

Planning Committee

Agenda 28 April 2023

10.00am

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

John Packman, Chief Executive – Friday 21 April 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 31 March 2023** (Pages 3-21)
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. **Enforcement update** (Pages 22-27)
Report by Head of Planning

Policy

8. **Carlton Colville Neighbourhood Plan - Agreeing to consult** (Pages 28-29)
Report by Planning Policy Officer
9. **Local Plan - Preferred Options - bitesize pieces** (Pages 30-65)
Report by Planning Policy Officer

10. **Consultation Responses** (Pages 66-69)
Report by Planning Policy Officer
11. **Great Yarmouth BC Open Space SPD - endorsement** (Pages 70-72)
Report by Planning Policy Officer
12. **Biodiversity Net Gain - Guidance for Suffolk LPAs** (Pages 73-107)
Report by Environment Policy Adviser

Matters for information

13. **Notes of the Heritage Asset Review Group meeting held on Friday 10 March 2023**
(Pages 108-112)
14. **Appeals to the Secretary of State update** (Pages 113-118)
Report by Senior Planning Officer
15. **Decisions made by Officers under delegated powers** (Pages 119-122)
Report by Senior Planning Officer
16. **To note the date of the next meeting – Friday 26 May 2023 at 10.00am at Yare House,
62-64 Thorpe Road, Norwich**

Planning Committee

Minutes of the meeting held on 31 March 2023

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Nigel Brennan, Bill Dickson, Andrée Gee, Tony Grayling, Tim Jickells, James Knight, Leslie Mogford, Melanie Vigo di Gallidoro and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer, Kate Knights– Historic Environment Manager, 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 Gail Harris.

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 03 March 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

The Head of Planning had requested that item 7.1 (BA/2023/0015/FUL Brundall - Boat storage and hardstanding at Brundall Gardens Marina) be withdrawn from the agenda. A consultation response from Natural England required the applicant to respond to a number of issues, and while these issues were outstanding this application could not be determined.

7. Applications for planning permission

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

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.

(1) BA/2023/0015/FUL Brundall - Boat storage and hardstanding at Brundall Gardens Marina

As explained in minute 6 above, this item was deferred.

(2) BA/2023/0083/FUL Strumpshaw - Works to former pumping station culvert

The repair of the existing drainage channel and extension to outflow pipe

Applicant: Andrew Farrell on behalf of Broads Authority

The Planning Officer (PO) provided a detailed presentation of the application that would involve the repair of the existing drainage channel associated with a historic steam engine house.

The presentation included a location map, the site marked within a map of the RSPB reserve, a site map, various photographs of the steam engine house, the drainage channel and the site within the surrounding fen marshland beside the river Yare.

The PO explained that the site was located within Strumpshaw Fen RSPB Reserve, to the south-east of Brundall on the north-east bank of the river Yare. Strumpshaw Fen forms part of a Site Special Scientific Interest (SSSI), RAMSAR Site, Special area of Conservation (SAC), Special Protection Area (SPA) and is a National Nature Reserve (NNR). The site can be accessed via a private track from Station Road.

The PO explained that the proposed repair would restore the brickwork, damaged by flood water in January 2022, that lined the drainage channel leading from the engine house to the river Yare. The height of this brick wall would be extended by 1 or 2 brick courses to match the existing floodboards. Water leaving the engine house would be directed through a new pipe that would extend along the full course of the drainage channel. This pipe which would

be buried up to ground level within the channel. The channel would have a headwall installed, in-line with the flood defences, and the outflow pipe would extend up and over the headwall.

This repair would maintain the operation of the drainage mill, remove the risk of people or wildlife falling in the drainage channel and reduce the risk to the Locally Listed engine house and surrounding area posed by tidal flooding.

The application was considered to be in accordance with Policies DM5 (Development and Flood Risk), DM11 (Heritage Assets), DM16 (Development and Landscape), and DM23 (Design) of the Local Plan for the Broads, along with the National Planning Policy Framework.

The PO concluded that the works are reasonably low key and in keeping with the overall appearance of the drainage channel and would not have an adverse impact on the heritage assets or landscape and river scene. The proposal was considered acceptable and the recommendation was to approve this application subject to the conditions specified.

A member enquired about the ownership of this site and for the reason why this work was not attributed to them. The Historic Environment Manager (HEM) explained that the site was owned by the Strumpshaw Hall Estate and was leased to the RSPB on a long-term basis. The repair to the drainage channel had been planned for phase 1 of the National Lottery funded Water, Mills and Marshes (WMM) project. The scale of the repair though was deemed too large (and therefore expensive) for that phase of WMM. This issue was compounded by the flood damage sustained in January 2022, although this increased the urgency of this work as the restored engine house and chimney were at risk from further extreme flooding events. At this time, it was hoped that funding could be found to complete this work as a 'legacy project' and fortunately the Authority's bid for additional capital funding for WMM from Defra was successful in autumn 2022.

The HEM confirmed that the electric pump, housed within the engine house, was maintained by the RSPB and was in full working order although it was considered more of a museum piece than an integral part of the drainage system (it was not part of the Broads Internal Drainage Board network).

A member asked whether this work would have an impact on ground nesting birds. The HEM confirmed that the Habitat Regulations Assessment had not reported any impacts and there were no associated conditions specified.

Members spoke in favour of this work that would preserve the heritage of site and the associated Victorian steam engine house.

Andrée Gee proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved unanimously, provided there were no issues raised by consultees, to approve with the following conditions:

- i. Standard time limit.**
- ii. In accordance with approved plans.**

- iii. **Details of alternative materials**
- iv. **Submission of photographic survey.**
- v. **Construction Traffic Access Route.**
- vi. **Any damage created as a result of the work will be repaired as agreed by the Local Planning Authority.**
- vii. **The works compound will cease 1 month following completion of the works.**
- viii. **The land at the works compound will be put back to original condition within 3 months following completion of the works.**

(3) BA/2023/0032/FUL Reedham – Replacement Ranger hut at quay

Replacement of 2.85m x 2.2m timber ranger hut with a 2.85m x 3.2m timber hut. Raise supporting brick plinth by 0.3m to raise it above the flood level.

Applicant: Sam Bates on behalf of Broads Authority

The Senior Planning Officer (SPO) provided a detailed presentation of the application that sought a replacement for an existing Ranger hut with a larger building, with the inclusion of a veranda to allow for more room for staff members when on duty.

The presentation included location maps, a site map, photographs of the approach road to the site, photographs of the existing shed and elevation diagrams of the replacement building.

The site is situated on the north bank of the river Yare inside the floodwall on Riverside, Reedham. On the opposite side of the road there is a mix of residential and commercial properties including a café, Post Office and Public House. The new structure will sit on a red brick plinth that, along with a larger footprint, will be 30cm higher to reduce the risk of tidal flooding.

The proposal was for a replacement building to be used by Broads Authority staff, typically between April and October, to allow for shelter while aiding with mooring, and to provide an information service for visitors to Reedham Quay. The existing building had been in place for some time and its replacement was considered to be acceptable.

The proposed building was to be constructed out of feather edge timber, to be painted black, a cedar wood tiled roof and timber windows and door, also to be painted black. This structure, based on the proposed design and materials, was not considered to have an adverse impact on the character of the area.

The site was located within Flood Zone 3 and was susceptible to flooding. The proposed higher brick plinth would reduce the likelihood of the new hut being flooded during a flood event. As a non-habitable room, this proposal was deemed to be a water-compatible development and therefore it was not considered to adversely affect flood risk. There was no objection from the Environment Agency.

The SPO confirmed the recommendation to approve the application subject to the conditions specified.

In response to a question the SPO confirmed that this development, if approved, would be undertaken as soon as practically possible and was expected to be completed in a matter of days.

Tim Jickells proposed, seconded by Nigel Brennan and

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

- i. **Three-year time frame for commencement**
- ii. **In accordance with the approved plans and material details**

(4) BA/2022/0357/FUL Ludham - Water storage reservoir for agriculture

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

Applicant: Nicholas Collier

The Senior Planning Officer (SPO) provided a presentation detailing a location map and a site map and recommending a site visit to the field 500m west of, Limes Farm, Blind Lane, Ludham.

The SPO explained that the application was for the creation of a water irrigation reservoir for the storing of winter abstractions from the river Ant (to the west of the site). The site itself was situated to the north of Ludham Bridge and to the south of How Hill and was accessed from Clint Street leading to Blind Lane, Ludham.

The site had a footpath running along its southern boundary which was itself bordered by a wooded slope leading down to fen marsh and then to the eastern bank of the river Ant. The site's northern boundary was adjacent to another area of woodland. There were open fields to the east and west of the site, with the eastern field sloping away to fen marsh and the river Ant.

The SPO explained that given the site's location on a hill and the wooded boundaries to the north and south it would be difficult to convey the impacts on the wider landscape through photographs alone. The recommendation was for members to visit the site before considering this application at a future Planning Committee.

A member asked whether the site could be video recorded using a drone. The HoP explained that permission would need to be secured from various landowners and it might not be possible to secure this in a timely fashion. The resulting footage, the HoP added, would not be a replacement for viewing the site in person and being able to fully consider the site within the wider landscape.

Bill Dickson proposed, seconded by Tim Jickells and

It was resolved unanimously, to visit the site before the application was determined. The date for the site visit would be confirmed with members in the next few days.

(4) Enforcement – Berney Arms, Halvergate

Two caravans and one wooden outbuilding are being used for residential purposes on land to the rear of Berney Arms. There is no planning permission for this use, the development is contrary to planning policy and permission could not be granted.

The Head of Planning (HoP) introduced her report seeking authority to serve an Enforcement Notice (EN) requiring the cessation of the unauthorised use of two static caravans and an outbuilding at the Berney Arms. The HoP provided a detailed presentation, including location maps, a site map and various photographs of the site.

The Berney Arms was situated on the northern bank of the River Yare at the western end of Breydon Water. It was a remote location with few buildings nearby; the Grade 1 listed Berney Arms Drainage Mill is located to the west, and beyond this are the buildings of Ashtree Farm, now owned by the RSPB.

Access to the site was limited. The site could be accessed from the A47 across a series of privately-owned farm tracks. There was no public right of way for vehicles via this route although permission had been given to the operators of the site. As the site directly fronts the river Yare there is good access from the water, as well as extensive mooring provision. The site can be accessed by rail; the Berney Arms halt, on the Norwich to Great Yarmouth railway line, is located 650m to the west of the site. The site is also intersected by the Wherryman's Way long distance footpath.

The Berney Arms was located within a substantial curtilage which stretches both north and south of the main building. The main pub building was unused, having been damaged by fire a number of years ago. There was a separate building to the south which was previously operated as a shop and café and was now registered as a bistro, although it serves only cold drinks and packaged snacks and there was no provision for potable water or toilets. There are a number of outbuildings and sheds to the rear of the site and two dilapidated static caravans. The buildings and structures on the site are in relatively poor condition as demonstrated by the accompanying photographs. There were also three touring caravans located to the south of the site.

The two static caravans and one of the outbuildings to the rear of the property were being used for residential purposes. There was no planning permission for this use.

Planning Contravention Notices (PCNs) served in February 2023 had identified that the first static caravan had been rented out on an Assured Shorthold Tenancy arrangement since 1 September 2019. The second static caravan had been rented out more recently on the same basis. The outbuilding was also being rented out for residential use and the Assured Shorthold Tenancy for this unit commenced on 15 August 2021. The PCN responses stated that the services provided are bottled gas, electricity (direct or from extension lead) and bottled water. The outbuilding was connected to the on-site septic tank.

The HoP set out the planning issues making particular reference to the Authority's Enforcement Plan and emphasising the consideration to be given to whether the unauthorised development was capable of being made acceptable and, if unacceptable, the expediency of taking enforcement action.

The HoP provided a detailed assessment of the development and concluded that it was unacceptable as it conflicted with Adopted Local Plan Policy SP15 (Residential Development), Adopted Policy DM35 (Residential Development within Defined Development Boundaries), Adopted Policy DM21 (Amenity), Adopted Policy DM5 (Development and Flood Risk) and Adopted Policy DM43 (Design) and could not be made acceptable.

The expediency of taking action was given detailed consideration relating to the harm resulting from the development, the impact of the development, the impacts and costs of taking action, as well as proportionality and consistency. The preferred approach was always to seek to negotiate a solution. Given the continued non-compliance associated with existing ENs on other sites associated with this operator, it would be very unlikely that compliance could be achieved by negotiation and the Local Planning Authority (LPA) had not sought to engage with the operator on this matter. The HoP recommended that an EN was served requiring the cessation of the unauthorised use and requesting the removal of the two static and three touring caravans. The HoP indicated that a compliance period of four months would be appropriate.

A member asked, given the historic nature of the Berney Arms pub, what steps could be taken to protect this building. The HoP did not believe the pub would qualify for statutory listing given its condition and the amount of intervention that had been undertaken. The HoP explained that this pub, like all pubs within the Broads, was protected by the local planning policy associated with pubs.

A member enquired, given that residency appeared to have commenced in 2019, why the LPA were only pursuing this matter now and what contact had been undertaken with the relevant housing authority. The HoP explained that residency may have been fluid over this time as previous site visits had not identified people living there. Given that the PCN had revealed the Shorthold Tenancy Agreements then we must take them on face value. The HoP confirmed that the LPA had been in contact with the Broadland District Council (BDC) and their housing team and the LPA had visited the site with the BDC's Environmental Protection team.

Members felt that this was an unsuitable location for residential accommodation and that the conditions these residents were living in was unacceptable.

A couple of members believed that enforcement action was futile and wrong-headed. The action would prove costly, the caravans would eventually be unoccupied for a matter of months only for them to be re-occupied and for the cycle to begin again. Both members felt that the site could host a viable business enterprise and the Authority should attempt to work with the operator to find a workable solution.

Other members acknowledged that this site could host a viable ongoing business and in fact they would welcome this situation; however this was not a planning matter. Not enforcing

this planning breach would undermine the integrity of and cause reputational harm to the Local Planning Authority for the Broads.

Tim Jickells proposed, seconded by Bill Dickson and

It was resolved by 9 votes for and 2 against to authorise the serving of an Enforcement Notice requiring the cessation of the unauthorised use with a compliance period of four months.

James Knight left the meeting.

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:

Blackgate Farm, High Mill Road, Cobholm: The HoP confirmed that as of 29 March 2023 all but one of the caravans had been removed from this site.

James Knight re-joined the meeting at 11:22am.

The HoP provided a potted history of the site from November 2019 until March 2023 using photographs to illustrate the site over this time period. The HoP concluded by showing the one remaining caravan as of March 2023 and summarising that considerable progress had been achieved since this matter was first raised. The HoP would contact the Landowner's agent to request the removal of the final caravan.

9. Hemsby Neighbourhood Plan – proceeding to referendum

The Planning Policy Officer introduced the report, which sought approval for the Hemsby Neighbourhood Plan proceeding to referendum. The Plan had been subject to an independent examination and endorsed, with some changes, for referendum.

Fran Whymark proposed, seconded by Stephen Bolt and

It was resolved unanimously to support the Examiner's report and support the Hemsby Neighbourhood Plan proceeding to referendum.

10. Local Plan - Issues and Options - representations

The Planning Policy Officer (PPO) introduced the report, which collated all the comments received from the Local Plan – Issues and Options consultations and detailed the Authority's proposed responses. The PPO indicated that the comments received would also be included with the relevant bite size pieces when they are brought before Planning Committee during the ongoing development of the Local Plan.

Members were pleased to see so many comments resulting from the consultation and thanked the PPO for her efforts on this exercise.

Melanie Vigo di Gallidoro proposed, seconded by Leslie Mogford and

It was resolved unanimously to endorse the responses.

11. Local Plan – Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed nine new or amended policies 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.

Draft Ditchingham Dam policies

Policy PODIT1 (Maltings Meadow Sports Ground, Ditchingham) had been tidied up and some clarifications made to the criteria.

No proposed changes to Policy PODIT2, Ditchingham Maltings Open Space, Habitat Area and Alma Beck.

Draft Recreation Facilities Parking Areas policy

Policy DM24 had been updated to include the provision of litter bins and adequate number of disabled parking spots and reference the policy on biodiversity enhancements.

Draft Ormesby St Michael policy

The criterion associated with policy ORM1, Ormesby waterworks, had been clarified.

Draft Fleggburgh policy

Policy FLE1, Broadland Sports Club, updated to promote walking and cycling to the venue and the need for new lighting proposals to consider the policy on light pollution. In response to a member's question, the PPO confirmed that the light pollution policy did not preclude the use of floodlights on sports parks, moreover it encouraged lights to be designed for the task required, for their usage to be restricted to when appropriate and minimising light pollution.

Draft Thurne policy

Policy POTHU1 (Tourism development at Hedera House, Thurne) related to a site that had received planning permission although development had yet to be undertaken. This policy had been updated to reference the Authority's Design Guide, Biodiversity Net Gains and Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy. The PPO had identified the Water Recycling Centre associated with this location and it was outside the Nutrient Neutrality (NN) catchment area. This document would be issued for consultation and Natural England would be able to clarify the situation if the site's NN assessment was deemed to be incorrect.

Draft Horning Car Parking policy

Policy HOR1, Horning Car Parking, had been updated to reference the policy on light pollution and include appropriate provision of disabled parking.

Draft Horning Open Space policy

Policy POHOR2, Horning Open Space, covered two areas of public open space and one area of private open space. The PPO had updated the policy to clarify the scope of the policy and clarify some of the criteria.

Draft St Olaves policy

Policy SOL1, Riverside area moorings, had been updated to clarify the scope of the policy.

Draft Hoveton Station Road Car Park policy

Policy HOV2, Station Road car park, had been updated to include cycle parking, surface water and provision of disabled parking spaces.

A member commended the inclusion of Electric Vehicle charging points in this policy and wondered whether the policy should also prescribe the type of charging point (currently 7 variants of charging points that provided charging at various “speeds”). There was a brief discussion amongst members as to the appropriateness of various charging point specifications and their location/purpose. Given the complexity of this matter it was deemed acceptable for the policy to advocate EV charging points but not to be prescriptive regarding their charging capability.

Members’ comments were noted.

12. Adopting the Revised Planning in Health Protocol – Norfolk and Waveney area

The Planning Policy Officer (PPO) presented the report which provided an updated version of the Planning in Health Protocol that incorporated new structures and policy within both health and spatial planning.

The PPO reminded members that this protocol was appropriate in the following circumstances:

- A housing development of 50 dwellings or more
- A development of less than 50 dwellings but which is still deemed to potentially impact on health services significantly
- A development that includes care homes, housing for the elderly or student accommodation
- A development that involves the significant loss of public open space
- Any other type of development that could have significant health implications

The above scenarios did not constitute routine development in the Broads, however the protocol was there if the above circumstances arose.

