

# Planning Committee

## Agenda 13 September 2024

10.00am

The King's Centre, 63-75 King Street, Norwich, NR1 1PH

John Packman, Chief Executive – Friday 06 September 2024

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 (see [Appendix 1](#) to the Agenda for guidance on your participation having declared an interest in the relevant agenda item)
3. **To receive and confirm the minutes of the Planning Committee meeting held on 16 August 2024** (Pages 4-14)
4. To note whether any items have been proposed as matters of urgent business
5. Chairman's announcements and introduction to public speaking  
Please note that public speaking is in operation in accordance with the Authority's [Code of Practice for members of the Planning Committee and officers](#).
6. Request to defer applications included in this agenda and/or vary the order of the agenda

### Planning and enforcement

7. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
  - 7.1. BA/2023/0214/FUL and BA/2023/0215/LBC Toft Monks Mill, Haddiscoe Island  
(Pages 15-54)
8. **Enforcement update** (Pages 55-62)  
Report by Head of Planning

## Policy

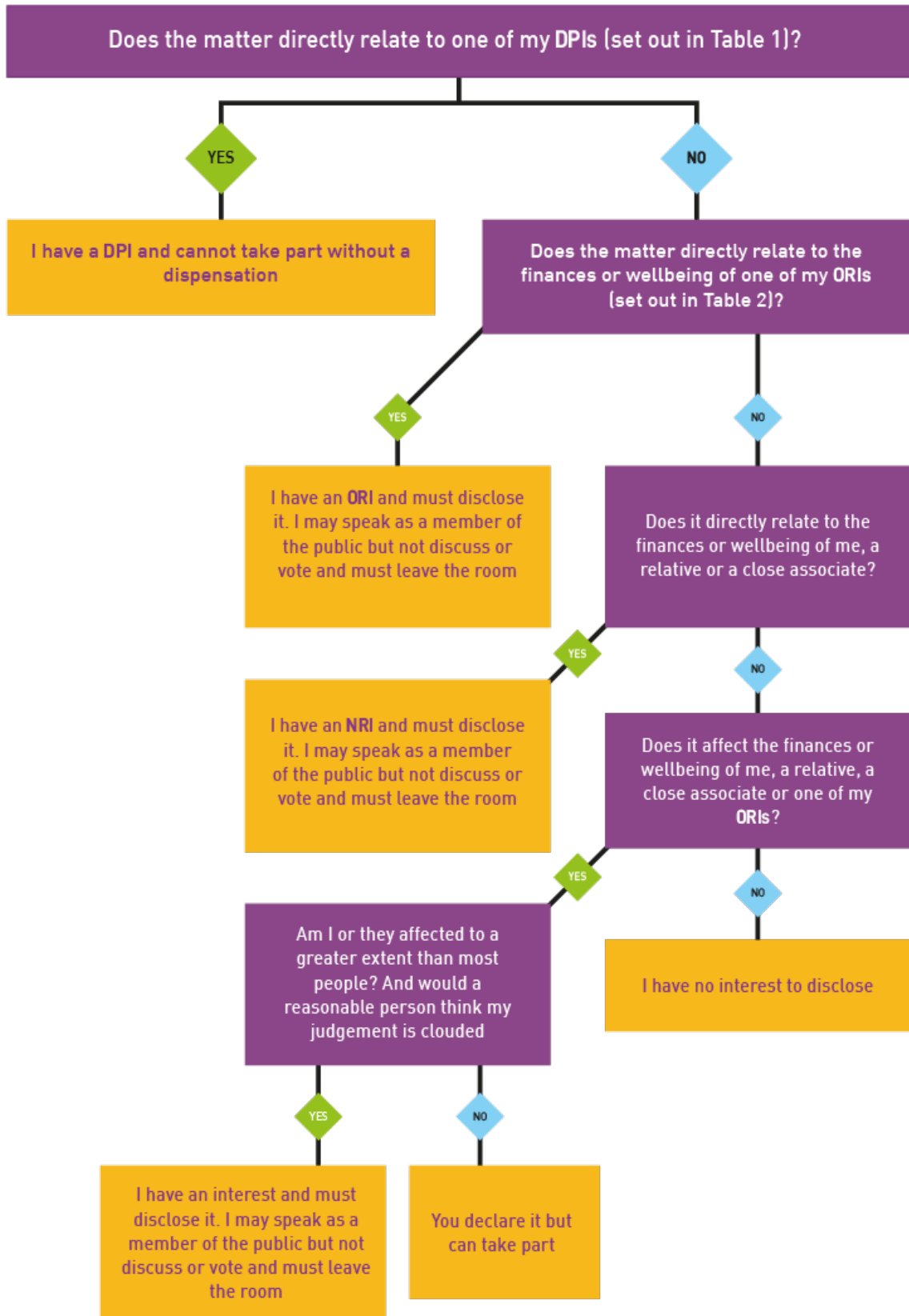
9. **Consultation responses** (Pages 63-67)  
Report by Planning Policy Officer
10. **Local Plan - Preparing the Publication Version** (Pages 68-229)  
Report by Planning Policy Officer
11. **Proposed new NPPF - briefing and proposed response to the consultation**  
(Pages 230-246)  
Report by Planning Policy Officer

## Matters for information

12. **Appeals to the Secretary of State update** (Pages 247-250)  
Report by Head of Planning
13. **Decisions made by Officers under delegated powers** (Pages 251-253)  
Report by Head of Planning
14. **To note the date of the next meeting – Friday 11 October 2024 at 10.00am at The King’s Centre, 63-75 King Street, Norwich, NR1 1PH**

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

# Appendix 1 – Extract from the Local Government Association Model Councillor Code of Conduct



# Planning Committee

## Minutes of the meeting held on 16 August 2024

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## Present

Harry Blathwayt – in the Chair for item 1

Tim Jickells – in the Chair (for item 2 onwards) Stephen Bolt, Andrée Gee, Tony Grayling, Martyn Hooton, Matthew Shardlow, Vic Thomson, Melanie Vigo di Gallidoro and Fran Whymark.

## In attendance

Natalie Beal – Planning Policy Officer, Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer, Jane Fox – Planning Officer, Stephen Hayden – the Authority’s Arboricultural Adviser (item 11), Ruth Sainsbury – Head of Planning, Callum Sculfor – Assistant Planning Officer, and Lorraine Taylor – Governance Officer.

