of the Habitats and Species Regulations 2010 and are listed on Schedule 5. The European Protected Species Guidance note advises developers and planners of their responsibilities towards European Protected species.

252 information to assess the effects of the development on the species, together with any proposed
253 prevention, mitigation or compensation measures. A key test will be whether the viability of the
254 species or habitat would be maintained at this site for the foreseeable future.

255 Development that may have a damaging or negative impact upon a Site of Special Scientific Interest
256 (SSSI), National Nature Reserve (NNR), Local Nature Reserve, County Wildlife Site, habitat identified
257 in the UK, Norfolk or Suffolk Biodiversity Action Plan or local site of geodiversity must be
258 accompanied by a suitable environmental assessment that identifies the impact of the
259 development on the site and proposes mitigation measures that would be incorporated to
260 minimise any impact. Natural England must provide approval for any unconsented operations
261 within an SSSI or NNR.

262 **Section 41 species/habitat**

263 Where development is likely to have an adverse impact upon a species not protected by the
264 Habitats Regulations, and in particular where that species is identified on the UK priority species list
265 (section 41 of the Natural Environment and Rural Communities Act 2006) , there will be an
266 expectation that the development proposal will be accompanied by an impact study commensurate
267 with the scale of the impact and the importance of the species, and that mitigation and
268 compensation measures are considered under an appropriate decision making hierarchy.
269 Developers are expected to consult Natural England to ensure relevant wildlife licences are in place,
270 where required.

271 **Local Nature Recovery Strategy**

272 Norfolk County Council and Suffolk County Council have been formally appointed by Government
273 as responsible authorities for preparing a Local Nature Recovery Strategy for their respective
274 counties. This means that they will be working together to help improve wildlife habitats and
275 reverse the decline of biodiversity across the region, working with local communities to develop a
276 tailored nature recovery strategy for their areas. They will also work with other local planning
277 authorities, the Broads Authority, Natural England, and a wide range of stakeholders and partners,
278 including farming and landowner groups. The Strategies will focus on how to improve habitats and
279 protect the natural environment across the region, with local approaches tailored to the specific
280 circumstances of each area. Applications will be required to address the requirements of the Local
281 Nature Recovery Strategy.

282 **Biodiversity enhancements and wildlife friendly features**

283 Existing and future developments can provide habitat for species such as bats and birds. The policy
284 requires development schemes to be wildlife friendly through such measures as:

- 285 • Expecting, as the norm, planting of native species;
- 286 • Incorporation of wild and non-manicured spaces in development.
- 287 • Avoidance of hard surfacing.
- 288 • Incorporation of wildlife friendly features such as – bird and bee houses built into the fabric of
289 buildings and hedgehog tunnels. In particular, an average of at least one integral bird box per
290 residential unit should be incorporated in the fabric of all new housing developments, with flats,
291 hotels, care/nursing homes, commercial and public buildings considered on a case-by-case
292 basis.

293 The Authority has produced a Biodiversity Enhancements guide⁹ to help applicants provide
294 beneficial biodiversity features. [Biodiversity in new housing developments | NHBC](#) might also be of
295 relevance.

296 **Non-native species and Biosecurity**

297 [Non-native species that are invasive can pose a serious threat to biodiversity. They can compete](#)
298 [with native species for limited resources, alter habitats and cause extinctions, reducing biodiversity](#)
299 [and causing environmental and/or economic harm. Invasive species can be spread by numerous](#)
300 [pathways and are often introduced by human activities. To limit the potential introduction and](#)
301 [spread of invasive non-native species, all developments are expected to follow stringent biosecurity](#)
302 [guidance. There is \[guidance\]\(#\) on our website that will be of relevance. \(ref to ESOP and contractor](#)
303 [guidance on website\)](#)

304 **Geodiversity**

305 Geodiversity is the variety of rocks, fossils, minerals, landforms and soils, along with the natural
306 processes that shape the landscape that forms the earth heritage resource. There are no
307 designated Local Sites of geodiversity interest (RIGS, County Geodiversity Sites, County Geosites) in
308 the Broads area. There are however, two SSSIs designated for their geodiversity features:
309 Bramerton Pits for their Norwich Crag exposures and Winterton-Horsey Dunes for their coastal
310 dunes. The geodiversity of the Broads area may be summarised as '*Holocene peatland and marine*
311 *alluvium giving rise to open water, fen and carr habitats; broads developed in former early*
312 *Mediaeval peat diggings; rivers including lower reaches of Bure, Waveney and Yare and their*
313 *tributaries including Ant, Chet and Thurne. There are also significant exposures of early and middle*
314 *Pleistocene marine and glacial sediments*¹⁰.' New development has the potential to result in the
315 loss of geodiversity, including the valuable biodiversity and carbon stores supported by peat soils
316 (see Policy DM10), through operations such as landfill, destruction of geomorphology (landform)
317 and mineral extraction. However, there is also potential to enhance geodiversity by recording
318 sediments exposed during development and by the retention of geological sections. The Authority
319 will make sure development is managed to protect this important asset. [Please see the policies on](#)
320 [soils and peat.](#)

321 **Brownfield Sites**

322 Brownfield Sites (Previously Developed Land¹¹) can be havens for wildlife, supporting some of the
323 UK's most threatened species. Brownfield sites are listed as a Priority Habitat in Section 41 of the
324 Natural Environment and Rural Communities Act 2006 (NERC Act), as 'open mosaic habitat on
325 previously developed land'. These habitats can be extremely diverse, supporting a wide range of
326 terrestrial and aquatic habitats.

⁹ [Broads Authority biodiversity enhancements \(broads-authority.gov.uk\)](#)

¹⁰ [Norfolk Geodiversity Partnership - National Parks and NNRs \(google.com\)](#)

¹¹ The NPPF 2019 defines previously developed land as '*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*'.

327 The policy's requirement for a survey in relation to brownfield/previously developed land must be
328 undertaken by a competent ecologist and submitted with an application. This is not about
329 preventing development on brownfield land, but to make sure development considers the potential
330 habitat and takes it into consideration in its design and delivery. It is not at the expense of other
331 habitats, and recognises that most development in the Broads is on brownfield land.

332 **Planning conditions**

333 Wherever a proposed development may have an adverse impact on biodiversity or geodiversity,
334 conditions and/or planning obligations will be used to ensure that appropriate mitigation and
335 enhancement measures are implemented. Planning conditions or legal agreements may be used in
336 relation to BNG and Nutrient Neutrality. See policy DM47.

337 **Green Infrastructure and Ecological Networks**

338 **Policy DM8** on Green Infrastructure is of relevance and so too are the various Green Infrastructure
339 studies of our Districts ~~Waveney Green Infrastructure Study~~, the Broads Integrated Access Strategy
340 and Norfolk Strategic Planning Framework Ecological Networks Study as well as future guidance on
341 ecological networks (as well as the Local Nature Recovery Strategy – see previous).

342 **Reasonable alternative options**

- 343 a) The original policy, with no amendments.
344 b) No policy

345 **Sustainability appraisal summary**

346 The three options (of the amended policy, no policy and the original policy) have been assessed in
347 the SA. The following is a summary.

A: Keep original policy	2 positives. 0 negatives. 0 ? Overall, positive.
B: Preferred Option - amend policy.	2 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 2 ? Overall, positive.

348 **How has the existing policy been used since adoption in May 2019?**

349 According to recent Annual Monitoring Reports, the policy has been used and schemes are in
350 general conformity with the policies.

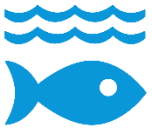
351 **Why have the alternative options been discounted?**

352 Given the wildlife in the Broads, a policy is required to ensure biodiversity is protected, recovers
353 and is enhanced. The changes also relate to BNG, RAMS and nutrient enrichment. The amended
354 policy is favoured.

355 **UN Sustainable Development Goals check**

356 This policy meets these UN SD Goals:

14 LIFE
BELOW WATER



15 LIFE
ON LAND



This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal but is included here to show how the policy and options are rated.

This is a new policy and will only take effect once the Local Plan is adopted.

PODMxx: Biodiversity Net Gain

1. All major development types must achieve a minimum of 10% Biodiversity Net Gain (or any higher percentage mandated by national policy/legislation) over the pre-development site score as measured by the latest version of the DEFRA Biodiversity Metric or any subsequent Biodiversity Metric on the application site, secured for a 30-year period from the commencement of the development.
2. Opportunities to secure Biodiversity Net Gain on householder developments and exempted brownfield sites will be supported.
3. Minor development (with the exception of householder development and Change of Use (not creating new dwellings)) shall demonstrate Biodiversity Net Gains in accordance with the latest version of the DEFRA Small Site Biodiversity Metric.
4. Exempted developments must achieve no net loss of biodiversity. They will be required to provide biodiversity enhancements (see later).
5. The Biodiversity Net Gain will be provided on site. Where delivered on site habitats should be functionally linked to the wider habitat network creating coherent ecological networks.
6. Where a proposal adequately demonstrates in the Biodiversity Gain plan that the DEFRA mitigation hierarchy has been followed and it is proven the required net gain cannot be achieved onsite within the site boundary, it must provide for the Biodiversity Offsetting of any habitat types to be lost alongside the percentage gain required in the following hierarchical manner. This will need to take into account the multiplier associated with provision off site:
 - a) Offsite delivery: should prioritise contributing to nearby habitat recovery and creation strategies as identified within adopted mitigation strategies, strategic wildlife corridors, Local Nature Recovery Strategy and, where relevant throughout the Broads which is a core area for nature and its recovery as guided by the Broads Biodiversity and Water Strategy and the relevant District Council's Green and Blue Infrastructure Strategy.
 - b) Credits: as a last resort, and where it is agreed by the local planning authority no suitable alternatives exist, through the purchase of an appropriate amount of national biodiversity units/ credits.

385 7. The receptor site for any biodiversity offsetting must be in a suitable location where local
386 climactic conditions suit the type of offset habitat and should avoid the best and versatile land
387 most of the time.

388 **Reasoned Justification**

389 **It should be noted that at the time of writing, BNG had not started as a mandatory requirement**
390 **and the legislation, regulations and guidance were not released. It is acknowledged that this**
391 **policy may well change in future versions of the Local Plan.**

392 BNG will require developers to demonstrate how they will bring about a minimum 10% increase in
393 biodiversity to obtain planning permission for their projects. Under the Environment Act 2021, the
394 necessary habitat enhancement will be paid for by the developer and must be guaranteed to
395 endure for 30 years.

396 The introduction of BNG has been delayed to January 2024 for larger sites, with smaller sites BNG
397 coming in April 2024.

398 The policy includes BNG of 10% in case there is a delay in introducing mandatory BNG. It also talks
399 about some specific ways to address BNG.

400 There is potential to require greater than 10% BNG in the Broads and this is something that we will
401 look into ahead of the next version of the Local Plan. Having greater than 10% would contribute to
402 the delivery of the National Park purposes and the enhanced biodiversity duty

403 The Authority will generally follow the emerging guidance or directions for BNG in the absence of
404 any formal templates or guidance; at the time of writing, these were starting to emerge. The latest
405 version of the [Natural England BNG Metric](#) will be used for planning applications. The following are
406 other requirements in lieu of final Government documents and processes.

407 Planning applications subject to mandatory biodiversity net gain must submit a Biodiversity Gain
408 Plan at the application stage that should include: how the mitigation hierarchy has been adhered
409 to; justification for the baseline date and assessed value of the site prior to development, including
410 a brief synopsis of the site's historic biodiversity value and appointing strategic significance in
411 metric; pre and post-development biodiversity value of onsite habitats and created off site habitats;
412 demonstrate how net gains are achieved through onsite, offsite or purchased credits, clarifying and
413 explaining the predicted biodiversity outcomes both qualitatively and quantitatively; how a positive
414 proportionate contribution has been made to the ecological networks and priorities as outlined
415 within the [Local Nature Recovery Strategy](#) and [regional Nature Recovery Network](#)¹² and for
416 maintaining or creating local ecological networks through habitat creation, protection,
417 enhancement, restoration and management.

418 The assessments underpinning, and the Biodiversity Gain Plan itself, must be undertaken by a
419 suitably qualified and/or experienced ecologist and be submitted together with baseline and
420 proposed habitat mapping in a digital format with the application.

¹² [Nature Recovery Network - GOV.UK \(www.gov.uk\)](#)

421 Sites where net gain is provided (on or off site) must be managed and monitored by the applicant
422 or an appropriate body funded by the applicant for a minimum period of 30 years. Annual
423 monitoring reports detailing the sites condition must be submitted to the council each year over
424 this period.

425 A management plan must be provided at the application stage detailing how the post development
426 biodiversity values of the site and any supporting off-site provision will be secured, managed, and
427 monitored in perpetuity.

428 Where there is evidence of neglect or damage to any of the habitats on development sites reducing
429 their biodiversity value their deteriorated condition will not be taken into consideration and steps
430 will be taken to establish the previous ecological baseline of the site in order to decide the
431 acceptability of any development proposals.

432 **Reasonable alternative options**

433 a) No policy

434 **Sustainability appraisal summary**

435 The options of having a policy or no policy have been assessed in the SA. The following is a
436 summary.

A: Have a policy	2 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 2 ?

437 **Why have the alternative options been discounted?**

438 Given the wildlife in the Broads, a policy is favoured to ensure BNG is as successful as possible.

439 **UN Sustainable Development Goals check**

440 This policy meets these [UN SD Goals](#):



This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal but is included here to show how the policy and options are rated.

This is a new policy and will only take effect once the Local Plan is adopted.

PODMxx: Mitigating Recreational Impacts

1. Any development which results in a net increase in residential development and / or overnight tourism accommodation will need to put in place adequate measures to avoid and mitigate potential adverse recreational impacts on the integrity of Habitat sites which are identified within the following strategies and Zones of Influence (ZOI):
 - a) Norfolk Recreational disturbance Avoidance and Mitigation Strategy (Norfolk RAMS) – covers the whole of Norfolk.
 - b) Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (Suffolk RAMS) - 13 km ZOI around the relevant Habitat Sites in the Suffolk Coast area.
2. Planning permission will be granted subject to demonstrating no adverse effect on the integrity of European sites from recreational disturbance when considered alone or in-combination.
3. Proposed adequate measures must be delivered prior to occupation of development, in perpetuity and agreed with Natural England.
4. For development over 50 units, the provision or enhancement of adequate green infrastructure, either on the development site or nearby, to provide for the informal recreational needs of residents as an alternative to visiting the protected sites is required.

Reasoned Justification

Increased recreational pressure at Habitats sites can result in damage to habitats through erosion and compaction, troubling of grazing stock, causing changes in behaviour to animals such as birds at nesting and feeding sites, spreading invasive species, dog fouling, tree climbing etc. Typically, disturbance of habitat and species is the unintentional consequence of people's presence which can impact distribution of habitat types and breeding success and survival. Increased development has the potential to increase recreational pressures upon Habitat sites which are accessible to the public.

Schemes can choose to mitigate their impact in other ways, but it is likely that the easiest way to mitigate impact through recreation is to pay a RAMS tariff. The [Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy \(RAMS\)](#) and the [Norfolk Recreation Avoidance and Mitigation Strategy \(RAMS\)](#) aim to reduce the impact of increased levels of recreational use on Habitat Sites (also often called European Sites), due to new residential development in Norfolk and the Suffolk Coast area, and to provide a simple, coordinated way for developers to deliver

471 mitigation for their developments. The RAMS project allows for a strategic approach to mitigating
472 the in-combination effects of development on these designated areas and allows mitigation to be
473 delivered across the project area. At the time of writing, the Norfolk RAMS Tarriff is £210.84 and
474 the Suffolk Coast RAMS tariff is £321.22 per dwelling within Zone B.

475 The following includes development which is likely to have a recreational impact where located
476 within the relevant ZOI and therefore require mitigation. This list is not exhaustive.

- 477 • New homes
- 478 • Student accommodation
- 479 • Care homes
- 480 • Tourism attractions
- 481 • Tourist accommodation
- 482 • permitted development (which gives rise to new overnight accommodation) under the Town
483 and Country Planning (General Permitted Development) (England) Order 2015
- 484 • Any development not involving overnight accommodation, but which may have non-sewerage
485 water quality implications

486 A bespoke approach may be required for development comprising more than 50 dwellings and in
487 more sensitive locations. This may include the requirement to provide Green Infrastructure in
488 addition to financial contributions to RAMS. Bespoke mitigation would be subject to agreement
489 with the Authority and Natural England.

490 All mitigation must be in place prior to the occupation of development and delivered in perpetuity.

491 More information can be found here: [Habitat mitigation \(broads-authority.gov.uk\)](http://habitatmitigation.gov.uk).

492 **Reasonable alternative options**

493 a) No policy

494 **Sustainability appraisal summary**

495 The options of having a policy or no policy have been assessed in the SA. The following is a
496 summary.

A: Have a policy	3 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 3 ?

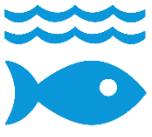
497 **Why have the alternative options been discounted?**

498 Recreation impact is a proven issue and therefore a policy is prudent.

499 **UN Sustainable Development Goals check**

500 This policy meets these [UN SD Goals](#):

14 LIFE
BELOW WATER



15 LIFE
ON LAND



This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal but is included here to show how the policy and options are rated.

This is a new policy and will only take effect once the Local Plan is adopted.

PODMxx: Mitigating Nutrient Enrichment¹³ Impacts

1. Any development proposal for overnight accommodation which is located within the catchments of the Broads Special Area of Conservation (SAC) and Broadland Ramsar site, must provide evidence to enable the Authority to conclude through a Habitats Regulations Assessment that the proposal will not increase nutrient loads, such that it will not have likely significant effects on the integrity of sites in an unfavourable condition. This can be demonstrated through nutrient neutrality.
2. Planning permission will be granted subject to demonstrating no adverse effect on the integrity of European sites from nutrient enrichment when considered alone or in-combination.
3. The Norfolk Nutrient Calculator¹⁴/Natural England Nutrient Calculator will need to be completed. If the calculator concludes an impact from nutrients, these impacts will need to be mitigated using appropriate mitigation, likely secured through a local or national mitigation scheme. The Authority may use legal agreements to ensure this mitigation is secured and in place and will be delivered.

Reasoned Justification

Alongside all other local planning authorities in Norfolk, the Broads Authority has received a letter dated 16 March 2022 from Natural England concerning nutrient pollution in the protected habitats of the Broads Special Area of Conservation (SAC) and Ramsar site. This letter advised that new development, comprising overnight accommodation, located within the catchment of these Habitats sites has the potential to cause adverse impacts on site integrity with regard to nutrient pollution.