A member sought clarification on the following points:

- Page 20 of the protocol, under the heading Accountability, states “Public Health will report to the Health and Wellbeing Board annually, on a ‘need to know basis’”. The member was aware of the annual reporting to the Health and Wellbeing Board but was confused by the ‘need to know basis’ statement. A member suggested that this might be a typographical error and it should read “Public Health will report to the Health and Wellbeing Board annually *and* on a ‘need to know basis’”.
- The checklist on page 23 of the protocol highlighted six planning themes of which 4 were present on The Health and Wellbeing Strategy. Could a future version of the protocol be updated to cross reference to this strategy?
- This version of the protocol was dated May 2022, why had it taken so long for this document to be circulated for endorsement?

The PPO would seek answers to these questions and respond to members accordingly.

The Head of Planning clarified that this document had been endorsed by Norfolk’s Health and Wellbeing Board District Council sub-committee and by Norfolk’s Members’ Planning Forum.

Stephen Bolt proposed, seconded by Andrée Gee and

It was resolved unanimously to adopt the revised Planning in Health Protocol – Norfolk and Waveney Area.

13. Halvergate and Tunstall Conservation Area Appraisal - consultation

The Historic Environment Manager (HEM) introduced the report that contained a draft appraisal of the Halvergate and Tunstall Conservation Area and outlined the public consultation of this appraisal and the associated proposals contained within, including additions to the Broads Authority Local List.

The HEM explained that the Authority had a duty to maintain up-to-date appraisals of Conservation Areas and publish proposals for their management. This work was part of an ongoing series of re-appraisals previously agreed by members.

The Halvergate and Tunstall Conservation Area lies within Broadland District Council’s and the Broads Authority Executive area. It had been agreed that the Broads Authority should lead on this re-appraisal, with input from colleagues at Broadland District Council.

As part of the re-appraisal process the existing split boundary had been reviewed and, after consideration, no change to the boundary had been proposed. The format of the appraisal had been updated to comply with the latest Historic England guidance and contained:

- A description of the general character of the area and location
- An assessment of the historic interest
- A summary of the architectural interest and built form

- A spatial analysis looking at the spaces between the building, landscape features and important views
- Proposals for the management and enhancement of the area. This included some improvements to the setting of the Public House and the renewal of its thatched roof.

The HEM presented photographs of buildings within the Conservation Area and photographs demonstrating the prominence of trees within the area and the notable views from the east of the area overlooking the Halvergate Marshes.

The HEM indicated that a number of buildings within Tunstall were proposed to be added to the Broads Authority Local List and these would be included in the public consultation.

The consultation would run from 14 April to 9 June 2023. The documentation would be available via the Authority’s website for people to comment on. Leaflets regarding the consultation would be distributed to all houses within the Conservation Area. Owners of the homes proposed for Local Listing would receive written notification. There would also be a drop-in event at the village hall on Saturday 13 May 2023.

Fran Whymark proposed, seconded by Tony Grayling and

It was resolved unanimously to approve the commencement of the public consultation process for Halvergate and Tunstall Conservation Area Appraisal.

14. Department of Levelling Up, Housing and Communities - Increasing planning fees and performance - technical consultation

The Head of Planning (HoP) introduced the report that detailed the Authority’s response to a technical consultation issued by the Department of Levelling Up, Housing and Communities (DLUHC) on their proposals to increase planning fees by 25 – 35% to support Local Planning Authorities (LPAs) and increase capacity and capability.

The HoP provided slides summarising the financial and performance changes proposed by DLUHC with the intention of improving efficiency, speeding up the process, increasing people and skills within planning and ultimately contributing to economic growth.

The HoP summarised the proposed financial changes and indicated the LPA’s proposed response:

Proposed financial change	Proposed LPA response
35% fee increase for major applications 25% fee increase for all other applications	The LPA would support the fee increases to better reflect the costs associated with running a development management service
Annual increase of fees on an index linked basis	The LPA would support this change; provided certainty and could be planned for

Proposed financial change	Proposed LPA response
	and would avoid the need for larger one off changes (due to a catch up, when no change had been made over a number of years).
Ring-fence the additional fee income to ensure it was spent within the planning teams	The LPA would support this.
More paid for services	The LPA welcomed the flexibility this provided but there was scope to produce the wrong outcome e.g. the basic standard of service may fall as resource is diverted in order to ensure the premium fast track service levels were met.
200% fee for commercial retrospectives	The LPA supported this change as it provided recompense for the associated additional costs. The LPA questioned exempting householder retrospectives; given the extensive online planning information available there appeared little justification to restrict to commercial applicants.
Remove 'free go' for re-submissions	Given the additional costs associated with a resubmission the LPA would support a 50% fee for resubmission.

The HoP summarised the proposed performance changes and indicated the LPA's proposed response:

Proposed performance change	Proposed LPA response
Reduce planning guarantee from 26 to 16 weeks	The LPA did not believe the proposed reduction to be unreasonable.
Extensions of Time (EoT) excluded from performance monitoring	The LPA was not supportive of eliminating the use of EoTs, as in the correct circumstances they were useful. There was a benefit to measuring EoTs separately rather than removing them completely from monitoring. Perhaps a more nuanced approach could be adopted with the introduction of a fixed maximum EoT.

Proposed performance change	Proposed LPA response
Additional performance criteria	The LPA already reported appeal decisions, EoTs and the percentage of delegated/committee decisions to Planning Committee. Enforcement cases (when less than 6 months old) were currently reported to the Management Team. Cases over 6 months usually denoted they had gone to appeal or an appeal decision had been given and compliance was being sought. The reporting of these cases would have to be carefully managed to reflect the reliance on external factors. The adoption of backlog reporting would help those LPAs, where a backlog was a more regular occurrence, identify underlying bottlenecks in the process.
Measuring customer experience	The LPA was supportive although measurement was not straight forward and ensuring a significant response from customers might prove difficult for larger LPAs.

A member supported the proposed response regarding the application of a 200% fee to all retrospective applications, not just those from commercial applicants. The member was aware of an increasing number of retrospective applications from householders that could have been avoided, maybe these increased fees would provide the required incentive for applicants to be better informed earlier in the planning process.

A member asked whether the proposed increase in application fees and the resulting increased revenue would enable the Authority's planning function to break even. The HoP believed there would still be a deficit, albeit a smaller one.

A member welcomed the note of caution in the response relating to monitoring performance especially as a delay could be outside the control of the LPA such as a late response from a consultee.

Stephen Bolt proposed, seconded by Andrée Gee and

It was resolved unanimously to endorse the proposed response to DLUHC's technical consultation on increasing planning fees and performance.

15. Department of Levelling Up, Houses and Communities - Permitted development rights - consultation

The Head of Planning (HoP) introduced the report that detailed the Authority's response to a consultation issued by the Department of Levelling Up, Housing and Communities (DLUHC) on proposed changes to permitted development rights for supporting temporary recreational campsites, renewable energy, film-making and enabling the execution of local authority rights to be performed by an outside body. These changes were intended to improve the efficiency, effectiveness and the responsiveness of the planning system.

The HoP provided slides summarising the changes to the 4 permitted development rights areas proposed by DLUHC and highlighting key issues associated with them. The HoP then provided a commentary of the proposed responses for each area on behalf of the Local Planning Authority (LPA) for the Broads.

Temporary campsites

The government proposed a new Permitted Development right (PD Right) which would allow the temporary use of land for recreational campsites. This new right would be subject to limitations and conditions of which the key ones were:

- 30 tents and related moveable structures
- Provide washing, toilet and waste facilities
- Must notify the LPA
- Exemptions for Sites of Special Scientific Interest, Scheduled Monuments and sites within Flood Risk Zones 2 & 3

The HoP then highlighted the key elements of the proposed LPA response:

- There was no reference in the exemptions to areas covered by Nutrient Neutrality; following Natural England guidance on this matter (March 2022) no new developments deemed to adversely affect nutrient levels could proceed within the Broads and Wensum SAC catchments until suitable mitigation(s) had been determined. As no mitigations had been forthcoming this had effectively halted the development of new overnight accommodation including new pitches on campsites.
- Campsites can have significant and adverse impacts on landscape, local amenity and wildlife interests.

Solar equipment

The government proposed updating existing PD Rights that allowed for the installation of solar equipment on and within the curtilages of domestic and non-domestic buildings. These updated rights would entail:

- Increase height from 0.2m to 0.6m on domestic flat roof

- Allow on non-domestic roof (1MW) and wall (50KW) facing highway in Broads and Conservation Areas
- Allow domestic stand-alone solar in front of property in Conservation Areas
- Allow non-domestic standalone solar in front of property in Broads and Conservation Areas
- Allow solar canopies up to 4m in height at ground level in off-street car parks
- Exemptions: Prior approval would be required in Broads and Conservation Areas

The HoP indicated that the proposed LPA response was to highlight the need for a balance to be struck between encouraging solar and other renewables and protecting the natural landscape and built environment that was integral to the Broads

Further flexibility to allow local authorities to undertake development

The HoP explained that the LPA was supportive of this proposed change that would enable development rights associated with Local Authorities to be transferred to third parties.

Support for film-making

The HoP explained that the proposal was to update an existing PD Right relating to temporary structures for film-making purposes. These updates would enable taller structures to be used and for these structures to remain for longer periods of time. These updates were sensible and the LPA would respond accordingly.

A member felt the list of exemptions with regard to temporary campsites was not very comprehensive and would welcome the inclusion of Protected Landscapes. Another member agreed with widening the list of exemptions and proposed the inclusion of nutrient sensitive zones.

Some members supported the principle behind the new PD Right for temporary campsites and, with the inclusion of the condition to provide appropriate facilities, saw this as an improvement when compared with existing PD Rights associated with 28 day temporary campsites. However, a member did not share the proposed reservations regarding nutrient neutrality; they believed that this would be resolved by the time this new PD Right came into being. Another member agreed and believed that as NN would be resolved it was not a valid justification for not supporting the PD Right for temporary campsites and could not endorse the proposed response (Question 1 of Appendix 1 of the report).

A member suggested a note of caution with regard to changes for solar equipment as they did not want the conditions to become too draconian and for the Authority to be out of step with government policy and ultimately public opinion.

A member welcomed the proposed changes for solar equipment for enabling solar power to be used to power the water pumps associated with the Broad's Internal Drainage Board.

Given the difference of opinions expressed it was proposed that alternative responses relating to temporary campsites (Questions 1 to 11) be drafted and circulated for approval by members in time for the consultation deadline and that the remaining proposed responses be endorsed.

Fran Whymark proposed, seconded by Leslie Mogford and

It was resolved unanimously to endorse the proposed responses to DLUHC's consultation on changing permitted development except for responses to questions 1 to 11 where alternative responses would be drafted and circulated for member agreement before the consultation deadline.

Fran Whymark and James Knight left the meeting.

16. Appeals to the Secretary of State

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

17. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 20 February 2023 to 17 March 2023 and including two Tree Preservation Orders confirmed within this period.

Harry Blathwayt left the meeting and Tim Jickells took the chair for remainder of the meeting.

18. Date of next meeting

The next meeting of the Planning Committee would be on Friday 26 May 2023 10.00am at Yare House, 62-64 Thorpe Road, Norwich.

The meeting ended at 12:55pm.

Signed by

Chair

Appendix 1 – Declaration of interests Planning Committee, 31 March 2023

Member	Agenda/minute	Nature of interest
Harry Blathwayt on behalf of all members	7.2, 7.3	Applicant is the Broads Authority
Leslie Mogford	9	Member of the Hemsby Parish Council - other registerable interest
Fran Whymark	12	Member of Norfolk's Health & Wellbeing Board - other registerable interest
Andrée Gee	12	East Suffolk Councillor - other registerable interest

Planning Committee

28 April 2023

Agenda item number 7

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
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and	<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.

Committee date	Location	Infringement	Action taken and current situation
		standing and use of 5 static caravan units for residential use for purposes of a private travellers' site.	<ul style="list-style-type: none"> • 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 • 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.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • 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
8 January 2021	Land east of Brograve Mill, Coast Road, Waxham	Unauthorised excavation of scrape	<ul style="list-style-type: none"> • Authority given for the service of Enforcement Notices. • Enforcement Notice served 29 January 2021. • Appeal against Enforcement Notice received 18 February 2021. • Documents submitted and Inspector's decision awaited. September 2021 • PINS contacted; advised no Inspector allocated yet. 20 October 2022. • Appeal dismissed 9 January 2023 and Enforcement Notice varied. Compliance required by 9 October 2023. 20 January 2023.
13 May 2022	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised operation development comprising erection of workshop, kerbing and lighting	<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. • 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

Committee date	Location	Infringement	Action taken and current situation
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 November 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

Author: Cally Smith

Date of report: 17 April 2023

Background papers: Enforcement files

Planning Committee

28 April 2023

Agenda item number 8

Carlton Colville Neighbourhood Plan- Agreeing to consult

Report by Planning Policy Officer

Summary

The Carlton Colville Neighbourhood Plan is ready to for the next round of consultation – Regulation 16 consultation.

Recommendation

To endorse the Carlton Colville Neighbourhood Plan Regulation 16 version for consultation.

1. Introduction

- 1.1. The Carlton Colville Neighbourhood Plan is ready for consultation. The Plan says: ‘The principal purpose of the Neighbourhood Plan is to guide development within the town. It also provides guidance to anyone wishing to submit a planning application for development within the town. The process of producing a plan has sought to involve the community as widely as possible. The different topic areas are reflective of matters that are of considerable importance to Carlton Colville, its residents, businesses and community groups. It should be noted that planning applications are submitted to and determined by East Suffolk Council and the Broads Authority. However, the Neighbourhood Plan forms part of the development plan and therefore is given equal weight to the relevant Local Plan in the decision-making process.’
- 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. East Suffolk 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 East Suffolk 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: 11 April 2023

The following appendices are available to view on [Planning Committee - 28 April 2023 \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

Appendix 1: Carlton Colville Neighbourhood Plan – submission version

Appendix 2: Basic Conditions Statement

Appendix 3: Consultation Statement

Appendix 4: Landscape and Wildlife Evaluation

Appendix 5: HRA screening

Appendix 6: SEA screening

Planning Committee

28 April 2023

Agenda item number 9

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 boat wash down, rural enterprise dwellings, safeguarded trackways, Oulton Broad and Horning.

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 bite size 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 considered in this report at this Planning Committee are relating to boat wash down, rural enterprise dwellings, safeguarded trackways, Horning and Oulton Broad.

Author: Natalie Beal

Date of report: 17 April 2023

Appendix 1 - Boat wash down facilities

Appendix 2 - Rural enterprise dwellings

Appendix 3 - Safeguarded trackways

Appendix 4 - Horning policies

Appendix 5 - Oulton Broad policies



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

DM3: Boat wash-down facilities

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 PODM3: Boat wash-down facilities

1. Where development is proposed for recreational boating club facilities (new, rebuild or extensions) that increase the use of the club, there will be a requirement to designate and sign a suitable area for wash-down of vessels as part of good biosecurity practice.
2. Where development is proposed (new, rebuild or extensions) that increases the use of existing boatyards, marinas and mooring basins that have facilities to take boats out of the water, or maintain boats on site, or is related to maintaining or washing down boats, there will be a requirement to designate a suitable area with adequate facilities to enable the filtration of waste water from the washing of boat hulls, with the ultimate aim of preventing anti fouling paint residues (including paint flakes) entering the water and to stop the spread of invasive species.

Reasoned Justification

When vessels are removed from the water they tend to be washed down as part of the maintenance regime. Wash-down of vessels is also important to stop the spread of invasive aquatic species such as the killer shrimp. The equipment used ranges from a pressure hose to a closed loop system that filters contaminants.

Biosecurity in this instance means taking steps to make sure that good practices are in place to reduce and minimise the risk of spreading invasive non-native species. Non-native species (such as killer shrimp, Zebra Mussel and New Zealand Pygmyweed) can devastate

21 populations of native species and change whole ecosystems, for example by competing with
22 and displacing native species, spreading disease, altering the local ecology and physically
23 clogging waterways. A good biosecurity routine is essential, even as the life stages of some
24 invasive non-native species are microscopic and are not always apparent.

25 Recreational boating club users (e.g. sailing, rowing, wind surfing, water-skiing) tend to
26 remove boats/ vessels from the water when not in use or transport them to other water
27 bodies. Users should be aware of the good practice of 'check, clean and dry' to help stop the
28 spread of invasive aquatic species. The policy seeks the designation of areas that are signed
29 and equipped to help in the biosecurity process. The Authority considers that requiring
30 boating clubs to provide such facilities is not onerous.

31 Anti-fouling paints are applied to boat
32 hulls to prevent growth of organisms,
33 such as algae and mussels. They work by
34 creating a toxic barrier that prevents
35 organisms attaching to the hull. Fouling
36 increases the resistance of the hull to its
37 movement through the water, which
38 slows the boat and reduces its energy
39 efficiency and manoeuvrability. When
40 boats are maintained, antifouling paint
41 could run off into the nearby waterbody.
42 Recent research shows that past use of
43 antifouling paints, such as TBT (tributyltin)
44 based products, had a severe impact on
45 wildlife in the Broads. Although today's
46 anti-fouling products are less persistent,
47 they are still potentially harmful to
48 aquatic life. For example, increased
49 copper levels are now being found in the
50 sediment, which can have harmful effects
51 on water snails.



52 The policy requires commercial operations to have the facilities in place to prevent anti-
53 fouling paint from entering the watercourse. The Green Blue Guide **to Boat Wash Down**¹
54 provides more information and gives detailed advice and guidance on wash down systems.
55 There is a range of ways to tackle the issue of anti-fouling paint entering the water at a
56 range of costs and the Authority can provide advice. The best practice measures are
57 expected to be taken in accordance with the scale of the wash down operation, the type of
58 work to be undertaken and its impact on the water environment. Applicants are required, as
59 part of their application, to address the issue of boat wash down and justify the chosen
60 system.

¹ <https://thegreenblue.org.uk/resources/boat-user-resources/green-guides-to-boating/>

61 **Reasonable alternative options**

62 There are no reasonable alternatives. Given the importance of addressing the issue of
63 biosecurity and anti-fouling paint, so not to have a policy is seen as an unreasonable
64 alternative.

65 **Sustainability appraisal summary**

66 The policy has been assessed in the SA. The following is a summary.

A: Original policy	3 positives. 0 negatives. 2 ? Overall, positive.
--------------------	---

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

68 According to recent Annual Monitoring Reports, the policy has been used and applications
69 have been in conformity with the policy.

70 **Why have the alternative options been discounted?**

71 No reasonable alternative options.

72 **UN Sustainable Development Goals check**

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

6 CLEAN WATER
AND SANITATION



14 LIFE
BELOW WATER



74 **Sustainability Appraisal**

75 SA objectives:

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

		A: Preferred Option
ENV1		
ENV2	+	A key aim of the policy is to reduce paint residues and copper levels in sediment.
ENV3	+	Paint residues and Copper in sediment can harm biodiversity. The policy also relates to biosecurity and invasive species.
ENV4		
ENV5		
ENV6		
ENV7		
ENV8		
ENV9		
ENV10		
ENV11		
ENV12		
SOC1		
SOC2		
SOC3		
SOC4		
SOC5		
SOC6		
SOC7		
ECO1	?	This extra requirement could add costs to a business.
ECO2	+	Appropriate wash down facilities will mean that businesses contribute to environmental wellbeing.
ECO3	?	The types of boats affected by this policy are used for recreation purposes. On one hand this policy requirement helps the environment but on the other it could be an extra financial burden.