## Members of the public in attendance who spoke

Member of the public Ms Jodi Bromley, as applicant and Margaret Shelley, as agent for item 9.2, BA/2023/0436/FUL – Three Rivers Camp Site, Station Road, Geldeston.

## 1. Apologies and welcome

The Chair welcomed everyone to the meeting.

**Apologies** were received from James Harvey, Kevin Maguire and Leslie Mogford.

### 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. Appointment of Chair

Tim Jickells was proposed by Harry Blathwayt and seconded by Melanie Vigo di Gallidoro.

Fran Whymark was proposed by Vic Thomson and seconded by Martyn Hooton.

Ballot papers were distributed, collected and counted by the Governance Officers present.

**It was resolved by 7 votes to 3 to appoint Tim Jickells as the Chair of the Planning Committee for the forthcoming year 2024/25.**

Tim Jickells took the Chair and thanked the Members and said that he would try to justify their faith in him. He also thanked the outgoing Chair, Harry Blathwayt, for his excellent chairing, his integrity, his grace and his effectiveness and added that he could only aspire to follow that.

### 3. Appointment of Vice-Chair

Tony Grayling was proposed by Tim Jickells and seconded by Melanie Vigo Di Gallidoro.

**There being no other nominations, Tony Grayling was appointed Vice-Chair of the Planning Committee for the forthcoming year 2024/25.**

The Chair asked Tony to join him at the top table.

### 4. Declarations of interest and introductions

Members indicated that they had no further declarations of interest other than those already registered.

### 5. Minutes of last meeting

The minutes of the meeting held on 19 July 2024 were approved as a correct record and signed by the Chair.

### 6. Matters of urgent business

There were no items of urgent business

### 7. Chair's announcements and introduction to public speaking

**Public Speaking:** The Chair stated that public speaking was in operation in accordance with the Authority's Code of Practice for members of the Planning Committee and officers. Those who wished to speak were invited to come to the Public Speaking desk when the application they wished to comment on was being presented.

### 8. Requests to defer applications and/or vary agenda order

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

### 9. 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/2024/0066/FUL – Wayford Nursery, Wayford Road, Wayford Bridge

**Site description:** Replace 8 poly-tunnels with glasshouse & covered area.

**Applicant:** Mr Nicholas Meale

The Planning Officer (PO) provided a detailed presentation of the application that would involve the removal of eight existing polytunnels and replaced by a new glasshouse and covered area.

The presentation included a location map, a site map, an aerial photograph with the site marked to provide context of the site and surrounding landscape, a plan diagram showing the area of land and buildings to be removed, and pictures showing the existing polytunnels and plant hardening areas. The PO explained that there were residential properties and businesses close to the site, however, the site was well concealed with no public vantage points aside from the Wayford Road and added that the glasshouse would not be visible as part of the wider Broads landscape.

The PO confirmed that there had been no new consultation responses since the publication of the report, and that there had been no objections. There was, however, a requirement for biodiversity enhancement and measures to put in place to avoid bird strike.

In answer to a question as to whether solar panels would be a requirement, the PO confirmed that the building was constructed of glass and not suitable for solar panels.

A Member asked whether the existing fencing between the carpark and the polytunnels would be removed or replaced. The PO confirmed that there would be a new green mesh fence installed on the boundary of the site.

A Member expressed concern that the development would increase the number of visitors to the site. The PO said that the floor area of the business was not increasing, and therefore, it was not anticipated that there would be more visitors than the current number. He added that the Highway Authority was consulted on this and it was not concerned and had made no objections. The PO highlighted a slide of the presentation that showed the access to the site, which afforded good visibility of the road in both directions.

A Member commented that the application stated there would be no hazardous substances on site, and asked whether it could be assumed that there would not be any pesticide use on the site. The PO said that he was unsure where pesticides fell within the Hazardous Substances requirements, however, any permits for Hazardous Substances would be separate to the planning application.

In response to a question regarding any potential increase in water consumption and possible effect on the water tables in the area, the PO said that the site currently used irrigation in the existing polytunnels, and it was therefore expected that there would be no change in water use on site. He added that as part of the application, two rainwater harvesting tanks, with a total capacity of 190 cubic metres, would be installed, which meant that there would be greater efficiency in terms of water saving.

A Member asked whether there were any details in relation to the biodiversity enhancement requirements. The PO said that it would not be possible to look at the biodiversity enhancements until the buildings had been erected, however, this matter would be followed up by officers once the building work had been completed.

A Member commented that bird boxes would normally be installed for biodiversity enhancement, however, with the requirement to look at putting measures in place to reduce bird strikes, this might not be possible. The PO said that the Authority's Ecologists have advised a condition should be added which would be looking for a scheme that was appropriate to the site.

In response to concerns about light pollution and the impact on dark skies, the PO said that as part of the conditions of any planning permission, they would look at the type of lighting required, the hours of use, and how they could control light spill. He added that until the light scheme was agreed, the applicant would not be able to install any lighting.

Harry Blathwayt proposed, seconded by Andrée Gee.

**It was resolved by 9 votes in favour and 1 abstention, that planning permission be granted subject to the following conditions:**

- i. Time limit**
- ii. In accordance with plans**
- iii. Provision of measures to avoid bird strike**
- iv. Biodiversity enhancement in form of provision of habitat for wildlife**
- v. Works to trees, hedges, or shrubs outside of main bird breeding/nesting season or checked by ecologist prior to works**
- vi. Use of glasshouse for growing of stock for sale on site only**
- vii. External lighting plan**

**(2) BA/2023/0436/FUL - Three Rivers Camp Site, Station Road, Geldeston**

**Site description:** Erection of building including reception area, staff room, on-site shop, three ensuite holiday let rooms, workshop/machinery store. Erection of storage and showers building. Erection of log store and changing room building. Sauna building. Increase in camping pitches from 20 to 27. All retrospective.

**Applicant:** Jodi Bromley.

The Planning Officer (PO) provided a detailed presentation of the retrospective planning application to the site due to work being undertaken that was not carried out in accordance with the original planning application, BA/2019/0412/FUL, approved in 2021.