¹³ More information can be found here: [Nutrient Neutrality \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

¹⁴ River Wensum SAC and Broads SAC Nutrient Budget Calculator (XLSX) - This calculator is based on the Natural England calculator, but some parts have been updated to reflect Norfolk. There is an accompanying [technical report](#) that provides more information. Developments can either use this calculator or the Natural England calculator to find out the nutrient level for your proposal. If you are located within one of the SAC Catchments or foul drain into one of those Catchments, you will need to submit one or both of the completed calculators in support of your planning application. Your planning application will only be able to proceed if the proposed development is nutrient neutral; or you have identified appropriate mitigation (to make it neutral) that can be secured and delivered. The Natural England Calculators can be found here:

- [Nutrient Neutrality Budget Calculator - River Wensum SAC \(Excel spreadsheet\) \[4MB\] \(opens in a new window\)](#)
- [Nutrient Neutrality Budget Calculator - The Broads SAC and Ramsar \(Excel spreadsheet\) \[2MB\] \(opens in a new window\)](#)

522 Nutrient pollution in rivers, lakes and estuaries has an adverse effect by causing eutrophication and
523 algal blooms, harming delicate ecosystems and resulting in unfavourable conditions. The majority
524 of nutrient pollution from residential properties enters waterbodies via treated discharges from
525 wastewater treatment works (WWTW).

526 The policy applies to residential developments leading to overnight stays and non-residential
527 development that, by virtue of its scale, may draw people from outside the catchments of the SACs
528 and/or generate unusual quantities of surface water and/or (by virtue of the processes undertaken)
529 contain unusual pollutants within surface water run-off. It only applies to certain areas of Norfolk
530 and not, at the time of writing, any of Suffolk. It applies to development within the nutrient
531 neutrality catchment of the Broads SAC and Broadland Ramsar.

532 Nutrient Neutrality is a potential way of mitigating the impact of new development on water
533 courses. The policy ensures that relevant permissions will only be granted with necessary nutrient
534 mitigation in place prior to occupation and in compliance with the Habitats Regulations. It requires
535 evidence to be submitted to the local planning authority (as the competent authority) to show that
536 on-site or off-site mitigation will be provided for relevant developments prior to their occupation.

537 Developments can either use the Norfolk calculator or the Natural England calculator to find out
538 the nutrient level for a proposal. Development located within one of the SAC and Ramsar nutrient
539 neutrality catchments or with foul drainage into one of these catchments, will need to submit one
540 or both of the completed calculators in support of a planning application. A planning application
541 will only be able to proceed if the proposed development is nutrient neutral; or it has identified
542 appropriate mitigation (to make it neutral) that can be secured and delivered.

543 Potential mitigation measures are detailed in this report. At the time of writing, The Norfolk
544 Environmental Credits has been set up to invest in local environmental schemes which will provide
545 nutrient neutrality mitigation and generate credits for development to demonstrate that nutrients
546 can be offset. Part 7 of the Levelling Up and Regeneration Act (2023) places a duty on water
547 companies discharging to affected catchment areas to upgrade their WwTW to achieve the highest
548 technological levels for nutrient removal by 1 April 2030. In addition, the Natural England-led
549 Nutrient Mitigation Scheme is progressing and will allow developers to purchase nutrient credits to
550 demonstrate nutrient neutrality.

551 **Reasonable alternative options**

552 a) No policy

553 **Sustainability appraisal summary**

554 The options of having a policy or no policy have been assessed in the SA. The following is a
555 summary.

A: Have a policy	3 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 3 ?

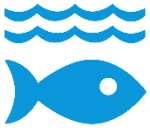
556 **Why have the alternative options been discounted?**

557 Nutrient enrichment is a proven issue and therefore a policy is prudent.

558 **UN Sustainable Development Goals check**

559 This policy meets these [UN SD Goals](#):

14 LIFE
BELOW WATER



15 LIFE
ON LAND



560 **Sustainability Appraisal**

561 SA objectives:

- 562 • ENV1: To reduce the adverse effects of traffic (on roads and water).
- 563 • ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to
564 use water efficiently.
- 565 • ENV3: To protect and enhance biodiversity and geodiversity.
- 566 • ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and
567 towns/villages.
- 568 • ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- 569 • ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and
570 coastal change.
- 571 • ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- 572 • ENV8: To minimise the production and impacts of waste through reducing what is wasted, and
573 re-using and recycling what is left.
- 574 • ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and
575 their settings
- 576 • ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable
577 and reflects local distinctiveness.
- 578 • ENV11: To improve air quality and minimise noise, vibration and light pollution.
- 579 • ENV12: To increase the proportion of energy generated through renewable/low carbon
580 processes without unacceptable adverse impacts to/on the Broads landscape
- 581 • SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- 582 • SOC2: To reduce poverty, inequality and social exclusion.
- 583 • SOC3: To improve education and skills including those related to local traditional industries.
- 584 • SOC4: To enable suitable stock of housing meeting local needs including affordability.
- 585 • SOC5: To maximise opportunities for new/ additional employment
- 586 • SOC6: To improve the quality, range and accessibility of community services and facilities and to
587 ensure new development is sustainability located with good access by means other than a
588 private car to a range of community services and facilities.
- 589 • SOC7: To build community identity, improve social welfare and reduce crime and anti-social
590 activity.
- 591 • ECO1: To support a flourishing and sustainable economy and improve economic performance in
592 rural areas.
- 593 • ECO2: To ensure the economy actively contributes to social and environmental well-being.
- 594 • ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy,
595 society and the environment.

596 **Assessment of policy**
 597 **Policy POSP6: Biodiversity**

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1			
ENV2			
ENV3	+ Fundamentally, the policy seeks to protect and enhance biodiversity.	+ Fundamentally, the policy seeks to protect and enhance biodiversity.	?
ENV4	+ Essentially, the landscape supports and benefits wildlife by providing habitats. So protecting the landscape will benefit biodiversity and vice versa to some extent.	+ Essentially, the landscape supports and benefits wildlife by providing habitats. So protecting the landscape will benefit biodiversity and vice versa to some extent.	?
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1			
SOC2			
SOC3			
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.

598 **Assessment of policy**

599 **Policy DM13: Natural Environment**

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1			
ENV2			
ENV3	+ Fundamentally, the policy seeks to protect and enhance biodiversity.	+ Fundamentally, the policy seeks to protect and enhance biodiversity.	?
ENV4	+ Essentially, the landscape supports and benefits wildlife by providing habitats. So protecting the landscape will benefit biodiversity and vice versa to some extent.	+ Essentially, the landscape supports and benefits wildlife by providing habitats. So protecting the landscape will benefit biodiversity and vice versa to some extent.	?
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1			
SOC2			
SOC3			
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.

600 **Assessment of policy**

601 **Policy PODMxx: Biodiversity Net Gain**

	A: Have a policy		B: No policy	
ENV1			<p>Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.</p>	
ENV2				
ENV3	+	Fundamentally, the policy seeks to protect and enhance biodiversity.		?
ENV4	+	Essentially, the landscape supports and benefits wildlife by providing habitats. So by providing BNG, the landscape will benefit biodiversity and vice versa to some extent.		?
ENV5				
ENV6				
ENV7				
ENV8				
ENV9				
ENV10				
ENV11				
ENV12				
SOC1				
SOC2				
SOC3				
SOC4				
SOC5				
SOC6				
SOC7				
ECO1				
ECO2				
ECO3				

602 **Assessment of policy**

603 **Policy PODMxx: Mitigating Recreation Impacts**

	A: Have a policy		B: No policy	
ENV1			<p>Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.</p>	
ENV2				
ENV3	+	Fundamentally, the policy seeks to protect and enhance biodiversity.		?
ENV4	+	Essentially, the landscape supports and benefits wildlife by providing habitats. So protecting the landscape will benefit biodiversity and vice versa to some extent.		?
ENV5				
ENV6				
ENV7				
ENV8				
ENV9				
ENV10				
ENV11				
ENV12				
SOC1	+	The mitigation put in place could enable active lifestyles.		?
SOC2				
SOC3				
SOC4				
SOC5				
SOC6				
SOC7				
ECO1				
ECO2				
ECO3				

604 **Assessment of policy**

605 **Policy PODMxx: Mitigating Nutrient Enrichment Impacts**

	A: Have a policy		B: No policy
ENV1			<p>Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.</p>
ENV2	+	Fundamentally, the quality of water will improve. ?	
ENV3	+	Fundamentally, the policy seeks to protect and enhance biodiversity. ?	
ENV4	+	Essentially, the landscape supports and benefits wildlife by providing habitats. So protecting the landscape will benefit biodiversity and vice versa to some extent. ?	
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1			
SOC2			
SOC3			
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023**

Affordable Housing

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

1 **Policy DM34: Affordable housing**

2 **Delivery of affordable housing**

- 3 1. ~~Developments of 10 or more dwellings~~ Major Developments¹ will be required to
4 provide affordable housing in accordance with the requirements of the adopted
5 standards and policies of the relevant District Council², including proportion (%) of
6 contribution, house types/mix and tenure and phasing arrangements.
- 7 2. Affordable housing shall be provided on-site, unless it can be demonstrated that
8 exceptional circumstances exist which necessitate provision on another site within the
9 control of the applicant, or the payment of a financial contribution to the local
10 planning authority (equivalent in value to it being provided on-site as specified in the
11 policies of the relevant District Council), to enable the housing need to be met
12 elsewhere.

¹ The NPPF 2023 defines Major Development as: Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

² This is the constituent council – Broadland, Great Yarmouth, North Norfolk, Norwich, South Norfolk, East Suffolk Council (formerly Waveney District Council)

- 13 3. Developments of 6-9 dwellings will be required to contribute a commuted sum (off-
14 site contribution) towards the provision of affordable housing. This contribution will
15 be calculated in accordance with the full requirements of the adopted standards and
16 policies of the relevant District Council. The commuted sum will be calculated in
17 relation to thresholds and proportion of dwellings which should, subject to viability, be
18 affordable. The commuted sum should reflect the subsidy required to deliver the
19 affordable housing requirement off site (to include the cost of land and construction).
- 20 4. The following table summarises the approach to affordable housing set out in this
21 policy:
- 22 a) 10 or more dwellings: All schemes expected to provide on-site requirement as per
23 policy of district
24 b) 6 to 9 dwellings: All schemes expected to provide off-site contributions
- 25 5. The Authority will only consider reducing the requirement for the proportion of
26 affordable housing on a particular development site, or amending the tenure mix from
27 the relevant District Council's Policy requirement, or a standard set out in a made
28 Neighbourhood Plan, in limited circumstances and in liaison with and having regard
29 to/deferring to relevant District Council's policies where:
- 30 a) The applicant has submitted a site-specific viability appraisal (which has been assessed
31 independently) and it has been concluded by the Authority (in liaison with the relevant
32 District Council) that it is not viable to deliver the full policy requirement of affordable
33 housing and an alternative provision has subsequently been agreed; or
34 b) The applicant has submitted a site-specific viability appraisal (which has been assessed
35 independently) and it has been concluded by the Authority (in liaison with the relevant
36 District Council) that it is not viable to deliver the required tenure mix and the
37 alternative tenure mix has subsequently been agreed; and
38 c) The resultant affordable housing provision would ensure that the proposed
39 development is considered sustainable in social terms through its delivery of housing
40 mix.
- 41 **Provision outside development boundaries (rural exception sites),**
- 42 6. Affordable housing developments outside development boundaries as defined on the
43 Proposals Map, will be permitted where:
- 44 a) There is an identified local need for affordable housing as demonstrated in up to date
45 evidence; and
46 b) The need cannot be met within the boundaries of the adjoining local authority's part
47 of the Broads settlement; and
48 c) The site is physically well related to a built-up part of a settlement and the facilities it
49 provides; and
50 d) The location of the proposed development complies with the relevant District
51 Council's criteria for rural exception sites; and
52 e) Development will be of a scale that is suitable and appropriate for the size of the site
53 and settlement. Proposals need to avoid over development and reflect the character
54 of the area; and

- 55 f) the affordable housing provided is made available solely to people in local housing
56 need at an affordable cost for the life of the property (the Authority will ensure that
57 any planning permission granted is subject to appropriate conditions and/or planning
58 obligations to secure its affordability in perpetuity).
- 59 7. A small proportion of the dwellings proposed may be market dwellings if this is fully
60 justified and the market dwellings are the minimum number required to cross
61 subsidise the delivery of the required affordable housing as demonstrated through a
62 site-specific viability assessment to the satisfaction of the Authority and the relevant
63 Council. In all cases, the majority of the homes provided are affordable. The Authority
64 will have regard to/defer to the relevant District Councils' policy when determining the
65 proportion of market dwellings.
- 66 8. The size (number of bedrooms), type (flat, house) and tenure of affordable homes for
67 each proposal will be based on up-to-date evidence of local housing needs in
68 accordance with the requirements of the relevant Council.
- 69 9. It should be noted that First Homes Exception Sites cannot come forward in the
70 Broads³.

71 **Planning Obligations**

- 72 10. To secure all affordable housing in perpetuity, the Authority will seek a planning
73 obligation from the developer to ensure that:
- 74 a) The permitted dwellings are affordable in perpetuity by being offered for initial and
75 successive occupation at an affordable or social rent or affordable home ownership;
- 76 b) The control of occupation of the dwellings is undertaken by a local authority,
77 Registered Provider or other suitable body such as a parish or village trust as approved
78 by the Authority; and
- 79 c) Initial and successive occupation of the permitted dwellings is prioritised for people
80 with strong local connections for all rural exception sites.

81 **Reasoned Justification**

82 The NPPG notes that affordable housing need is based on households “*who lack their own*
83 *housing or live in unsuitable housing and who cannot afford to meet their housing needs in*
84 *the market*”.

85 It is accepted that the Broads Authority defers to the affordable housing policy of its
86 constituent District Councils, as this gives consistency across a district. As the Authority is
87 not the Housing Authority, it works closely with its constituent District Councils who
88 undertake the housing function for the Broads Authority Executive Area.

89 The NPPF definition of affordable housing will apply in implementing this policy.

³ [First Homes - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

90 Delivering affordable housing in the Broads

91 There is a very limited supply of suitable sites in the Broads for housing to meet local
92 affordable housing need due to the protected landscape of the area, and to the extent and
93 severity of flood risk. In addition, the high demand for second/holiday homes inflates land
94 and property prices and provides a disincentive for the provision of lower cost housing.

95 In recent years (between April 2019 and March 2023), applications for dwellings have
96 tended to be in the region of on average 1.94/4.12 2.18 dwellings per application⁴
97 (according to an assessment of the Authority's planning applications ~~as set out in the~~
98 ~~Housing Topic Paper~~). The NPPF2023~~19~~ says that '*Provision of affordable housing should*
99 *not be sought for residential developments that are not major developments* ~~{For housing,~~
100 ~~development where 10 or more homes will be provided, or the site has an area of 0.5~~
101 ~~hectares or more}~~, other than in designated rural areas (where policies may set out a lower
102 threshold of 5 units or fewer)'. Presuming that the current trend of size of housing
103 applications continues (windfall), it is unlikely that affordable housing will be delivered
104 through windfall schemes.

105 With regard to seeking commuted sums on 6-9 dwellings, the Broads part of North Norfolk
106 is designated as a rural area and so, according to the NPPG, it can seek planning obligations
107 and affordable housing commuted sum contributions from schemes of that size. The policy
108 goes further to apply the commuted sums approach to all 6-9 dwelling sized schemes in the
109 entire Broads area. This is because the opportunities for schemes of 9+ dwelling are
110 significantly diminished by the rural character of the area and the environmental
111 constraints. However, there is a clear need for affordable housing and all possible
112 reasonable measures should be taken to address the deficiency.

113 To be clear, the policy goes further than the NPPF by requiring off-site contributions to
114 affordable housing for schemes of 6 to 9 dwellings. None of the districts relevant to the
115 Broads seek affordable housing on schemes of 9 or below ~~{other than Great Yarmouth~~
116 ~~Borough Council~~⁵) and their policies will reflect this⁶.

117 The policy applies to all net new homes (excluding holiday accommodation with occupancy
118 conditions⁷) permitted anywhere in the Broads Authority Executive Area, in line with the
119 thresholds set out in the policy and the districts' policies.

120 The Authority will use the relevant Council's approach/methodology for the calculation of
121 affordable housing contributions. The Authority will liaise with the relevant Council to
122 prioritise spend which will likely be first in the parish which generated the commuted sums,
123 then to the adjoining parishes, and then to anywhere in the Council area and the

⁴ ~~If all applications are included (including the large scale allocations at Hedera House, Pegasus, Ditchingham Maltings and the Utilities Site) the average number of dwellings per application is: 4.12 dwellings. If the large applications are removed and we focus on windfall (unallocated sites) then the average number of dwellings per application is: 1.94 dwellings. Since April 2019, there have been 37 net new market dwellings permitted in 17 applications.~~

⁵ ~~Great Yarmouth Borough Council has a policy in their Local Plan that uses a lower threshold and this was adopted pre-2019 NPPF.~~

⁶ It is important to note that the part of North Norfolk that is in the Broads is a designated rural area. Whilst current North Norfolk District Council (NNDC) policy is not to introduce a lower threshold, the Council may do this in future. At the time of writing this Local Plan NNDC were reviewing their Local Plan.

⁷ If the occupancy condition is removed from a holiday home, then this affordable housing policy will apply as per the thresholds set out within it.

124 Authority/District will have ten years to spend or commit the monies. The Authority will
125 however have regard to the approach of the relevant district council in where the money is
126 spent and for how long the money is held.

127 **Assessing viability**

128 Working with the relevant District Council and having regard/deferring to their policies, a
129 viability appraisal may be required. The independent review process will require the
130 applicant to submit a site-specific viability appraisal (to include a prediction of all
131 development costs and revenues for mixed use schemes) to the Authority's appointed
132 assessor. They will review the submitted viability appraisal and assess the viable amount of
133 affordable housing or the minimum number of market homes needed to cross subsidise the
134 delivery of affordable housing on a rural exceptions site. This review shall be carried out
135 entirely at the applicant's expense. Where little or no affordable housing would be
136 considered viable through the appraisal exercise, the Authority will balance the findings
137 from this against the need for new developments to provide for affordable housing. In
138 negotiating a site-specific provision with the applicant, the Authority will have regard to
139 whether or not the development would be considered sustainable in social terms.

140 **Information to accompany an application**

141 Developers advancing specific proposals that incorporate an element of affordable housing
142 should submit an affordable housing statement alongside their application. This should
143 provide information on the number of affordable residential units, the mix of affordable
144 units in terms of type, tenure (intermediate/ social or affordable rented) and size (number
145 of bedrooms and gross floor space), and the arrangements for managing the affordable
146 housing units.