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

DM38: Permanent and temporary dwellings for rural enterprise workers

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 DM38: Permanent and temporary dwellings for rural enterprise workers

1. Development of a new dwelling or a residential mooring for rural enterprise workers will only be permitted outside the defined development boundaries (or other locational criteria if for a residential mooring) if:
 - a) Satisfactory evidence is submitted that demonstrates an existing essential need for full-time worker(s) to be available on site or nearby at all times for the enterprise to function properly;
 - b) The need is arising from a worker employed either full-time or one employed primarily in the Broads in a rural enterprise;
 - c) Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
 - d) The functional need cannot be met by an existing dwelling on the site or nearby, and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;
 - e) Where practicable and appropriate, first consideration has been given to the conversion of an existing building;
 - f) The dwelling is commensurate in size and scale with the needs of the enterprise and the cost would be viable in relation to the finances of the enterprise;

- 20 g) The dwelling is sited so as to meet the identified functional need and is well related to
21 any existing buildings of the enterprise;
22 h) The proposal would not adversely affect the historic environment, landscape character
23 or protected species or habitats ([see section on HRA](#)); and
24 i) [The scheme provides biodiversity net gain \(in line with policy xx\)](#).

25 [Occupancy condition](#)

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

30 [Removal of occupancy condition](#)

- 31 3. The removal of an occupancy condition will only be permitted in exceptional
32 circumstances where it can be demonstrated that:
33 j) There is no longer a long-term need for the dwelling on the particular enterprise on
34 which the dwelling is located; and
35 k) Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes
36 account of the occupancy condition.

37 [Temporary permission](#)

- 38 4. Applications for a temporary mobile home, caravan or residential mooring for rural
39 enterprise workers will only be permitted if:
40 l) Residential occupation would be for a period of up to three years;
41 m) There is clear evidence that the proposed enterprise has been planned on a sound
42 financial basis for the same period (or longer) which the application seeks permission for
43 a temporary dwelling/ residential mooring for;
44 n) The functional need cannot be met by an existing dwelling on the site or nearby;
45 o) In relation to temporary caravans and mobile homes, the proposed temporary dwelling
46 would not be located in Flood Risk Zone 3;
47 p) The temporary structure can be easily dismantled or taken away; and
48 q) The proposal would not adversely affect protected species or habitats, the historic
49 environment and landscape character.
- 50 5. Any planning permission granted will specify the period for which the temporary
51 permission is granted, and the date by which the temporary dwelling/mooring will have
52 to be removed. If there is no planning justification for a permanent dwelling, then the
53 mobile home or caravan must be removed or, for a residential mooring, the vessel's
54 residential use must cease. Successive extensions to a temporary permission will ~~not~~
55 ~~normally be granted~~ [rarely be justifiable](#) unless material considerations indicate
56 otherwise¹.

57 [Design](#)

¹ The NPPG (Use of planning conditions - GOV.UK (www.gov.uk)) says 'It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently'.

58 6. Proposals shall be of a layout, form and design which strengthens the rural character
59 and its location in a National Park equivalent area, and which reinforce local
60 distinctiveness and landscape character and take into consideration the setting and
61 significance of nearby listed buildings and is in conformity with the Design Guide (or
62 successor document).

63 Habitats Regulations Assessment and biodiversity net gain

64 7. Proposals may need a project level Habitats Regulation Assessment and depending on
65 the location, may need to mitigate recreation recreation impacts (through the Norfolk or
66 Suffolk Coast GI RAMS tariff or equivalent mitigation) and may need to mitigate the
67 impact of nutrient enrichment.

68 Reasoned Justification

69 The erection of dwellings outside defined development boundaries has the potential to
70 have a negative impact on the openness and special character of the Broads. Rural
71 Enterprise dwellings outside development boundaries will require special justification for
72 planning permission to be granted. The NPPF states one such example as accommodation
73 required to enable agricultural, forestry and certain other full-time rural workers to live at or
74 nearby their place of work.

75 For the purposes of this policy, the term 'rural enterprise workers' relates to those who
76 work in agriculture, horticulture, forestry, tourism and boatyards and other enterprises that
77 require a rural location. Any application would need to fully justify why it considers the
78 dwellings to be linked to a rural enterprise.

79 Proposals that support the proper functioning of rural enterprises will generally be
80 supported because of the contribution such enterprises make to the local economy.
81 However, to protect the landscape character of the Broads, as well as considering the issue
82 of dwellings isolated from services and facilities, **essential** rural enterprise worker dwellings
83 will only be permitted where there is a demonstrable need for a full-time worker to live at
84 or very close to the site of their work, and that this functional need cannot be met by an
85 existing dwelling on the site or in the locality.

86 When judging locality, the Authority will take into account the requirement of the business
87 for an employee to live nearby, and a reasonable distance to travel to the business. This will
88 vary on a case-by-case basis, and an application should explain what distance is appropriate
89 and why.

90 To make sure the demand for a dwelling is likely to be sustained, proposals must be
91 accompanied by evidence to demonstrate that the business has been established for at
92 least three years, profitable for at least one of them, currently financially sound and with a
93 clear prospect of remaining so. A business plan for the subsequent three years will assist in
94 assessing the future prospects.

95 Any proposals to convert buildings to a rural enterprise dwelling (criterion e) will be
96 considered against the relevant conversion policies in the Local Plan. When looking at
97 dwellings that already exist nearby (criterion d), properties available for rent need to be

98 considered as well as those available to buy, and it should be demonstrated what price the
99 enterprise can reasonably afford. Properties that are outside of the Broads Authority
100 Executive Area (but nearby) will also need to be considered.

101 Any new dwelling permitted under this policy will be restricted in size and scale to one
102 which is commensurate with the needs of the enterprise, so that the proposal does not have
103 an unacceptable impact on the special landscape character of the Broads. The cost of
104 constructing the dwelling in relation to what can be afforded by the enterprise is an
105 important consideration, as the erection of a dwelling should not affect the finances such
106 that the enterprise would no longer be financially viable. Permitted development rights for
107 future extensions and alterations may be removed to maintain control over the size of the
108 dwelling, and in the interests of protecting the landscape and local character.

109 If a proposal is considered in the context of this policy to potentially have an effect on an
110 internationally designated site, it will need to be considered against the Habitats
111 Regulations and a project level Appropriate Assessment undertaken. The policy raises
112 recreation impacts and nutrient enrichment as two particular areas which may need
113 mitigation, depending on the location. For both nutrient enrichment and recreation impact,
114 given the small-scale nature of rural enterprise dwellings, this may easily be mitigated
115 through the RAMS payments that are in place as well as through nutrient neutrality
116 mitigation schemes.

117 Applicants should be aware that the Authority will use appropriate external expertise when
118 necessary to assess the more technical information needed to accompany proposals. The
119 independent review shall be carried out entirely at the applicant's expense - the applicant
120 will need to meet the cost of this.

121 Where a new dwelling is permitted, the occupancy will be restricted by condition to ensure
122 that it is occupied by a person, or persons currently or last employed working in local
123 agriculture, horticulture, forestry and other rural activities, or their surviving partner or
124 dependant(s).

125 Because of changing farm practices, the vulnerability of the agricultural sector and potential
126 decline in other rural businesses, there may be instances where a dwelling or mooring for a
127 rural worker is no longer needed. The Authority will only consider favourably applications to
128 remove occupancy conditions where it can be demonstrated that there is no longer a need
129 for the dwelling on the particular enterprise on which the dwelling is located, either due to
130 changes in the nature of the business or because the business is no longer viable.

131 Applications for the removal of occupancy conditions will also need to be accompanied by
132 robust information to demonstrate that unsuccessful attempts have been made, for a
133 continuous period of at least 12 months, to sell or rent the dwelling at a reasonable price.
134 This should take account of the occupancy condition, including offering it to a minimum of
135 three local Registered Social Landlords operating locally on terms which would prioritise its
136 occupation by a rural worker as an affordable dwelling, and that option has been refused.
137 With regards to criterion j), unless there are special circumstances to justify restricting the
138 dwelling to the particular enterprise where the dwelling is located, an occupancy condition
139 is likely to allow occupation by other workers in the locality. In this case it should be

140 considered whether there is other demand locally, not just whether the demand for this
141 particular enterprise has ceased.

142 Proposals for a temporary mobile home or residential mooring for rural workers will only be
143 permitted for a period of up to three years. To protect the landscape character of the
144 Broads, a planning condition will be attached to any permission to ensure that any mobile
145 home or vessel is removed at the end of this three-year period.

146 The NPPG lists caravans and mobile homes for permanent occupation as a ‘highly
147 vulnerable’ use. Accordingly, a proposal to site a caravan or mobile home in an area defined
148 as being within Flood Zone 3 will be contrary to the NPPG on flood risk.

149 [The policy highlights the need for the scheme to ensure Biodiversity Net Gain in line with](#)
150 [policy xxx.](#)

151 [The design of the development shall meet the requirements of the Design Guide and design](#)
152 [policy xx.](#)

153 **Reasonable alternative options**

- 154 a) No policy
- 155 b) Amended, preferred policy
- 156 c) The original policy, with no amendments.

157 **Sustainability appraisal summary**

158 The three options (of no policy, the amended policy and the original policy) have been
159 assessed in the SA. The following is a summary.

A: No policy	0 positives. 0 negatives. 9 ? Overall, positive.
B: Preferred Option	6 positives. 2 negatives. 1 ? Overall, positive.
C: Original policy	5 positives. 2 negatives. 1 ? Overall, positive.

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

161 According to recent Annual Monitoring Reports, the policy has been used and applications
162 have been determined in accordance with the policy.

163 **Why have the alternative options been discounted?**

164 There are some rural enterprises in the Broads that benefit from workers living on site and
165 given the general principle of isolated dwellings tending to not be appropriate, a policy that
166 support them in this instance, subject to specific criteria seems logical. The amendments
167 improve the formatting of the policy, as well as address the issues of design, RAMS, nutrient
168 neutrality and biodiversity net gain and are therefore considered appropriate.

169 **UN Sustainable Development Goals check**

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

8 DECENT WORK AND
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



171 **Sustainability Appraisal**

172 SA objectives:

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

211 Assessment of policy

		A: No policy	B: Preferred Option - amend policy		C: Original policy
ENV1	?	Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.	-	-	Likely to be negative. These dwellings are likely to be in isolated locations, away from key services (although close to place of work of course) and so the private car will be relied upon for school, medical and shopping journeys.
ENV2					
ENV3	?		+	+	The policy emphasises biodiversity net gain and HRA related issues.
ENV4	?		+	+	Policy refers to impact on landscape.
ENV5					
ENV6					
ENV7	?		+	+	The policy seeks the use of existing houses or buildings before new build.
ENV8					
ENV9					
ENV10	?		+		The policy emphasises the importance of good design.
ENV11					
ENV12					
SOC1					
SOC2	?		?	?	These dwellings will be isolated and away from key services.
SOC3					
SOC4	?		+	+	Whilst not market dwellings, would still be a dwelling for someone or a family to live in.
SOC5					
SOC6	?			-	-
SOC7					
ECO1	?	+	+	Fundamentally, rural enterprise dwellings will need to be proven to be essential to assist the enterprise to be successful.	
ECO2					
ECO3					



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

Former rail trackways

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 POSSTRACKS: Former rail trackways

Map: Rail trackways map bundle - https://www.broads-authority.gov.uk/data/assets/pdf_file/0034/259288/SSTRACKS_RAILWAYS.pdf

1. Those parts of the former railway track beds identified on the Adopted Policies Map will be protected for their potential for walking, cycling, and/or horse-riding routes. Development which could prevent such a use will not be permitted while use for walking, cycling, or horse riding remains a potential.
2. Where a former rail trackway passes through a development site and has the potential for walking, cycling and/or horse riding (or does so at present), developers will be required to incorporate/deliver the route as part of their application or provide an acceptable alternative that delivers at least equivalent transport and green network benefits (see 5 below).
3. Path or route creation must avoid adverse impacts to the sensitive designated habitats and species in the vicinity, particularly in relation to recreation pressure and the landscape. Whilst this policy protects the trackway from development, any projects or proposals for walking and cycling or horse routes along these tracks may require project level HRAs' (see policy PODMxx)
4. Any route signage or interpretation is expected to be well designed, kept to a minimum, and positioned to ensure a minimal landscape impact.

18 | 5. Any foot/cycle path or bridleway could make a deviation from the rail route if provision of
19 | similar convenience and amenity to users is guaranteed.

20 | Constraints and features

- 21 | • Flood risk (zones 2 & 3 by EA mapping; zone 2, 3a/indicative 3b and modelled 3b by SFRA 2017
- 22 | mapping).
- 23 | • Parts within Beccles Marshes Suffolk County Wildlife Site and adjacent to SPA, SAC and Ramsar
- 24 | site.

25 | Reasoned Justification

26 | The routes are:

- 27 | a) Haddiscoe to Beccles
- 28 | b) Beccles to Ditchingham
- 29 | c) Great Yarmouth to Fritton

30 | The Broads Integrated Access Strategy has identified the potential that remnant disused railway
31 | lines can add to the access provision in the Broads, particularly for improving cycle route links and
32 | bridleway routes - there are only 17km of bridleways in the Broads Authority Executive Area.
33 | Establishing routes for walkers, cyclists and horse riders on these disused railways, which are linked
34 | to the rural road network, would improve opportunities for recreation and enjoyment of the
35 | Broads. Cycling will help deliver the Government's cycling ambition in the National Parks
36 | Programme.

37 | The recreational potential of these routes (or parts of them) has long been noted, and Norfolk and
38 | Suffolk County Councils support their protection for these purposes. In view of the importance of
39 | recreation to the Broads, including the statutory purpose of enjoyment, and the desirability of
40 | developing the tourism and recreational potential of the southern Broads, these routes are
41 | protected.

42 | These routes are no longer protected for future rail use. Both County Councils, as the transport
43 | authorities for the area, have advised there is no realistic prospect of this happening in the
44 | foreseeable future.

45 | It is important to note that sections of these routes are outside the Broads Authority Executive
46 | Area. The relevant authorities have been asked to consider protecting the routes in their Local
47 | Planning Authority areas, in a similar way to this policy.

48 | Such routes will benefit from the presence and proximity of wildlife and habitat associated
49 | designations, but will need to have regard to such sensitivities in route creation, alignment, and
50 | management.

51 | The impact of changes to the landscape of the Broads is also an important consideration.

52 | The Authority would welcome well-designed art and interpretation - see policy **DM11** on linking to
53 | the past. However, signage and interpretation should only be that necessary to promote and direct
54 | along the route, and should not impact on the landscape of the Broads (see policy **DM16**).

55 **Reasonable alternative options**

- 56 a) No policy
- 57 b) Original policy

58 **Sustainability appraisal summary**

59 The two options (no policy and the original policy) have been assessed in the SA. The
60 following is a summary.

A: No policy	5 positives. 0 negatives. 0 ? Overall, positive.
B: Original policy	5 positives. 0 negatives. 0 ? Overall, positive.
C: Preferred Policy (amended)	5 positives. 0 negatives. 0 ? Overall, positive.

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

62 According to recent Annual Monitoring Reports, the policy has not been used.

63 **Why have the alternative options been discounted?**

64 These routes have great potential in providing access and recreation routes for walking,
65 cycling and horse riding. Perhaps the routes may not be at risk from development, but
66 having a policy shows the intention clearly as well as ensures protection of these routes
67 from any unforeseen development. The amended policy is preferred because it emphasises
68 how any proposed development can deliver part of the route for recreation uses.

69 **UN Sustainable Development Goals check**

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

3 GOOD HEALTH
AND WELL-BEING



71 **Sustainability Appraisal**

72 SA objectives:

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

111 Assessment of policy

		A: Keep original policy	B: No policy	C: Preferred policy	
ENV1	+	The policy is about travel, albeit recreation.	Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.	+	The policy is about travel, albeit recreation.
ENV2					
ENV3	+	The policy seeks protection of designated sites.		+	The policy seeks protection of designated sites.
ENV4	+	The policy refers to landscape considerations.		+	The policy refers to landscape considerations.
ENV5					
ENV6					
ENV7					
ENV8					
ENV9					
ENV10					
ENV11					
ENV12					
SOC1	+	The use of the routes would benefit mental and physical health and wellbeing.	+	The use of the routes would benefit mental and physical health and wellbeing.	
SOC2					
SOC3					
SOC4					
SOC5					
SOC6					
SOC7					
ECO1					
ECO2					
ECO3	+	The recreation routes may benefit tourism in the area by being attractions.	+	The recreation routes may benefit tourism in the area by being attractions.	



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

HOR7 and HOR8

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 POHOR7: Woodbastwick Fen moorings

Policy Map x - https://www.broads-authority.gov.uk/_data/assets/pdf_file/0026/259262/10.-HORNING.pdf

This area will be conserved for the green and semi-natural backdrop it gives to Horning village while providing a significant number of moorings for navigable craft. Improvements to the appearance of the area will be sought. If opportunities arise, houseboats and residential moorings will be removed.

Particular care will be taken to protect the landscape, environmental and wildlife value of Woodbastwick Fen, including the adjacent internationally protected wildlife site.

The defined area will be kept generally free of buildings and above ground structures. Provision of unobtrusive moorings, steps, ramps and small-scale storage lockers, for use incidental to the enjoyment of the moorings, will be permitted. External storage, and extensive hard paving or boardwalks will not be acceptable.

To avoid further restriction of the navigable area of the river, no new moorings will be permitted on the river frontage.

New residential moorings or houseboats will not be permitted. The area will be treated as not meeting the locational criteria of Policy **DM37**.

18 Constraints and features

- 19 • Immediately adjacent to (and slightly overlaps) SSSI, SAC, SPA, Ramsar site.
- 20 • Part of setting of the Horning Conservation Area on the opposite bank of the river.
- 21 • Flood risk zones 2 & 3 by EA mapping and all 2 and 3a with some modelled 3b by SFRA
- 22 2017 mapping.

23 Reasoned Justification

24 The area is an important boating resource, but is also sensitive in terms of landscape,
25 wildlife, and habitat. There is also potential to impinge on navigation in one of the busiest
26 stretches of water in the Broads.

27 Woodbastwick Parish Council has specifically sought restrictions to development in the
28 parish to retain the natural landscape where important habitats have evolved.

29 The area excludes the less developed western extent of moorings, now considered best
30 treated as open countryside for planning purposes.

31 The policy’s restriction on buildings, and intended removal of houseboats and residential
32 moorings, if opportunities arise, are supported by the Environment Agency on flood risk
33 grounds.

34 The houseboats and residential moorings give rise to parking problems in the village and
35 reduce the use of the staithe by the public. They also have limited, if any, facilities such as
36 water, and tend to look unsightly and generally have a negative impact on landscape and
37 river scene.

38 Applicants are directed to the Authority’s adopted Mooring Design Guidance¹.

39 **Reasonable alternative options**

- 40 a) No policy

41 **Sustainability appraisal summary**

42 The three options (of the preferred policy and no policy) have been assessed in the SA. The
43 following is a summary.

