



**Local Plan for the Broads
Major Development Policy
October 2018**

1) Introduction

The Inspector raised some queries in relation to the draft Major Development Policy and asked the Authority to check:

- a) The use of 'significant' in relation to net benefits in criterion 3b;
- b) The 'benefit' being just to the Broads in criterion 3b; and
- c) How the amended A47 policy works with the proposed Major Development Policy.

2) The use of 'significant' in relation to net benefits in criterion 3b

The starting point for planning policy development is the NPPF. At paragraph 172 the NPPF sets out the major development test in relation to the Broads and National Parks. By doing this and through the content of that policy it is clear that major development in these protected areas should be permitted only exceptionally. It states explicitly that planning permission should be refused for major development other than in exceptional circumstances and (not or) where it is demonstrated the development is in the public interest. The NPPF also states that great weight should be given to conserving and enhancing scenic beauty, landscape, wildlife and cultural heritage.

The Authority considers that if major development is only to be permitted exceptionally (and where the above tests are met) then the benefits accruing from that development, and which form the justification for permitting it, must be significant. On this basis, the Authority considers this wording is appropriate and proposals need to result in *significant* net benefits.

3) The 'benefit' only relating to the Broads in criterion 3b

The Authority proposes to add 'and the wider area' to this criterion.

4) How the amended A47 policy works with the Major Development Policy.

The Authority met with Norfolk County Council to discuss this issue. Norfolk County Council proposed stating that the Major Development Policy will not apply to road schemes on the A47. The Authority however does not agree with the proposed change. Consequently two versions of the Major Development Policy are presented to the Inspector. Appendix A shows the Broads Authority's version and Appendix B shows Norfolk County Council's version.

At the meeting some further wording was drafted which the Authority considered would clarify the relationship between the two policies and this is attached at Appendix A. Having reflected on it, Norfolk County Council do not consider that this addresses their concern and do not support the proposed change.

The proposed changes are expressed in the form of a red ~~strikethrough~~ for deletions and blue underlining for additions of text.

Appendix A: Major Development Policy – Broads Authority version

DM1: Major Development in the Broads

1. For the purposes of this policy, 'major development' is defined in this Local Plan as development which has the potential to have a significant adverse impact on the Broads and its special qualities due to the development's nature, scale and setting. 'Major development' may include the development covered by the definition set out in the NPPF, but is not restricted to that.
2. Applications for major development will not be permitted other than in exceptional circumstances and where applicants can demonstrate that ~~they are~~ the development is in the public interest.
3. Proposals for major development will need to demonstrate:
 - a) the need for the development, including in terms of any national considerations;
 - b) the impact of permitting or refusing the development upon the local economy and local communities and the extent to which it will provide a significant net benefit to the Broads and wider area;
 - c) the cost of and scope for locating the development elsewhere outside the Broads, or meeting the need for it in some other way, and a justified explanation of why these options have been discounted;
 - d) that there are no significant effects on proposed or designated European sites for nature conservation both within their boundaries and in areas that ecologically support the conservation objectives of the site. Project Level Habitats Regulation Assessments may be needed to assess implications on European Sites. Measures to mitigate for the effects of new development may be required.
 - e) any detrimental effect on the natural and historic environment, the landscape, and recreational opportunities, taking into account the special qualities of the Broads, and the extent to which any such effect could be moderated (through applying the avoidance, mitigation and compensation sequence of tests set out in clause 4 of this policy); and
 - f) that the cumulative impact of the development ~~when viewed~~ with other development proposals ~~and types of development~~ is acceptable.
4. Where the tests of clause 3 have been met, then every effort to avoid adverse effects will be required. Where adverse effects cannot be avoided, appropriate steps must be taken to minimise harm through mitigation measures. Appropriate and practicable compensation will be expected for any unavoidable effects that cannot be mitigated.

Reasoned Justification

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

This balance is of particular importance in those areas that have been designated for their special qualities, such as the National Parks and The Broads. These areas are identified in the NPPF as having the highest status of protection in relation to landscape and scenic beauty and where the conservation of wildlife and cultural heritage are important considerations (2018 NPPF paragraph 172). In respect of 'major development' the NPPF states (2018 NPPF paragraph 172) that the scale and extent of development within the Broads should be limited and planning permission should be

refused for such development in these areas other than in exceptional circumstances and where public interest can be demonstrated. This policy seeks to apply this national test and provide local guidance.