147 This statement is also required to explain and justify the layout and location of the
148 affordable housing element of a scheme. The Authority expects applicants to liaise with
149 Registered Providers and the Housing Teams of the relevant district council to get advice
150 and recommendations regarding the layout (although the Broads Authority will be the
151 determining body).

152 **Rural exception sites**

153 The applicant will be required to submit evidence showing how the proposed scheme
154 meets local housing need. The Affordable Housing policy states that '*Some of the*
155 *dwelling proposed may be market dwellings if this is fully justified...*' when referring to
156 affordable housing schemes outside of development boundaries. This is in keeping with
157 the NPPF definition for rural exception sites '*small sites used for affordable housing in*
158 *perpetuity where sites would not normally be used for housing. Rural exception sites seek*
159 *to address the needs of the local community by accommodating households who are either*
160 *current residents or have an existing family or employment connection. A proportion of*
161 *market homes may be allowed on the site at the local planning authority's discretion, for*
162 *example where essential to enable the delivery of affordable units without grant funding*'.

163 How 'small numbers' is defined will reflect the specifics of the scheme but will be a small
164 proportion of the scheme. Furthermore, the relevant District Council's policies and
165 approaches will be of relevance. Applications need to fully justify the proposed market

166 housing element (the split between market and affordable) of rural exception site schemes
167 through the submission of a site-specific viability appraisal. Only the minimum number of
168 market homes required to provide the cross subsidy needed to deliver the affordable homes
169 will be permitted. See ‘assessing viability’ section of the reasoned justification to this policy
170 for more information.

171 **Using planning obligations**

172 So that all affordable housing remains affordable to the local community in perpetuity,
173 planning obligations will be sought to ensure that the initial and successive occupation of
174 the dwellings is restricted to people with a housing need. In relation to exception housing
175 sites, the planning obligations will include the requirement that the homes are prioritised
176 for occupiers who have strong local connections, as demonstrated by the relevant Council’s
177 local connection criteria for such schemes, and who need to live in the immediate area. This
178 will include people who need to live in the Broads as a result of their current employment,
179 and existing residents needing separate accommodation in the area (for example people in
180 housing need due to sub-standard, overcrowded or otherwise unsuitable accommodation).
181 Please note that starter homes will be delivered in line with specific regulations applicable
182 at the time of application.

183 **Offsite provision**

184 Financial contributions in lieu of on-site provision (for schemes of ten or more dwellings) will
185 only be acceptable in exceptional circumstances, where the Authority is satisfied that an
186 element of affordable housing either could not practically be accommodated on site, or if it
187 can be demonstrated that on-site provision would be unviable. In all cases, planning
188 obligations will be sought to ensure an appropriate contribution to affordable housing is
189 secured.

190 Please note, however, the requirement for off-site contributions for developments of 6-9
191 dwellings (as discussed in the policy and under ‘Delivering affordable housing in the Broads’
192 section of the reasoned justification to this policy). **It should be noted that as part of the**
193 **next version of the Local Plan, the viability assessment will test the threshold that is**
194 **currently set at 6-9 dwellings.**

195 **Starter Homes**

196 According to the Housing and Planning Act (2016)⁸ a ‘starter home’ means a building or
197 part of a building that—
198 a) is a new dwelling,
199 b) is available for purchase by qualifying first-time buyers only,
200 c) is to be sold at a discount of at least 20% of the market value,
201 d) is to be sold for less than the price cap, and
202 e) is subject to any restrictions on sale or letting specified in regulations made by the
203 Secretary of State (for more about regulations under this paragraph, see section 3).

⁸ [Housing and Planning Act \(2016\) \(pdf | legislation.gov.uk\)](#)

204 The Act goes on to say that “an English planning authority must carry out its relevant
 205 planning functions with a view to promoting the supply of starter homes in England” and
 206 “local planning authority in England must have regard to any guidance given by the
 207 Secretary of State in carrying out that duty”. The Act also defines the various elements to
 208 starter homes.

209 Starter homes will be required in line with national policy and will reflect the relevant
 210 Council’s policy requirement for such homes.

211 **Habitats Regulations Assessment**

212 If a proposal is considered in the context of this policy to potentially have an effect on an
 213 internationally designated site, then it will need to be considered against the Habitats
 214 Regulations and a project level Appropriate Assessment will need to be undertaken.
 215 [Depending on the location of the scheme, there may be a need to mitigate recreation](#)
 216 [impact and nutrient enrichment.](#)

217 **Reasonable alternative options**

- 218 a) Original policy
- 219 b) No policy

220 **Sustainability appraisal summary**

221 The options of no policy, the original policy and amended policy have been assessed in the
 222 SA. The following is a summary.

A: Keep original policy	2 positives. 0 negatives. 0 ? Overall, positive.
B: Amended policy	5 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 5 ?

223 **Why has the alternative option been discounted?**

224 The amendments to the policy provide detail and add clarification to the policy and make it
 225 stronger.

226 **UN Sustainable Development Goals check**

227 This policy meets these [UN SD Goals](#):



Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1		+ Refers to rural exceptions sites being well related to settlements to access services and facilities.	?
ENV2			
ENV3			
ENV4	+ Policy refers to landscape character impact of rural exception sites.	+ Policy refers to landscape character impact of rural exception sites.	?
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1			
SOC2		+ Refers to rural exceptions sites being well related to settlements to access services and facilities.	?
SOC3			
SOC4	+ Policy enables affordable housing.	+ Policy enables affordable housing.	?
SOC5			
SOC6		+ Refers to rural exceptions sites being well related to settlements to access services and facilities.	?
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not necessarily mean that these considerations will not be addressed in schemes, but having a policy provides certainty.



**Local Plan for the Broads - Review
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DM42 – Self and Custom Build

This is a proposed draft section/policy for the Preferred Options Local Plan. Member’s comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

The currently adopted policy remains in place – these are proposed amendments and this section will form part of the Preferred Options version of the Local Plan.

Policy PODM42: Custom/self-build

1) Custom/self-build dwelling proposals will be considered in accordance with other policies in the Local Plan including the policies on the location of new dwellings.

Provision of plots on large/multi-dwelling sites

2) The Authority encourages developers of multi-dwelling sites to set aside part of their scheme for custom/self-build plots.

3) Proposals for 100 or more dwellings will provide serviced plots to deliver at least 5% of the total number of dwellings on the site as self-build or custom build homes. All plots set aside for self-build or custom build housing (secured via a legal agreement or planning condition) must include:

- a) legal access onto a public highway;
- b) water, foul drainage, broadband connection, and electricity supply available at the plot boundary;
- c) sufficient space in order to build without compromising neighbouring properties and their amenity and the amenity of future occupiers; and
- d) an agreed design code or plot passport for the plots.

Unsold plots

4) If plots remain unsold after a thorough and proportionate marketing exercise which:

- 19 e) includes making details available to people on the custom and self-build register at the Broads
20 Authority; and
21 f) covers a period of at least 12 months from the date at which the plots are made available (with
22 the 12-month time frame not commencing until (i) thorough and appropriate marketing is in
23 place and (ii) criteria (a)-(d) have been implemented); and
24 g) is in accordance with the principles set out in the Marketing Guide...

25 ... these plots may be built out as conventional market housing subject to detailed permission being
26 secured and the Authority being satisfied that e) and f) and g) have been satisfactorily concluded.

27 **Design principles**

- 28 5) Proposals for multiple plots for self-build or custom build dwellings in a single site location
29 should be developed in accordance with a set of design principles to be submitted with any
30 application and agreed by the Local Planning Authority.

31 **Reasoned Justification**

32 'Self-build' or 'custom-build' is when someone obtains a building plot and builds their own home on
33 it. The majority of work can be completed by the future occupiers, or the future occupier could take
34 the role of project manager and employ professionals to deliver their plans. Such homes can be
35 built as a one off or on a community basis. The Government wants to enable more people to build
36 their own home and wants to make this form of housing a mainstream housing option.

37 It is important to understand that self-build/custom-build schemes are still required to meet the
38 policy requirements in local plans as well as national policy and guidance and are subject to the
39 same constraints as developer delivered dwellings.

40 ~~Some councils are looking at policies that require a certain percentage of a larger development to~~
41 ~~be set aside for custom/self-build.~~ The Authority is not likely to receive applications for large scale
42 development, but our policy does encourage developers to set aside plots for custom/self-build
43 plots. In the event that schemes of over 100 dwellings do come forward in the Broads, the policy
44 requires 5% to be delivered as serviced plots for self-build. The policy does cover the eventuality
45 that the serviced plots, even after a thorough and proportionate marketing exercise over a 12
46 month period, are not sold and are not taken forward as self-build plots. ~~That being said, provision~~
47 ~~of serviced plots is encouraged as part of the housing allocations later in the document.~~

48 The policy also covers the design of self-build schemes referring to plot passports and design codes
49 or guidelines for sites with multiple plots. The Design Policy and Design Guide (or successor
50 document) will be of relevance. A plot passport is a succinct summary of the design parameters for
51 a given plot. They add value by acting as a key reference point for the purchaser, capturing relevant
52 information from the planning permission, design constraints and procedural requirements in an
53 easily understandable and readily accessible format.

54 In accordance with policy SP15 and DM35, custom/self-build development is directed to
55 settlements with development boundaries. Custom/self-build proposals in rural areas will be
56 determined in line with other policies in this Local Plan.

57 **Custom/self-build register**

58 Since April 2016, the Authority has had a register¹ in place where those wishing to build their own
 59 homes can register their interest. At the time of adopting this Local Plan there were 190 individuals
 60 interested in building their own home on the register. However, it is important to note that the
 61 register covers four Local Planning Authorities who use the same register: South Norfolk, Breckland,
 62 King’s Lynn and West Norfolk and the Broads Authority. When assessing the register, in the vast
 63 majority of cases, individuals have stated that they wish to develop in the Broads as well as in
 64 another district; few, if any, individuals express a desire to develop in the Broads alone.

65 There is a duty on Local Planning Authorities to grant sufficient development permissions to meet
 66 the demand for self-build and custom house building. Importantly, the Broads Authority has had an
 67 exemption to this duty to since base period 2 (from 31 October 2016). This exemption effectively
 68 reflects that the Broads is a desirable place to build a dwelling, but there is limited land available.

69 **Reasonable alternative options**

- 70 a) No policy
 71 b) Original policy with no amendments.

72 **Sustainability appraisal summary**

73 The options of no policy, the original policy and the amended policy have been assessed in the SA.
 74 The following is a summary.

A: Keep original policy	1 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 1 ?
C: Amended	1 positives. 0 negatives. 0 ? Overall, positive.

75 **How has the existing policy been used since adoption in May 2019?**

76 According to recent Annual Monitoring Reports, the policy has not been used.

77 **Why has the alternative option been discounted?**

78 An alternative option is to not have a policy. By having a policy, it brings the important
 79 considerations into a policy and seeks to promote self-build schemes where appropriate to help
 80 deliver more self-build.

81 **UN Sustainable Development Goals check**

82 This policy meets these [UN SD Goals](#):

11 SUSTAINABLE CITIES
AND COMMUNITIES



¹ [Self-build and custom build register \(broads-authority.gov.uk\)](http://broads-authority.gov.uk)

Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
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- ENV3: To protect and enhance biodiversity and geodiversity.
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- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
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- ENV11: To improve air quality and minimise noise, vibration and light pollution.
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- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
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- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment.
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

	A: Amended policy		B: No policy		A: Keep original policy	
ENV1						
ENV2						
ENV3						
ENV4						
ENV5						
ENV6						
ENV7						
ENV8						
ENV9						
ENV10						
ENV11						
ENV12						
SOC1						
SOC2						
SOC3						
SOC4	+	Policy relates to provision of dwellings.	?		+	Policy relates to provision of dwellings.
SOC5						
SOC6						
SOC7						
ECO1						
ECO2						
ECO3						



**Local Plan for the Broads - Review
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Design

1 This is a proposed draft section/policy for the Preferred Options Local Plan. Member’s comments
2 and thoughts are requested.

3 There is an assessment against the UN Sustainable Development Goals at the end of the policy.

4 The proposed Sustainability Appraisal of the policy is included at the end of the document. This
5 would not be included in the Preferred Options Local Plan itself; this table would be part of the
6 Preferred Options Sustainability Appraisal, but is included here to show how the policy and options
7 are rated.

8 **Policy POPSXX: Strategic Design Policy**

9 1. Development proposals in the Broads must:

- 10 a) Protect and enhance the distinctive built and landscape character of the settlements in the
11 Broads;
12 b) Ensure new developments are of a quality that will be enduring and can become the heritage of
13 the future;
14 c) Be resilient to a changing climate and minimise carbon emissions and waste, including through
15 reducing car use.

16 **Reasoned justification**

17 Good design creates real benefits for communities - increasing pride in place, making healthier,
18 safer environments, creating economic benefit and lowering carbon emissions.

19 Conversely, poor design results in tangible harm. Poor design creates environments that are not
20 attractive to live in, work in, or to visit. This causes harm to local pride in place and erodes the
21 distinctive identity of our built heritage and landscapes. It also erodes prospects for economic
22 growth as liveable, attractive environments are an important factor in attracting and retaining
23 businesses and residents. Buildings and spaces that are poorly designed not only use more energy,
24 and are responsible for more carbon emissions, than well-designed spaces; they can have a shorter
25 lifespan and require demolition or substantial redevelopment within decades, rather than the
26 centuries that our best-loved places have survived. This wastes the embodied carbon ‘locked into’
27 their building fabric. Poor design can also lead to increased maintenance and long-term
28 management costs, as well as the indirect costs from ill-health caused by inactive lifestyles, poorly
29 designed and constructed building fabric or overheating; from the need to police poorly laid out
30 spaces without natural surveillance; and from many other causes.

31 One of the purposes of the purposes of the Broads Authority is conserving and enhancing the
32 natural beauty, wildlife and cultural heritage of the Broads and this is reflected in this Local Plan.

33 Well-designed, distinctive places with a strong and positive character make better environments for
 34 all parts of our community. Creating and enhancing the quality of our environment is central to our
 35 Local Plan.

36 **Reasonable alternative options**

37 a) No policy

38 **Sustainability appraisal summary**

39 The options of no policy and having a policy have been assessed in the SA. The following is a
 40 summary.

A: Have a policy	5 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 5 ?

41 **Why has the alternative option been discounted?**

42 Generally, a strategic policy relating to design that captures the fundamental issues that schemes
 43 need to address is favoured.

44 **UN Sustainable Development Goals check**

45 This policy meets these [UN SD Goals](#):

3 GOOD HEALTH AND WELL-BEING



11 SUSTAINABLE CITIES AND COMMUNITIES



13 CLIMATE ACTION



15 LIFE ON LAND



46 **Information for Members**

47 The following policy is the amended design policy. As part of the Issues and Options consultation,
48 we included the following section. We received the following responses. We intend to continue
49 with the current standard and threshold but keep an eye on any progress on the matter nationally.

50 **27.6.1 Issues**

51 [Raising accessibility standards for new homes¹](#) was consulted on in 2020. It considers how the
52 existing optional accessible and adaptable standard for homes and the wheelchair user standard
53 are used and whether the Government should mandate a higher standard or reconsider the way
54 the existing optional standards are used. It is not clear when any changes will be implemented by
55 the Government.

56 **27.6.2 Approaches elsewhere**

57 The emerging Greater Norwich Local Plan says that proposals for major housing development are
58 required to provide at least 20% of homes to the Building Regulation M4(2) standard or any
59 successor. The emerging Great Yarmouth Local Plan says new homes must be built to meet Building
60 Regulation M4(2). The emerging Dartmoor Local Plan says that all new build dwellings should be
61 constructed in accordance with Building Regulations Requirement M4(2) for accessible and
62 adaptable dwellings, or successive regulations, unless evidence demonstrates: a) it is not desirable
63 or possible for planning or environmental reasons; or b) it is not viable. It goes on to say that
64 wheelchair accessible dwellings constructed in accordance with Building Regulation M4(3), or
65 successive regulations, will be encouraged where a specific local need for a wheelchair adaptable or
66 accessible dwelling is identified. The Reading Local Plan says all new build housing will be accessible
67 and adaptable in line with M4(2) of the Building Regulations. It goes on to say that on
68 developments of 20 or more new build dwellings, at least 5% of dwellings will be wheelchair user
69 dwellings in line with M4(3) of the Building Regulations.

70 **27.6.3 Current approach**

71 The current policy in the Local Plan for the Broads (DM43) says that applicants are required to
72 consider if it is appropriate for their proposed dwelling/ some of the dwellings to be built so they
73 are accessible and adaptable and meet Building Regulation M4(2) and M4(3). If applicants do not
74 consider it appropriate, they need to justify this. For developments of five dwellings or more, 20%
75 will be built to meet Building Regulation M4(2).

76 **27.6.4 Options**

77 The options therefore seem to be as follows:

- 78 a) Wait until the Government standard comes in. Continue with the current Local Plan approach.
79 b) Amend the M4(2) threshold so it applies to more schemes in the Broads, subject to viability.
80 c) Consider introducing a M4(3) standard, subject to viability.

81

82 **Question 35: Do you have any thoughts on these options in relation accessible homes?**

¹ The consultation covers these categories: M4(1) Category 1: Visitable dwellings. M4(2) Category 2: Accessible and adaptable dwellings. M4(3) Category 3: Wheelchair user dwellings.

Bradwell Parish Council	Option c they should consider introducing the M4(3) standard for a percentage of the homes.
Broads Society	The Society feels that Option 'a' is appropriate at this time.
East Suffolk Council	East Suffolk Council would support option c) (to consider introducing a M4(3) standard, subject to viability). However, Broads Authority will also want to consider the implications of planned changes to the Building Regulations in this regard and may supersede Local Plan policy requirements.
RSPB	Option b) seems appropriate.
Sequence UK LTD/Brundall Riverside Estate Association	2.84 It would seem reasonable to continue with the current Local Plan approach and then amendments can come forward with any updated Government guidance.
Suffolk County Council	Suffolk County Council supports the delivery of accessible homes. The Local Plan has identified that the Broads has an age profile of more older people and although only 9.6% report a long-term health problem or disability that limits their day-to-day activities 'a lot', an aging population means that the prevalence of health conditions associated with old age, such as dementia and frailty are likely to increase. This has implications for the types of housing which need to be planned for within the Broads. Accessible homes create living environments that are designed with the mobility and wellbeing needs of older residents in mind and can enable residents to live independently in the community and among their social support systems for longer. Suffolk County Council would support an approach to amend the M4(2) threshold so it applies to more schemes in the Broads, subject to viability and would also support consideration of introducing M4(3) standards.
Bradwell Parish Council	Design of properties should focus on energy efficiency maximising heat gain and retention. Incorporating high levels of insulation and environmentally friendly materials.
Broads Society	Generally, the Society supports the current Policy DM43.
Brooms Boats	Collaborative design and planning approach between all authorities, including cross border, businesses and residents to achieve environmental (current and future), economic viability, economic growth, well-being and job creation opportunities.
Designing Out Crime Officer, Norfolk Police	Consideration of making SBD condition of planning and to support partnership working for any new developments to ensure that the Broads towns and villages remain safe and do not see an increase of crime and disorder due to poor design.
East Suffolk Council	What constitutes good design in the Broads Authority area is unlikely to have changed since the Government's amendments to the National Planning Policy Framework, and the introduction of the National Design Guide and National Model Design Code. East Suffolk Council therefore agree that the Broads Authority Local Plan policy relating to design may not need to change significantly. Comments on the Design Guide for the Broads have been submitted to you separately.