BA Preferred Option	3 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 3 ? Overall, positive.

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

45 According to recent Annual Monitoring Reports, the policy has not been used.

46 **Why have the alternative options been discounted?**

¹ Mooring Design Guide: www.broads-authority.gov.uk/_data/assets/pdf_file/0005/703940/Mooring-design-guide.pdf

47 Given the importance of the area to the Broads and given how busy this stretch of water is,
48 a policy is deemed required.

49 **UN Sustainable Development Goals check**

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



51 **Policy POHOR8: Land on the Corner of Ferry Road, Horning**

52 **Policy map x - [53 **\[authority.gov.uk/ data/assets/pdf file/0026/259262/10.-HORNING.pdf\]\(https://www.broads-authority.gov.uk/data/assets/pdf_file/0026/259262/10.-HORNING.pdf\)**](https://www.broads-</p></div><div data-bbox=)**

54 The existing live/work units shall be retained for the contribution they make to small
55 business and the local economy. The ground floors shall be used for ~~A1, A2, A3, B1~~, Class E,
56 F2 and ~~B2B8~~ uses (use classes order 1987 as amended). Such uses shall be capable of being
57 carried out without detriment to the amenity in the area.

The upper floors shall be used as residential for persons solely or mainly employed in the management or operation of the business activity on the ground floor below.

58 Proposals need to improve the existing disposal of surface water and ensure that any
59 additional surface water generated by the development is addressed appropriately.

60 Constraints and features

- 61 • Close to SAC, SPA, Ramsar site, SSSI, NNR.
- 62 • Flood risk - predominantly zone 3 by EA mapping, with small areas of zones 1 & 2). By
63 SFRA 2017, part 2 and 3a.
- 64 • Knackers Wood Water Recycling Centre capacity constraints.
- 65 • Surface water concerns (linked to Knackers Wood Water Recycling Centre).

66 Reasoned Justification

67 The live/work units are a unique offer in the Broads. They offer business space, residential
68 accommodation, and off-street parking, and have moorings associated with them. Each unit
69 is relatively small and provides an opportunity for small-scale and new businesses to
70 become established, with reduced overheads as the operators can live onsite. The objective
71 of this policy is to retain the units in beneficial use and ensure their contribution to the local
72 economy and community is maintained long term.

73 Any business use must not affect the amenity of nearby land uses, in line with policy **DM21.**

74 The site is outside of a development boundary and therefore dwellings would not normally
75 be permitted. However, residential use is restricted to the upper floors only and must be
76 used only by staff (and family) associated with the business operating on the ground floor.

77 Alternative uses will only be considered in line with this policy and employment policies if it
78 can be satisfactorily demonstrated the existing permitted range of uses are not financially
79 viable and the proposed new use is compatible with flood risk, protecting amenity and the
80 location outside a defined development boundary and other policies in this Local Plan. The
81 Authority will need to verify the content of any viability report and may need to employ
82 external expertise to do so (the applicant will need to meet the cost of this).

83 **Reasonable alternative options**

84 a) No policy

85 The amendments are simply factual and are not seen as an alternative.

86 **Sustainability appraisal summary**

87 The three options (of the preferred policy and no policy) have been assessed in the SA. The
 88 following is a summary.
 89

BA Preferred Option	4 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 4 ? Overall, positive.

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

91 According to recent Annual Monitoring Reports, the policy has not been used.

92 **Why have the alternative options been discounted?**

93 The amendments to the original policy are factual. Given how these units are unique in their
 94 offer, but given the flood risk in the area, a bespoke policy is favoured.

95 **UN Sustainable Development Goals check**

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

8 DECENT WORK AND
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



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 **POHOR7: Woodbastwick Fen moorings**

		B: Preferred policy	C: No policy
ENV1	+	The policy states no additional moorings in order to protect the navigable waterways.	?
ENV2			
ENV3	+	The policy seeks to protect biodiversity.	?
ENV4	+	The policy seeks to protect landscape character.	?
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.

Policy POHOR8: Land on the Corner of Ferry Road, Horning

		B: Preferred policy	C: No policy
ENV1			
ENV2			
ENV3			
ENV4			
ENV5	+	The policy reflects and highlights flood risk in the area.	?
ENV6	+	The policy reflects and highlights flood risk in the area.	?
ENV7			
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1			
SOC2			
SOC3			
SOC4			
SOC5	+	The units provides space for small enterprises.	?
SOC6			
SOC7			
ECO1	+	The units provides space for small enterprises.	?
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.



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

Oulton Broad Policies

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 POOUL1: Boathouse Lane Leisure Plots

Policy Map 14

1. The rural and semi-natural character of the area, its contribution to the views from the Broad, and floodwater capacity will be protected.
 2. Development will be strictly managed to support these aims, and in view of the poor road access and the serious risk of flooding affecting significant parts of the policy area.
 3. The provision of...
 - a) small scale storage lockers for use incidental to the enjoyment of moorings, or
 - b) modest sized single room day huts, storage sheds and boat sheds
- will generally be permitted provided:
- i) the plot within which they are located remains predominantly open;
 - ii) the number of buildings does not lead to an over-developed site (usually one building is acceptable);
 - iii) in the case of day huts and storage sheds, that these are sited well back from the water's edge and not prominent in views from the Broad; and

- 16 iv) the design, materials, and boundary treatments are not intrusive in the area or in views
17 from the Broad.
18
- 19 4. The raising of ground levels will not generally be acceptable, in order to retain flood
20 capacity.
- 21 5. The permanent or seasonal occupation of the land, vehicles, boats, etc., or the
22 stationing of caravans, will not be permitted.
- 23 6. In the light of the potential for archaeological remains in the area, an archaeological
24 survey may be required in advance of any grant of planning permission.

25 Constraints and features

- 26 • Within Oulton Broad Conservation Area. Near (across broad) SAC, SPA, and SSSI.
- 27 • Article 4 Direction (1981) – removes permitted development rights for walls, gates,
28 enclosures, etc.
- 29 • Flood risk (zones 1, 2 & 3 by EA mapping; mainly zones indicative 3b, and some zone 2,
30 by SFRA 2018 mapping).
- 31 • Site is within Suffolk’s minerals consultation area for sand and gravel. However, the site
32 is heavily constrained by flood risk, heritage and nature designations, dark sky areas,
33 access and amenity, so is likely not economically viable as a mineral extraction site.

34 Reasoned Justification

35 The area features some long-established leisure plots accessed by a narrow-unmade lane.
36 The area forms an important part of the setting of Oulton Broad and the trees and
37 shrubbery contribute to a semi-natural appearance. Maintaining an appropriate balance
38 between the lawful use of the land and the control of additional buildings, structures and
39 vehicles that owners often want to install on their plots has been a challenge for many
40 years.

41 The policy seeks to clarify what the Authority is trying to achieve, and permit a basic level of
42 built development in support of the plots’ lawful uses while minimising adverse impacts on
43 the scenic beauty of the Broads and on the floodwater capacity of the area.

44 The Environment Agency supports the intention to keep buildings back from the river
45 frontage/water front. While ‘well back’ is difficult to define and depends on particular local
46 circumstances, in general setting the building back by a third of a plot could be appropriate.
47 Being hard up or too close to the water’s edge could enclose the river or broad’s edge and
48 be overbearing. Setting of buildings with an undeveloped area in front will also allow
49 architectural interest of buildings to be appreciated.

50 **Reasonable alternative options**

- 51 a) No policy

52 **Sustainability appraisal summary**

53 The three options (of the policy and no policy) have been assessed in the SA. The following
54 is a summary.

A: Keep original policy	4 positives. 0 negatives. 0 ? Overall, positive.
B: No policy	0 positives. 0 negatives. 4 ? Overall, positive.

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

56 According to recent Annual Monitoring Reports, the policy has not been used and schemes
57 were in conformity.

58 **Why have the alternative options been discounted?**

59 Given the importance of this area to the setting of the Broad, a policy that seeks to control
60 development in the area is important and preferred.

61 **UN Sustainable Development Goals check**

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

63 None identified.

64 **Policy POOUL2: Oulton Broad - Former Pegasus/Hamptons Site**

65 **Policy Map 14**

66 1. This site is allocated for:

- 67 a) a boatyard use; and
68 b) (optionally) housing, recreation, entertainment, or employment use (or uses) where
69 compatible with the boatyard use, road access, neighbouring uses and flood risk.

70 2. Development of the site will be required to:

71 i) Be of high standards of design in line with the Design Guide (or successor document);

72 ii) Have high quality landscaping;

73 iii) Fully assess the impact of the development on the surrounding road network,
74 demonstrate adequate capacity to meet the likely traffic demands and demonstrate
75 adequate capacity or provision of satisfactory mitigation to meet the likely traffic
76 demands of the site;

77 iv) Incorporate appropriate measures to manage any risk of water pollution arising from
78 the development;

79 v) Incorporate appropriate measures to mitigate or remedy any ground contamination;

80 vi) Provide evidence, including a site flood risk assessment, to confirm that any
81 development will be consistent with national and local policy in terms of both on-site
82 and off-site flood risks;

83 vii) Preserve or enhance the character or appearance of the Oulton Broad Conservation
84 Area;

85 viii) Provide appropriate and safe access to the water (slipways, moorings) and facilitate
86 views of the water; and

87 ix) The scheme provides biodiversity net gain (in line with policy xx).

88 3. If housing forms part of the scheme, the provision of serviced self-build/custom build
89 plots is encouraged.

90 4. In the light of the potential for archaeological remains in the area, an archaeological
91 survey may be required in advance of any grant of planning permission.

92 5. Project Level Habitats Regulation Assessments will be needed to assess implications on
93 sensitive European Sites. Measures to mitigate for the effects of new growth may be
94 required, in particular to mitigate recreation impacts (through the Suffolk Coastal GI
95 RAMS tariff or equivalent mitigation as well as potentially the provision of good quality
96 on-site green infrastructure) ~~to mitigate for recreational disturbance.~~

97 Constraints and features

- 98 • Within the Oulton Broad Conservation Area.
- 99 • Opposite (across broad) SAC, SPA, SSSI.
- 100 • Flood risk zones 1, 2 & 3 by EA mapping and some 2 and indicative 3b by SFRA 2018
101 mapping.
- 102 • Future growth could have an impact on the foul sewerage network capacity.
- 103 • Close to a pumping station.
- 104 • A particular local issue is the congestion north of Mutford Lock

105 Reasoned Justification

106 Please note that this allocation received planning permission in 2012¹ for 76 market
107 dwellings, office accommodation, and moorings. The policy is being carried forward from
108 the ~~Site Specific Policies Local Plan 2014~~ 2019 Local Plan for the Broads because the
109 permission is yet to be built out.

110 This is a visually prominent site on the Broad, ~~now largely derelict~~, and the Authority has
111 long sought redevelopment of the site. We recognise that it is unlikely that the whole of it
112 will remain in boatyard use, but seek to retain boatyard use and the availability of moorings,
113 etc., at the waterside because of its importance to the local economy and the recreational
114 value of the wider area. This policy sets out our approach to achieving such redevelopment,
115 and reflects the essentials of earlier adopted Supplementary Planning Guidance for the site,
116 published jointly with the former Waveney District Council.

117 A particular local issue is the congestion north of Mutford Lock, as set out in the Local
118 Transport Plan, which may be impacted upon by development of this site. Any transport
119 assessment under this policy should include this constraint. Suffolk County Council may seek
120 contributions from this development, to mitigate any impacts on the highway network.

121 The Environment Agency highlights the need to address the risks of water pollution for
122 waterside sites in industrial/boatyard use, and the need to deal with the risk of existing
123 ground contamination.

124 There may be a requirement for an evidence based, project level HRA to assess the impact
125 of this development on European Protected Species and Habitats and mitigation could be
126 required. The scheme will also need to mitigate recreation impacts and this is most easily
127 done through paying the Suffolk Coastal GI RAMS tariff although there could be a need for
128 open space that could provide adequate daily recreation and dog walking facilities to meet
129 needs.

130 The policy highlights the need for the scheme to ensure Biodiversity Net Gain in line with
131 policy xxx.

132 The design of the development shall meet the requirements of the Design Guide and design
133 policy xx.

134 There could be potential for serviced plots to be provided for people to build their own
135 homes as part of any residential element of the scheme.

136 It is anticipated that the dwellings will be delivered as follows: ~~by the end of 2024.~~

<u>End 2025</u>	<u>End 2026</u>	<u>After 2027</u>
<u>15</u>	<u>15</u>	<u>46</u>

137 **Reasonable alternative options**

¹ The Planning Application is BA/2012/0271/FUL

138 a) The original policy, with no amendments.

139 **Sustainability appraisal summary**

140 The three options (of the amended policy, no policy and the original policy) have been
141 assessed in the SA. The following is a summary.

A: Keep original policy	12 positives. 0 negatives. 0 ? Overall, positive.
B: Preferred Option - amend policy.	12 positives. 0 negatives. 0 ? Overall, positive.
C: No policy	0 positives. 0 negatives. 12 ? Overall, neutral

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

143 According to recent Annual Monitoring Reports, the policy has not been used.

144 **Why have the alternative options been discounted?**

145 The amendments relate to design, biodiversity net gain and HRA related issues which are
146 important and are therefore the amended policy is preferred.

147 **UN Sustainable Development Goals check**

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

6 CLEAN WATER AND SANITATION



8 DECENT WORK AND ECONOMIC GROWTH



9 INDUSTRY, INNOVATION AND INFRASTRUCTURE



11 SUSTAINABLE CITIES AND COMMUNITIES



149

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 POOUL1: Boathouse Lane Leisure Plots

	A: Keep original policy		B: No policy	
ENV1			Not having a policy does not mean that these issues will not be considered or addressed. A policy does however provide more certainty.	
ENV2				
ENV3				
ENV4	+	Policy refers to landscape character.		?
ENV5	+	Policy identifies the area as important for flood capacity.		?
ENV6	+	Policy identifies the area as important for flood capacity.		?
ENV7				
ENV8				
ENV9	+	The policy refers to potential archaeology.		?
ENV10				
ENV11				
ENV12				
SOC1				
SOC2				
SOC3				
SOC4				
SOC5				
SOC6				
SOC7				
ECO1				
ECO2				
ECO3				

Assessment of Policy POOUL2: Oulton Broad - Former Pegasus/Hamptons Site

	A: Keep original policy	B: Preferred Option - amend policy	C: No policy
ENV1	+ Policy highlights potential traffic issues.	+ Policy highlights potential traffic issues.	?
ENV2	+ Policy emphasises the issue of water quality.	+ Policy emphasises the issue of water quality.	?
ENV3	+ Policy refers to HRA requirements.	Policy refers to HRA requirements and biodiversity net gain.	?
ENV4	+ Policy requires landscaping and good design.	+ Policy requires landscaping and good design.	?
ENV5	+ Policy refers to the issue of flood risk.	+ Policy refers to the issue of flood risk.	?
ENV6	+ Policy refers to the issue of flood risk.	+ Policy refers to the issue of flood risk.	?
ENV7			
ENV8			
ENV9	+ Policy refers to conservation area and potential for archaeology.	+ Policy refers to conservation area and potential for archaeology.	?
ENV10	+ Policy requires good design.	+ Policy requires good design.	?
ENV11			
ENV12			
SOC1			
SOC2			
SOC3	+ The sites seeks retention of a boatyard use.	+ The sites seeks retention of a boatyard use.	?
SOC4	+ The site is allocated for housing.	+ The site is allocated for housing.	?
SOC5			
SOC6	+ The site has good access to services and facilities.	+ The site has good access to services and facilities.	?
SOC7			
ECO1	+ The sites seeks employment use.	+ The sites seeks employment use.	?
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.

Planning Committee

28 April 2023

Agenda item number 10

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: 11 April 2023

Appendix 1 – Planning Policy consultations received

Appendix 1 – Planning Policy consultations received

Reedham Parish Council

Document: [Reedham Neighbourhood Plan](#)

Due date: 29 April 2023

Status: Regulation 15

Proposed level: Planning Committee Endorsed

Notes

Vision

Reedham is a vibrant community that retains its rural identity which is cherished by local people and tourists. Any future development will be sensitive to the rural nature of the settlement as well as the beauty and tranquillity Reedham has to offer. Development will be of a high-quality design and tailored to meet the needs of the local community.

Objectives

- A. Ensure future housing development meets the needs of local people.
- B. Protect and enhance Reedham’s natural environment, its green spaces, trees, hedgerows, waterways, and marshland that are important for wildlife.
- C. Protecting the open landscape and the spectacular views, tranquillity, and dark skies the parish has to offer.
- D. Support regeneration of the riverside in a way that protects its special environmental qualities.
- E. Encourage local jobs, services and facilities that provide employment opportunities to local residents and attract visitors to the village.
- F. Protect and enhance important community facilities including recreational opportunities that are accessible to all ages.
- G. Reduce the impact of on-street car parking and ensure sufficient off-street parking is provided with new development.
- H. Reduce the impact of flooding and ensure that surface water flood risk is not worsened through new development.

Proposed response

Summary of response

The Plan is welcomed. The comments relate to clarification mainly, but Policy 14 seems contrary to the NPPF.

Detailed comments

Neighbourhood Plan

- Do the images have alt text for screen reading and accessibility purposes?
- Para 12 – ‘Local Plans’
- Para 16 ‘In the emerging **Greater Norwich** Local Plan...’
- Para 29 – ‘Local Plans’
- Page 11 to 20 – there is no need to repeat the policies here. It adds ten pages to the document and without their supporting text, they will be read without the necessary context. Perhaps list the names of the policies and their page numbers, but I don’t you should repeat the policies. Also makes it difficult if you make a change to a policy in one place and then forget to make the change in the other.
- Para 35 – policy 5 of which document?
- More 2021 Census information is released now and there may be some data relating to the Plan, rather than relying on the 2011 Census.
- Some pieces of data are from 2021 and it is now 2023.
- Figure 10 says the date of the data is 2020, yet Policy 2 says the document’s date was 2022. Can the dates be clarified?
- Policy 2 – what is the reason for excluding conversions from this policy requirement?
- Policy 2 – by saying ‘3 bedrooms or fewer’, I would suggest the developer will go for three bedrooms. Yet your data indicates more new housing should be 2 bed rather than 3 bed. To me, as written, I don’t think the policy represents the evidence. You may want to check and maybe explain things a bit more?
- Para 52 – perhaps say, maybe in a footnote, that the BA have regard to/defer to the thresholds and standards of the relevant district, although do seek off site contributions for schemes of 6-9 dwellings.
- Para 53 – suggest a footnote that says First Homes cannot come forward in the BA Executive Area.
- Policy 4 – says this applies to all new development – so schemes like new windows or signs? You may want to check the threshold for this policy.
- Policy 4 f – says ‘improve net gain’ – would ‘provide net gain’ be better?
- Para 67, last sentence – if this is the Greater Norwich Local Plan, suggest you say that.
- Para 70 – says ‘the Local Plan’ – which one? Or should it be ‘plans’?
- Policy 6 – last few words – when you say deep, do you mean under the ground? You might want to check what you mean/write.
- Para 81 – BNG will be a requirement from November 2023, although small sites has been delayed until April 2024.
- Policy 7 – for your information, the Examiner removed the BNG 10% requirement from Hemsby Neighbourhood Plan – you may wish to look into that and see if you need to change your policy if you wish the standard to remain. Equally, BNG standard of 10% has remained in some other made Neighbourhood Plans.
- Policy 7 – how did you want people to show BNG of 10%? Using the most up to date Metric? Did you want to say that?
- Para 102 – says ‘there’s a probably of 1 in 1000 of flooding’ – probability

- Policy 14 – promoting town centre uses in redundant farm buildings appears contrary to the NPPF and local policy. Para 87 for example of the NPPF says town centre uses should be in the town centre. And then the glossary on page 68 says what a town centre use is and that list is very similar to Class E uses. I would suggest that this policy needs to be checked for consistency with local and national policy as it seems contrary to it at the moment.
- Policy 14 – the first sentence says that extensions to redundant farm buildings will be looked on favourably, but shouldn't that refer to being subject to other development plan policies as perhaps the design and impact on landscape as well as works and impact on, say, roosting bats all are important considerations.
- Policy 15 – you mention in the text the issue of a lack of standard for cycle parking for pupils – do you want to address that so that any development at the school needs to ensure cycle spaces for pupils?
- Policy 15 – you don't mention scooting in any of the policy or supporting text – lots of children scoot to school and as such, do you need to have mention of the need for scooter parking?
- Policy 15 – I read the policy and it is mostly about finding extra cycle provision for the school, with one small line about elsewhere in Reedham. I wonder if this policy is really clear in to what and where it applies?
- Community Action 4 – it sounds like a school travel plan needs to be produced or if there is one, improved and implemented. Should the Community Action refer to school travel plans?