The presentation included a location map, a site map, and an aerial photograph of the application which provided context of the site and surrounding landscape. In addition, the PO provided aerial images, photographs and plans which provided detail and comparison to the retrospective planning application with the original application. The PO provided images showing the buildings as built and pointed out the work was not in accordance with the planning permission granted in 2021.

The PO said that there had been a number of concerns raised in relation to the landscape impact – in particular the seven additional camping pitches, and an objection from the

Environment Agency (EA) on flood risk grounds in relation to the additional habitable accommodation within the service building and the additional pitches. It was also noted that one local resident objected to the scheme on the grounds of increased noise, visual impacts, light pollution, ecology and landscape.

The PO said that, through negotiation the additional camping pitches had now been moved closer to the northern end of the site which had more screening and each pitch had now been restricted to a single pitch. Landscaping on the southern end of the site had already been undertaken and additional landscaping would be carried out, in areas highlighted on the presentation. The sauna had also been relocated. The PO added that the Landscape Officer had commented that most of the concerns had been addressed satisfactorily and was happy with the additional planting and one of the conditions would be to keep the area south of the amenity a more natural area for visitors to use without a formal layout.

The area was within a fluvial and tidal flood zone so it therefore had a high probability of flooding. Initially the EA objected to the application on flood risk grounds in relation to the accommodation as it was considered more vulnerable to flooding. However, provisions had been provided in relation to the flood risk assessment and additional information which enabled the EA to remove its objection. The site's emergency flood plan had been updated and set out practical and reasonable methods of providing residents with safe refuge in the event of flooding.

In regard to the objections by the neighbour, these had all been addressed. All ecological concerns had also been addressed and the Authority's Ecologists were happy with the measures taken.

The PO said that the Broads Authority was awaiting the RAMS (Recreational Impact Avoidance and Mitigation Strategy) payment and was therefore seeking Members' approval that the Head of Planning (HoP) could make a delegated approval once received.

A Member asked whether Biodiversity Net Gain (BNG) was applied in this case. The HoP said that the application was submitted before BNG regulations came into effect, so there was no requirement for it to be applied.

A Member asked for clarification on whether the site was meeting the fire regulations. The PO said that this was something that was dealt with under the Building Regulations and would not be something that the Broads Authority would be involved with.

A Member asked how the alterations to the original planning application were picked up. The PO said that this was picked up during an enforcement visit and confirmed that the Enforcement Officer would visit again to ensure that the works were carried out in accordance with the approved plans.

Jodi Bromley provided a statement in support of the application commenting that she had started the business with her former partner in 2013. She added that the planning application granted in 2021 was applied for by her then partner and the work had been carried out by him. She was unaware that the plans had been altered and did not comply with the planning

permission granted by the Authority. Ms Bromley said that she had tried to make everything right and remedy the planning breaches that had occurred. In addition, she said that since 2013 she had planted over 2,000 trees and hedges on the site, most of which were native, and had worked with the River Waveney Trust and an Ecologist from the Broads Authority. Margaret Shelley added that Ms Bromley had worked hard to make things right, and that she had been awarded Tourism Business of the Year by South Norfolk Council which was testament to how Ms Bromley had worked in the last twelve months since the application was submitted to remedy the breaches that had occurred. She added that Ms Bromley was now solely responsible for the site.

Members said that they had been reassured by Ms Bromley's testimony and it provided a level playing field to judge the application on its own merits.

A Member commented that when the original application was approved there was no residential accommodation, and asked would that now be allowed on the site. The HoP confirmed that the application was restricted for holiday use only. The Member asked whether there would be a time-limit on any stay. The PO said that there were restrictions on the length of stay which was in 8.1 of the report.

Stephen Bolt proposed, seconded by Melanie Vigo di Gallidoro.

**It was resolved unanimously to delegate approval to the Head of Planning, subject to RAMS payment and the following conditions:**

- i. In accordance with approved plans**
- ii. Sauna building relocation**
- iii. Flood Emergency Plan**
- iv. Securing caravans**
- v. Holiday restriction**
- vi. Landscaping**
- vii. Landscape – retain amenity use**
- viii. Lighting**
- ix. Noise**
- x. Additional camping pitches**
- xi. Slipway launch**

## **10. 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:

**Land at the Beauchamp Arms:** The HoP confirmed that since the last Planning Committee meeting, the Inspector informed the Authority on 29 July 2024 that the appeal had been dismissed and enforcement notices were upheld.

**Land at Loddon Marina:** The HoP confirmed that since the last Planning Committee meeting, the Inspector informed the Authority on 29 July 2024 that the appeal had been dismissed and enforcement notice was upheld.

The HoP confirmed that there were time limits of 3 and 6 months set on the Inspector's decisions for compliance, and the Authority would be following up once the time limits had expired.

A Member asked whether the people that were currently staying in the caravans had found alternative accommodation. The HoP said that the Enforcement and Compliance Officers would be contacting them to discuss the next steps, however, they would need to wait until the allotted time period had expired before any action could be taken.

A Member asked if there was any update on the Land at Berney Arms and Holly Lodge. The HoP confirmed that there was no updates on these two items. The Member asked what the Authority was doing about these items and the HoP said that she did not have the details to hand but would report back by email to the Members after the meeting.<sup>1</sup>

A Member asked that, given the history in relation to the land at Beauchamp Arms, what did the Authority plan to do if they still refused to do anything. The HoP said that they had three months and six months to comply with the decision notices, once this time had passed the Enforcement Officer would check to see if the notices had been complied with and then any decision on the next steps would be made.

## 11. BA/2024/0012/TPO – Proposed site visit to land at former Bridge Hotel, Repps with Bastwick

The Assistant Planning Officer (APO) gave a presentation on behalf of the Historic Environment Manager recommending that Members undertake a site visit in relation to a Tree Preservation Order (TPO) at land at Repps with Bastwick. The APO presented a location map together with various photographs of the site and explained that the site was close to the Potter Heigham Bridge which was a scheduled ancient monument. In addition, the APO provided a detailed map showing the location of the group of White Willows, the two Crack Willows and the single White Willow which were the subject of provisional TPO BA/2024/0012/TPO.