Great Yarmouth Borough Council	The emerging Broads Design Guide is noted, chiefly the chapters concerning the design of potential developments within the 'Historic Clusters', 'Rural Homes' and 'Farmstead & Enclosures' as these will be of particular relevance to those settlements and areas which straddle both the Great Yarmouth and Broads Authority planning boundaries.
Great Yarmouth Borough Council	The Borough Council is also currently preparing its own borough-wide design code which will include (amongst others) a focus on developments within the borough's rural hinterland. There is potential, therefore, for a degree of overlap between the respective design guides/codes. The Borough Council would welcome further engagement with the Broads Authority during the on-going preparation of its own borough-wide design code to ensure there is an appropriate alignment between the two documents.
RSPB	Integration of the principles which stand behind each element of design is complex. As we become more aware of the impacts of climate change and the need to change the way we do things, we need to integrate choice of materials, to be Carbon neutral both in source and construction. Equally being in a drought stressed part of the UK, we ought to consider how for example water storage reservoirs sit within the national character assessment and the landscape. We may need to adjust our thinking and approach to enable creation of such structures to be streamlined so that mitigation for abstraction is viewed as being a positive move, even though some may consider the impact on the landscape to be negative. Trying to balance the needs of different user groups and industries will become ever-more difficult and we need to change perceptions starting now so quality of structures is maintained alongside the need to be progressive and future proofed.
Sequence UK LTD/Brundall Riverside Estate Association	Design policy should not be too prescriptive and repeating previous comments, each site will be considered on its merits. In addition, Broads Planning Officers place a considerable emphasis on good design already in our experience, commensurate with the National Park Status. Therefore we would not consider that any specific policy approach is required, noting the emphasis within Section 12 of the Framework and the associated national design guidance on high quality development and beautiful design. We also note the introduction of the Draft Design Guide and have made further comments with respect to this draft document in Section 3 of this response.
Suffolk County Council	Suffolk County Council would draw attention to the Suffolk Design: Streets Guide which has been recently released and is now being used by County Council Highways and Transport officers to assess the design of streets in new developments across the county.

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

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Policy PQDM43: Design

1. All development will be expected to be of a high design quality.
2. Development should integrate effectively with its surroundings, reinforce local distinctiveness and landscape character and preserve or enhance cultural heritage. Innovative designs will be encouraged where appropriate.
3. Applicants will need to fill out the Design Checklist at Appendix x to accompany any application.
4. Proposals will be assessed to ensure they effectively address the following matters:
 - a) **Siting and layout:** The siting and layout of a development must reflect the characteristics of the site in terms of its appearance and function and be an easy to navigate environment. Existing mature trees and landscape features are to be used as the focal point of the layout.
 - b) **Relationship to surroundings and to other development:** Development proposals must complement the character of the local area and reinforce the distinctiveness of the wider Broads setting. In particular, development shall respond to surrounding buildings and the distinctive features or qualities that contribute to the landscape, streetscape and waterscape quality of the local area.
 - c) **Permeability:** Design shall also promote permeability and accessibility by ensuring ease of movement between homes, jobs and services and by creating links to public transport services.
 - d) **Mix of uses:** To create vitality and interest, proposals should incorporate a mix of uses where possible and appropriate.
 - e) **Density, scale, form and massing:** The density, scale, form, massing and height of a development must be appropriate to the local context of the site and to the surrounding landscape/streetscape /waterscape character.
 - f) **Appropriate facilities:** Development shall incorporate appropriate waste management and storage facilities, provision for the storage of bicycles, and connection to communication networks.
 - g) **Detailed design and materials:** The detailing and materials of a building and its boundary treatment must be of high quality and appropriate to its context. New development should employ sustainable materials, building techniques and technology where appropriate. Proposals shall minimise construction waste. In particular, where appropriate, joinery including windows and doors, shall use appropriate materials and be detailed to reflect local traditions and character. Where a thatched building is proposed to be replaced, the new building must also

- 116 [have a thatched roof, except in exceptional circumstances where sufficient justification can be](#)
117 [provided, and an acceptable alternative has been proposed.](#)
- 118 h) **Crime prevention:** The design and layout of development should be safe and secure, with
119 natural surveillance. Measures to reduce the risk of crime and antisocial behaviour should be
120 considered at an early stage so as not to be at the expense of overall design quality. [Schemes](#)
121 [should address Secured by Design standards and be in line with Crime Prevention Through](#)
122 [Environmental Design \(CTPED\) Principles as appropriate.](#)
- 123 i) **Accessibility and adaptability:** Developments shall be capable of adapting to changing
124 circumstances, in terms of occupiers, use and climate change (including changes in water level).
125 In particular, dwelling houses should be able to adapt to changing family circumstances or
126 ageing of the occupier(s) and commercial premises should be able to respond to changes in
127 industry or the economic base. Applicants are required to consider if it is appropriate for their
128 proposed dwelling/ some of the dwellings to be built so they are accessible and adaptable and
129 meet Building Regulation standard M4(2) and M4(3). If applicants do not consider it
130 appropriate, they need to justify this. For developments of five dwellings or more, 20% will be
131 built to meet Building Regulation Standard M4(2). [If proposal would not meet policy standards,](#)
132 [there will be a need to provide evidence to demonstrate that meeting the policy is not](#)
133 [financially viable or that there is no unmet need for accessible and adaptable housing](#)
- 134 j) **On site utilities infrastructure:** proposals need to fully understand and address any on site
135 [utilities infrastructure which may be on, under, over or close by to the site.](#)
- 136 k) **Sustainable development** – proposals are required to fundamentally be sustainable. Example
137 [areas include adapting to different uses without the need for demolition, considering the](#)
138 [embodied carbon of a property, being designed to make the most of solar gain, address](#)
139 [overheating and be water efficient. See Sustainable Development section of this Local Plan.](#)
- 140 l) **Flood risk and resilience:** Development shall be designed to reduce flood risk but still be of a
141 scale and design appropriate to its Broads setting. Traditional or innovative approaches may be
142 employed to reduce the risks and effects of flooding. [See flood risk section of this Local Plan.](#)
- 143 m) **Biodiversity:** The design and layout of development shall aim to protect, provide for, restore
144 and enhance biodiversity. [See the Natural Environment section of this Local Plan.](#)
- 145 n) **High quality landscaping.** All proposals shall be designed to respond to and integrate effectively
146 with the landscape character of the area, making a positive contribution through a high-quality
147 landscaping scheme as appropriate. [See the Landscape section of this Local Plan.](#)

148 Reasoned Justification

149 Good design is vital for protecting and enhancing the special character of the Broads and for
150 achieving truly sustainable development. The design principles set out in this policy provide a high-
151 level framework for new development that supports the diverse nature of good design. All
152 development proposals should demonstrate compliance with the design principles in the policy.
153 Where development proposals need to be accompanied by a Design and Access Statement, it
154 should be used to explain how the principles of good design, including the criteria set out in this
155 policy, have been incorporated into the development. The following text explains the criteria in the
156 policy.

157 [As stated in paragraph 126 of the NPPF \(2023\) “The creation of high quality, beautiful and](#)
158 [sustainable buildings and places is fundamental to what the planning and development process](#)
159 [should achieve.”](#)

160 As set out in the National Design Guide (2021), a well-designed place comes through making the
 161 right choices at all levels including layout, form and scale of buildings, appearance, landscape, and
 162 materials. A number of other characteristics include the climate, character, and community. The
 163 ten characteristics set out in the National Design Guide reflect the importance of a well-designed
 164 place. Well-designed places have individual characteristics which work together to create its
 165 physical Character. The ten characteristics help to nurture and sustain a sense of Community. They
 166 work to positively address environmental issues affecting Climate. They all contribute towards the
 167 cross-cutting themes for good design set out in the National Planning Policy Framework.



168 **Design Guides**

169 The Authority is finalising a Design Guide and that will set out key requirements for schemes in the
 170 Broads to consider. Furthermore, some Neighbourhood Plans that have been made also have
 171 design guides and again set out key requirements to address when designing schemes.

172 **Siting and layout**

173 Easy to navigate environments can help everyone, especially those with mobility issues, sight loss
 174 or dementia, to live well, by being designed to be familiar, legible, distinctive, accessible,
 175 comfortable and safe. Having access to amenities like local shops, doctors, post offices and banks
 176 within easy, safe and comfortable walking distances help people with dementia to live independent
 177 and fulfilling lives for longer. There are many guides that can help design better environments, such
 178 as:

- 179 • BS 8300: 2009+A1:2010 looks at the design of buildings and their ability to meet the
 180 requirements of disabled people [BS 8300:2009 Design of buildings and their approaches to](#)
 181 [meet the needs of disabled people - Code of practice \(+A1:2010\) \(Withdrawn\), British Standards](#)
 182 [Institution - Publication Index | NBS \(thenbs.com\)](#)

- 183 • The RTPI have produced DEMENTIA AND TOWN PLANNING (2020) [RTPI | Dementia and Town](#)
184 [Planning](#)
185 • Neighbourhoods for Life - Designing dementia-friendly outdoor environments:
186 www.idgo.ac.uk/about_idgo/docs/NfL-FL.pdf

187 **Relationship to surroundings and to other development**

188 Development proposals should not be designed in isolation from their context. Although there is
189 considerable variation in local architectural styles, buildings in the Broads are typically of simple
190 construction, often from lightweight materials, and of a scale which blends with their natural
191 surroundings. New development should take account of the characteristics of the site, as well as
192 the distinctiveness of the wider Broads' setting, and make a positive contribution to the
193 surrounding area. The density, scale and mix should be compatible with the character of the local
194 area and avoid adverse impacts of development on views, vistas and skylines. In accordance with
195 the NPPF and NPPG, the Authority considers design to be of great importance and development will
196 not be acceptable if its design is inappropriate in its context or fails to take opportunities available
197 for improving the character and quality of an area and the way it functions. In the interests of
198 sustainability and good design, it is also important to promote ease of movement within and
199 between places where people live, and between these places and workplaces and other amenities
200 and services.

201 **Appropriate facilities**

202 Appropriate facilities for users of new development should be integrated effectively into its design
203 and layout so they can be accessed in a safe and convenient manner and do not detract from the
204 overall appearance of the development. The nature of the facilities will vary depending on the
205 development proposed but should include waste management and storage facilities to aid
206 recycling, provision for the safe, secure and user-friendly storage of bicycles in locations convenient
207 to the cyclist, with good natural or CCTV surveillance to help reduce cycle theft, and connection to
208 telephone and broadband networks.

209 **Density, scale, form and massing**

210 Particular attention should be given to details in regard to the appearance of development in the
211 Broads' landscape. This should take into account the form, mass and scale of a building or
212 structure. Proposals should also consider the texture, colour, pattern and durability of materials
213 used and reference Broads' vernacular and local detailing. Materials should aim to conserve and
214 enhance the local identity and distinctiveness of the built environment and landscape character.
215 Non-traditional unsustainable materials will be resisted if they are not considered to be a high-
216 quality material appropriate to context or able to contribute to local distinctiveness. Many modern
217 materials have a uniform and applied texture which does not weather or soften over time.
218 Individually and cumulatively these materials are considered to erode the distinctive character of
219 the Broads and will become increasingly incongruous in the area. However, it is acknowledged that
220 there will be instances when modern construction methods and design solutions may necessitate
221 the use of other sustainable materials.

222 **Crime prevention**

223 The safety and security of the users of new development is an important consideration at an early
224 stage in the design process. The attributes of good design include safer places. Well-designed
225 development will create safe, sustainable and attractive places to live and work. It is important that
226 new development is designed to minimise both the opportunity for crime and the perception or

227 fear of crime, while ensuring that other planning and design objectives are not compromised.
228 Secured by Design aims to achieve a good standard of security for buildings and the immediate
229 environment. There are Residential, Commercial, Hospital and Educational Developments Design
230 Guides available from www.securedbydesign.com which explain all of the crime reduction elements
231 of these schemes. The interactive design guide
232 <https://www.securedbydesign.com/guidance/interactive-design-guide> is also a very good and self-
233 explanatory tool that can walk you through the various elements of designing out crime in a visual
234 manner.

235 **Building for a Healthy Life**

236 Assessing design quality for major applications for residential development will be made using the
237 Building for a Healthy Life² ~~criteria (see Appendix M)~~, which are reflected in this policy. Applicants
238 will be expected to demonstrate that the scheme positively addresses relevant categories within
239 the Building for a Healthy Life criteria.

240 **Detailed design and materials**

241 Thatch is an important vernacular material in the Broads, the use of which is declining. The policy
242 ensures that the use of thatch continues to contribute to the character of the Broads area and
243 retains and strengthens the cultural heritage of the area, including heritage skills such as reed and
244 sedge cutting and thatching.

245 Window replacements are often the most serious threat to the appearance of buildings and wider
246 character of areas and may even affect the value of properties. The replacement of timber windows
247 with PVCu is likely to result in several problems:

- 248 • The material cannot reproduce profiles and detailing of traditional joinery due to the limitation
249 in the manufacturing process meaning sections are often heavy and bulky (which can also affect
250 light levels).
- 251 • The variety in design can destroy the visual harmony of a street/ river scene.
- 252 • The material remains visually prominent for its lifetime, does not weather well and can be too
253 harsh against softer traditional materials of traditional buildings.
- 254 • The material is not as easy and economical to repair as timber.
- 255 • It does not have the biodegradable qualities of timber when redundant, creating an
256 environmental land fill hazard.

257 There are other alternative, low maintenance, and high quality materials available, such as
258 aluminium, which does not have the same sustainability issues as uPVC and can in some instances
259 be considered appropriate on design grounds, depending on the building age/design.

260 It is important that proposals are able to accommodate access by emergency service vehicles and
261 waste disposal vehicles. Considering the Fire Service in particular, sprinklers are encouraged in
262 developments, and the requirements to include fire hydrants and hard standings for firefighting are
263 judged on a case-by-case basis and may be a planning condition.

264 Residential refuse storage areas need to meet the requirements of the local waste collection
265 service and demonstrate that commercial development proposals include adequate space for
266 refuse storage and collection. Refuse storage areas need to be enclosed, secure and visually

² [Building for a Healthy Life \(udg.org.uk\)](http://udg.org.uk)

267 attractive, and user-friendly, integrated with the site and building design. The location and design
268 need to suit the character of the area and development pattern.

269 Accessibility and adaptability

270 The Authority also encourages the provision of some dwellings, in appropriate locations, to be
271 designed to be **accessible** and accommodate wheelchairs. In schemes of 5 dwellings or more it
272 requires 20% to meet Building Regulations part M4(2). The details are set out in the Building
273 Regulations part M³. This is because: ~~The justification for this requirement is discussed in the~~
274 ~~Design policy requirement relating to Building Regulations M(4)2 Topic Paper (2018)~~⁴. ~~In summary:~~

- 275 • The Census ~~2011~~ 2021 shows that the Broads Authority Executive Area has an ageing
276 population, with ~~30%~~ 36.6% of the population being over 65 and 22% are disabled under the
277 Equality Act. ~~and 23% of people saying their daily activities are limited.~~
- 278 • The age profile of the Broads is likely to change in a similar manner to our districts. That is to
279 say that the relative proportions of those aged 65 and over and 85 and over will increase by
280 2035/36. Older people may experience health and mobility issues and it is these issues which
281 the Building Regulations M4(2) seeks to help address.
- 282 • Turning to viability, the 2018 Viability Assessment concludes that for new build, the
283 requirement can be designed in from the start at little or no cost. If sites are on steep hills, the
284 cost could increase; but it is recognised that there are very few steep hills in the Broads. For
285 conversions, there could be a slight cost increase but that depends on the level of works to the
286 structure being converted. Generally, the 2018 Viability Assessment concludes that additional
287 base costs of complying with M4(2) are capable of being absorbed and that schemes of 5+
288 dwellings will be viable. **Please note that a viability assessment will be carried out on the next**
289 **version of the Local Plan and this section will be updated accordingly.**

290 The NPPG⁵ is clear, however, in saying that ‘*Local Plan policies should also take into account site*
291 *specific factors such as vulnerability to flooding, site topography, and other circumstances which*
292 *may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where*
293 *step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of*
294 *the Optional Requirements in Part M should be applied*’. The Authority acknowledges that this
295 standard may not be appropriate in some locations or for some schemes, but applicants are
296 required to justify reasons for not including dwellings that are accessible and adaptable.

297 The Authority is aware of the consultation in 2020 relating to accessibility standards for new
298 homes: Raising accessibility standards for new homes: summary of consultation responses and
299 government response - GOV.UK (www.gov.uk).

300 The Government responded to the consultation saying the following. At the time of writing, the
301 technical consultation had not been release.

- 302 • Government proposes that the most appropriate way forward is to mandate the current M4(2)
303 (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations as a
304 minimum standard for all new homes – option 2 in the consultation. M4(1) will apply by
305 exception only, where M4(2) is impractical and unachievable (as detailed below). Subject to a
306 further consultation on the draft technical details, we will implement this change in due course
307 with a change to building regulations.

³ [Building Regulations Part M Access to and use of buildings \(pdf | publishing.service.gov.uk\)](#)

⁴ [Building Regulations M4\(2\) www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan/evidence-base](#)

⁵ [Housing: optional technical standards \(www.gov.uk\)](#)

- 308 • [M4\(3\) \(Category 3: Wheelchair user dwellings\) would continue as now where there is a local](#)
 309 [planning policy in place in which a need has been identified and evidenced. Local authorities will](#)
 310 [need to continue to tailor the supply of wheelchair user dwellings to local demand.](#)

311 **High quality landscaping**

312 Landscaping is part of the design response to mitigate and/or enhance a proposal. Some types and
 313 forms of hard surfaces and structures or soft landscaping (planting) can have biodiversity, amenity
 314 and recreation benefits and are more appropriate in the Broads Executive Area than others. What is
 315 suitable on a site would reflect the location and setting. The landscaping design proposals should
 316 reflect the key positive characteristics of the locality and its setting. As a minimum, all proposals
 317 that are deemed to have a landscape impact will be accompanied by a Landscaping Strategy. The
 318 detailed landscaping scheme and management plan will be conditioned should permission be
 319 granted. It may be prudent for some schemes to provide the landscaping scheme and management
 320 plan as part of the application, rather than using the two stage approach. The size of the scheme
 321 may determine this. [See landscaping guide.](#)

322 **Other policies in the Local Plan**

323 When designing new development, consideration should also be given to the design implications
 324 set out in other policies in this plan. Of particular relevance are: [the policies in the Sustainable](#)
 325 [Development section and policies on](#) Landscape, Water quality and resources, Historic
 326 environment, Energy generation and efficiency, Accessibility on land, Accessibility to water,
 327 Amenity, Flood risk, Land raising, and Disposal of excavated material. Applicants should also have
 328 regard to the design guides produced by the Authority⁶.