SEA and HRA

- This document quotes data from the evidence base – some evidence is a few years old now and should be updated.

Design Code:

- Do the images have alt text for screen reading and accessibility purposes?
- Section 4.6 onwards seem to be relevant to all development in the Broads, but is under the chapter that starts only talking about the two allocated sites. You may need to make it clear which bits are relevant to the entire Reedham area and which bits are only relevant to the allocated sites

Evidence Base:

- The document is dated 2022. I would suggest it needs updating for the next version.
- For example, more 2021 Census information is released now and there may be some data relating to the Plan, rather than relying on the 2011 Census.
- Other pieces of data are from 2021 and it is now 2023.
- Did you want to include parts of the emerging Greater Norwich Local Plan as well as the 2015 plan?
- Do you need an OS Copywrite for the maps?
- Do the images have alt text for screen reading and accessibility purposes?

Planning Committee

28 April 2023

Agenda item number 11

Great Yarmouth BC Open Space SPD - endorsement

Report by Planning Policy Officer

Summary

Great Yarmouth Borough Council has produced an Open Space Supplementary Planning Document (SPD) which it has recently adopted. Given that the Broads Authority defers to/has regard to the open space policies of district councils, it seems prudent to endorse this SPD.

Recommendation

To endorse Great Yarmouth Borough Council Open Space SPD and recommend to the Broads Authority that the SPD be endorsed.

1. Introduction

- 1.1. The Local Plan for the Broads defers to/has regard to some policies of our districts in relation to retail, open space and affordable housing.
- 1.2. Great Yarmouth Borough Council (GYBC) has produced an Open Space SPD. Given that the Broads Authority has regard to/defers to GYBC's policy, it is prudent to endorse it.
- 1.3. Supplementary Planning Documents elaborate on adopted policy and help the implementation of those policies. During their production, they need to be subject to public engagement/consultation on two stages in the process. They also need to be screened for Strategic Environment Assessments (SEA) and Habitats Regulations Assessments (HRA). They are then adopted by the LPA. As the Broads Authority did not produce the SPD it cannot formally adopt it, but as it is of relevance to the Local Plan for the Broads, it is recommended that the Broads Authority endorse the SPD.
- 1.4. The rest of this report has been taken from the GYBC committee report. GYBC adopted the Open Space SPD on 13 February 2023.

2. About the SPD and process to date

- 2.1. The Open Space SPD provides guidance for applicants and developers to help ensure that the open space requirements will be met through residential development. The

SPD will be a material consideration in planning applications where open space provision is required as part of residential development.

- 2.2. Generally, the SPD identifies whether each Ward has a surplus or deficit in open space. It discusses rates for on site provision as well as thresholds of development types and scale to which open space requirements apply. It discusses on site rates and off-site costs. It talks about the requirements for each Ward.
- 2.3. The Town and Country Planning (Local Planning) Regulations 2012 require two stages of consultation during the preparation of an SPD. The consultation on the initial draft took place between 2 August and 26 September 2022. Following endorsement of the final draft Open Space SPD by this Committee on 8 November 2022, a consultation took place over four weeks between 25 November and 23 December 2022. The consultation responses have been reviewed, and necessary changes made to the document.

3. About the SPD consultation

- 3.1. Through the final draft consultation, the Open Space SPD had responses from 10 individuals/organisations, most of which contained multiple representations to be considered. A Consultation Statement is attached to this report setting out what comments were made and how they have been addressed. The following changes have been made to the final version SPD:
 - Reference to the Lead Local Flood Authority's guidance
 - Reference to the Broads Authority
 - Clarifying when and how on/off-site accessible natural green space will be required
 - Typographical & formatting errors corrected
- 3.2. In addition to these changes, the heading of section 2 has been clarified as relating to 'on-site' open space, replacing 'thresholds' as the title. A final paragraph within this section has also been added to ensure that when submitting a planning application, a plan is provided clearly showing the areas that are to be considered as 'public open space'. Such requirement can also be picked up within the Validation Checklist.
- 3.3. No representations were made in respect of the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Regulations Screening Assessments, which was also subject to consultation. This means that the Council can adopt the Screening Reports to meet the relevant SEA and HRA regulations.
- 3.4. Overall, the proposed amendments to the final draft document are relatively minor.

Author: Natalie Beal

Date of report: 11 April 2023

Appendix 1: [Open Space Supplementary Planning Document](#)

Appendix 2: [Open Space SPD adoption statement](#)

Appendix 3: [Open Space SPD consultation statement](#)

Appendix 4: [Open Space Strategic Environmental Assessment screening report](#)

Appendix 5: [Open Space SPD Habitat Regulations Assessment screening report](#)

Planning Committee

28 April 2023

Agenda item number 12

Biodiversity Net Gain- Guidance for Suffolk LPAs

Report by Environment Policy Adviser

Summary

This report informs the Committee on the Biodiversity Net Gain Planning Guidance Note for Suffolk.

Recommendation

- i. To note the report and endorse the Biodiversity Net Gain Planning Guidance Note for Suffolk, to be used as an informal guidance document by the Broads Authority.
 - ii. To delegate to the Director of Strategic Services or Head of Planning any future amendments to the document.
-

1. Introduction

- 1.1. The State of Nature (2019) report demonstrated that the abundance and distribution of the UK's species has, on average, continued to decline since 1970, and the rate of decline appears to be increasing. Intensive agriculture, climate change impacts, non-native invasive species and land-use changes have all been drivers of biodiversity decline. In 1992, the UK government signed up to the United Nations Convention on Biological Diversity which committed the UK to reversing the loss of biodiversity. Successive governments have produced plans to stem and reverse the loss of biodiversity and have committed to higher targets to achieve this reversal. Measures to protect biodiversity include laws, such as the Natural Environment and Rural Communities Act (2006) which protects species and habitats. In the Broads, no recent (≤ 1988) record was found for 423 (28%) of the 1,519 priority species, as recognised in the 2011 Audit. Many species are considered to be vulnerable to extinction following ongoing and recent population decline.
- 1.2. In order to conserve our remaining biodiversity and reverse the recorded decline, the Government made biodiversity net gain (BNG) a mandatory requirement for all applicable development types to achieve a minimum of 10% net gain for biodiversity through the Environment Act (2021). The national mandatory requirement is expected to come into place in winter 2023. This will ensure important ecosystem services are maintained and improved, as future developments look to not only conserve valuable

habitats and species, but enhance biodiversity via demonstratable measurable net gains. The overall aim is nature recovery.

- 1.3. The interim Biodiversity Net Gain Planning Guidance Note for Suffolk is being put in place before the requirement under the Environment Act (2021) comes into place in winter 2023, to give more clarity to the existing biodiversity net gain provisions in the NPPF 2021. This will also inform the Broads Local Plan review. The guidance document has been prepared jointly by all the Suffolk local planning authorities to be adopted as interim guidance to ensure that nature recovery extends beyond administrative boundaries.
- 1.4. The purpose of the interim Guidance is to provide further detail on how aspects of biodiversity net gain should be demonstrated within planning applications in a consistent way. Streamlining and clarifying requirements at an earlier stage has great potential to reduce the time taken for applicants to secure necessary consents, de-risk processes and deliver high standards and support DM officers with achieving net gain.
- 1.5. The interim guidance note will be reviewed as further regulations are consulted on and published nationally around biodiversity net gain. It is recommended to delegate any future changes to the guidance to officers, to amend the document, if necessary, in response to new policy announcements and guidance.

2. Relevant Policies

- 2.1. The National Planning Policy Framework (NPPF) July 2021 sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The NPPF has at its heart the core principle of sustainable development and sets out a number of requirements related to the securing of biodiversity net gain through the planning system. The interim Biodiversity Net Gain Planning Guidance Note for Suffolk facilitates the implementation of the adopted Local Plan policies.

- 2.2. The NPPF 2021 states:

174: Planning policies and decisions should contribute to and enhance the natural and local environment by: [...]

d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

179: Plans should:

[...] b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around

developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

180: When determining planning applications, local planning authorities should apply the following principles: [...]

d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 2.3. The National Planning Policy Guidance (NPPG) assists the implementation of the NPPF on biodiversity, geodiversity and ecosystems the NPPG provides advice on how development should not only protect but also enhance biodiversity and how biodiversity and geodiversity should be considered. The guidance also sets out the mitigation hierarchy and provides advice on how to achieve BNG.
- 2.4. The interim Biodiversity Net Gain Planning Guidance Note for Suffolk supports the implementation of Local Plan objective OB4: Natural environment and Strategic Policy SP6: Biodiversity, which provide an overarching policy framework for the conservation and enhancement of the Broads natural, geological and built assets. Criteria a-g of the policy ensure it is effective in protecting and enhancing an ecological network and securing restoration and enhancement for biodiversity through development. The Broads Local Plan Review requires development to incorporate measures to provide net gains for biodiversity.

3. Purpose and Status of the interim Guidance

- 3.1. The purpose of this interim guidance note is to provide further detail on how biodiversity net gain should be demonstrated and delivered through planning applications in a consistent way across Suffolk. It is intended to be a guidance document and has not been produced to have a formal status such as a Supplementary Planning Document (SPD). The production of this type of guide is commonplace across authorities. This approach provides more flexibility for the document to be updated. The document's status is set out within Section 1.3 of Appendix 1.
- 3.2. The interim Biodiversity Net Gain Planning Guidance Note for Suffolk is split into six key chapters. Chapter 1 introduces biodiversity net gain. Chapter 2 covers the key policy and guidance frameworks within which this document sits. Chapter 3 sets out the key principles and how they should be implemented within a planning context across Suffolk. Chapter 4 ensure that biodiversity net gain is built into the development management process to help achieve better outcomes for biodiversity and aligns with the over-arching principles defined in Chapter 3. It covers the need for habitat surveys and condition assessments for use in biodiversity net gain calculations, biodiversity unit calculation, applying the mitigation hierarchy and onsite and offsite habitat provision.

Chapter 5 examines net gain monitoring. Monitoring will be implemented to ensure net gain is delivered to the required condition. Chapter 6 covers protected and priority species in Suffolk. It makes clear that if development impacts on protected or priority species can be mitigated, the mitigation will not contribute towards biodiversity net gain but would be a basic planning requirement irrespective of net gain requirements.

- 3.3. The interim guidance note advocates at least 10% BNG being delivered on all major planning applications (including change of use), to address the urgent need to attempt to reverse biodiversity decline. Natural England's BNG study (Vivid Economics, June 2018) considered the impacts on the economics and viability of development and concluded that a BNG requirement was not expected to affect the financial viability of housing developments (applying up to 20% biodiversity net gain scenario).
- 3.4. The interim guidance sets out that for development subject to BNG, applicants will be required to submit a biodiversity gain plan for planning authority approval. The interim guidance note also requires BNG calculations to be made using the most up to date version of the Defra Biodiversity Metric available at the time the planning application is made. The metric is a tool to establish the biodiversity value of a site prior to development and how 10% net gain could be delivered. Use of an earlier version of the Defra Biodiversity Metric (for example in situations where the calculation and planning application have been prepared immediately before the release of a metric update) will only be acceptable where this has been agreed with the Local Planning Authority prior to the submission of the planning application. The metric should be used early in the design process, in order to quantify and evaluate the impacts of different design options when there is more scope to influence design changes, such as retention of existing features, and achieve better ecological outcomes. Development should seek to deliver BNG on-site within the red line application boundary in the first instance. In accordance with the Lawton principles and for meaningful contributions to nature recovery, BNG actions should seek to support bigger, better and more joined up habitat, safeguarding and enhancing habitat connectivity locally and at a wider landscape-scale. Only once all options to reduce loss, harm or damage of existing biodiversity on site have been considered (and thoroughly reviewed after consulting the Local Planning Authority Ecologist) should a developer consider off-site BNG delivery.
- 3.5. The Environment Act (2021) contains a specific duty on all public authorities to have regard to relevant Local Nature Recovery Strategies (LNRS). LNRS will act as a signpost to co-ordinate nature recovery delivery, including where to deliver off-site biodiversity net gain when it is required. The expectation is that they will help to reverse the decline of biodiversity and deliver wider environmental benefits. Both Norfolk and Suffolk County Councils have been provisionally notified that they will be the responsible authority. Responsible authorities are waiting for further regulations and guidance by government. Prior to implementation of LNRS, local authorities can use other local strategies to inform offsite targeting, such as Green Infrastructure strategies and biodiversity opportunity mapping. Following publication of the LNRS statutory

guidance, the Norfolk & Suffolk Nature Recovery Partnership is working to an interim skeleton strategy to support Planning and Biodiversity Net Gain and inform offsite targeting by the end of 2023, with the full strategy to follow.

- 3.6. The authorities are working towards a situation where habitats created as part of BNG will be maintained for a minimum of 30 years and secured at the planning permission stage. Monitoring and reporting is the responsibility of the developer and should be set out in a Biodiversity Gain Plan. The contents of the biodiversity gain plan will vary dependent on the type of planning application. The monitoring will be secured through planning conditions and obligations.
- 3.7. The requirement for BNG does not replace or undermine existing habitat and species protection for protected sites or irreplaceable habitats, or for existing requirements for ecological assessments and species surveys. Decisions relating to habitats or species subject to statutory protection under national legislation and local policy remain subject to those requirements. Similarly, impacts to irreplaceable habitats shall be considered outside the BNG system.
- 3.8. The interim Biodiversity Net Gain Planning Guidance Note for Suffolk will have a positive impact on the Authority's commitment to conserve biodiversity as set out in the Broads Plan 2022-2027. The interim Biodiversity Net Gain Planning Guidance Note for Suffolk has an important role to play in conserving the range and ecological variability of habitats and species, by placing greater priority on environmental net gains from new development through the creation of new habitats and green infrastructure.

4. Consultations

- 4.1. The scope of the Guidance Note was refined during officer meetings in September and October 2022, with finalised version of the document circulated by Ipswich Borough Council to District, Borough and Broads Authority on 23 January 2023.
- 4.2. The approach being put forward aligns with the emerging national requirements for BNG, which themselves have been subject to public consultation. Given that mandatory net gain will come into effect before the end of 2023, which will supersede this guidance note, there has been no public consultation on the Biodiversity Net Gain Planning Guidance Note for Suffolk.
- 4.3. The Biodiversity Net Gain Planning Guidance Note for Suffolk also supports and extends the implementation of development management policies in the Local Plan for the Broads: Policy DM8 Green infrastructure and DM13 Natural Environment which require that all development must protect and maximise opportunities for restoration and enhancement of natural habitats.

5. Recommendation

- 5.1. The Planning Committee endorses the Biodiversity Net Gain Planning Guidance Note for Suffolk to be used as an informal guidance document by the Broads Authority.
- 5.2. Subject to consultation with the Environment Policy Adviser and Planning Policy Officer, it is recommended that future amendments be delegated to the Director of Strategic Services or Head of Planning, to align the document with any further national arrangements or the Suffolk Local Nature Recovery Strategy, as required.

Author: Andrea Kelly

Date of report: 31 March 2023

[Broads Plan](#) strategic objectives: Theme B

Appendix 1 – Biodiversity Net Gain Interim Planning Guidance Note for Suffolk

Background papers

[Environment Act 2021 \(legislation.gov.uk\)](#)

[National Planning Policy Framework \(publishing.service.gov.uk\)](#)

[Local nature recovery strategy: what to include - GOV.UK \(www.gov.uk\)](#)

[A Green Future: Our 25 Year Plan to Improve the Environment \(publishing.service.gov.uk\)](#)

[Making Space for Nature: A review of England's Wildlife Sites and Ecological Network \(nationalarchives.gov.uk\)](#)

[State of Nature \(2019\) \[pdf | nbn.org.uk\]](#)

[Local Plan for the Broads \(broads-authority.gov.uk\)](#)



Biodiversity Net Gain Interim Planning Guidance Note for Suffolk

February 2023

Biodiversity Net Gain Planning Guidance Note for Suffolk

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1. Introduction

1.1 What is Biodiversity?

Biodiversity is a shorter way of saying Biological Diversity. The term given to “... *the variety of life on Earth and the natural patterns it forms. The biodiversity we see today is the fruit of billions of years of evolution, shaped by natural processes and, increasingly, by the influence of humans. It forms the web of life of which we are an integral part and upon which we so fully depend*” – Secretariat of the Convention on Biological Diversity, April 2000.

Biodiversity has an intrinsic value and a value to all life. Aside from its intrinsic value, it also provides essential human services such as food production, climate change adaptation, flood resilience, crop pollination and benefits of enhancing human mental and physical well-being amongst other matters. Biodiversity is defined as the variety of plants and animals living within an area or habitat, with different habitats contributing different functions or services for our environment. The UK has suffered a considerable decline in biodiversity over recent years as a result of human activity.

The [State of Nature \(2019\)](#) report demonstrated that the abundance and distribution of the UK's species has, on average, continued to decline since 1970, and the rate of decline appears to be increasing. Intensive agriculture, climate change impacts, non-native invasive species and land-use changes have all been drivers of biodiversity decline. In 1992, the UK government signed up to the United Nations Convention on Biological Diversity which committed the UK to reversing the loss of biodiversity. Successive governments have produced plans to stem and reverse the loss of biodiversity and have committed to higher targets to achieve this reversal. Measures to protect biodiversity include laws, such as the Natural Environment and Rural Communities Act (2006) which protects species and habitats.