Footnote 55 of the 2018 NPPF (that relates to paragraph 172) says that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the Broads has been designated. So for the purpose of this policy it is considered to be development of a more than local scale and which could be considered to have potentially adverse impacts on the Broads and the delivery of the statutory purposes. The identification of major development will be context specific and a matter of planning judgement and the following criteria will be considered in the assessment:

- a) whether the development is Environmental Impact Assessment (EIA) development; or
- b) developments that fall within Schedule 2 of the EIA Regulations that after being screened by the Broads Authority, are considered as likely to have significant effects on the environment due to their nature, scale and setting and require an assessment, or
- c) the NPPF 2018 definition of major development in terms of the classification of planning applications (page 68 of NPPF), or
- d) developments that require the submission of a Transport Assessment (see SSROADS), or
- e) further information to consider as set out in the 2018 NPPF and in particular footnote 55.

The above will be relevant considerations and will be taken into account as part of the assessment by the Broads Authority as decision maker in accordance with paragraph 172 of the 2018 NPPF.

There are other potential major developments that are subject to their own policy in this local plan; this major development policy will be of relevance to those schemes.

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

A particular scheme that may come forward that will likely be classed as major development is the A47 and this is subject to its own policy detailing specific considerations due to the nature and location of the potential development. The principles of PUBSSA47 are consistent with the Major Development policy, but provide additional guidance.

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

Any proposals for development treated as 'major development' should be accompanied by a written statement of justification for the proposal.

Appendix B: Major Development Policy – Norfolk County Council version

DM1: Major Development in the Broads

1. For the purposes of this policy, 'major development' is defined in this Local Plan as development which has the potential to have a significant adverse impact on the Broads and its special qualities due to the development's nature, scale and setting. 'Major development' does NOT include road schemes on the Acle Straight (A47T) which are subject to the considerations of PUBSSA47.
2. Applications for major development will not be permitted other than in exceptional circumstances and where applicants can demonstrate that they are in the public interest.
3. Proposals for major ~~development will~~ development will need to demonstrate:
 - a) the need for the development, including in terms of any national considerations;
 - b) the impact of permitting or refusing the development upon the local economy, ~~and~~ local communities and the extent to which it will provide a ~~significant net~~ benefit to the Broads and wider area;
 - c) the cost of and scope for locating the development elsewhere outside the Broads, or meeting the need for it in some other way, and a justified explanation of why these options have been discounted;
 - d) that there are no significant effects on proposed or designated European sites for nature conservation both within their boundaries and in areas that ecologically support the conservation objectives of the site. Project Level Habitats Regulation Assessments may be needed to assess implications on European Sites. Measures to mitigate for the effects of new development may be required.
 - e) any detrimental effect on the natural and historic environment, the landscape, and recreational opportunities, taking into account the special qualities of the Broads, and the extent to which any such effect could be moderated (through applying the avoidance, mitigation and compensation sequence of tests set out in clause 4 of this policy); and
 - f) that the cumulative impact of the development ~~when viewed~~ with other development proposals and types of development is acceptable.
4. Where the tests of clause 3 have been met, then every effort to avoid adverse effects will be required. Where adverse effects cannot be avoided, appropriate steps must be taken to minimise harm through mitigation measures. Appropriate and practicable compensation will be expected for any unavoidable effects that cannot be mitigated.

Reasoned Justification

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

This balance is of particular importance in those areas that have been designated for their special qualities, such as the National Parks and The Broads. These areas are identified in the NPPF as having the highest status of protection in relation to landscape and scenic beauty and where the conservation of wildlife and cultural heritage are important considerations (2018 NPPF paragraph 172). In respect of 'major development' the NPPF states (2018 NPPF paragraph 172) that the scale

and extent of development within the Broads should be limited and planning permission should be refused for such development in these areas other than in exceptional circumstances and where public interest can be demonstrated. This policy seeks to apply this national test and provide local guidance.

Footnote 55 of the 2018 NPPF (that relates to paragraph 172) says that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the Broads has been designated. So for the purpose of this policy it is considered to be development of a more than local scale and which could be considered to have potentially adverse impacts on the Broads and the delivery of the statutory purposes. The identification of major development will be context specific and a matter of planning judgement and the following criteria will be considered in the assessment:

- a) whether the development is Environmental Impact Assessment (EIA) development; or
- b) developments that fall within Schedule 2 of the EIA Regulations that after being screened by the Broads Authority, are considered as likely to have significant effects on the environment due to their nature, scale and setting and require an assessment, or
- c) the NPPF 2018 definition of major development in terms of the classification of planning applications (page 68 of NPPF), or
- d) developments that require the submission of a Transport Assessment (see SSROADS), or
- e) further information to consider as set out in the 2018 NPPF and in particular footnote 55.

The above will be relevant considerations and will be taken into account as part of the assessment by the Broads Authority as decision maker in accordance with paragraph 172 of the 2018 NPPF.

Any proposals for development treated as 'major development' should be accompanied by a written statement of justification for the proposal.