329 **Guidance**

- 330 • [Streets for a Healthy Life](#) - this document has been prepared to illustrate and explain what good
 331 [residential streets look like, and how they function.](#)
 332 • [Building for a Healthy Life: Building for a Healthy Life \(BHL\) updates England’s most widely](#)
 333 [known and most widely used design tool for creating places that are better for people and](#)
 334 [nature](#)
 335 • [Suffolk Design](#) - Suffolk Design is an initiative to ensure the quality of new buildings, public
 336 spaces and neighbourhoods throughout the county meets today’s needs and tomorrow’s
 337 challenges.

338 **Reasonable alternative options**

- 339 a) The original policy, with no amendments.
 340 b) No policy

341 **Sustainability appraisal summary**

342 The three options (of the amended policy, no policy and the original policy) have been assessed in
 343 the SA. The following is a summary.

A: Keep original policy	6 positives. 0 negatives. 0 ? Overall, positive.
B: Preferred Option - amend policy.	7 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 7 ?

⁶ [Broads planning guides \(broads-authority.gov.uk\)](http://broads-authority.gov.uk)

Overall, positive.

344 **How has the existing policy been used since adoption in May 2019?**

345 According to recent Annual Monitoring Reports, the policy has been used and schemes are in
346 general conformity with the policies.

347 **Why have the alternative options been discounted?**

348 There are often proposals to convert, re-use or change the use of buildings. A policy that seeks to
349 guide such proposals is therefore prudent given the prominence of buildings in the landscape of the
350 Broads. The changes clarify the policy, highlight the opportunities conversion, re-use and change of
351 use to improve the environmental credentials of the schemes as well as refer to embodied carbon.

352 **UN Sustainable Development Goals check**

353 This policy meets these [UN SD Goals](#):

3 GOOD HEALTH
AND WELL-BEING



11 SUSTAINABLE CITIES
AND COMMUNITIES



13 CLIMATE
ACTION



15 LIFE
ON LAND



Appendix xxx Design Code Checklist

Making a Submission

- 1.1 To make a submission and demonstrate consideration and compliance with the guide, the adjacent checklist should be completed. This checklist comprises a list of each guide (with reference number) and self-assessment using a traffic light system:
- Green full compliance
 - Amber partial compliance, insofar as possible with accompanying explanation.
 - Red an alternative approach has been applied with a justification of why the guide has not been met.
- 1.2 Where a proposal deviates from the guide, either with an amber or red, then a full explanation should be offered. This further explication can be either, or both, a reference to a specific section within the Design and Access Statement or Planning Statement that addresses the particular aspect of the design and reflects upon the guide directly or an additional comment page appended to the checklist (as suggested on the next page).
- 1.3 The purpose of the checklist allows applicants to reflect upon the guidance and offer a explanation for the proposal and address any inconsistencies. This allows an application to be better understood, alongside considering other policies and guidance, to form a basis for feedback and constructive discussions where there is a different approach taken to that outlined in the guide. The following questions may help in devising an explanation where a proposal deviates from the guidance:
- What design aspect, or part, does not wholly meet the guidance?
 - Have other alternatives been explored, with the proposed demonstrating greater benefits, than that suggested in the guidance?
 - Has further assessment of the local and regional context informed the different approach?
 - Are there on-site constraints that have otherwise limited the design response that mean the design guide cannot be met?
 - Has the difference resulted from emphasis on meeting other design guides that mean this guide cannot be fully met?
 - Is the proposal innovative in such a way that the design is more appropriate for the site than what is suggested in the guidance?
 - Have other technical studies resulted in a solution that is better suited than suggested in the guidance?
 - Would the proposed deviation to the guidance result in adverse, harm or unreasonable to the setting of adjacent buildings, placemaking and design quality overall?

395

Building Type:

Reference	Guide	Notes
BA1	Roof Form	
BA2	Height & Storeys	
BA3	Width & Bays	
BA4	Building Line	
BA5	Setback	
BA6	Extensions	
BA7	Outbuildings	
BA8	Boathouses	
BA9	Banks & Moorings	
BA10	Replacement Building	
BA11	Conversion	
BA12	Frontages & Entrances	
BA13	Fenestration	
BA14	Materials	
BA15	Detailing	
BA16	Boundaries	
BA17	Biodiversity	
BA18	Gardens & Landscaping	
BA19	Flood Risk	
BA20	Planting	
BA21	Drainage	
BA22	Lighting & Dark Skies	
BA23	Solar Gain	
BA24	Sustainability	
BA25	Energy Efficiency	
BA26	Embodied Carbon	
BA27	Walking	
BA28	Cycling	
BA29	Parking & Access	
BA30	Bin Stores & Waste	

396

Site Address: Building Type: Applicant:

Reference: / Guide Addressed:

BA

Explanation:

Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

Policy POPSXX: Strategic Design Policy

	A: Have a policy		B: No policy	
ENV1			<p>Not having a policy does not necessarily mean that these considerations will not be addressed in schemes, but having a policy provides certainty.</p>	
ENV2				
ENV3				
ENV4	+	Policy refers to the distinctive character of the area.		?
ENV5	+	Policy refers to minimising carbon emissions.		?
ENV6				
ENV7				
ENV8	+	Policy refers to minimising waste.		?
ENV9	+	Policy refers to heritage.		?
ENV10	+	Fundamentally, the policy seeks excellent design.		?
ENV11				
ENV12				
SOC1				
SOC2				
SOC3				
SOC4				
SOC5				
SOC6				
SOC7				
ECO1				
ECO2				
ECO3				

Policy PODM43: Design

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1	+ Policy refers to provision of appropriate facilities and permeability and accessibility.	+ Policy refers to provision of appropriate facilities and permeability and accessibility	?
ENV2			
ENV3	+ Policy refers to protecting and providing for biodiversity.	+ Policy refers to protecting and providing for biodiversity.	?
ENV4	+ Policy requires schemes to reflect the local area as well as referring to landscaping.	+ Policy requires schemes to reflect the local area as well as referring to landscaping.	?
ENV5		+ Policy refers to sustainable development section.	?
ENV6	+ Policy refers to flood risk and resilience.	+ Policy refers to flood risk and resilience.	?
ENV7			
ENV8	+ Policy refers to waste vehicles and waste storage.	+ Policy refers to waste vehicles and waste storage.	?
ENV9			
ENV10	+ Fundamentally, the policy seeks excellent design.	+ Fundamentally, the policy seeks excellent design.	?
ENV11			
ENV12			
SOC1			
SOC2			
SOC3		+ Policy refers particularly to thatch.	?
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not necessarily mean that these considerations will not be addressed in schemes, but having a policy provides certainty



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023**

Visitor and community facilities and services

This is a proposed draft section/policy for the Preferred Options Local Plan. Member’s comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and [added text](#).

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

The currently adopted policy remains in place – these are proposed amendments and this section will form part of the Preferred Options version of the Local Plan.

1 **Policy [POSP16](#): ~~New~~ Community facilities**

- 2 1. The Authority supports the retention of existing community facilities and services.
3 2. New community facilities will be supported where there is a proven need identified and
4 location within the Broads is fully justified.

5 **Reasoned Justification**

6 Community facilities such as shops, post offices, libraries, public houses and primary schools
7 provide essential services that contribute to the sustainability of communities. The policy supports
8 the retention of such services. New community facilities are supported provided there is an
9 operational and locational justification.

10 It is essential that proposals for new community facilities do not impinge on the natural beauty,
11 ecological value, historic environment and local distinctiveness of the Broads or other people’s
12 enjoyment of it.

13 [This strategic policy includes public houses. A detailed policy on pubs can be found at \[Policy XXX,\]\(#\)](#)
14 [page xxx.](#)

15 It should be borne in mind that the Authority boundary is drawn tightly around the settlements,
16 and much of the built development within a village, and the land potentially available for
17 development, is outside the Authority boundary. To achieve the provision of facilities beyond the

18 Authority area that will benefit whole communities, it will be necessary to work in close co-
19 operation with the adjoining Districts.

20 **Localism act and community rights**

21 The Localism Act (2011) aims to help the devolution of decision-making powers from central
22 government control to individuals and communities. Of particular relevance to this policy is the
23 Community Right to Bid, where community groups have the opportunity to nominate land or
24 buildings (assets) in their area which they think are of 'community value' to be included on a list
25 held by the Council.

26 Adding an Asset of Community Value to the list triggers a stand still period, to allow community
27 groups to plan and assemble funds that would allow them to bid for the asset should it be placed
28 for sale on the market. Assets can be owned by a council or have private owners.

29 Assets of Community Value can include buildings or land that promotes the social interests or
30 wellbeing of the area (e.g. cultural, recreational, shopping or sporting) or which have had such a
31 use in the recent past, for example libraries, community centres, pubs and shops. The power to list
32 an asset does not mean the owner must sell to the community group.

33 The Broads Authority does not hold or maintain a list as it is a function of our constituent districts
34 councils. Applicants should contact the councils directly for information¹.

35 **Reasonable alternative options**

36 a) No policy

37 **Sustainability appraisal summary**

38 The options of no policy and having a policy have been assessed in the SA. The following is a
39 summary.

A: Keep original policy	3 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 3 ?

40 **How has the existing policy been used since adoption in May 2019?**

41 According to recent Annual Monitoring Reports, the policy has been used and applications have
42 been determined in accordance with the policy.

43 **Why has the alternative option been discounted?**

44 An alternative option is to not have a policy. Community facilities are an important aspect of the
45 Broads and can be affected by schemes. To have a policy on Community facilities is therefore
46 favoured.

47 **UN Sustainable Development Goals check**

48 This policy meets these [UN SD Goals](#):

¹ More information is provided at mycommunity.org.uk and [A plain English guide to the Localism Bill - Update \(pdf | publishing.service.gov.uk\)](http://A plain English guide to the Localism Bill - Update (pdf | publishing.service.gov.uk)

11 SUSTAINABLE CITIES
AND COMMUNITIES



49 **Policy DM44: Visitor and community facilities and services**

50 **Existing facilities**

- 51 1) Applications for the change of use or redevelopment of an existing community, visitor or
52 recreational facility or service that meets a local need or contributes to the network of facilities
53 through the Broads will only be permitted where:
- 54 a) It can be proven that there is no community need for the service/facility; ~~or~~ and
 - 55 b) It can be demonstrated through a ~~viability assessment~~ an assessment of viability that the
56 current use is economically unviable.
- 57 2) In all instances, details of consultation with the community regarding the change of use or
58 redevelopment need to be provided.
- 59
- 60 3) Where appropriate any historic features which allow buildings to be read as an important
61 former community use/service should be restored or protected.

62 **New visitor and community facilities and services**

- 63 4) Development of new buildings, the extension of existing buildings or the use of land to meet a
64 need for local community uses and facilities will be permitted provided that:
- 65 a) An assessment can demonstrate a need for the facility and that it will support the social viability
66 of a community; and
 - 67 b) Locating the facility within the Broads can be justified; and
 - 68 c) It would not adversely affect protected species or habitat, landscape character or the historic
69 environment; and
 - 70 d) The facility is in a sustainable location, accessible by a choice of transport modes; and
 - 71 e) The facility will be operated without detriment to local residents; and
 - 72 f) The facility will be designed so that they are adaptable and can be easily altered to respond to
73 future demands if necessary; and
 - 74 g) The facility is of an appropriate scale; and
 - 75 h) It is located within or adjoining the settlement that the facilities are intended to serve and do
76 not materially extend the form of the settlement

74 **Village halls and community centres**

- 75 5) In addition to the above, new village halls or community centres will be permitted provided
76 that:
- 77 a) They are designed in a way to keep running and maintenance costs (including appropriate water
78 and energy efficiency measures) to a minimum; and
 - 79 b) A long-term funding (minimum 10 years), maintenance and management plan is produced to
80 identify how the facility will generate sufficient income to ensure self-financing to assure the
81 Broads Authority of the proposed facility's financial sustainability. This could include an
82 appropriate permanent usage for part of the facility (e.g. health or social care).

83 **Diversification**

- 84 6) Proposals for the diversification of visitor and community facilities and services will be
85 supported where evidence demonstrates:
- 86 a) the development improves the viability of the service and facility, and is necessary to resolve
87 inherent viability problems, rather than the circumstances or needs of the present owner; and

- 88 b) the development is subservient and well related in scale and kind to the existing service and/or
89 facility; and
90 c) there is no other source of funding that might achieve the same benefits; and
91 d) the proposed development will secure the long-term future of the service and facility

92 **Education and conservation proposals**

- 93 7) Facilities which are educational in nature or relate to the promotion of the conservation of the
94 Broads environment will be supported.

95 **Reasoned Justification**

96 The vitality and well-being of Broads' communities is reliant upon local services and facilities which
97 meet their day-to-day needs. These include health, education, emergency services, community
98 halls, car parks, public transport, places of worship, post offices, cultural infrastructure (museums,
99 art galleries etc.) and libraries. They can also include more commercial enterprises such as pubs and
100 post offices, and 'Assets of Community Value' which communities can nominate themselves.

101
102 The loss of facilities ~~such as post offices and libraries~~ would result in people having to travel further
103 to meet their everyday needs, which can have a particularly adverse impact on those who do not
104 have the ability to travel easily, such as the elderly. Serving both residents and visitors, they can
105 contribute significantly to the quality of experience. Furthermore, many of the employment
106 generating businesses within the Broads serve visitors as well as the resident market, such as shops
107 and pubs (although pubs are not covered in this policy, see policy SSPUBS), and their loss can have a
108 wider than local impact. To maintain a level of local servicing, the Authority will seek to protect
109 existing community facilities and services and will only approve proposals that would lead to their
110 loss where it can be robustly demonstrated that the facility is no longer suitable or viable for its
111 community use. Only then will alternative uses be permitted, again subject to demonstrating that
112 the existing uses would be unviable. Applications should be accompanied by a statement,
113 completed by an independent chartered surveyor, which demonstrates that current uses are not
114 viable. This statement should provide an assessment of the current and likely future market
115 demand for the site or property, attempts to market it for a sustained period of 12 months, and its
116 value. The level of detail and type of evidence and analysis presented should be proportionate to
117 the scale and nature of the site and/or property in question. The Authority will need to verify the
118 content of such a report and may need to employ external expertise to do so. The applicant will
119 need to meet this expense. The Broads Authority have produced A guide on marketing and viability
120 assessment requirements (broads-authority.gov.uk) which will be of relevance.

121 Where the viability of services and/or facilities is genuinely threatened it may be possible to
122 combine facilities, or introduce complementary commercial activities (such as shops, cafes, or
123 offices) which help to secure their long-term future without undermining the principal service
124 and/or facility.

125 The siting of any development will vary depending on the facility being replaced and the location,
126 but accessibility by a variety of transport modes will be an important factor. The policy therefore
127 requires proposals for new facilities likely to attract large numbers of people to be located where
128 they are accessible by a choice of transport means. Applicants are required to justify the
129 sustainability of the location for the proposed development. Development proposals will also be
130 expected to be accompanied by a needs assessment that demonstrates the demand for the

131 proposed facility and why an alternative site outside the Broads could not accommodate the
132 development.

133 The ongoing maintenance and management that ensures the longevity of community centres or
134 village halls is an important early consideration. The primary purpose of these buildings is to
135 provide a community meeting space. However, there should be the scope to accommodate
136 appropriate ancillary uses, some of which may be permanent. Some examples of acceptable
137 permanent uses include a café, outreach health and social care, or a community enterprise.
138 Applicants are required to provide information that explains how the village hall or centre will be
139 used and how its longevity can be assured.

140 In terms of proving there is no community need, marketing evidence and independent assessments
141 of the facility's potential will be expected, taking into consideration alternative uses or ways to
142 make the service or facility more viable. Evidence should be proportionate to the scale of the loss
143 and flexibility will be allowed where it is clear the facility is only suited to a specialist use.

144 The retail and tourism policies may be of relevance to schemes and will be applied as necessary.

145 Examples are as follows, but this list is not exhaustive:

- 146 • Community facility – post offices, cemeteries (see policy **ACL1 and DM7**), libraries, village halls,
147 shops **and cafes**, sports facilities (also see policies **DIT2 and FLE1**). Please note that pubs are
148 addressed in their own policy, **SSPUBS**.
- 149 • Visitor facility – car parks, visitor moorings, bike stands, slipways.

150 Proposals relating to play areas, sports fields, open space and allotments are addressed in policy
151 DM7.

152 If a proposal is considered to potentially have an effect on an internationally designated site, it will
153 need to be considered against the Habitats Regulations and a project level Appropriate Assessment
154 undertaken.

155 Ancillary provision to these facilities, such as parking and litter bins, will be an important
156 consideration.

157 **Reasonable alternative options**

- 158 a) No policy
- 159 b) Original policy

160 **Sustainability appraisal summary**

161 The options of no policy, the original policy and amended policy have been assessed in the SA. The
162 following is a summary.

A: Keep original policy	6 positives. 0 negatives. 0 ? Overall, positive.
B: Amended policy	6 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 6 ?

163 **How has the existing policy been used since adoption in May 2019?**

164 According to recent Annual Monitoring Reports, the policy has been used and applications have
165 been determined in accordance with the policy.

166 **Why has the alternative option been discounted?**

167 An alternative option is to not have a policy. Community facilities are an important aspect of the
168 Broads and can be affected by schemes. To have a policy on Community facilities is therefore
169 favoured.

170 **UN Sustainable Development Goals check**

171 This policy meets these [UN SD Goals](#):

11 SUSTAINABLE CITIES
AND COMMUNITIES



Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Policy POSP16: Community facilities

		A: Keep original policy	B: No policy
ENV1			
ENV2			
ENV3			
ENV4			
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1	+	Community facilities can benefit mental and physical health and wellbeing, for example through space for sport in community centres.	?
SOC2	+	Community facilities are important for everyone. They can be places for people to meet.	?
SOC3	+	Community facilities can be places to hold education classes of various types.	?
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not necessarily mean that community facilities will be lost or cannot come forward. But a policy provides certainty.