The National Planning Policy Framework (NPPF) has also been strengthened over the years with regards to biodiversity, moving from aspiring for ‘no net loss’ of biodiversity to requiring a ‘biodiversity net gain’. This is in line with the Government's [25 Year Environment Plan](#), and strengthened by the requirement for a minimum 10% net gain under the Environment Act (2021) and changes to the Town and Country Planning Act (1990).

In order to conserve our remaining biodiversity and reverse the recorded decline, the UK as a whole is moving towards measurable biodiversity net gain throughout the planning process. The Environment Act (2021) has introduced a mandatory requirement for all new development to deliver at least 10% biodiversity net gain. This will ensure important ecosystem services are maintained and improved, as future developments look to not only conserve valuable habitats and species but enhance biodiversity via demonstratable measurable net gains.

1.2 Suffolk's Biodiversity

Suffolk has a rich and varied biodiversity resource, with rare habitats. The natural environment is one of Suffolk's key strengths providing enviable natural capital on which to improve health and wellbeing.

Suffolk supports 40,770 ha of priority habitats, accounting for 10.7% of the total area. This includes coastal and floodplain grazing marsh, mudflat, saltmarsh, deciduous woodland, lowland acid grassland, fen and heathland. Saltmarsh, lowland fen and heathland are also regionally important. The key natural areas of the Brecks, the Broads National Park, Suffolk Coast and Heaths AONB and Dedham Vale AONB are all important landscapes in the county each with high percentages of priority habitats. Species represented in Suffolk include threatened and iconic species alike, including hedgehog, house sparrow, herring gull, little tern, avocet, bittern, bat species and pollinators.

In Suffolk, of the flagship species listed on the Suffolk Wildlife Trust website, all but one has declined in abundance. Examples include hedgehogs, now considered to be vulnerable to extinction in the UK following a 30-50% population decline since 2002, and an almost 50% decline of the Suffolk Swift in the 30 years to 2014.

With the need to build more homes for a growing population, land take will increase even further. A growing population needs food and materials, with intensive food production and farming placing further pressures on the land. Suffolk will be subject to the consequences of a changing climate over the coming decades which will range from severe weather events, a drier climate in a place already prone to water shortages, through to rising sea levels along a coast prone to erosion and flooding. Given the continued decline in Suffolk's Biodiversity we must act now hence an approach which leaves biodiversity in a better state than before is required.

1.3 Purpose of this Interim Technical Guidance Note

The purpose of this interim guidance note is to provide further detail on how aspects of biodiversity net gain should be demonstrated within planning applications in a consistent way across Suffolk, whilst recognising that different authorities have different policy requirements in relation to this.

This guidance note is being put in place before the requirement under the Environment Act (2021) comes into place in Winter 2023, before which regulations will be produced by the Government to give more clarity of the provisions under the Environment Act (2021). This interim guidance note is intended for use by applicants and decision makers in local authorities across Suffolk. Introducing a transparent and consistent requirement now will provide certainty, allowing applicants to factor in obligations up front. Streamlining and clarifying requirements at an earlier stage has great potential to reduce the time taken for applicants to secure necessary consents, de-risk processes and deliver high standards.

This interim guidance note advocates at least 10% biodiversity net gain being delivered on major applications to address the urgent need to attempt to reverse biodiversity decline, for the survival of many species and resulting impact on health,

society and the economy. 10% is considered to be at the lower level that would deliver biodiversity gains but given the pressures facing the county's biodiversity, a greater ambition will be supported in order to provide greater confidence of genuine gains for biodiversity and ensure the successful recovery of nature in Suffolk.

This interim guidance note will be a living document and will be subject to discussion with key stakeholders and review as regulations are consulted on and published around biodiversity net gain.

This interim technical guidance note will be taken into account by decision makers at Local Planning Authorities.

This guidance note goes on to set out the legal and policy background for biodiversity net gain nationally and through the different local plans in Suffolk and provides detailed guidance on what the requirements are of this interim position statement. This includes how much biodiversity net gain is expected, where this guidance applies and what to submit with a planning application to demonstrate biodiversity net gain.

1.4 What is Biodiversity Net Gain?

Biodiversity net gain (BNG) is an approach to development and associated land management that aims to leave biodiversity in a measurably better state than before.

Net gain for biodiversity is achieved by land management practices or 'interventions' that deliver more or better habitat for biodiversity through habitat creation or enhancement on an identified piece of land. The Government made biodiversity net gain a mandatory requirement for all applicable development types to achieve a minimum of 10% net gain for biodiversity through the Environment Act (2021). The national mandatory requirement is expected to come into place in Winter 2023.

Biodiversity net gain allows developers and local authorities to ensure habitats for wildlife are enhanced through the development process, with a demonstrable increase in biodiversity compared to the pre-development baseline. Given the long time periods involved in establishing any new habitat, measured biodiversity net gains will be managed, delivered and monitored over a minimum 30-year period.

Biodiversity net gain uses the Defra Biodiversity Metric and Small Site Biodiversity Metric to measure the quality and quantity of biodiversity. The metrics allow developers to determine whether a proposal will decrease or increase the amount of biodiversity on a proposed development site.

2. Legislation and Policy Context

2.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) July 2021 sets out the Government's planning policies for England, providing the framework for local development plans that guide development, and as a material consideration in the determination of planning applications. The NPPF has at its heart the core principle of sustainable development and sets out a number of requirements related to the securing of biodiversity net gain through the planning system.

The NPPF 2021 states:

174: Planning policies and decisions should contribute to and enhance the natural and local environment by: [...]

d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

179: Plans should:

[...] b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

180: When determining planning applications, local planning authorities should apply the following principles: [...]

d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

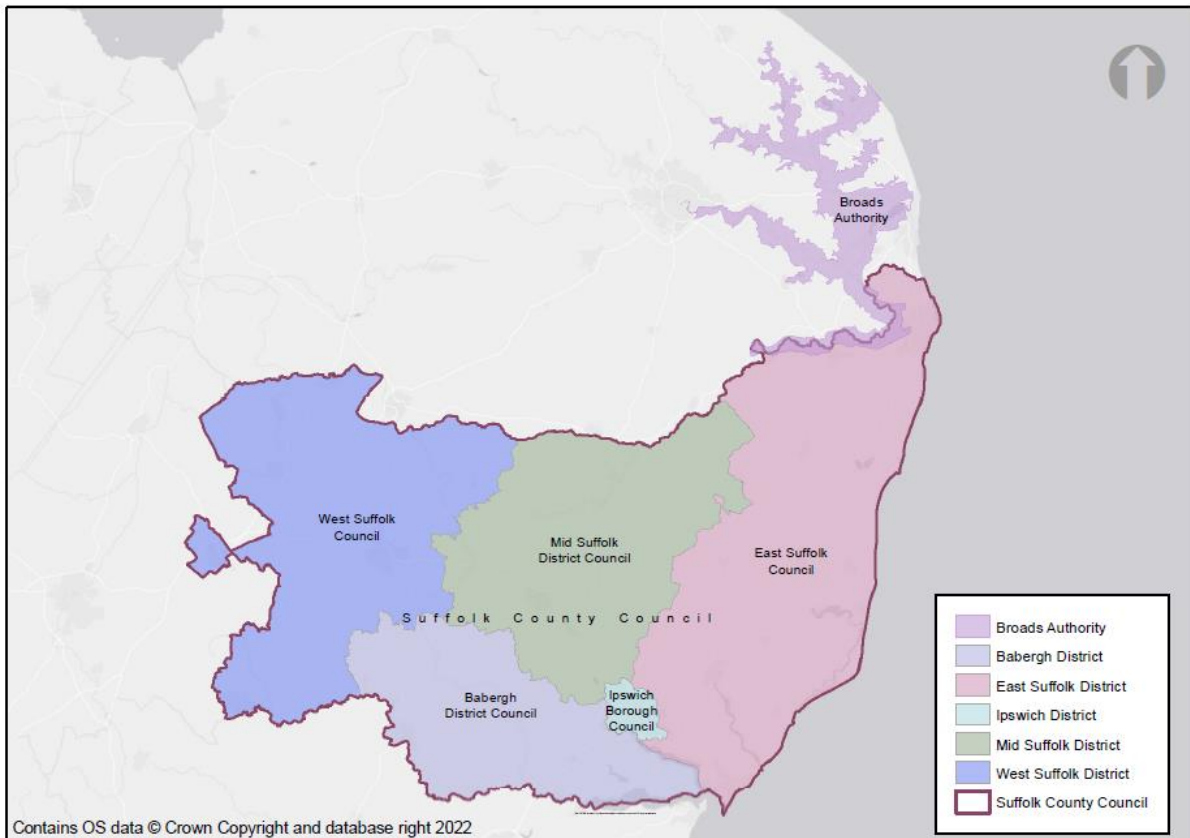
2.2 National Planning Practice Guidance

The Government's National Planning Policy Guidance (NPPG) provides guidance to assist the implementation of the NPPF. The most up to date version of the NPPG is published on a dedicated website available at www.gov.uk/government/collections/planning-practice-guidance. On biodiversity, geodiversity and ecosystems the NPPG provides advice on how development should not only protect but also enhance biodiversity and how biodiversity and geodiversity should be considered. The guidance also sets out the mitigation hierarchy and provides advice on how to achieve biodiversity net gain.

2.3 Local Policy

This interim technical guidance note relates to the area covered by:

- Babergh and Mid Suffolk District Councils
- East Suffolk Council
- Ipswich Borough Council
- Suffolk County Council
- The Broads Authority (within the Suffolk Administrative Boundary)
- West Suffolk Council



Map 1 – Administrative areas

Each Council has adopted local plan policies which seek to protect and enhance the natural environment. The relevant local policies are set out below and should be considered alongside this interim technical guidance note.

All the adopted local plans have slightly different policy approaches but all support net gain or are using paragraph 174 d) of the NPPF (2021) to secure net gain. In the interests of providing consistency and clarity for developers, the Suffolk authorities have come together to agree a joint approach to delivering net gain which supports Suffolk's nature recovery.

2.3.1 Babergh and Mid Suffolk District Councils

In 2019 Babergh and Mid Suffolk District Councils declared a climate emergency and set up an Environment and Climate Change Task Force. A task force subcommittee then looked at biodiversity in the districts. Their recommendations were presented to cabinets in November 2020. This formed the Biodiversity Action Plan, which sets out how Babergh and Mid Suffolk aim to protect and strengthen plant life and local wildlife.

In 2019 Babergh and Mid Suffolk District Councils declared a climate emergency and set up an Environment and Climate Change Task Force and adopted a Carbon Management Reduction Plan. This identified a plan to significantly increase tree and hedgerow planting in the districts. A task force subcommittee then also looked at biodiversity in the districts. Their recommendations were presented to cabinets in November 2020. This formed the Biodiversity Action Plan, which sets out how Babergh and Mid Suffolk aim to protect and strengthen plant life and local wildlife through trees, hedgerow and wildflower planting schemes, the council's Tree for Life scheme for new parents and a commitment to produce a wider tree planting strategy.

The council's emerging Joint Local Plan Policy contains a policy that requires at least 10% biodiversity net gain. The plan is currently at examination, with the Pre-Submission (Regulation 19) Document identifying:

Identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in biodiversity off-site.

2.3.2 The Broads Authority

The Broads Authority declared a climate change emergency on the 27 September 2019.

The Local Plan for the Broads was adopted in 2019. Section 15 Natural Environment contains a strategic policy (SP) as well as a detailed development management policy (DM).

SP15 states that: *Development will protect the value and integrity of nature conservation interest and objectives of European, international, national and local nature conservation designations and should demonstrate biodiversity gains wherever possible paying attention to habitats and species including ecological networks and habitat corridors, especially linking fragmented habitats of high wildlife value.*

DM15 goes into more detail. It identifies that:

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).*

DM8 is the Policy on Green Infrastructure.

The Authority also had a Guide on Biodiversity Enhancements, adopted 2016.

2.3.3 East Suffolk Council

In June 2019 East Suffolk declared a Climate Emergency and voted unanimously to step up its positive work on environmental issues to help fight climate change.

East Suffolk currently has two Local Plans – Suffolk Coastal Local Plan (adopted September 2020) and Waveney Local Plan (adopted March 2019). Both of these plans include policies which cover biodiversity – SCLP 10.1 Biodiversity and Geodiversity and WLP8.34 Biodiversity and Geodiversity.

Both of these policies encourage environmental net gains from new development through the creation of new habitats and green infrastructure. Both policies also implement the mitigation hierarchy to avoid, mitigate and compensate for any losses due to new development.

Neither policy specifies the need for the 10% biodiversity net gain. Net gains for biodiversity are secured as per para 174 d) of the NPPF (2021).

2.3.4 Ipswich Borough Council

On 9th July 2019, the Council's Executive Committee declared a Climate Emergency and resolved to start working towards becoming carbon neutral by 2030. The Council's approach to the climate emergency is set out in the 2020-2030 Climate Change Strategy and Action Plan which includes a commitment to conserve biodiversity in our parks and public open spaces by:

- Conserving the range and ecological variability of habitats and species
- Maintain existing ecological network
- Create buffer zones around high-quality habitat
- Take prompt action to control the spread of invasive species

The Ipswich Local Plan Review 2018-2036 (adopted March 2022) comprises the Core Strategy and Policies Development Plan Document Review and Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD Review. The Plan includes a range of policies that will help to contribute to local biodiversity net gain.

Policy CS4 Protecting Our Assets provides an overarching policy framework for the conservation and enhancement of the Borough's built, heritage, natural and geological assets. Criteria a, b and g of the policy ensure it is effective in protecting and enhancing an ecological network and securing net gains for biodiversity through development.

Policy DM8 The Natural Environment deals with the natural environment and requires that all development must incorporate measures to provide net gains for biodiversity. Proposals which would result in significant harm or net loss to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not normally be permitted.

Policy DM12 Design and Character requires all new development to be well designed and sustainable, providing greener streets and spaces to contribute to local biodiversity net gain.

The Site Allocations and Policies DPD Review incorporates the recommendations of the Ipswich Wildlife Audit 2019. The audit takes the form of an extended Phase 1 Habitat Survey which is a standardised system for recording semi-natural vegetation and other wildlife habitats. The audit covered 79 sites across Ipswich and includes advice on how net gain could be achieved on each site.

2.3.5 Suffolk County Council

On the 21 March 2019 Councillors at Suffolk County Council voted to declare a climate change emergency. This included a commitment to work with central government to deliver its 25 Year Environment Plan.

In 2021 Suffolk County Council produced a Biodiversity Development Panel Report.

Suffolk County Councils' current requirements for biodiversity net gain are set out in the Suffolk Minerals and Waste Local Plan (adopted July 2020). The Minerals and Waste Local Plan applies to all County Council development relating to minerals and waste development.

Policy GP4: General Environmental Criteria states:

“minerals and waste development will be acceptable so long as the proposals, adequately access (and addresses where applicable any potential significant adverse impacts including cumulative impacts) on the following...

d) biodiversity including Natura 2000 sites, ancient woodlands and trees...

Proposals should meet or exceed the appropriate national or local legislation, planning policy or guidance for each criterion, including reference to any hierarchy of importance. Proposals should aim to achieve a biodiversity net gain. Proposals should demonstrate that when considering the potential for significant adverse impacts upon features of acknowledged environmental importance, that the hierarchy of firstly avoidance, then mitigation and finally compensation has been followed.”

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Proposals should demonstrate that when considering the potential for significant adverse impacts upon features of acknowledged environmental importance, that the hierarchy of firstly avoidance, then mitigation and finally compensation has been followed.

This is reaffirmed in Policy MP6 Progressive Working and Restoration (for New Mineral Proposals) which states that

“Proposals for new mineral workings should be accompanied by a scheme for the progressive working and restoration of the site throughout its life. Preference will be given to restoration proposals that incorporate a net gain for biodiversity with the

creation and management of priority habitats and that support protected priority and Red Data Book Species and/or that conserve geological and geomorphological resources. Such habitats, species and resources should be appropriately and sustainably incorporated into restoration proposals focussed on the historic environment, flood alleviation, reservoirs, agriculture, forestry, amenity, or ecology. Providing links to surrounding habitats is also encouraged.”

2.3.6 West Suffolk Council

The West Suffolk Local Plan (consisting of the former Forest Heath area and former St Edmundsbury area) is made up of the Local Plan documents for the two former areas. Policies protecting biodiversity and encouraging biodiversity enhancement are included in both Core Strategies, Policies FHDC CS2 Natural environment, SEBC CS2 Sustainable development, and in the Joint Development Management Planning Document, Policy DM11 Mitigation, enhancement, management and monitoring of biodiversity. In addition, Policy JDMPD DM11 requires the implementation of the mitigation hierarchy to avoid, mitigate and compensate for any losses due to new development.

The West Suffolk Local Plan review has commenced, the next consultation will be on the Pre-submission (Regulation 19) document in 2023. This document will include a requirement for biodiversity net gain and is currently exploring 20%.

In September 2019, West Suffolk Council declared a Climate Emergency, which was updated in July 2020 to a Climate and Environment Emergency. West Suffolk Environment and Climate Change Taskforce was set up in June 2019. The aim of the Taskforce was to make recommendations on the Council’s future role in protecting and enhancing the environment, both in the way in which it carried out its operations and through specific initiatives. In July 2019 the Taskforce reported to Cabinet who resolved that the Council be committed to working towards achieving net zero greenhouse gas (carbon) emissions by 2030. Cabinet also resolved to progress actions including to reduce the Councils negative impact on biodiversity.

3. Scope of Biodiversity Net Gain Requirements

3.1 How much Biodiversity Net Gain is Expected?

The Environment Act (2021) sets out that all planning permissions (with some exceptions) will need to deliver at least 10% biodiversity net gain. It is expected that the mandatory requirement will come into place in Winter 2023. Once the date for the implementation of this is confirmed, this will be a national requirement for all relevant planning applications.

With exceptional pressures on the county’s biodiversity, action needs to be taken to turn around nature’s fortunes. The 10% requirement should be viewed as a minimum for development. Local Planning Authorities across Suffolk encourage all planning applications where net gain is a requirement to deliver a minimum of 10% biodiversity net gain in the interim..

Natural England's biodiversity net gain study (Vivid Economics, June 2018) considered the impacts on the economics and viability of development and concluded that a biodiversity net gain requirement was not expected to affect the financial viability of housing developments (up to 20% biodiversity net gain scenario).

Local Planning Authorities across Suffolk encourage all planning applications where 10% is a requirement to aim for higher biodiversity net gain where possible..

3.2 What Types of Applications does Biodiversity Net Gain Apply to?

For the purposes of this interim guidance authorities will be requesting at least 10% biodiversity net gain on all major development. During this interim period minor development will only be encouraged to deliver biodiversity net gain, it will not be a requirement.

The following table sets out the interim requirements for biodiversity net gain in Suffolk by application type. This is the agreed position until such time as the mandatory biodiversity net gain requirement comes into place in winter 2023.