The APO said that the main issues raised by the objections to the provisional TPO was that it was not considered that the trees contributed to the character and wider amenity of the site and surrounding area and that the trees could potentially create a breach to the riverbank. He added that officers did consider that the trees had an amenity value, that although some of

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<sup>1</sup> The Head of Planning provided Members with an update via email on 16 August 2024.

the trees had decay at the base, they were managed and there was considered no risk, and that there was a potential threat to the trees if the TPO was not granted. The APO confirmed that the TPO would not preclude future development of the site.

Members would be asked to consider confirming the TPO at a future Planning Committee meeting, but the officer's recommendation was that a site visit be undertaken for them to consider the full amenity value and condition of the trees, as well as the concerns of the Parish Council in relation to damage to the riverbank.

Stephen Hayden – the Authority's Arboricultural Adviser (AA) confirmed that there was no intention with the TPO to stop management of the trees; it was just to protect them from the threat of future development.

In answer to a question regarding detail of the cluster of trees, the AA said that it was a cluster of four White Willows at the back of the site creating a screen. He added that there was another cluster on the north-eastern side which was in poor condition and was not included in the provisional TPO.

A Member asked what condition the bank and moorings were in at present. The APO said that he was not the officer that had dealt with the provisional TPO and therefore had not visited the site, however, he could confirm that on the other side of the river, the Broads Authority was carrying out quay heading replacement. A Member commented that this question demonstrated why a site visit was needed.

Harry Blathwayt proposed, seconded by Stephen Bolt.

**It was resolved unanimously to undertake a site visit to land at former Bridge Hotel, Repps with Bastwick.**

Members, having been presented with several options for when to undertake a site visit, selected Friday, 6 September 2024 at 10am.

## 12. Neatishead Conservation Area Appraisal – Consultation

The Assistant Planning Officer (APO) gave an overview of the report and a presentation on behalf of the Historic Environment Manager. Slides included a map showing Neatishead Conservation Area with the boundary marked red, together with images of various buildings showing the area's unique character.

The APO said that it was proposed that a period of wider consultation would commence on 2 September 2024, which would run until 14 October 2024. All residential properties and businesses within the conservation area would receive correspondence to inform them of the consultation and how to access further information, to provide comment, or ask questions. The correspondence would also provide information regarding the drop-in session that would be held at Victory Hall within the village of Neatishead on Saturday 14 September where Officers would be present to discuss the document and answer any questions. The APO added that those properties to be included in the Local List would be written to separately. Statutory



and local bodies would also be consulted, these included Historic England, North Norfolk District Council, Historic Environment Team, the Highway Authority, and local Members.

The results of the public consultation would be used to inform changes to the draft appraisal to ensure that the Authority produced a document that was relevant and acceptable to the local community.

A Member asked whether the drop-in sessions were well attended. The APO said that the number of people that attended these sessions depended on the topic and day.

Harry Blathwayt proposed, seconded by Matthew Shardlow.

**It was resolved unanimously to approve the commencement of the public consultation process for Neatishead Conservation Area Appraisal.**

### **13. Statement of Community Involvement - Adoption**

The Planning Policy Officer (PPO) introduced the report and said that all Planning Authorities had to have a Statement of Community Involvement and this document would help identify how and when local communities and stakeholders would be involved in the preparation of the Local Plan for the Broads, the Broads Plan and the assessment of planning applications. The PPO said that the Broads Authority's document had been updated to reflect that there were no longer any Covid 19 restrictions in place. In addition, venues where hard copies of documents were deposited had been updated as noted in 3.2 of the report.

Melanie Vigo di Gallidoro proposed, seconded by Matthew Shardlow.

**It was resolved unanimously to endorse and adopt the Statement of Community Involvement.**

### **14. Trowse Neighbourhood Plan – proceeding to referendum**

The Planning Policy Officer (PPO) introduced the report. The PPO said that the Plan had been through its various stages, been consulted on and examined by an independent examiner. The next stage would be to proceed to a referendum.

Proposed by Stephen Bolt, seconded by Andrée Gee.

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

### **15. Chet Neighbourhood Plan - proceeding to referendum**

The Planning Policy Officer (PPO) introduced the report. The PPO said that as per the previous item, the Plan had been through its various stages, been consulted on and examined by an independent examiner. The next stage would be to proceed to a referendum.

A Member asked whether the Neighbourhood Plan would affect existing footpaths in that area. The Head of Planning (HoP) said that footpaths were overseen by Norfolk County Council and would therefore not be part of the Neighbourhood Plan.

Proposed by Vic Thomson, seconded by Tony Grayling.

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

## **16. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications – Q2 (1 April to 30 June 2024)**

The Head of Planning (HoP) introduced the report, which provided the development control statistics for the quarter ending 30 June 2024. The HoP highlighted paragraph 1.2 which demonstrated that the department achieved 100% in relation to targets met and was performing well.

## **17. Appeals to the Secretary of State**

The Committee received a schedule of appeals to the Secretary of State since the last meeting and the Head of Planning (HoP) referred Members to the update on the appeals as noted in agenda item 10 of the meeting. The HoP confirmed that no other appeals had been submitted since the publication of the report.

## **18. Decisions made by officers under delegated powers**

The Committee received a schedule of decisions made by officers under delegated powers from 9 July 2024 to 5 August 2024 and there were no Tree Preservation Orders confirmed within this period.

## **19. Date of next meeting**

The next meeting of the Planning Committee would be on Friday 13 September 2024 at 10.00am at the King's Centre, 63-75 King Street, Norwich, NR1 1PH.