Policy DM44: Visitor and community facilities and services

	A: Keep original policy		B: Amended policy		C: No policy	
ENV1						
ENV2						
ENV3	+	Policy refers to impact on biodiversity.	+	Policy refers to impact on biodiversity.	?	Not having a policy does not necessarily mean that community facilities will be lost or cannot come forward. But a policy provides certainty.
ENV4	+	Policy refers to impact on landscape character.	+	Policy refers to impact on landscape character.	?	
ENV5						
ENV6						
ENV7						
ENV8						
ENV9	+	Policy refers to impact on historic environment.	+	Policy refers to impact on historic environment.	?	
ENV10						
ENV11						
ENV12						
SOC1	+	Community facilities can benefit mental and physical health and wellbeing, for example through space for sport in community centres.	+	Community facilities can benefit mental and physical health and wellbeing, for example through space for sport in community centres.	?	
SOC2	+	Community facilities are important for everyone. They can be places for people to meet.	+	Community facilities are important for everyone. They can be places for people to meet.	?	
SOC3	+	Community facilities can be places to hold education classes of various types.	+	Community facilities can be places to hold education classes of various types.	?	
SOC4						
SOC5						
SOC6						
SOC7						
ECO1						
ECO2						
ECO3						



**Local Plan for the Broads - Review
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Policy DM48: Re-use, conversion or change of use of buildings

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

Policy DM48: Re-use, conversion or change of use of buildings

1. The re-use, conversion or change of use of buildings and structures to employment, tourism (including holiday accommodation for short stay occupation on a rented basis), recreation and community uses will be supported where:
 - a) ~~The building makes a positive contribution to the landscape of the Broads to make it worthy of retention;~~
 - b) A structural survey demonstrates that the building is structurally sound and capable of conversion without major rebuilding and/or substantial extension;
 - c) The building can be ~~redeveloped~~ re-used, converted or changed without an adverse effect on the character of the Broads' landscape or its setting and the ~~redeveloped~~ re-use, conversion or change takes the opportunity to make a positive contribution to the appearance of the locality;
 - d) The proposal is of a high-quality design, retaining the features that contribute positively to the character of the building;
 - e) The nature, scale and intensity of the proposed use are compatible with, and would not prejudice, surrounding uses and the character of the locality;
 - f) The highway network is able to accommodate safely the demands resulting from the proposed use;
 - g) The design and details of conversion will maintain, and enhance, restore or add to biodiversity; and
 - h) It incorporates measures to enhance the environmental performance of the building in particular light pollution, energy and water efficiency, flood risk resilience and climate change adaptation and resilience measures. ~~, where appropriate.~~
2. The conversion of a building or structure to a residential use outside a development boundary, where the building would be used as a second home or for the main residence of the occupiers,

will only be acceptable when all the above criteria are met and when it is clearly demonstrated that employment, recreation, tourism and community uses would be unviable.

3. The conversion of a building or structure to holiday/tourism accommodation would need to meet criteria a to h of this policy as well as the requirements of the policies in the tourism section.
4. For proposals outside development boundaries for uses other than residential, second homes and tourism accommodation (which are covered in criteria 2 and 3), the above criteria will apply and also that the building is in a sustainable location, with adequate access to services and facilities or adequate access to people who would use the service or facility.
5. The Authority may seek to apply conditions limiting the ability to change use to other uses within Use Class E without the need for planning permission.

Reasoned Justification

The re-use of buildings in the countryside can support the vitality of rural communities and help minimise the need for new build development that has the potential to detract from the special landscape character of the Broads. Indeed, there is embodied carbon in buildings and demolition and re-build may not be the best use of resources. The Authority is therefore generally supportive of the re-use of appropriately located and suitably constructed buildings in the countryside. ~~although certain buildings may not be suitable for conversion and re-use.~~

This policy is in line with the Embodied Carbon policy, which may be of relevance to proposals – see xxx.

~~The building must be of a sufficient quality to warrant retention.~~ Large, modern agricultural and industrial buildings will generally be considered to be unsuitable for conversion. The Authority will consider the appearance and architectural value of the building and how it contributes to the Broads' landscape, as well as the street scene, both before and after conversion.

The term 'holiday/tourism accommodation' means that permitted by policy DM30, e.g. short term holiday lets.

The conversion and re-use of buildings in the countryside will only be acceptable where a structural survey undertaken by an independent Structural Engineer demonstrates that the building is structurally sound and capable of conversion without major rebuilding or reconstruction.

To protect the character of the building and the surrounding landscape, all conversion works must be undertaken sensitively, using a high standard of design and good quality materials. The erection of substantial extensions can have a detrimental impact on the original form of a building or group of buildings and on the openness and special character of the landscape. The removal of external features, including original openings and materials, can erode the character of the building. It is expected that conversion works would involve minimal intervention to the original form and fabric of the building, such as new openings.

Buildings in the countryside have the potential to provide important breeding and roosting places for a number of species protected under a range of legislative provisions, including bats, barn owls

or nesting birds. In accordance with policy DM13, if the presence of a protected species is suspected the applicant will be required to submit appropriate protected species surveys. The policy also seeks to ensure that conversion works aim to maintain and enhance, restore or add to biodiversity. If a proposal is considered in the context of this policy to potentially have a likely significant effect alone or in combination with other plans and projects ~~an effect~~ on an internationally designated site, it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Proposals within a development boundary are deemed to have very good access to services and facilities. While it will not always be possible to apply the same standards of accessibility in established settlements to proposals in the countryside, when assessing proposals to convert a building in the countryside regard will be given to the sustainability of the location and the impact the proposed use would have on the local highway network. That being said, on occasion a building may be worthy of retention and benefit from conversion but be in an isolated location, and the Authority will balance the criteria within the policy.

Residential conversions may be appropriate for some types of buildings and in certain locations, providing that it has been demonstrated that a commercial or community use of the building is unviable and that the building is of sufficient quality to merit retention by conversion. Applications to convert a building outside of a development boundary to residential use should be accompanied by a report undertaken, by an independent Chartered Surveyor, which demonstrates why employment, recreation, tourism and community uses would not be viable due to inherent issues with the building. 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. The Authority will need to verify the content of such a report, and may need to employ external expertise to do so. The applicant will need to meet the cost of this.

Where a building is of historic or architectural merit, the application will be considered under Policy DM12 on the re-use of historic buildings. For re-use or conversions of historic buildings (designated or non-designated), please refer to DM12.

[DM48 does not relate to buildings currently in employment use – see PODM25 and PODM26.](#)

There are permitted development rights to change the use of existing buildings. These are less permissive in the Broads than in other undesignated areas. A proposal may not require planning permission, but the applicant is advised to check with Development Management Officers at the Broads Authority for advice.

Reasonable alternative options

- a) The original policy, with no amendments.
- b) No policy

Sustainability appraisal summary

The three options (of the amended policy, no policy and the original policy) have been assessed in the SA. The following is a summary.

A: Keep original policy	7 positives. 0 negatives. 0 ?
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	Overall, positive.
B: Preferred Option - amend policy.	11 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 11 ? Overall, positive.

How has the existing policy been used since adoption in May 2019?

According to recent Annual Monitoring Reports, the policy has been used and schemes are in general conformity with the policies.

Why have the alternative options been discounted?

There are often proposals to convert, re-use or change the use of buildings. A policy that seeks to guide such proposals is therefore prudent given the prominence of buildings in the landscape of the Broads. The changes clarify the policy, highlight the opportunities conversion, re-use and change of use to improve the environmental credentials of the schemes as well as refer to embodied carbon.

UN Sustainable Development Goals check

This policy meets these [UN SD Goals](#):



Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

		A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1	+	Policy emphasises importance of access to services and facilities.	+	Policy emphasises importance of access to services and facilities. ?
ENV2			+	Policy refers to water efficiency. ?
ENV3	+	Policy identifies biodiversity potential of such buildings.	+	Policy identifies biodiversity potential of such buildings. ?
ENV4	+	Impact on landscape character is a key consideration.	+	Impact on landscape character is a key consideration. ?
ENV5			+	Policy refers to climate change adaptation and resilience. ?
ENV6			+	Policy refers to flood risk resilience. ?
ENV7	+	Policy seeks retention of building rather than demolition.	+	Policy seeks retention of building rather than demolition. ?
ENV8	+	Policy seeks retention of building rather than demolition.	+	Policy seeks retention of building rather than demolition. ?
ENV9				
ENV10	+	Policy highlights that design is important.	+	Policy highlights that design is important. ?
ENV11			+	Policy refers to light pollution. ?
ENV12				
SOC1				
SOC2				
SOC3				
SOC4				
SOC5				
SOC6	+	Policy emphasises importance of access to services and facilities.	+	Policy emphasises importance of access to services and facilities. ?
SOC7				
ECO1				
ECO2				
ECO3				

Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.



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Policy PODM50: Leisure plots, amenity plots and mooring plots

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

This is a new policy and will only take effect once the Local Plan is adopted.

Policy PODM50: Leisure plots, amenity plots and mooring plots

1. New leisure plots, amenity plots and mooring plots will not normally be permitted.
2. The use of existing mooring plots will be restricted to the mooring of boats and uses incidental to that activity. Mooring plots will be kept generally free of buildings and above ground structures. Provision of unobtrusive, appropriately designed and appropriately located moorings, steps, ramps, electric hook up/charging points (that meet the requirements of the dark skies policy), renewable energy generating equipment to provide energy for electric hook up/charging points and small scale storage lockers, for use incidental to the enjoyment of the moorings, may be appropriate in some locations where they would be consistent with the objectives of protecting and conserving the Broads landscape character, dark night skies and ecology, and with other policies of the Development Plan.
3. For existing leisure, amenity and mooring plots, permission will not normally be granted for the erection of buildings, enclosures or structures, and the permanent or seasonal occupation of the land, vehicles, boats, etc., or the stationing of caravans, will not be permitted. The provision and maintenance of additional landscaping will be encouraged, having regard to the existing character of the area and limiting wind shadow on the river in the interests of sailing.

Reasoned Justification

20 Leisure, amenity, and mooring plots often result in the creation of a suburban appearance,
21 with associated domestic paraphernalia that detracts from the landscape character of the
22 Broads and the visual quality of the waterscape. Such plots can lead to an incremental
23 erosion of character on edges of settlements. Consequently, the creation of new leisure,
24 amenity and mooring plots will not normally be supported by the Authority. There may be
25 occasions when this type of development could only be permitted where the degree of
26 change would not have an adverse effect on the existing landscape character and visual
27 appearance of the area.

28 The erection of structures on existing leisure and amenity plots, such as sheds,
29 summerhouses, caravans and fences to demarcate the plots, has the potential to not only
30 detract from the character and appearance of sensitive parts of the Broads' landscape but
31 also damage areas of wildlife importance. For this reason, the Authority will control
32 development on existing plots to make sure development only takes place where it is
33 incidental to the mooring of boats and/or low-key enjoyment of the plots and is consistent
34 with the other policies in the Plan.

35 For the purpose of this policy, the term 'leisure plot' describes a plot resulting from the sub-
36 division of land and its use for leisure purposes, such as quiet enjoyment of the plot and
37 scenery, and informal recreation. Amenity plot means a piece of land being used for
38 amenity purposes. For the purpose of this policy, the term 'leisure plot' and 'amenity plot'
39 describes a plot resulting from the sub-division of land and its use for leisure and amenity
40 purposes, such as quiet enjoyment of the plot and scenery, and informal recreation.

41 Within the Broads, leisure plots are often established in waterside locations, in which case
42 they are termed 'mooring plots'. A mooring plot is an area of land associated with moorings
43 that may have boundary treatments but has limited other paraphernalia other than that
44 incidental to the enjoyment of the moorings such as small scale storage lockers or modestly
45 sized single room day huts, storage sheds and boat sheds.

46 Subdivision of existing leisure, amenity and mooring plots could lead to an increase of
47 urbanisation and urban paraphernalia. Schemes will be considered on a case-by-case basis.
48 It may be that the Authority will seek to restrict structures such as those covered by the
49 policy and remove permitted development rights in order to prevent over development.

50 Please note that there are specific policies for the plots in the Potter Heigham area.

51 **Reasonable alternative options**

- 52 a) Do not have a policy
- 53 b) Original policy

54 **Sustainability appraisal summary**

55 The three options (of no policy, specific use and the preferred option) have been assessed in
56 the SA. The following is a summary.

A: No policy	0 positives. 0 negatives. 3 ?
B: Original policy	2 positives. 0 negatives. 0 ? Overall, positive.
C: Preferred Option	3 positives. 0 negatives. 0 ? Overall, positive.

57 **How has the existing policy been used since adoption in May 2019?**

58 According to recent Annual Monitoring Reports, the policy has been used and schemes are
59 in general conformity with the policies.

60 **Why have the alternative options been discounted?**

61 These plots are part of the character of the area but can be urbanised. A policy is needed to
62 control development on these plots and the amendments make the policy stronger.

63 **UN Sustainable Development Goals check**

64 This policy meets these [UN SD Goals](#):

15 LIFE
ON LAND



Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

		A: No policy	B: Original Policy	C: Preferred Policy
ENV1		<p>Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.</p>		
ENV2				
ENV3	?		+ Policy refers to ecology.	+ Policy refers to ecology.
ENV4	?		+ General principle behind the policy is to prevent landscape character impact.	+ General principle behind the policy is to prevent landscape character impact.
ENV5				
ENV6				
ENV7				
ENV8				
ENV9				
ENV10	?			
ENV11				+ Policy refers to light pollution.
ENV12				
SOC1				
SOC2				
SOC3				
SOC4				
SOC5				
SOC6				
SOC7				
ECO1				
ECO2				
ECO3				



**Local Plan for the Broads - Review
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Sites Specifics – Hoveton and Wroxham

This is a proposed draft section/policy for the Preferred Options Local Plan. Member’s comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

The currently adopted policy remains in place – these are proposed amendments and this section will form part of the Preferred Options version of the Local Plan.

- 1 **Policy HOV5: Hoveton Town Centre and areas adjacent to the Town Centre**
2 **Inset Map:** [11.-HOVETON-and-WROXHAM.pdf \(broads-authority.gov.uk\)](#) and also see below
- 3 1) For both areas identified on the Policies Map:
4 a) Appropriate improvements to the quality of the public realm, in particular the river frontage
5 and access to the river, will be supported.
6 b) Residential uses will be supported only where they do not displace a ~~potential~~ retail, tourism or
7 business frontage, or one that has potential to be such a frontage (e.g. residential could be
8 potentially supported at first floor level or on a non-business frontage).
9 c) Particular care will be taken to ensure that:
10 i) developments do not significantly exacerbate traffic congestion and air quality problems
11 in the town centre, particularly in the vicinity of the bridge, and
12 ii) the scale, massing and external treatments, including advertising, contribute to the
13 enhancement of the area’s appearance.
- 14 2) Proposals will need to ensure they address other relevant policies in the local plan such as the
15 natural environment, water efficiency, provide well designed and well-located cycle parking,
16 consider the provision of appropriately designed and located EV charging points, consider
17 overheating and provision of shade, consider crime prevention and safety measures and
18 provide biodiversity enhancements if appropriate.
19

- 20 3) The Authority may seek to apply conditions limiting the ability to change use to other uses
21 within Use Class E without the need for planning permission.

22 **The Town Centre**

- 23 4) Proposals in Hoveton Town Centre will be considered in the context of the entire town centre
24 and the policies of the relevant North Norfolk District Council Development Plan so that retail
25 and main town centre uses proposals address the town centre in its entirety.
- 26 5) Hoveton Town Centre is identified as a medium town centre.
- 27 6) Proposals for new retail and leisure growth, shop extensions, expansion and re use of vacant
28 units for town centre uses will be supported as long as they:
- 29 i) are of a scale appropriate to the size of Hoveton Town Centre;
- 30 ii) enhance the appearance and respect the character of the centre including its retail function and
31 historic interest;
- 32 iii) enhance access to the Broads;
- 33 iv) assist in maintaining the existing retail function;
- 34 v) meet the requirements of the overarching retail policies in this Local Plan (PODM51) and the
35 relevant North Norfolk Local Plan; and
- 36 vi) contribute to the vitality and viability of the Town Centre.
- 37 7) Retail uses ~~A1 to A5 (as per the land use class order 1987 as amended)~~ will be concentrated in
38 the Primary Shopping Area as defined on the policies maps of both North Norfolk District
39 Council and the Broads Authority. Site selection for retail and other town centre uses should
40 follow national policies and guidance.
- 41 8) For Town Centre land uses outside of the Town Centre, a Sequential Test and Impact
42 Assessment will be required. The Impact Assessment threshold for Hoveton Town Centre is
43 locally derived and set at 500sq m gross.
- 44 9) In addition to the NPPF requirements of impact thresholds (see ~~2019~~ 2023 NPPF section 7), any
45 impact assessment must include an assessment on locally important impacts such as, but not
46 limited to, access to the river, traffic flows over the bridge, the safety of pedestrians crossing
47 Norwich Road, and the impacts on the provision of surface car parking.

48 **The areas adjacent to Hoveton Town Centre**

- 49 10) Redevelopment of sites and buildings within this area will be supported where this provides
50 retail, tourist or boating facilities that meet the requirements set out in a) to c) and i) to v). The
51 safety of pedestrians crossing Norwich Road, and the impacts on the provision of surface car
52 parking, are other important considerations.

53 **Constraints/Features**

- 54 • Actual Town Centre and Primary Shopping Area spans North Norfolk District Council and Broads
55 Authority boundaries
- 56 • Localised congestion in the town centre and over the bridge into Wroxham.
- 57 • Hoveton Town Centre is classed as a Medium Town Centre in the emerging North Norfolk
58 District Council Local Plan.

- 59 • Town centre is dominated by Roy's Department Store.
- 60 • Town Centre extends to near to the river and riverside area.
- 61 • Part of the Town Centre has its own specific policy – see policy xx, Land off Station Road,
- 62 Hoveton.
- 63 • Flood risk from SFRA 2017 mapping: part 2, 3a and modelled 3b.

64 **Reasoned Justification**

65 This policy has been produced in coordination with North Norfolk District Council in recognition
66 that the Local Planning Authority boundary is arbitrary, and the town centre needs to be
67 considered as a whole. The following map shows the entire town centre, although the policies maps
68 of North Norfolk District Council and the Broads Authority will show only that part of the Town
69 Centre within their respective areas.

70

71 The intention of the policy approach is to ensure the town centre is considered as a whole.
72 Proposals will need to consider the entire town centre and the policies of North Norfolk District
73 Council so that retail considerations address the town in its entirety and cross boundary issues. This
74 is especially important in applying the sequential and impact tests.