	Residential development	Non-residential development	Local requirements
Major development	Where the number of dwellings to be provided is ten or more; OR where the number of dwellings to be provided is not known, a site area of more than 0.5 hectares.	The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more OR development carried out on a site having an area of one hectare or more. OR all full application for minerals and waste developments	All major development to provide measurable net gain, avoiding harm to existing biodiversity in accordance with the ecological mitigation hierarchy (see Section 4.4). A minimum 10% biodiversity net gain as measured with the most up to date version of the Defra Biodiversity Metric ¹ .
Minor development	Where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare; OR	Where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.	Not applicable. During this interim period minor development will not be required to deliver net gains for biodiversity. Developments which meet the published criteria may opt to use the most up to date version of the

¹ Some major sites may not be conducive to delivering biodiversity net gain onsite, for example where site characteristics may mean there is not the opportunity to deliver on site such as limited open space being provided on site in urban settings. In this instance Local Planning Authorities would consider off-site biodiversity net gain, provided a suitable project has been identified in agreement with the Local Planning Authority to deliver this.

	where the number of dwellings is unknown on a site area of less than 0.5 hectares		Defra Small Sites Biodiversity Metric (see Section 4.3).
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4. Building Biodiversity Net Gain into the Development Management Process

Considering biodiversity net gain at the initial stages of the development management process will help to achieve better outcomes for biodiversity and will avoid the need to retrofit biodiversity net gain measures at a late stage resulting in costly changes to design proposals.

4.1 Survey Work

The habitat survey and condition assessment used for the biodiversity net gain calculation must be undertaken by a competent person², in accordance with the published Technical Supplement for the metric being used (for Biodiversity Metric 3.1 this is currently Natural England Joint Publication JP039 Technical Supplement (<http://publications.naturalengland.org.uk/file/4679356076261376>)). A competent person should be able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken. Habitat surveys should be carried out to an equivalent standard set out in the CIEEM guidelines

Habitat surveys can be undertaken year-round, though it is important to note that the optimal survey season is considered to be April to September (inclusive) for most habitat types. Surveys outside of the optimal survey period should use a precautionary approach to assessing condition criteria which are not measurable at the time of year the survey is undertaken. Where such an approach is used in a biodiversity net gain calculation this should be described and justified in the planning application submission.

Justification for the categorisation of distinctiveness and condition of baseline habitats (with the aid of descriptions, photographs and species lists) should also be included within the survey report.

To enable the calculation of biodiversity units, data must be collected for both existing and proposed habitats, in accordance with the User Guide for the Biodiversity Metric to be used (for Biodiversity Metric 3.1 this is currently Natural England Joint Publication JP039 User Guide). It is important that habitat areas are measured as precisely as possible in order to ensure that an accurate calculation can be made.

4.2 Pre-emptive Site Clearance

Schedule 12 of the Environment Act (2021) deters against site clearance ahead of a planning application by allowing planning authorities to recognise any habitat

² A 'competent person' is defined as: being able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken. For a full metric application, the competent person should be an ecologist. However, in circumstances where the development fits with the criteria to use the Small Sites Biodiversity Metric it is not necessary for the metric to be completed by an ecologist but by someone who is competent to use that metric. Local Planning Authorities should verify that the person who has completed the metric fulfils this criteria and is suitably competent to be able to do so, as described in the metric User Guide.

degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain.

If it is clear that habitats on the site have been recently changed to their detriment, it will be necessary to make an informed assessment of what the best condition and distinctiveness of that habitat would have been, prior to the change. This will need to be justified to the Local Planning Authority and agreed by them.

4.3 Biodiversity Unit Calculation (Defra Biodiversity Metric)

Biodiversity net gain calculations must be made using the most up to date version of the Defra Biodiversity Metric available at the time the planning application is made. Use of an earlier version of the Defra Biodiversity Metric (for example in situations where the calculation and planning application have been prepared immediately before the release of a metric update) will only be acceptable where this has been agreed with the Local Planning Authority prior to the submission of the planning application.

The metric should be used early in the design process, in order to quantify and evaluate the impacts of different design options when there is more scope to influence design changes, such as retention of existing features, and achieve better ecological outcomes. The metric can be applied on an indicative basis and by adopting a precautionary approach when ascribing habitat condition and distinctiveness values. Any Biodiversity Net Gain Plan submitted must contain relevant up-to-date information. The Planning Authority may ask for this work to be updated if the data provide in the report is more than XXX months old.

4.4 Small Sites Biodiversity Metric

Developments which meet the published criteria may opt to use the most up to date version of the Defra Small Sites Biodiversity Metric. The Small Sites Biodiversity Metric must not be used to calculate offsite losses and gains, if offsite gains or losses are required the assessment must be carried out using the most up to date version of the main metric.

At the current time for a site to be eligible to use the Small Sites Biodiversity Metric it must meet the following published criteria:

- 1) Development sites where:
 - a) For residential developments, the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare.
 - b) The number of dwellings to be provided is not known, the site area is less than 0.5 hectares.
 - c) For all other development types where the site area is less than 0.5 hectares or less than 5,000sqm.
- 2) There is no priority habitat present within the development area (excluding hedgerows and arable margins).

Priority habitats, also known as Habitats of Principal Importance, are those listed by the JNCC under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006).

Every application including those which use the Defra Small Sites Biodiversity Metric will require a biodiversity gain plan. The full Excel small sites spreadsheet should be submitted and not just a screenshot.

4.5 Applying the Mitigation Hierarchy

The mitigation hierarchy constitutes a fundamental approach to development and is a pre-requisite for biodiversity net gain. Developers should demonstrate their efforts to follow the mitigation hierarchy within the biodiversity gain plan (see section above). Each step down the hierarchy must be valid and necessary.

The mitigation hierarchy already exists as a guiding principle to development in paragraph 180 of the National Planning Policy Framework (2021). The principles of the mitigation hierarchy are:

Avoid: Site layouts should avoid impacts on existing biodiverse habitats through site selection, by designing buildings and infrastructure around them and retaining as much as possible. Biodiversity net gain is easier to achieve where habitat impacts are avoided due to the way that risks associated with habitat creation or enhancement are accounted for in the Biodiversity Metric.

Mitigate: Where it is not possible to avoid impacts, the developer should explore ways of reducing or minimising the impact on the site layout.

Compensate: This would see any lost habitat areas recreated. This approach sits at the bottom of the mitigation hierarchy and is the least favoured approach.

It must also be recognised that not all habitats can be re-created, such as ancient woodland, which are considered to be irreplaceable.

4.6 Onsite Habitat Provision

All new development should seek to deliver biodiversity net gain on-site within the red line application boundary in the first instance.

Considering biodiversity net gain at the early stages of the design process will help to achieve better outcomes for biodiversity and will avoid the need to retrofit biodiversity net gain measures at a late stage resulting in costly changes to design proposals. The Biodiversity Metric can be used early in the design process, to quantify and evaluate the impacts of different design options.

In accordance with the Lawton principles³ and for meaningful contributions to nature recovery, biodiversity net gain actions should seek to support bigger, better and more

³ In 2010, Professor John Lawton presented a report to the UK Government, called '[Making Space for Nature](#)'. The report called for the creation of a healthy ecological network operating across the landscape as a whole. This approach is integral to the Environment Act (2021).

joined up habitat, safeguarding and enhancing habitat connectivity locally and at a wider landscape-scale. For example:

- Repair and restore – missing links such as hedgerows.
- Expand existing habitats – is there habitat adjacent to the site which could be expanded to improve its functionality?
- Buffer habitats – woodland adjoining a site could be expanded and buffered with a grassy woodland edge.
- Don't create islands – All habitat that is retained, enhanced, and created is expected to have suitable and meaningful connectivity to the wider ecological network.
- Re-nature – habitat that has been heavily modified, such as culverted watercourse, could be opened to function by natural processes and create valued habitat and connectivity.

Biodiversity net gain proposals should be realistic in terms of delivering biodiversity. In most situations only relatively simple low-maintenance habitats should be targeted within the development site to ensure that the proposed habitats are deliverable in the long-term. Simple and robust habitat types that are relatively easy to create and maintain can still deliver good biodiversity value. The choice of habitat types will depend on the soils, drainage and aspect on the site, and will still need to be informed by professional judgement and with due consideration to the local landscape character.

Examples of habitat types likely to be deliverable on most development sites include:

- Deciduous plantation woodland;
- Hedgerows;
- Ponds (depending on geology and drainage);
- Scrub;
- Medium distinctiveness grasslands can be established and managed on some sites, but this is very dependent on the availability of appropriate management (e.g. tussocky grassland and flowering lawns);
- Scattered native trees;
- Orchards.

4.7 Offsite Habitat Provision / Local Nature Recovery Strategies

All Local Planning Authorities are waiting for the Government to set out the details of how certain factors such as conservation covenants, biodiversity credits schemes and other mechanism mentioned below will be set up, regulated and managed so this must be considered as an interim position, pending the publication of further government regulations.

We believe, however, that the principles set out below are sound but it is likely that there may be some changes, revisions and explanations as and when the guidance is fully available.

In the meantime, it is clear that off-setting or any other off-site mitigation, compensation and enhancement will be the very last resort for an applicant.

We anticipate that, in the first instance, a developer will explore all options to avoid harm to biodiversity on the site in question.

Only once all options to reduce loss, harm or damage of existing biodiversity on site have been considered (and thoroughly reviewed after consulting the Local Planning Authority Ecologist) should a developer consider off-site biodiversity net gain delivery.

Nothing set out in this section diminishes the requirement to have regard to all existing legislation relating to wildlife and habitats.

Key Principles:

- In the first instance, developers should ensure that the development site itself provides the required habitat to deliver biodiversity net gain.
- If this is impossible (which is only decided after consultation with the Local Planning Authority) the developer may find a local landowner willing and able to provide suitable land in perpetuity (a minimum of thirty years) and agrees suitable payment with that land provider.
- Developers may be able to approach a facilitator (such as a local Wildlife Trust) or broker but the mechanisms for doing this have not yet been put in place.
- It is possible that a Local Planning Authority may be able to take a payment to deliver biodiversity net gain on land owned or managed by them (for example, a country park or some other habitat that requires investment to deliver wildlife benefits commensurate with the biodiversity net gain identified and required).
- When mechanisms are in place, it may be possible (subject to agreement with the Local Planning Authority) for a developer to buy biodiversity units for a (future) Suffolk Biodiversity Net Gain Habitat Bank.
- Small developments (such as single building constructions) may also be able to contribute to the above or to a future Suffolk Net Gain Scheme.
- As a likely last resort, a developer may be required to buy biodiversity units from the National Biodiversity Credits Scheme. This has not yet been set up, but it is warned that such purchases will be more expensive than other options.

In every case, the agreements to deliver biodiversity net gain will be approved by the Local Planning Authority's Ecologist and must be secured by a suitable legal agreement (such as for example, S. 106 Agreements or conservation covenants) in perpetuity (considered a minimum of thirty years).

In determining sites for off-site biodiversity net gain delivery, regard must be given to the following:

- Has the site been fully and appropriately surveyed to understand the existing biodiversity?

- Does the site deliver the potential for Priority Habitat restoration or creation?
- Will the site reinforce the existing network of wildlife corridors?
- Will public access be permitted?

Early engagement with the Local Planning Authority is essential to ensure that the proposal meets the current legislation, regulations and guidance.

4.8 Local Nature Recovery Strategies

The Suffolk Local Nature Recovery Strategy (LNRS) is a mandatory county-wide mechanism to help deliver the ambition of a national Nature Recovery Network (NRN).

The Environment Act (2021) contains a specific duty on all public authorities to have regard to relevant LNRS. LNRS will act as a signpost to co-ordinate nature recovery delivery, including where to deliver off-site biodiversity net gain when it is required. The expectation is that they will help to reverse the decline of biodiversity and deliver wider environmental benefits.

Suffolk County Council has been provisionally notified that it will be the responsible authority. Responsible authorities are waiting for the Government to shape regulations and guidance. In the interim the County Council is actively progressing the following work streams:

- A governance structure in Suffolk via the Suffolk Climate Change, Energy and Environment Board;
- Identifying key stakeholders and partners in the LNRS preparation process, e.g., Local Nature Partnerships, other local authorities, local environmental non-governmental organisations (eNGOs) and stakeholders beyond the usual 'green' table e.g. healthcare sector;
- Starting the work with Local Planning Authorities and eNGO's to share knowledge and align planners with ecologists;
- Starting initial work on a stakeholder engagement plan; and
- Continuing to work with local Natural England senior advisor.

Prior to implementation of LNRS local authorities can use other local strategies to inform offsite targeting, such Green Infrastructure strategies and biodiversity opportunity mapping. The Suffolk authorities will publish interim guidance to inform offsite targeting and determine 'strategic significance'.

4.9 What is Required to Support a Planning Application?

A planning application will need to be supported by a biodiversity gain plan. The contents of the biodiversity gain plan will vary dependent on the type of planning application. The Chartered Institute of Ecology and Environmental Management (CIEEM) has published [Biodiversity Net Gain Report and Audit Templates](#) which are intended to provide a framework for writing reports for projects that are aiming to achieve biodiversity net gain in the interim period ahead of the mandatory requirement.

For all Outline planning applications, the information should follow the recommendations of the CIEEM Biodiversity Net Gain Feasibility Report Template and include:

- Baseline data collection and assessment of current conditions on site including a Habitat Baseline Plan showing where the habitat units occur (and GIS layer);
- A commitment to the mitigation hierarchy and evidence of its application to maximise benefits to biodiversity;
- Provision of the most up to date version of the full Excel metric spreadsheet showing the baseline calculations for the development site;
- Recommendations and/or proposals for how biodiversity net gain will be delivered on site, including GIS layers and calculations on the metric spreadsheet; and
- Outline management and monitoring measures.

For full or reserved matters planning applications, the information should follow the recommendations of the CIEEM Biodiversity Net Gain Design Stage Report Template and include:

- Baseline data collection and assessment of current conditions on site including a Habitat Baseline Plan showing where the habitat units occur (and GIS layer);
- A commitment to the Mitigation Hierarchy and evidence of its application to maximise benefits to biodiversity;
- Provision of the full biodiversity net gain excel spreadsheet calculations (using the most up to date version of the metric), with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Design details which must be supported by a Proposed Habitats Plan (habitats lost enhanced and created);
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation; and
- Details of the monitoring and auditing measures.

The requirements for biodiversity net gain do not replace or undermine existing habitat and species protection for protected sites or irreplaceable habitats, or for existing requirements for ecological assessments and species surveys. Decisions relating to habitats or species subject to statutory protection under national legislation and local policy remain subject to those requirements. Similarly, impacts to irreplaceable habitats shall be considered outside the biodiversity net gain system.

5. Biodiversity Net Gain Monitoring

The Councils are working towards a situation where habitats created as part of biodiversity net gain will be maintained for a minimum of 30 years and secured at the planning permission stage.

During construction and for a 30-year period following this, monitoring will be implemented to ensure that all on and/or off-site biodiversity net gain is delivered to the required condition. Reporting of findings to the Local Planning Authority will be required.

Monitoring and reporting is the responsibility of the developer and should be set out in the biodiversity gain plan. The monitoring will be secured through the grant of planning permission through planning conditions and obligations. As a minimum, monitoring reports should include a summary of habitat type, extent, and condition (with a comparison where applicable against the expected condition proposed in the biodiversity gain plan). It is expected as a minimum, that a '5 year aftercare' report focusing on the establishment of the habitat in years 1-5 will be submitted alongside monitoring assessments submitted in years 2, 5, 10, 20 and 30. .

A monitoring fee may need to be secured. Where this is with the developer it may likely be through a Section 106 agreement. Where it is with an offset provider it may be through a Section 39 agreement of the Wildlife and Countryside Act, or a conservation covenant. If it is with a broker a different type of legal contract may be required.

6. Protected and Priority Species

There are currently 262 priority species and 23 priority habitats in Suffolk, this information is frequently assessed and updated please ensure you are referring to the latest version of the document. Protected and priority species require consideration that accords with their level of statutory and policy protection, separate to the habitat assessment that forms part of the Biodiversity Metric. If development impacts on protected or priority species can be mitigated, the mitigation will not contribute towards biodiversity net gain.

7. Glossary of Terms

Term	Definition
Avoidance	Measures taken to avoid creating impacts from the start. For example, changing the location of the development or development activities within the site to avoid the habitats present.
Biodiversity net gain	Biodiversity net gain is development that leaves biodiversity in a measurably better state than before.
Biodiversity offset	Biodiversity offsets are conservation activities that are designed to give biodiversity benefits to compensate for losses - ensuring that when a development damages nature (and this damage cannot be avoided or mitigated) new nature sites will be created. Where appropriate, biodiversity offsetting is an option available to developers to fulfil their obligations under the planning system's mitigation hierarchy.
Compensation	Measures taken to provide a biodiversity contribution that is proportionate to the long-term loss of residual impacts that cannot be completely avoided or minimised.
Conservation covenants	An agreement between a landowner and a designated "responsible body" such as a conservation charity, public body or for-profit body which conserves (protects, restores or enhances) the natural or heritage features of the land. It is a private, voluntary agreement made for the public good, which can continue to be effective even after the land changes hands.
Ecological network	An ecological network comprises a suite of high quality sites which collectively contain the diversity and area of habitat that are needed to support species and which have ecological connections between them that enable species, or at least their genes, to move.
Ecosystem services	Ecosystem services are the services that nature provides to people. They range from reducing flood risk to providing opportunities for recreation.
Habitat creation	The removal or the loss of the present habitat in the action of creating the new one or creating habitat where none was previously present (including bare ground). This includes, for example, removing scrub in order to create a wetland habitat or removing hardstanding to create new grassland habitat.
Habitat enhancement	The improvement of the condition of an existing habitat, thereby increasing the biodiversity value of a habitat type. Enhancement is achieved through measures that improve habitat biodiversity capacity and/or remove factors that detract from its value. This includes increasing the diversity of species that can be supported by a habitat, for example by managing improved

	grassland so that it becomes semi-improved grassland, which would seek to increase species diversity.
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 1,000m ² 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.
Mitigation hierarchy	The Mitigation Hierarchy constitutes a fundamental approach to development and is a pre-requisite for biodiversity net gain. The principles of the mitigation hierarchy are – ‘avoid’, ‘mitigate’ and ‘compensate’. It must also be recognised that not all habitats can be re-created, such as ancient woodland, which are considered to be irreplaceable. For more detail see Section 4.5 Applying the Mitigation Hierarchy.
Natural capital	Natural capital is a term for the habitats and ecosystems that provide social, environmental and economic benefits to humans.
Suitably qualified ecologist	An individual who: <ol style="list-style-type: none"> 1) holds a degree or equivalent qualification (e.g. N/SVQ level 5) in ecology or a related subject; 2) is a practicing ecologist, with a minimum of three years relevant experience (within the last five years); and 3) is covered by a professional code of conduct and subject to peer review, including the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct.
Trading down	The Defra Biodiversity Metrics categories habitat into ‘distinctiveness’ categories based on their biodiversity value. To protect the existing biodiversity value, all Defra biodiversity metrics require there to be no ‘trading down’ of habitat distinctiveness.

8. Appendices

Biodiversity Net Gain Checklist for Applicants

This can be used for all applications within scope of biodiversity net gain as set out in this guidance note. For further information on the points below, please refer back to the guidance.