The meeting ended at 11:58am

Signed by

Chair

# Planning Committee

13 September 2024

Agenda item number 7.1

## BA/2023/0214/FUL and BA/2023/0215/LBC Toft Monks Mill, Haddiscoe Island

Report by Heritage Planning Officer

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### Proposal

Restoration of drainage mill, rebuilding of engine shed and erection of replacement dwelling

### Applicant

Mr and Mrs Singer

### Recommendation

Approve subject to conditions, RAMS payment, and Section 106 Agreement

### Reason for referral to committee

Objection from the Environment Agency

### Application target date

Original target date 29/08/2023 Extension of time agreed 16/10/2024

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## **1. Description of site and proposals**

- 1.1. The application site contains a Grade II listed drainage mill, Toft Monks Mill, which sits within Halvergate Marshes Conservation Area. Toft Monks Mill is on an area of land known as Haddiscoe Island. The land is separated by the River Yare to the northwest, River Waveney on the southeast and the Haddiscoe New Cut on the southwest boundary, forming an almost complete inland island. The site is accessed via a road (the Norfolk Way) which extends down from the A143, just to the south of the boatyards at St Olaves. A long distance footpath runs around the whole edge of the

island. Only a handful of properties exist out on the Island, along with a number of listed drainage mills. The nearest neighbour is Seven Mile House which sits approximately 600m to the north east of the mill. The mill itself has undergone a number of restoration phases, most recently the 1970s/80s and has a modern cap. It has deteriorated in recent times and is in need of repair/restoration.

1.2. List description- HADDISCOE CHEDGRAVE MARSHES TG 448 009 3/10 Toft Monks (Detached) 5.9.60 Windpump (formerly included under Toft Monks C.P. Ref. 13/1) – II. Disused drainage windpump. Red brick battered tower. Circular on plan, 4 storeys. Renewed pivot windows with cross glazing bars in segmental headed openings. Segmental headed half-glazed door on east side. Iron band around tower at first floor level. C20 replica cap not of special interest.

1.3. The proposal is for the:

- Full restoration of the mill, including the re-installation of the internal gearing and timbers, installation of a new cap and sails.
- Re-building of a previously lost engine shed to house the old pump restored machinery as a small museum/ point for visitors.
- Erection of a replacement 2 bedroomed, single storey dwelling.

## 2. Site history

2.1. **Important note:** For clarity, there is a complex history to the site. After an initial round of consultation in July 2023 it was not clear if the applications were for a new or replacement dwelling and this potentially had implications on the acceptability of the proposal and therefore the application could not be progressed at that time.

2.2. A certificate of lawful use or development CLEUD (BA/2023/0426/CLEUD) was submitted and has subsequently been issued as it was proven that a 1974 permission for a residential extension to the drainage mill had been started, was extant, and could therefore be completed. Given the CLEUD these applications are now for a replacement dwelling and not a new dwelling.

2.3. It should be noted that the 1974 permission allowed for a 4 bedroomed dwelling attached to the mill (and included accommodation inside the mill), which would have restricted the cap and sail movement.

2.4. The current applications are for a replacement permission for a two bedroomed single storey dwelling sitting separately to the mill. The mill is proposed to be restored.

Application Number	Proposal Details	Application Status
APP/2210/A/72/2926 (1974)	Conversion and Extension to mill to form dwelling	ALLOWED ON APPEAL

BA/2010/0304/FUL	Works to include strengthening, rollback, setback and crest piling of flood banks. Maintenance, soke dyke excavation and riverside piling work with formation of temporary site compound and associated engineering works.	APCON
BA/2023/0214/FUL	Part retrospective- Restoration of drainage mill, re-build steam pump building, and erection of replacement building for living accommodation (removing this element from the drainage mill).	PCO
BA/2023/0215/LBC	Part retrospective- Restoration of drainage mill, re-build steam pump building, and erection of replacement building for living accommodation (removing this element from the drainage mill).	PDE
BA/2023/0426/CLEUD	Lawful Development Certificate for confirmation that 1974 permission implemented and that the property has been used as residential accommodation for a period in excess of 4 years and as such has residential status	CLUED

### 3. Consultations received

\*For full consultation responses please see [Appendix 2](#).

#### 3.1. BA/2023/0214/FUL

Parish Council – No response

District Member – No response

Broads Society – Full support

Highway Authority – No objection

Natural England – No objection subject to mitigation

Environment Agency – Objection due to impact on flood risk

Local Lead Flood Authority – Standard advice

Internal Drainage Board (Water Management Alliance) – No objection but other licenses maybe required

Broads Authority Ecologist – No objection subject to mitigation and enhancement

Broads Authority Tree Officer – No objection subject to mitigation

Broads Authority Landscape Officer – No objection

### 3.2. BA/2023/0215/LBC

Historic England – No comments

Joint Committee of Amenity Societies (SPAB) – Support

Historic Environment Services – No objection subject to historic building recording

Broads Authority Historic Environment Manager – Support

## 4. Representations

### 4.1. None

## 5. Policies

5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).

5.2. The following policies were used in the determination of the application:

- DM2- Water Quality and Foul Drainage
- DM4- Water Efficiency
- SP2- Strategic Flood Risk Policy
- DM5- Development and Flood Risk
- DM6- Surface water run-off
- SP3- Climate Change
- DM9- Climate Change Checklist
- SP5- Historic Environment
- DM11- Heritage Assets
- DM12- Re-use of Historic Buildings
- SP6- Biodiversity
- DM13- Natural Environment
- SP7- Landscape Character
- DM16- Development and Landscape
- DM21- Amenity
- DM23- Transport, Highways and Access
- SP15- Residential Development
- DM40- Replacement Dwellings

- DM43- Design
- DM47- Planning Obligations and Developer Contributions
- SSMILLS- Drainage Mills

### 5.3. Material considerations

- National Planning Policy Framework
- Planning Practice Guidance

## 6. Assessment

6.1. The main issues to consider on determination of the applications are, the principle of the development, heritage, design, landscape, flood risk and water management, highways, ecology and amenity.