75

76 The North Norfolk Retail and Main Town Centre Uses Study (2017) supports the policy approach for
77 Hoveton Town Centre as the shops in Hoveton are identified as trading below national levels and
78 there is a low retention rate, especially for comparison goods, resulting in people spending money
79 in Norwich. That being said, the town's tourist role is equally important, and a broad mix of retail
80 establishments is seen as key to maintaining the whole town's vitality and viability. The shop
81 vacancy rate in Hoveton remains low.

82 The Retail Study recommends that Hoveton Town Centre should not have Primary or Secondary
83 Frontages. This is because of the dominance of Roy's of Wroxham (i.e. a small number of large Class
84 A1 units) and the predominance/scatter nature of tourist related facilities.

85 The **sequential test** (site selection process) for town centre uses outside of the town centre
86 (NPPF~~2019-2023~~ paragraph ~~87 86~~) needs to consider cross boundary policies and treat the town
87 centre as a whole - and indeed Hoveton as a whole, rather than limited to the area within the
88 Broads Authority Executive Area. It may be prudent to also include Wroxham as the two
89 settlements adjoin each other. This floor space requirement is for the town centre as a whole and
90 could be met in either of the Local Planning Authority Areas (or through a combination of sites in
91 both).

92 A locally set threshold of 500 sq.m gross for the **Impact Assessment** would be appropriate for retail
93 and leisure development in Hoveton/Wroxham, reflecting the existing scale of the town centre and
94 the floor space projections¹.

95 The 2017 North Norfolk District Council retail study identified limited potential to accommodate
96 additional growth over the plan period, in the region of 1,234 gross sq.m. Since the study was
97 completed, a permission was granted by North Norfolk District Council for 1357 sq.m of A1 and 550
98 sq.m of A3 in the Primary Shopping Area and Town Centre. This has effectively taken up identified

¹ A threshold of 2,500 sq.m gross is stated in the ~~2019-2023~~ NPPF (paragraph ~~90 89~~). The retail study concluded that this would be significant in relation to the scale of existing retail provision in Hoveton/Wroxham and is more than double the total floor space projection over the plan period. A locally set threshold is therefore adopted.

99 available retail capacity in Hoveton Town Centre (as calculated in the retail study based on 2016
 100 expenditure rates). Where necessary, further retail applications adjacent to and outside of the
 101 town centre are required to demonstrate if there is additional expenditure and capacity to support
 102 retail growth without significant impacts on other retail outlets in Hoveton Town Centre.

103 In order to prevent the proliferation of town centre uses in out-of-centre and edge-of-centre
 104 locations and to control their character, conditions will be used to restrict permissions granted for
 105 office, light industrial or research and development changing to other uses within Class E.

106 Policy DM51 is the generic retail policy for the Broads and may be of relevance to proposals in
 107 Hoveton Town Centre.



108 **Areas Adjacent to the Town Centre**

109 Outside the Town Centre the policy makes provision for enhancement of the visitor experience to
 110 Hoveton/ Wroxham and support will be given to redevelopment, in line with the policy
 111 requirements above, for the reuse and redevelopment in the identified adjacent areas . Although
 112 separated from the Town Centre and PSA, the areas adjacent to the Town Centre currently provide
 113 important visitor facilities and provide opportunities where investment could be directed.

114 **Reasonable alternative options**

- 115 a) No policy
- 116 b) Original policy

117 **Sustainability appraisal summary**

118 The options of no policy, the original policy and amended policy have been assessed in the SA. The
 119 following is a summary.

A: Original policy	8 positives. 0 negatives. 0 ?
--------------------	-------------------------------

	Overall, positive.
B: Amended policy	12 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 12 ?

120 **Why has the alternative option been discounted?**

121 The Hoveton/Wroxham area is a honeypot of the Broads. There are much going on in that area. The
 122 town centre is shared with North Norfolk and therefore it is sensible to have a policy that
 123 complements that of North Norfolk Local Plan. A policy is therefore favoured.

124 **UN Sustainable Development Goals check**

125 This policy meets these [UN SD Goals](#):

**11 SUSTAINABLE CITIES
AND COMMUNITIES**



126

Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

	A: Have a policy	B: Preferred Option - amend policy	C: No policy
ENV1	+ Policy refers to proposals not exacerbating traffic issues in the area. + Provides goods and services to the local area and is accessible by foot and cycle.	+ Policy refers to proposals not exacerbating traffic issues in the area. Provides goods and services to the local area and is accessible by foot and cycle.	?
ENV2		+ Refers to water efficiency.	?
ENV3		+ Refers to biodiversity enhancements.	?
ENV4	+ Public realm and character are considerations in the policy.	+ Public realm and character are considerations in the policy.	?
ENV5		+ Refers to overheating and shade.	?
ENV6			
ENV7			
ENV8			
ENV9	+ The bridge is referred to and generally consideration of historic interest is included in the policy.	+ The bridge is referred to and generally consideration of historic interest is included in the policy.	?
ENV10			
ENV11			
ENV12			
SOC1			
SOC2			
SOC3			
SOC4			
SOC5	+ The TownCentre land uses provide job opportunities.	+ The TownCentre land uses provide job opportunities.	?
SOC6	+ The town centre provides services and facilities in an accessible location.	+ The town centre provides services and facilities in an accessible location.	?
SOC7		+ Refers to crime and safety provisions.	?
ECO1	+ The town centre is part of	+ The town centre is part of	?
ECO2	+ the local economy.	+ the local economy.	?
ECO3	+	+	?

Not having a policy does not mean that these issues will not be considered or addressed; a policy provides certainty.



Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023

Oulton Broad District Shopping Centre

This is a proposed draft section/policy for the Preferred Options Local Plan. Member's comments and thoughts are requested. This policy is already in the local plan, but some amendments are proposed.

Amendments to improve the policy are shown as follows: ~~text to be removed~~ and added text.

There is an assessment against the UN Sustainable Development Goals at the end of the policy.

The proposed Sustainability Appraisal of the policy is included at the end of the document. This would not be included in the Preferred Options Local Plan itself; this table would be part of the Preferred Options Sustainability Appraisal, but is included here to show how the policy and options are rated.

1 **Policy POOUL3 - Oulton Broad District Shopping Centre**

2 **Policy Map 14 14.-OULTON-BROAD.pdf (broads-authority.gov.uk)**

- 3 1) New Town Centre Use Development (~~falling within use classes A1, A2, A3, A4, A5, C1,~~
4 ~~D2, and B1a~~ as defined in the NPPF) will be permitted within the Oulton Broad District
5 Centre where the scale and function of the development is consistent with the role of
6 the District Centre and would not impact on the vitality and viability of Lowestoft Town
7 Centre.
- 8 2) Within the Oulton Broad District Shopping Centre, proposals for changes of use of
9 ground floor premises from ~~use classes A1 (retail) and A2 (financial and professional~~
10 ~~services)~~ Ea and Eb Class land uses to ~~A4 (drinking establishments and), A5 (hot food~~
11 ~~takeaways)~~ (sui generis) and other non-~~A-Class~~ retail or town centre uses will not be
12 permitted.
- 13 3) The following changes of use of ground floor premises will only be permitted where
14 either cumulatively or individually they have no significant adverse impact on the
15 character, retail function and vitality and viability of the centre, residential amenity
16 including noise, fumes, smell and litter, highway safety, parking and community safety:
17 a) From retail and financial and professional services (Class Ea and Ec i and ii) to
18 restaurants and cafes (Class Eb) ~~use classes A1 (retail) and A2 (financial and professional~~
19 ~~services) to A3 (restaurants and cafés).~~

- 20 b) From any use other than ~~use classes A1 (retail) or A2 (financial and professional services)~~
21 retail and financial and professional services (Class Ea and Ec i and ii) in the Oulton Broad
22 District Shopping Centre to restaurants and cafes (Class Eb), drinking establishments and
23 hot food takeaways (sui generis). ~~use classes A3 (restaurants and cafés), A4 (drinking~~
24 ~~establishments) and A5 (hot food takeaways).~~
25
26 4) The Authority may seek to apply conditions limiting the ability to change use to other
27 uses within Use Class E without the need for planning permission.
28
29 5) Proposals will need to ensure they address other relevant policies in the local plan such
30 as natural environment, water efficiency, provide well designed and well-located cycle
31 parking, consider the provision of appropriately designed and located EV charging
32 points, consider overheating and provision of shade, consider crime prevention and
33 safety measures and provide biodiversity enhancements if appropriate.

34 **Constraints and Features**

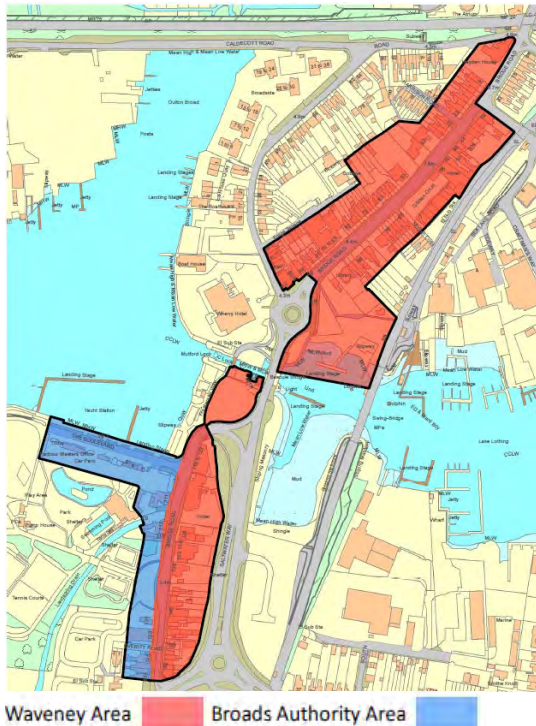
- 35 • Flood Zone 3 and 2 according to EA mapping. Some 2 and indicative 3b by SFRA 2018
36 mapping.
- 37 • The Centre is in East Suffolk and Broads Authority Local Planning Authority areas.
- 38 • Next to protected open space – Nicholas Everett Park.
- 39 • ~~Spar is the largest retail unit in this centre.~~
- 40 • In Oulton Broad Conservation Area.

41 **Reasoned Justification**

42 The ~~2019~~ 2023 NPPF, at paragraph ~~86~~ 85, says ‘*planning policies and decisions should*
43 *support the role that town centres play at the heart of local communities, by taking a*
44 *positive approach to their growth, management, and adaptation*’.

45 Recent retail evidence and on-site monitoring continues to identify Oulton Broad as a
46 'District Centre' where shops and services will be protected and prevented from changing to
47 other uses. Planning Policy Statement 4 (PPS4) 'Planning for Sustainable Economic Growth'
48 (now deleted), defines District Centres as a ‘*group of shops, separate from the town centre,*
49 *usually containing at least one supermarket or superstore, and a range of non-retail services,*
50 *such as banks, building societies and restaurants, as well as local public facilities such as a*
51 *library*’. There is no definition for District Centres in the NPPG or NPPF.

52 Oulton Broad District Centre is located around Bridge Road in Oulton Broad. The area is
53 shared between the Broads Authority and East Suffolk Council Local Planning Authority
54 areas. There are around ~~50~~ 58 retail units currently in operation (according to ~~2016~~ 2022
55 monitoring data).



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56 The 2016 Retail and Leisure Study says that the Centre has a relatively good mix of
 57 independent stores for its size but an under provision of banks and building societies. The
 58 Centre was principally identified as a 'top-up' food-shopping destination in the household
 59 survey. The assessment suggests that there is potential to increase the convenience food
 60 offer as well as increase the number of cafés and restaurants to cater for the need of the
 61 local population and the wider tourist market. The assessment also identifies the potential
 62 to increase the linkages between the centre and the Broads.

63 The increase in the number of takeaways has been a cause for concern in Oulton Broad,
 64 with late opening times often being associated with anti-social behaviour that harms the
 65 amenity of local residents and the environmental quality of the areas. Concern has been
 66 raised that a continuation of this trend could reduce the centre's retail provision, making it
 67 less attractive for local residents and thereby potentially affecting the viability of the
 68 remaining shops.

69 Policy OUL3 is included within both the East Suffolk Council Local Plan and the Broads Local
 70 Plan to reflect the centre's location across both planning authority areas. The policy intends
 71 to protect the existing shopping and service offer in the Centre and promote new
 72 restaurants and cafés where they would not undermine the viability of the Centre. The
 73 policy restricts changes of use to ~~A4 and A5~~ pubs and drinking establishments and hot food
 74 takeaways in order to address amenity concerns discussed previously.

75 It is acknowledged that some changes of use can take place without planning permission
 76 under the Permitted Development Order 2015, which allows some flexibility of uses within
 77 the area (dependent on size, final proposed land use and whether the site is located in the
 78 Broads or not). This policy will apply to circumstances where planning permission is
 79 required.

80 In order to prevent the proliferation of town centre uses in out-of-centre and edge-of-
81 centre locations and to control their character, conditions will be used to restrict
82 permissions granted for office, light industrial or research and development changing to
83 other uses within Class E.

84 Of relevance will be the generic retail policy DM51.

85 **Reasonable alternative options**

86 a) Original policy

87 b) No policy

88 **Sustainability appraisal summary**

89 The options of no policy, the original policy and amended policy have been assessed in the
90 SA. The following is a summary.

A: Keep original policy	6 positives. 0 negatives. 0 ? Overall, positive.
B: Amended policy	10 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 10 ?

91 **Why has the alternative option been discounted?**

92 East Suffolk Council, in their Waveney Local Plan, have a complimentary policy. The
93 amendments relate to the change in class orders.

94 **UN Sustainable Development Goals check**

95 This policy meets these [UN SD Goals](#):

11 SUSTAINABLE CITIES
AND COMMUNITIES



Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

Assessment of policy

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1	+ The District Centre provides goods and services to the local area and is accessible by foot and cycle.	+ The District Centre provides goods and services to the local area and is accessible by foot and cycle. Amended policy refers to cycle parking.	?
ENV2		+ Refers to water efficiency.	?
ENV3		+ Refers to biodiversity enhancements.	?
ENV4			
ENV5		+ Refers to overheating and shade.	?
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1			
SOC2			
SOC3			
SOC4			
SOC5	+ The District Centre land uses provide job opportunities.	+ The District Centre land uses provide job opportunities.	?
SOC6	+ The District Centre provides goods and services to the local area and is accessible by foot and cycle.	+ The District Centre provides goods and services to the local area and is accessible by foot and cycle.	?
SOC7		+ Refers to crime and safety provisions.	?
ECO1	+ The land uses in the District Centre are part of the local economy.	+ The land uses in the District Centre are part of the local economy.	?
ECO2			?
ECO3			?

Not having a policy does not necessarily mean that these considerations will not be addressed in schemes, but having a policy provides certainty.



**Local Plan for the Broads - Review
Preferred Options bitesize pieces
December 2023**

Tranquillity

1 Information for Members

2 We asked about tranquillity in the Issues and Options consultation. This is what we said,
3 with the associated options and question.

4 Tranquillity is about more than just noise. It is also about remoteness and where you feel
5 calm - maybe where there are few, if any, people or interruptions. When talking about
6 tranquillity, these are common factors:

- 7 • Feeling close to nature and wildlife
- 8 • Feeling solitude and remoteness
- 9 • Hearing natural sounds
- 10 • Seeing unspoilt natural beauty

11 The Lake District Local Plan defines tranquillity as 'freedom from the noise and visual
12 intrusion, including light pollution, associated with developed areas, roads, transport and
13 traffic, and areas with intensive recreational activities and other uses that contribute to
14 disturbance'.

15 We proposed some options in the Issues and Options document as follows:

- 16 a) Do not address tranquillity specifically in the Local Plan. Rely on other landscape, dark
17 skies and amenity policies that will be in the Local Plan.
- 18 b) Improve the consideration of tranquillity in the Local Plan by including it in related
19 policies, potentially the landscape section of the Local Plan.
- 20 c) A stand-alone, criteria-based policy, following the example of some National Park
21 Authority local plans. The dark skies policy remains a separate policy.
- 22 d) As per option c, but also including the dark skies policy.
- 23 e) Identify tranquil areas/zones with presumption against certain types of development.

24 Question 25: How do you think we should consider/address tranquillity in the Local Plan?

25 We received these responses:

Organisation	Comment
Bradwell Parish Council	We should adopt options b and d.
Broads Society	The Society feels that this could adequately be dealt with by 'Option b'. The challenge must now be to help stakeholders and businesses rapidly establish the offering that will engage the audience who will help shape, support and participate within the Broads National Park. This help being agile planning and planning support from joined up Authorities enabling the capture of rapidly changing economic opportunities.
Brooms Boats	Option B with consideration to the challenge that is to help businesses rapidly establish the offering that will engage the audience who will help shape, support and participate within the Broads National Park. This help being agile planning and planning support from joined up Authorities enabling the capture of rapidly changing economic opportunities. Ref British Marine Futures report and The Glover Landscapes Review 2019
Designing Out Crime Officer, Norfolk Police	From a policing perspective to ensure any refurbishment or new development is free from crime generators (and fear of crime) which can be achieved by building to Secured by Design standards.
East Suffolk Council	East Suffolk Council would welcome the inclusion of a specific policy relating to tranquillity as part of the Broads Local Plan. As is rightly set out in the consultation document, much of the Broads area contains high levels of tranquillity and this should be protected. Such a policy could operate as a stand alone policy as per option c), or it could incorporate the dark skies policy. If the two policies are kept separate, it will be important to ensure significant cross referencing between the two in order to reflect the strong relationship between tranquillity and dark skies. If the Broads Authority have robust evidence relating to specific tranquil areas then these could also be included in the policy.
Historic England	We would welcome policy intervention addressing tranquillity in the Local Plan. The setting of heritage assets (designated and non-designated) can make an important contribution to their significance. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced, and tranquillity, remoteness and wildness can be important attributes affecting how a heritage asset is experienced. While we don't have a specific preference in terms of the options presented, we would request that the historic environment - specifically it's contribution to the significance of heritage assets - is a factor in determining the appropriate policy response.
Mrs S Lowes	In terms of tranquillity, through traffic speeding causes noise. High windmills in the area will be a blight on the Broads. People come here for peace and quiet and for the dark skies. Light pollution will ruin this. Noise levels of traffic on the A149 is something many tourist boaters have listed as a reason for not staying in PH.