If any of the answers to these questions are 'no' then the applicant will need to provide the missing information to the local planning authority.

Please note this checklist is for use as an aide-mémoire and is not exhaustive.

Biodiversity Net Gain Documents Required

Have the correct supporting documents been submitted as required by this guidance note?

- Biodiversity gain plan
- Map(s) of the site, and maps showing any biodiversity net gain which is to be provided offsite
- Excel and .pdf copy of the completed relevant metric (most up to date version)
- Habitat/ecology survey

Biodiversity Gain Plan

- Has it been clearly set out how harm has been avoided following the mitigation hierarchy?
- Is there a pre-development biodiversity value score?
- Is there a post-development biodiversity value score given?
- If offsite biodiversity net gain is going to be provided, is the nature of this, including its value given?

Measuring Biodiversity Net Gain

- Has a measurement of biodiversity net gain been provided?
- If the Defra Biodiversity Metrics have been used, is it the correct type and version? As per section 3.2 of this guidance note?
- Is a % biodiversity net gain proposed?
- Are all habitats in the red line boundary accounted for?
- Have the reasons for the condition scores been set out, in accordance with the Defra guidance?
- Are there high distinctiveness habitats proposed for creation/enhancement? If so, is there sufficient evidence to support this?
- Is a high level or more than one-step change in condition proposed? If so, is there sufficient evidence to support this?

- Is the strategic significance consistent with the relevant strategy/guidance document?
- Has trading downs been avoided?
- Proposals do not include irreplaceable habitats which should be addressed separately?
- Proposals do not include national or international sites which should be addressed separately?
- Proposals do not include bird boxes/bat boxes and similar as they do not count toward biodiversity net gain?
- Any measures to mitigate or compensate for harm have not been included in the biodiversity net gain score?

Habitat Survey / Ecology Assessment

- Is the appropriate type of survey/assessment submitted for the type of metric?
- If Small Sites Biodiversity Metric – has the assessment been completed by a ‘competent person’ defined as someone who is ‘confident identifying habitats present before development and identifying the land management requirements for habitats which will be created or enhanced’? This person does not need to be a qualified ecologist.
- Is completed using the most up to date version of the Biodiversity Metric available on the Government website - has the assessment been completed by a suitably qualified ecologist⁴?

Maps

- Is a baseline habitat map, showing the parcels of land corresponding to the metric, provided? (GIS layer)
- Is a proposed biodiversity net gain habitat map, showing the parcels of land corresponding to the metric, provided? (GIS layer)

Management

- Has information been provided to clearly show how the proposed biodiversity net gain habitats will be implemented, managed, and monitored (for a minimum of 30-years)?

⁴ 'Suitably Qualified Ecologist' is defined as an individual who:

- 1) holds a degree or equivalent qualification (e.g. N/SVQ level 5) in ecology or a related subject;
- 2) is a practicing ecologist, with a minimum of three years relevant experience (within the last five years); and
- 3) is covered by a professional code of conduct and subject to peer review, including the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct.

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Heritage Asset Review Group

Notes of the meeting held on 10 March 2023

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Present

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

In attendance

Jason Brewster – Governance Officer, Kayleigh Judson – Heritage Planning Officer and Cally Smith – Head of Planning

1. Notes of HARG meeting held on 16 December 2022

The notes of the meeting held on 16 December 2022 were received. These had been submitted to the Planning Committee on 03 February 2023.

2. Historic Environment Team progress report

The Heritage Planning Officer (HPO) presented the report providing an update on progress with key items of work by the Historic Environment Team between the end of 17 December and 10 March 2023.

Conservation areas – update

The HPO confirmed that the initial draft of the Halvergate and Tunstall Conservation Area appraisal had been circulated for review by Broadland District Council and Halvergate and

Tunstall Parish Council. Both bodies had indicated their support for the appraisal and their feedback had been incorporated into the document.

The HPO indicated that the next stage of the Halvergate and Tunstall Conservation Area appraisal was to make it available for public consultation. The HPO recommended that the HARG should approve the draft Halvergate and Tunstall Conservation Area Appraisal and proposed additions to the Local List (Appendix 1) for public consultation.

Tim Jickells proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved by 6 votes for and 1 abstention to approve the public consultation of the draft Halvergate and Tunstall Conservation Area Appraisal and proposed additions to the Local List (Appendix 1).

Listed buildings – Quinquennial survey

The Heritage Planning Officer (HPO) provided an update on listed buildings surveyed since the last meeting at Hardley, Loddon and Norton Subcourse with photographs of various buildings included in the presentation.

External assessments had been performed of Church Farmhouse (Hardley), Hall Green Farmhouse (Loddon), Thatched House Farmhouse and Walnut Farmhouse (Norton Subcourse). All these Grade II listed buildings were deemed to be in good condition although a gable end of Walnut Farmhouse was revealing the brickwork under the rendering and the HPO indicated that the owners would be notified of this matter.

The Historic Environment Team (HET) had visited the Church of St Gregory, Heckingham and this structure was deemed to be in good condition. The HPO highlighted the Church's ornate Norman doorway and the unusual tombstones underfoot, that each included a carved figurative skull (both items of interest illustrated by a slide).

The HET had visited the Church of St. Margaret, Hardley which was noted for a painted consecration cross and a large St. Christopher. The Chair indicated that his father had been the clergyman of this church and he believed his father and the church warden might have painted over the St. Christopher image when it had begun to re-appear through the limewash to avoid the ongoing cost of maintaining this historical artefact (the Chair has since confirmed this recollection to be true). The HPO indicated that there were signs of damp on an internal wall, a large crack in the masonry on the lower part of the wall and black mould visible. On further investigation the corresponding external wall had vegetation growing on it and an adjoining buttress was shadowing the wall. The door to the church was showing signs of wear and tear with a crack visible at the top of the door along the centre cover fillet. The HPO confirmed that these problems would be reported to the relevant church diocese. The HPO noted that each church diocese was responsible for performing their own quinquennial survey of church owned listed buildings.

Water, Mills and Marshes - update

The Heritage Planning Officer (HPO) provided an update on the Water, Mills and Marshes (WMM) project and included a location map for Muttons Mill, photos of Muttons Mill and Strumpshaw Steam Engine House.

Work at Muttons Mill had managed to progress, due to an unusually dry winter, and the focus was on the stock and sails in preparation for their erection in late spring. Despite the prolonged access over the winter the scaffolding would be required for an extra month. The track was very rutted, as indicated by the accompanying slide, and the HPO indicated that the track would be repaired before this work was concluded.

The HPO reported that the planning application associated with the repair of the drainage channel at Strumpshaw Steam Engine House would be included at Planning Committee 31 March 2023. The HPO explained that the repair would restore the brickwork, damaged by flood water January 2022, that demarcated the drainage channel leading from the engine house to the river Yare. The HPO explained that the water leaving the engine house would be directed through a pipe which would be buried within the channel. The channel would have a headwall installed, in-line with the flood defences, and the outflow pipe would extend up and over the headwall. This repair would maintain the operation of the drainage mill, remove the risk of people or wildlife falling in the drainage channel and reduce the risk to the engine house posed by tidal flooding. The HPO indicated that once this work was complete the engine house would be able to open to the public.

Matters for information

Potter Heigham Bridge

The Heritage Planning Officer (HPO) reported that Potter Heigham Bridge had been closed to traffic since January due to a hole appearing in the road surface. This structure was a scheduled monument and a Grade II* listed building. As a scheduled monument it was the responsibility of Historic England (HE) to lead on any consents required to repair the bridge. The bridge itself was the responsibility of Norfolk County Council (NCC) and they were in discussions with HE, amongst others.

The Head of Planning (HoP) indicated that the repair work to the road surface, following scheduled monument consent from HE, would be completed during May 2023. Repairs to the brickwork were necessary and these would require access to the bridge from the river. This work was expected to extend over the summer. The HoP expected NCC (and HE) to consult the Broads Authority regarding the timing and duration of closures to the bridge navigation.

The closure of the bridge had prompted local debate as to the future status of vehicular access to it. Potter Heigham Parish Council had organised a public meeting for Tuesday 21 March and the Broads Authority would be in attendance.

The Chair provided further background to the situation and was interested to know whether the Authority would express an opinion at the public meeting. The HoP responded that it would be premature for the Authority to indicate a preference. The public meeting had been promoted as an opportunity for people and businesses within the local area to express their

views. If NCC intended to amend the vehicular access to the bridge from its current designation then they would need to conduct a feasibility study. The HoP explained that this would involve a wider consultation of various interested bodies including the Authority and it might be appropriate to express an opinion at that time.

Converted K6 Telephone Information Box at Thurne Staithe

The Heritage Planning Officer (HPO) reported that the Authority had adopted a K6 telephone box at Thurne Staithe. The HPO explained that British Telecom had initially offered the box to the local Parish Council and they declined the offer as they could not see a use for it. The Broads Authority adopted the box for £1 and had converted it into a mini Broads information centre; an information board and a sound box (with bird song) had been installed.

The Chair expressed his support for the conversion and recommended the Authority take advantage of any future opportunities of this nature.

Application determined under delegated powers for information and interest - Rivercroft Cottage, Wroxham (BA/2022/0386/LBC)

The Heritage Planning Officer (HPO) presented an approved application, under delegated powers, for the Grade II listed dwelling Rivercroft Cottage to carry out remedial works to the fabric of the property at ground floor level. The presentation included location maps, reference to the property on tithe and first edition Ordnance Survey (OS) maps, various photographs of the interior and exterior of the property and a floorplan of the ground floor development.

The HPO explained that this property was one of the first properties to be established in the area as demonstrated by the tithe and first edition OS maps. The property was located within a dip in the landscape which resulted in surface water from surrounding draining towards the

Surface water from the surrounding area drained towards the property due to it being located within a hollow in the landscape. This problem had been compounded by:

- The proximity of the property to the river and an associated increasing risk from tidal flooding.
- The high water table within the location.
- The influx of new properties in the surrounding area, increasing surface water runoff.

These factors had resulted in situations where the lounge, located at the lowest point in the property, could have up to 5cm of water covering the floor. The frequency of these water ingress events had prevented the building from drying out and, as a result the lounge was uninhabitable.

To address the ongoing damage to the fabric of the building at ground level the application proposed some remedial and repair work.

The remedial work included the installation of a 'platon' membrane to effectively create a room within a room. This solution was proposed to deal with the extremely high moisture levels and was usually applied in the context of a basement. This solution would effectively

create an impervious barrier as was usual in modern building construction and would not ordinarily be advisable in a listed structure of this date. For this reason, the Society for the Protection of Ancient Buildings (SPAB) had initially objected to the proposal. Once the agent had provided more information the SPAB removed their objection.

The HPO believed the proposed development was a pragmatic mix of traditional repair work and modern forms of damp proofing and would ensure the property remained habitable.

Members expressed their support for the decision taken.

3. Any other business

None raised.

4. Date of next meeting

The next HARG meeting would be held on Friday 16 June 2023.

The meeting ended at 11:14am.

As this meeting was hosted at Lowestoft Museum within Nicholas Everitt Park after the meeting members had the opportunity to partake in the following activities:

- The Chair of the Museum Trustees provided members with a tour of the Museum.
- Members viewed the Banksy artwork “We’re all in the same boat” at Landspring Drain within Nicholas Everitt Park
- Members visited Mutford Lock and had a guided tour, provided by the Bridge Master, of the associated road and pedestrian swing bridges including the control room and road bridge bascules.

Signed by

Chair

Planning Committee

28 April 2023

Agenda item number 14

Appeals to the Secretary of State update

Report by Senior Planning Officer Summary

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
APP/E9505/W/22/3291736 BA/2021/0244/FUL	Messrs T.A. Graham	Appeal received by the BA on 31 January 2022 Appeal start date 22 June 2022	The Shrublands, Grays Road, Burgh St Peter	Appeal against refusal of planning permission: Proposed retention of timber tepee structure and use as glamping accommodation as farm diversification scheme.	Delegated Decision 31 August 2021 LPA statement submitted 27 July 2022

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
APP/E9505/W/22/3291822 BA/2021/0253/COND	Mr P Young	Appeal received by the BA on 1 February 2022 Appeal start date 1 July 2022	Marshmans Cottage, Main Road A1064, Billockby Fleggburgh	Appeal against refusal of planning permission: Revised width of building and change use of loft space, variation of conditions 2 and 7 of permission BA/2020/0083/HOUSEH	Delegated Decision 7 December 2021 LPA statement submitted 5 August 2022
APP/E9505/W/22/3292450 BA/2021/0239/FUL	Mr Gavin Church	Appeal received by the BA on 9 February 2022 Appeal start date 30 June 2022	Priory Cottage St. Marys Road, Aldeby	Appeal against the refusal of planning permission: Use of land for siting 4 No. Bell Tents and 4 No. wash sheds with compostable toilets (retrospective)	Delegated Decision 24 August 2021 LPA statement submitted 2 August 2022
APP/E9505/W/22/3294205 BA/2021/0211/FUL	Mr Alan Gepp	Appeal received by the BA on 8 March 2022 Appeal start date 1 July 2022	Broadgate, Horsefen Road, Ludham	Appeal against the refusal of planning permission: Change of use to dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension.	Committee Decision 8 February 2022 LPA statement submitted 5 August 2022

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
APP/E9505/W/22/3295628 BA/2022/0022/FUL	Mr Matthew Hales	Appeal received by the BA 28 March 2022 Appeal start date 22 July 2022	Clean & Coat Ltd, 54B Yarmouth Road Thorpe St Andrew	Appeal against Condition 4, imposed on planning permission BA/2022/0022/FUL	Delegated decision 25 March 2022 LPA statement submitted 25 August 2022
APP/E9505/C/22/3301919 BA/2022/0023/UNAUP2	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
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

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
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/2021/0193/HOUSEH APP/E9505/D/22/3307318	Dr Peter Jackson	Appeal received by the BA on 22 September 2022 Awaiting start date	4 Bureside Estate, Crabbetts Marsh, NR12 8JP	Appeal against refusal of planning permission: Erection of fence	Delegated Decision 29 July 2022
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/2022/0112/HOUSEH APP/E9505/D/22/3309270	Alan and Joyce Hobbs	Appeal received by the BA on 18 October 2022 Awaiting start date	Bridge Farm, Main Road, Acle Bridge, NR13 3AT	Appeal against refusal of planning permission: Erection of a dormer window and external balcony to domestic outbuilding including external staircase (Retrospective).	Delegated Decision 26 July 2022
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 Awaiting start date	Shoals Cottage, The Shoal, Irstead	Appeal refusal of planning permission to change approved roof materials.	Delegated decision 15 November 2022

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0144/FUL APP/E9505/W/22/3313528	Mr B Wright	Appeal received by the BA on 20 December 2022 Awaiting start date	East End Barn, Annexe, East End Barn, Aldeby	Appeal against refusal of planning permission to change the use of a residential annex to holiday let.	Delegated decision 5 July 2022
BA/2023/0001/ENF APP/E9505/C/23/3316184	Mr R Hollocks & Mr J Render	Appeal received by the BA on 6 February 2023 Awaiting start date	Beauchamp Arms, Ferry Road, Carleton St Peter	Appeal against enforcement notice- occupation of caravans	Committee decision 9 December 2022

Author: Cheryl Peel

Date of report: 17 April 2023

Background papers: BA appeal and application files

Planning Committee

28 April 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 20 March 2023 to 14 April 2023 and Tree Preservation Orders confirmed within this period.

Recommendation

To note the report.

Parish	Application	Site	Applicant	Proposal	Decision
Barsham And Shipmeadow Parish Council	BA/2023/0046/HOUSEH	Manor Farm Cottage Low Road Shipmeadow Suffolk NR34 8HP	Mr T Spittles	First floor rear extension	Approve Subject to Conditions
Barsham And Shipmeadow Parish Council	BA/2022/0373/FUL	Nunnery Farm Locks Lane Shipmeadow Suffolk NR34 8HJ	Mr Mick Drake	Installation of 2no. biomass boilers, associated flues and drying kilns	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Barton Turf And Irstead Parish Council	BA/2023/0073/COND	Marsh House Hall Road Barton Turf Norfolk NR12 8AR	Mr And Mrs Wright And Skinner	Changes to approved plans, variation of condition 2 of permission BA/2021/0245/HOUSEH	Approve Subject to Conditions
Bradwell Parish Council	BA/2023/0064/FUL	Humberstone Farm Mill Road Great Yarmouth Norfolk NR31 0AY	Mr Ivan Vincent	Proposed cladding and entrance changes to Class E approved building	Approve Subject to Conditions
Broome Parish Council	BA/2023/0051/COND	The Silo, Unit 2 Pirnhow Street Ditchingham Norfolk NR35 2RU	Mr Alex Hammond	Re-positioning of glass door/window, provision of a ventilation chimney, and addition of coffee roasting machine, variation of conditions 2 and 6 of permission BA/2021/0392/FUL	Approve Subject to Conditions
Bungay Town Council	BA/2023/0014/FUL	46 Bridge Street Bungay Suffolk NR35 1HD	Ms Sarah Brown	Change of use of half of the building from storage to residential incl rooflights and windows	Approve Subject to Conditions
Burgh Castle Parish Council	BA/2023/0040/FUL	The Lodge Church Farm Church Road Burgh Castle Norfolk NR31 9QG	Christophi	Demolition of existing property and construction of new two storey dwelling and associated garage	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Ditchingham Parish Council	BA/2022/0195/FUL	Builders Store Falcon Lane Ditchingham NR35 2JG	Mr Daniel Cox- Parker	Proposed conversion of existing barn to a short term holiday let.	Approve Subject to Conditions
Horning Parish Council	BA/2022/0434/HOUSEH	Mill Bungalow Thurne Dyke Ludham Norfolk	Ms Kate Warwick	Replace 28m of quay-heading (retrospective)	Approve Subject to Conditions
Loddon Parish Council	BA/2023/0033/FUL	Loddon Campsite And Marina 12 Bridge Street Loddon Norfolk NR14 6EZ	Mr Lee Jackson	Toilet & shower block	Approve Subject to Conditions
Stokesby With Herringby Parish Council	BA/2023/0079/APPCON	Land Adjoining Tiedam Mill Road Stokesby With Herringby Norfolk	A.W. Plant Services Ltd	Details of Condition 3: details of facing bricks, rooftile and hard landscaping of permission BA/2021/0181/FUL	Approve
Thorpe St Andrew Town Council	BA/2023/0071/NONMAT	Public Conveniences Yarmouth Road Thorpe St Andrew Norwich Norfolk	Mr Thomas Foreman	Change of window type from aluminium to anthracite grey on white upvc window. Removal of wall reveal next to office entrance. Non material amendment to permission BA/2017/0429/FUL	Approve

Parish	Application	Site	Applicant	Proposal	Decision
Thorpe St Andrew Town Council	BA/2023/0010/LBC	12 Manor Lodge Yarmouth Road Thorpe St Andrew Norwich Norfolk NR7 0EF	Mr Jeremy Clarke	Replacement 1st floor ceilings and opening of blocked window	Approve Subject to Conditions

Author: Cheryl Peel

Date of report: 17 April 2023