### Principle of development

- 6.2. The NPPF places great weight on the conservation of the historic environment and designated landscapes. The application site is situated within the Broads (an area with the equivalent of National Park status) and Halvergate Marshes Conservation Area. One of the most defining landscape features of the Broads, and this conservation area in particular, are the Broad's drainage mills. Although once a prominent landscape feature many of the mills have deteriorated and many have sadly been lost. Given they are no longer functioning, the cost of upkeeping such a building is not often viable and as a result many are only maintained by charitable grants or enthusiastic landowners. Many often sit within remote locations, in zones of high flood risk, are inaccessible, and have limited outbuildings making finding suitable sustainable uses for them challenging. It is therefore considered imperative to ensure the retention and appropriate use of certain suitable mills to help fund their maintenance and secure their protection in the Broads landscape wherever possible and the Local Plan (2019) has a site specific policy to support this (SSMILLS: Drainage Mills).
- 6.3. Given the very rare and special set of circumstances at Toft Monks Mill, including an existing level of residential use proven through a Certificate of Lawful Use application (outlined in Section 2 above), adequate access, and the opportunity to improve the flood risk situation, this site is considered more appropriate for residential than most other more remote mills (see detail below). It is considered that this proposal includes significant heritage and landscape benefits by securing the restoration of the listed mill and a sustainable use adjacent. It includes the restoration of the internal mechanics of the mill, the cap, sails and scoop wheel meaning significant landscape and heritage improvements and public benefits would be secured. The addition of the visitor interpretation through the re-built steam shed will improve the visitor offer of the Broads., By allowing a suitable viable use in a building adjacent to the mill (the dwelling), the application would secure the retention of the mill in the Broads landscape for existing and future generations to enjoy. The principle of the proposal is therefore considered to be supported by both national and local planning policy.



- 6.4. The proven extant 1974 permission, which could be completed at any time in the future, includes the direct extension of the mill and its conversion into a 4 bedroomed dwelling. The extension was an unsympathetic design, was to be located attached to the mill, was two storeys high, and would stop the cap and sails from turning. It is considered the extant permission would be of significant detrimental impact to the listed status of the mill and wider character of the conservation area.
- 6.5. This new proposal is to remove the residential accommodation from inside and as an extension attached to the mill (the extant permission) to allow for the full restoration of the mill both internally and externally and to move the residential accommodation into a purpose-built building on site. A new interpretation building, to be built on the site of the historic engine house, is to be provided to be used for interpretive historic information for people accessing the site from an existing long-distance footpath and by the river itself.

### Impact on heritage, design and landscape

- 6.6. Toft Monks Mill is a grade II listed drainage pump, situated on Haddiscoe Island and within the Halvergate Marshes Conservation Area. It is likely to date from the mid-19th century. The remains of a later 'Humpback' vertical steam pump are also retained on the site, along with the foundations of its engine house and the pump is identified in the Halvergate Marshes Conservation Area Appraisal as a rare survivor. The mill is in a relatively sound condition, although some elements are currently missing, including the stocks, sails, fantail and some internal machinery and the cap is an inaccurate replica of the original, all of which erode its heritage value and character. The proposal is thorough in its approach and the repairs will ensure that the mill does not continue to deteriorate. The proposal to rebuild the engine house is considered appropriate and as well as providing protection for the 'Humpback' steam pump, will also enable some heritage interpretation of the mill which will be beneficial. It is considered that the proposal meets the requirements of Local Plan Policy SSMILLS and Policy DM11. As well as Toft Monks Mill being significant in its own right as a good example of a mid-19th century drainage pump, the mill is an important landscape feature and as such has group value with the other mills and positively contributes to the significance of the conservation area. It is considered that the proposal to repair and restore the external appearance of the mill will ensure that it further enhances the character and appearance of the Halvergate Marshes Conservation Area and contributes to local distinctiveness in line with Local Plan Policy DM11 and NPPF para 197.
- 6.7. An integral part of the overall proposal is for a small building adjacent containing living accommodation. The building is physically and visually lightweight (not an uncommon building type within the Broads), and the scale of the building and the proposed materials will ensure that it is visually recessive and does not impose on the setting of the listed mill, or the wider landscape. In term of this wider impact, it is considered that it will be minimal as 'Haddiscoe Island occupies negative space – from the wider landscape the landform is concealed by the river walls, so that the eye

travels over it to the furthest edges of the marsh' (Halvergate Marshes Conservation Area Appraisal, page 18). The modern design is considered to be innovative, of a high quality, and will add architectural interest to the locality in accordance with policy DM43 of the Local Plan (2019).

- 6.8. A Section 106 Agreement is proposed to ensure the restoration of the mill is secured prior to the use of the dwelling, the extant permission is replaced by this up to date permission (and could therefore no longer be built in the future) and that the mill and dwelling are never sold separately.
- 6.9. Given the above it is considered the proposal is a significant improvement to the extant permission in terms of impact on design, heritage and landscape and therefore welcomed.

### Flood Risk

- 6.10. The site is situated within Flood Risk Zone 3a – see below which means the proposals will need to pass both the sequential and exceptions test as outlined in the NPPF in order to be considered appropriate in flood risk terms. In order to apply the tests, the Local Planning Authority needs to first establish what flood risk vulnerability classification the development falls within. There are multiple elements to this proposal and therefore the elements have been separated for ease of classification as follows:
- a) Replacement dwelling: More vulnerable
  - b) Interpretation building (re-built pump house): Less vulnerable
  - c) Restored Drainage Mill (not used for drainage purposes): There is no clear classification for this as the building is no longer used but previous use, as a drainage mill, or use for historic interpretation for visitors, would be water compatible
- 6.11. It is acknowledged that the site sits within indicative Flood Risk Zone 3b which would usually be inappropriate for residential dwellings however in this case the [Broads Authority Supplementary Planning Document on Flooding](#) states at point 6.7.3: where an existing building or structure acts as a barrier to flood water then its functionality is compromised and it will not be classified as Flood Zone 3b and can be described as Flood Zone 3a.
- 6.12. Whilst it is appreciated that the mill has not been extended to provide the house allowed under the extant 1974 permission and therefore currently does not block the flood plain, this could be undertaken at any time in the future without any further consent. The existing permission allows for an extension to the mill that would block the functional flood plain. The likelihood of the 1974 extension being built to provide residential accommodation now the extant permission has been proven is high given the increased value a dwelling at this site would achieve, especially if the site is sold on. In this exceptional case it is therefore considered that the site should be considered as being within Flood Zone 3a in line with the SPD at point 6.11. above.