Organisation	Comment
RSPB	Option e). This also needs to extend to encompass promoting visitor access, however, it is recognised that maintaining and enforcing tranquil zones will be problematic, if the locations chosen have unrestricted/open access.
South Norfolk Council	It is reasonable to consider tranquillity within the local plan, however the Council is concerned that this could be a highly subjective criteria that, if misused, may restrict even relatively minor or trivial impacts. Therefore, careful consideration needs to be given to ensuring that any policy criteria to ensure that it was proportionate and not unduly restrictive and that it could be objectively and consistently applied so that it is unambiguous and that it is evident how a decision maker should react to a development proposal. This will help provide certainty of outcomes to applicants and ensure the efficient processing of applications by the authority. To this end, identifying areas that can reasonably be considered tranquil and subject to additional restrictions may be a more predictable approach if it can be achieved. This may also allow for more engagement in the identification of such areas and a more accurate assessment of the impact of any associated restrictions. As always, careful consideration would need to be given to the impact of further restrictive designations on enabling development and change that helps build a strong, responsive and competitive economy and that enables strong, healthy and vibrant communities.
Wroxham Parish Council	WNP support option d.
Broadland Council	It is reasonable to consider tranquillity within the local plan, however . Careful consideration would need to be given to ensuring that any policy criteria could be objectively and consistently applied so that it is unambiguous and that it is evident how a decision maker should react to a development proposal. This will help provide certainty of outcomes to applicants and ensure the efficient processing of applications by the authority. To this end, identifying areas that can reasonably be considered tranquil and subject to additional restrictions may be a more predictable approach if it can be achieved. This may also allow for more engagement in the identification of such areas and a more accurate assessment of the impact of any associated restrictions. As always, careful consideration would need to be given to the impact of further restrictive designations on enabling development and change that helps build a strong, responsive and competitive economy and that enables strong, healthy and vibrant communities.

26 We also contacted other National Park Authorities regarding their experience in relation to
27 tranquillity and Local Plans. We got this feedback:

- 28 • Much of what affects tranquillity is out of the control of the Authority and indeed
29 outside of the boundary.
- 30 • It can be mis-used with would be objectors using tranquillity as a way of objecting to
31 even small-scale development.
- 32 • Tranquillity is highly subjective – what is tranquil to one person, may not be to another.

33 It is therefore proposed to do the following:

- 34 • Improve reference to dark skies in relevant policies.
- 35 • Have a strategic policy that relates to tranquillity.

36 This is a proposed draft section/policy for the Preferred Options Local Plan. Member's
37 comments and thoughts are requested.

38 There is an assessment against the UN Sustainable Development Goals at the end of the
39 policy.

40 The proposed Sustainability Appraisal of the policy is included at the end of the document.
41 This would not be included in the Preferred Options Local Plan itself; this table would be
42 part of the Preferred Options Sustainability Appraisal, but is included here to show how the
43 policy and options are rated.

44 **Policy SPx: Tranquillity in the Broads**

- 45 1. Outside settlements, development proposals will only be permitted where they
46 conserve and/or enhance tranquillity.
- 47 2. All development proposals will need to protect the dark skies of the Broads in
48 accordance with the dark skies policy DMxx.

49 **Reasoned Justification**

50 The tranquillity of the countryside and historic sites should be valued and protected.

51 Tranquillity is subjective and relative: whether a place feels tranquil will be different for
52 everyone, however there are common characteristics which help us refine our
53 understanding. Tranquillity can be understood as being made up of a variety of sounds and
54 experiences which help people find peace and a sense of wellbeing within the landscape.

55 Most commonly these factors include:

- 56 • Feeling close to nature and wildlife
- 57 • Feeling solitude and remoteness
- 58 • Hearing natural sounds
- 59 • Seeing unspoilt natural beauty

60 Tranquillity is a quality of calm that people experience in places full of sights and sounds of
61 nature, and National Parks and the Broads are viewed as one of the best places to gain this
62 experience. Tranquillity can be damaged by the intrusive sights and sounds of man-made
63 structures such as new roads, poorly designed lighting and power lines.

64 New developments may create additional noise, particularly in the context of road traffic,
65 industrial equipment and recreational activities, as well as during the construction phase,
66 and should be considered when taking decisions on new development proposals. In addition
67 to the above the setting of heritage assets (designated and non-designated) can make an
68 important contribution to their significance. The setting of a heritage asset is defined as the
69 surroundings in which a heritage asset is experienced, and tranquillity, remoteness and
70 wildness can be important attributes affecting how a heritage asset is experienced. In order
71 to protect the tranquillity of historic sites the contribution of tranquillity on the significance
72 of heritage assets should be considered

73 Of relevance to tranquillity are these policies:

74 Dark skies/light pollution policy DMxx.

- 75 • Amenity policy DMxx
- 76 • Settlement fringe policy DMxx

77 Indeed, there are some particular areas around the Broads which are generally tranquil such
78 as the Upper Thurne (Policy xx) and the Trinity Broads (Policy xx).

79 **Reasonable alternative options**

80 a) No policy

81 **Sustainability appraisal summary**

82 The options of no policy and having a policy have been assessed in the SA. The following is a
83 summary.

A: Have a policy	5 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 5 ?

84 **Why has the alternative option been discounted?**

85 There are areas that are tranquil in the Broads. Tranquillity is one of the special qualities of
86 the Broads. A general, strategic policy that seeks to protect tranquillity is favoured.

87 **UN Sustainable Development Goals check**

88 This policy meets these [UN SD Goals](#):

89 None identified

Sustainability Appraisal

SA objectives:

- ENV1: To reduce the adverse effects of traffic (on roads and water).
- ENV2: To safeguard a sustainable supply of water, to protect and improve water quality and to use water efficiently.
- ENV3: To protect and enhance biodiversity and geodiversity.
- ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.
- ENV5: To adapt, become resilient and mitigate against the impacts of climate change
- ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.
- ENV7: To manage resources sustainably through the effective use of land, energy and materials.
- ENV8: To minimise the production and impacts of waste through reducing what is wasted, and re-using and recycling what is left.
- ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.
- ENV11: To improve air quality and minimise noise, vibration and light pollution.
- ENV12: To increase the proportion of energy generated through renewable/low carbon processes without unacceptable adverse impacts to/on the Broads landscape
- SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.
- SOC2: To reduce poverty, inequality and social exclusion.
- SOC3: To improve education and skills including those related to local traditional industries.
- SOC4: To enable suitable stock of housing meeting local needs including affordability.
- SOC5: To maximise opportunities for new/ additional employment
- SOC6: To improve the quality, range and accessibility of community services and facilities and to ensure new development is sustainability located with good access by means other than a private car to a range of community services and facilities.
- SOC7: To build community identity, improve social welfare and reduce crime and anti-social activity.
- ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.
- ECO2: To ensure the economy actively contributes to social and environmental well-being.
- ECO3: To offer opportunities for Tourism and recreation in a way that helps the economy, society and the environment.

		A: Have a policy	B: No policy
ENV1	+	Whilst not in the policy itself, roads can impact on the tranquillity of an area.	?
ENV2			
ENV3	+	Nature and wildlife are seen as an element of tranquillity.	?
ENV4	+	Naturel beauty and remoteness are seen as elements of tranquillity.	?
ENV5			
ENV6			
ENV7			
ENV8			
ENV9			
ENV10			
ENV11	+	Fundamentally, these are detractors from tranquillity.	?
ENV12			
SOC1	+	Tranquil areas can be beneficial to health and wellbeing.	?
SOC2			
SOC3			
SOC4			
SOC5			
SOC6			
SOC7			
ECO1			
ECO2			
ECO3			

Not having a policy does not necessarily mean that development will impact on tranquillity, but a policy stance adds protection.

Planning Committee

08 December 2023

Agenda item number 14

Appeals to the Secretary of State update

Report by Senior Planning Officer

This report sets out the position regarding appeals against the Authority.

Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0023/UNAUP2 APP/E9505/C/22/3301919	Mr R Hollocks	Appeal received by the BA on 27 June 2022 Appeal start date 14 July 2022	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against Enforcement Notice - lighting and kerbing	Committee Decision 27 May 2022 LPA statement submitted 25 August 2022

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0021/UNAUP2 APP/E9505/C/22/3301976	Mr R Hollocks	Appeal received by the BA on 27 June 2022 Appeal start date 14 July 2022	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against Enforcement Notice - workshop	Committee Decision 27 May 2022 LPA statement submitted 25 August 2022
BA/2021/0490/FUL APP/E9505/W/22/3303030	Mr N Mackmin	Appeal received by the BA on 13 July 2022 Appeal start date 2 December 2022	The Old Bridge Hotel Site, The Causeway, Repps with Bastwick	Appeal against refusal of planning permission: 8 one-bedroom & 4 two-bedroom flats for holiday use with restaurant & covered car-park at ground level.	Committee Decision 7 March 2022 LPA statement submitted 6 January 2023
BA/2021/0295/FUL APP/E9505/W/22/3308360	Trilogy Ltd	Appeal received by the BA on 5 October 2022 Appeal start date 13 February 2023	Morrisons Foodstore, Beccles, NR34 9EJ	Appeal against refusal of planning permission: Coffee Shop with Drive Thru Facility	Delegated Decision 8 April 2022 LPA statement submitted 20 March 2023

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2017/0006/UNAUP1 APP/E9505/C/22/3310960	Mr W Hollocks, Mr R Hollocks & Mr Mark Willingham	Appeal received by the BA on 11 November 2022 Appeal start date 16 November 2022	Loddon Marina, 12 Bridge Street Loddon	Appeal against enforcement notice- occupation of caravans	Committee decision 14 October 2022 LPA statement submitted 21 December 2022
BA/2022/0309/COND APP/E9505/D/22/3311834	Mr B Parks	Appeal received by the BA on 23 November 2022 Appeal start date 16 March 2023	Shoals Cottage, The Shoal, Irstead	Appeal refusal of planning permission to change approved roof materials.	Delegated decision 15 November 2022 Fast track householder appeal so no LPA Statement submitted.
BA/2023/0001/ENF APP/E9505/C/23/3316184	Mr R Hollocks & Mr J Render	Appeal received by the BA on 6 February 2023 Appeal start date 8 February 2023	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against enforcement notice - occupation of caravans	Committee decision 9 December 2022 LPA Statement submitted 22 March 2023

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0416/FUL APP/E9505/W/23/3321331	Mr Steve Hooper & Ms Mary Alexander	Appeal received by the BA on 2 May 2023 Appeal start date 24 October 2023	Blackwater Carr Land Off Ferry Lane, Postwick	Appeal against refusal of planning permission – Retrospective consent for the use of a yurt on a small, raised platform, securing a table and bench to the ground, the installation of a small staked and woven willow windbreak.	Committee Decision 3 February 2023 LPA Statement to be submitted by 28 November 2023
BA/2023/0004/UNAUP2 APP/E9505/C/23/3322890 and APP/E9505/C/23/3322949	Jeanette Southgate and Mr R Hollocks	Appeals received by the BA 24 and 26 May 2023 Appeal start dates 27 and 29 June 2023	Berney Arms Inn	Appeal against enforcement notice - occupation of caravan	Committee decision 31 March 2023 LPA Statements submitted 9 August and 11 August 2023
BA/2023/0012/HOUSEH APP/E9505/W/23/3326671	Mr M Anwar	Appeal received by the BA 26 July 2023 Appeal start date 23 October 2023	Broadwater House, Main Road, Ormesby St Michael	Appeal against refusal of planning permission – Single storey flat roof, side/rear extension. Timber fence to boundary. Erection of cart lodge.	Delegated decision 5 May 2023 Fast track householder appeal so no LPA Statement submitted.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2023/0286/COND APP/E9505/W/23/3330719	Mr B Parks	Appeal received by the BA on 4 October 2023. Awaiting start date.	Shoals Cottage, The Shoal, Irstead	Appeal against non-determination of Planning application: Use pin tiles rather than thatch, variation of condition 2 of permission BA/2022/0030/HOUSEH	Appeal against non-determination (see linked appeal APP/E9505/D/22/3311 834 above)
BA/2023/0343/COND APP/E9505/W/23/3332687	Barnham Leisure Ltd	Appeal received by the BA on 7 November 2023 Awaiting start date.	Pampas Lodge Caravan Park, Haddiscoe.	Appeal against refusal of planning permission – Allow residential occupation of caravans, removal of condition 4 of permission BA/2022/0251/COND	Delegated decision 19 October 2023

Author: Cheryl Peel

Date of report: 27 November 2023

Background papers: BA appeal and application files

Planning Committee

08 December 2023

Agenda item number 15

Decisions made by officers under delegated powers

Report by Senior Planning Officer

Summary

This report sets out the delegated decisions made by officers on planning applications from 30 October 2023 to 24 November 2023 and Tree Preservation Orders confirmed within this period.

Recommendation

To note the report.

Parish	Application	Site	Applicant	Proposal	Decision
Ashby With Oby Parish Council -	BA/2023/0353/FUL	Boundary Farm, Bureside Holiday Park Boundary Road Ashby With Oby Norfolk NR29 3BW	Mr and Mrs Cooke	Proposed extension to 5 existing concrete bases for static caravans.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council	BA/2023/0406/NONMAT	Marsh House Hall Road Barton Turf Norfolk NR12 8AR	Mr & Mrs Wright & Skinner	Change to openings, glazing, materials and terrace, non-material amendment to permission BA/2023/0073/COND	Approve
Beccles Town Council	BA/2023/0374/HOUSEH	Flint House Puddingmoor Beccles Suffolk NR34 9PL	Mr J & Mrs S Archibald	First floor window to the rear	Approve Subject to Conditions
Gillingham Parish Council	BA/2023/0168/FUL	Orchard House Dunburgh Road Geldeston Norfolk NR34 0LL	Mr David Lilley	Provide surfaced parking area for 20 vehicles. Renovate existing fishing lake. Install/replace 20 fishing platforms (Retrospective)	Approve Subject to Conditions
Gillingham Parish Council	BA/2023/0388/FUL	Land At Marsh Lane Gillingham Norfolk	Mr Mark Baxter	Erection of storage building	Approve Subject to Conditions
Gillingham Parish Council	BA/2023/0350/HOUSEH	Boathouse Hill Cottage Yarmouth Road Gillingham Norfolk NR34 0EE	Mr H Snowling	Siting of sauna cabin (retrospective). New sewage treatment plant (retrospective).	Approve Subject to Conditions
Horning Parish Council	BA/2023/0262/FUL	Waters Edge Ferry View Estate Horning Norfolk NR12 8PT	Mr And Mrs Edward Evans	Replacement dwelling	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Horning Parish Council	BA/2023/0285/FUL	Bureside Estate, Plot 20A Crabbetts Marsh Horning Norfolk NR12 8JP	Tara Simpson And Tim Betts	Erection of replacement houseboat	Refuse
Oulton Broad Parish Council	BA/2023/0171/FUL	Broadlands Residential Home Borrow Road Lowestoft Suffolk NR32 3PW	Albert Hearst	Additional residential rooms over single storey link wing. New foyer extending garden room footprint. Internal alterations. Two external storage sheds.	Approve Subject to Conditions
Somerton Parish Council	BA/2023/0255/HOUSEH	Staithe Cottage The Staithe West Somerton Somerton Norfolk NR29 4EB	Mr Ian Hedges	Demolish boatshed & replace with open quay- heading & mooring	Approve Subject to Conditions
Stokesby With Herringby Parish Council	BA/2023/0361/CU	Land Adjacent To High House 2 Mill Road Stokesby With Herringby Norfolk NR29 3EY	Mr Andrew Youngs	Change of use from garden to a mixed use for gardening, growing of vegetables & plants and day visits (Personal Use).	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Surlingham Parish Council	BA/2023/0391/FUL	Wheatfen Broad Nature Reserve The Covey Surlingham Norfolk NR14 7AL	Mr W Fitch	Replace existing timber frame Warden's office with new timber frame office.	Approve Subject to Conditions
West Caister Parish Council	BA/2023/0327/HOUSEH	Olmar Cottage Chapel Lane West Caister Norfolk NR30 5TA	Mr & Mrs P J & L Futter	Construction of a part one/two storey rear extension. First floor side extension and a new hallway to the main dwelling.	Approve Subject to Conditions
Woodbastwick Parish Council	BA/2023/0427/APPCON	The Old Vicarage Woodbastwick Road Ranworth Norfolk NR13 6HT	Mr Adam Steinberg	Details of Condition 6: details of the repairs to the newly exposed end wall and a record of the building in the form of an annotated photographic survey of the building of permission BA/2023/0328/HOUSEH	Approve

Tree Preservation Orders confirmed by officers under delegated powers

Parish	Address	Reference number	Description
Barton Turf and Irstead Parish Council	Land At Redwater House And Marsh House, Hall Road, Barton Turf, Norfolk, NR12 8AR	BA/2023/0013/TPO	Woodland [W1] Comprising ALL land around Redwater House and Marsh House up to the boundary of Wildwood
Dilham Parish Council	Land To South Of, Mill Road, Dilham, Norfolk, NR28 9PU	BA/2023/0014/TPO	Tree [T1] Horse Chestnut
Hoveton Parish Council	Little Broad House, Horning Road, Hoveton, Norfolk, NR12 8JW	BA/2023/0019/TPO	Trees [T1 - 3] Beech [T4] Corsican Pine
Stalham Town Council	Land Adjacent To Wayford Bridge Inn, Wayford Road, Wayford Bridge, Norfolk, NR12 9LL	BA/2023/0010/TPO	Tree [T1] Oak
Stalham Town Council	The Vintage Boat Company, Wayford Road, Wayford Bridge, Norfolk, NR12 9LL	BA/2023/0015/TPO	Tree [T1] Willow
Stalham Town Council	Broads Edge Marina, Mill Road, Stalham, Norfolk, NR12 9BT	BA/2023/0018/TPO	Woodland [W1] Mixed deciduous carr woodland of standard trees and coppice stools, predominantly, but not exclusively, Alder, Birch and Willow. Tree [T1] Willow

Parish	Address	Reference number	Description
Wroxham Parish Council	Land Adjacent To The New School, 28 Church Lane, Wroxham, Norwich, Norfolk, NR12 8SH	BA/2023/0006/TPO	Woodland [W1] Mixed Woodland (mainly Sycamore, Hawthorn, Beech and Oak)
Wroxham Parish Council	Land Adjacent To, Bridge Broad Close, Wroxham, Norwich, Norfolk	BA/2023/0007/TPO	Woodland [W1] Mixed Woodland (mainly Alder and Willow)
Wroxham Parish Council	The Grange, 2 Grange Walk, Wroxham, Norwich, Norfolk, NR12 8RS	BA/2023/0008/TPO	Tree [T1] Corsican Pine
Wroxham Parish Council	Prior Thatch, Beech Road, Wroxham, Norwich, Norfolk, NR12 8TW	BA/2023/0009/TPO (Modified)	Trees [T1] Sweet Chestnut [T2] Beech [T3] Lime [T4] Yew [T5] Lime [T6] Beech [T8] Monterey Cypress

Author: Cheryl Peel

Date of report: 28 November 2023