- 6.13. A replacement dwelling is considered suitable in Flood Zone 3a subject to benefits being secured as outlined within The Broads Authority Supplementary Planning Document on Flooding.
- 6.14. The proposal is to remove the residential accommodation from inside the mill and as an extension attached to the mill (extant permission) to allow for the full restoration of the mill and to move the residential accommodation into a purpose-built building on site. The proposed replacement dwelling is of a design to be positioned above flood water (built on stilts), except in exceptionally high floods.
- 6.15. The sequential test asks the Authority to establish if alternative reasonably available sites within a lower risk zone been identified. As the mill already exists and the proposal involves its restoration in association with the building of the replacement dwelling the applicant is limited to providing the development within the application site. While a replacement dwelling could feasibly be provided elsewhere at a site of lower flood risk, there would not be the heritage and landscape benefits that would be seen through providing a long term and sustainable use adjacent to the listed mill and re-built pump house. There would also not be the opportunity to ensure the unsympathetic 1974 permission is not built in the future (more information can be seen within the Exceptions Test below).
- 6.16. In addition, the extant permission does not incorporate any flood resilient measures, and the residential accommodation with 4 bedrooms could be built at ground level blocking the flood plain. The new proposed replacement dwelling contains 2 bedrooms (meaning a reduced capacity) and is to be built on stilts to allow flood water to flow underneath, not an uncommon practice within the Broads. An outline flood response plan and evacuation plan has been submitted to ensure occupants are not on site in times of extreme flooding and a refuge is to be provided within the mill, along with details on access and egress to a safe location within the event of a flood. It is therefore considered that the proposal represents an improvement to what could be built on site (the extant permission) in terms of impact on flood risk, as highlighted in the table below.

Impact on Flood Risk

<b>1974 permission</b>	<b>New scheme</b>	<b>Benefits (compared with 1974 permission)</b>
4 bedroomed dwelling	2 bedroomed dwelling	Reduced occupancy level, reduces risk to people on site in the event of a flood
Built to restrict the flood plain (at ground level)	Built on stilts above flood levels	Allows for a functional flood plain (except in extreme cases) and no loss of flood storage capacity

No flood response and evacuation plan	Flood response and evacuation plan	Allows for a robust flood response and evacuation procedure for occupants including information on access and egress to a safe location in the event of a flood
First floor refuge in mill	First floor refuge in mill	Allows for safe refuge should evacuation procedure fail

6.17. Turning to the Exceptions Test, the Authority is required to question if the development provides wider sustainability benefits to the community which outweigh flood risk? As highlighted at 6.2-6.9 although once a very prominent landscape feature many of the Broads drainage mills have deteriorated and many have been lost. Given they are no longer functioning, the cost of upkeeping such a building is often not viable, it is therefore considered imperative to ensure the retention and appropriate use of certain suitable mills to help fund their maintenance and secure their protection in the Broads landscape wherever possible.

6.18. Given the rare and special set of circumstances at Toft Monks Mill; including a level of residential use which could be legally provided on site, adequate accessibility, the opportunity to improve the flood risk situation, this site is considered more appropriate for residential use than some of the other more remote mills. By allowing a sustainable use adjacent to the mill this would secure the funding of the maintenance of the mill, and retention of the mill in the Broads landscape for existing and future generations to understand and enjoy.

6.19. A Section 106 agreement can be used to:

- secure the use of the mill and dwelling to ensure the site is not divided off separately in the future, and,
- ensure the mill is restored prior to the dwelling being completed/used, and,
- ensure the 1974 permission cannot be implemented in the future (effectively a replacement permission).

A table of the heritage benefits is provided below:

<b>1974 permission</b>	<b>New scheme</b>	<b>Benefits (compared with 1974 permission)</b>
Unsympathetic design attached directly to the mill	Sympathetic design not attached to the mill	Allows restored mill to be read as it would have been historically
Position restricts sail and cap movement	Allows for full sail and cap movement	Moving cap and sails would allow for mill to be read as it would have historically and would reduce deterioration of cap and sail elements. Greater contribution to the wider landscape.

As mill used for residential accommodation no internal restoration was proposed	Internal restoration proposed	Scheme allows for the restoration of the internal mechanisms allowing the mill to operate as it would have done historically
No visitor interpretation or access proposed	Historical interpretation to be provided within re-built engine shed	Visitor benefits through heritage interpretation
No legal control previously secured	Separate residential use secures a means to secure ongoing maintenance and repair of the listed mill	Linking the accommodation with the mill via a Section 106 agreement secures the future viability and maintenance of the drainage mill (the restoration of the mill prior to the erection/use of the dwelling and ensuring the 1974 permission is never implemented can also be secured via Section 106).

6.20. The scheme provides the following sustainability benefits as outlined in the Local Plan Sustainability Appraisal Objectives (table below):

<b>Sustainability Objective</b>	<b>How proposal meets objective</b>
ENV3: To protect and enhance biodiversity and geodiversity.	Green roof, planting, biodiversity enhancements, and a functional flood plain
ENV4: To conserve and enhance the quality and local distinctiveness of landscapes and towns/villages.	Restoration of an important historic drainage mill that will be visible across a wide area and interesting and innovative design of new building
ENV5: To adapt, become resilient and mitigate against the impacts of climate change	Improved design of building
ENV6: To avoid, reduce and manage flood risk and to become more resilient to flood risk and coastal change.	Improved design of building, reduced capacity of building, flood response and mitigation plan.
ENV7: To manage resources sustainably through the effective use of land, energy and materials.	Use of traditional materials and source of materials for new building.
ENV9: To conserve and enhance the cultural heritage, historic environment, heritage assets and their settings.	Restoration of important historic drainage mill. Protection of setting through innovative and interesting design of new building, securing a future use associated with the mill.
ENV10: To achieve the highest quality of design that is innovative, imaginable, and	Innovative and interesting design of new building.

<b>Sustainability Objective</b>	<b>How proposal meets objective</b>
sustainable and reflects local distinctiveness.	
SOC1: To improve the health and wellbeing of the population and promote a healthy lifestyle.	Securing the future of an important historic drainage mill, providing historic interpretation for the public.
SOC3: To improve education and skills including those related to local traditional industries.	Use of traditional materials for building and heritage skills for restoration of mill.
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.	Securing the future of an important historic drainage mill, providing historic interpretation for - the public.
ECO1: To support a flourishing and sustainable economy and improve economic performance in rural areas.	Securing the future of an important historic drainage mill, providing historic interpretation for the public.
ECO2: To ensure the economy actively contributes to social and environmental well-being.	Securing the future of an important historic drainage mill, providing historic interpretation for the public.
ECO3: To offer opportunities for tourism and recreation in a way that helps the economy, society and the environment.	Securing the future of an important historic drainage mill, providing historic interpretation for the public.

6.21. Given the above, it is considered that there are wider sustainability benefits that outweigh flood risk concerns in these exceptional circumstances.

6.22. As part of the exceptions test the Authority also needs to question whether the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will it reduce flood risk overall. As this mill has an existing extant permission for a dwelling (meaning there is already a degree of flood risk to its occupants should the extant permission be built as is) and as the proposal helps to improve the situation through design by providing a suitable design and opportunity to put a flood response plan and evacuation strategy in place it is considered that flood risk improvements are achieved as a result of the proposal.

6.23. To summarise flood risk issues:

- The site has an extant permission for an extension and conversion of a listed drainage mill to a 4 bed dwelling. This has been started and could be finished at any time in the future.

- This proposal, to replace the previous extant permission, is to restore the mill to a winding condition and build a 2 bed dwelling on stilts above the flood plain.
- Flood risk benefits can be secured in the form of a reduction in the amount of occupancy, design to be built above the flood plain, and flood response and evacuation plan.
- Heritage benefits can be secured- by allowing the erection of the 2 bedroomed unit is to secure a sustainable use of the mill and its future maintenance. The removal of the extension to the mill and full restoration.
- Additional Local Plan Sustainability Appraisal benefits are secured (listed above).
- The restoration of the mill prior to the use of the dwelling can be secured by a Section 106 (as well as ensuring the two buildings remain linked to each other and not sold off separately and ensuring the 1974 permission can no longer be built).

6.24. The existing proposal is therefore considered a betterment in terms of impact on flood risk and heritage and therefore acceptable in accordance with the NPPF, policies SP2, DM5 of the Local Plan (2019) and the Flood Risk Supplementary Planning Document (2020). It should be noted that the Environment Agency objects to the proposal with concerns regarding; the classification of the site as 3a and not 3b, the refuge no longer being attached to the domestic accommodation (therefore occupants having to potentially make their way to the mill in an extreme flood event – should they have not evacuated in the meantime), the mill (as the refuge) being able to take the hydrostatic and hydrodynamic pressures of a flood, the new building not being high enough to be above extreme flood water levels which will become more common due to climate change, and a potential increase in the footprint of the dwelling. The agent is hoping to respond to these concerns and members will be updated on this. Please see full responses in [Appendix 2](#) for more information.

### Surface Water Drainage

6.25. The Lead Local Flood Authority has highlighted that the Planning Authority is responsible for ensuring the suitability of the surface water drainage of a scheme of this scale. It is therefore considered the detail of this should be conditioned to ensure it is suitable and in accordance with policy DM6 of the Local Plan.

### Water Efficiency

6.26. To ensure that any proposed new dwellings will use water efficiently, Part G2 of the Building Regulations states that their projected water consumption must not exceed 125 litres per person per day. Policy DM4 of the Broads Local Plan requires this figure to be further limited to 110 litres per person per day.

6.27. In order to demonstrate compliance with Policy DM4 the applicants have carried out the water efficiency calculations in accordance with the Part G Building Regulations Methodology and the Department of Communities and Local Government Water Efficiency Guide. A condition can be attached to ensure construction is in accordance

with the calculations. The proposal is therefore considered to accord with policy DM4 of the Local Plan.

### Highways

- 6.28. Although remote there is good vehicular access to the mill via a track from the main road. The road also serves the other properties on the island. The Highway Authority has no objection to the application. The application is therefore considered to accord with policy DM23 of the Local Plan .

### Ecology

- 6.29. An ecology survey was submitted with the application as well as a habitat regulation assessment. The Broads Authority ecologist has confirmed they are satisfied that the survey and assessment was robust and have advised the proposed mitigations and enhancements are conditioned as per the survey.
- 6.30. As the proposal includes a replacement dwelling the site is subject to the Norfolk Recreation Avoidance and Mitigation Strategy (RAMS). The RAMS aims to reduce the impact of increased levels of recreational use on Habitat Sites (also called European Sites), due to new residential development in Norfolk and to provide a simple, coordinated way for developers to deliver mitigation for their developments.
- 6.31. Taking a coordinated approach to mitigation has benefits and efficiencies compared to project by project mitigation packages. The RAMS partnership approach has support from Natural England.
- 6.32. Any new (or in this case replacement) residential development within the Zone of Influence is required to mitigate the effects of the development and show how this will be achieved prior to approval of planning permission. In smaller development this is most efficiently achieved through payment of the RAMS contribution only. The contribution in this case is therefore £221.17, which must be paid prior to the issuing of the decision.
- 6.33. Therefore, subject to the mitigation, enhancements and RAMS payment being secured it is considered the proposal is acceptable in terms of impact on ecology and is in accordance with policies SP6 and DM13 of the Local Plan (2019).

### Trees

- 6.34. An Arboricultural Impact Assessment and Tree Assessment was submitted with the application assessing all trees to be impacted. Some trees require removal to allow for the free movement and wind of the restored sails and to clear sight lines to the mill and restored pumphouse (T1, T2, T11, T12, T13, T14 T15, G2).
- 6.35. To mitigate the loss of T1, T2, T11, T12, T13, T14 T15, G2, small loss of grassland habitat and impacts on retained trees due to future increased tree surgery management, it is proposed to plant:
- 6 Common Alder



- 3 Crack Willow
- 3 Common Oak
- 10 Hawthorn
- 5 Wild Plum
- Two short sections of mixed native comprising 50% hawthorn, 10% Holly, 10% Dogwood, 10% Guelder Rose, 20% Field Maple

6.36. The Broads Authority tree officer has assessed the trees to be lost and mitigation planting and has no objection subject to the mitigation being undertaken in accordance with the documents submitted. It is therefore considered the impact on trees is in accordance with DM13 of the Local Plan.

### Amenity

6.37. Given the remote location there would not be an adverse impact on the amenity of any other property as a result of the proposal. The proposal therefore accords with policy DM21 of the Local Plan (2019).

## 7. Conclusion

7.1. The proposal will secure the viability and long-term future of the listed mill and bring a new high-quality element into the landscape (the proposed dwelling), an improvement in terms of impact on flood risk with no adverse impact on highways, trees, amenity, ecology subject to mitigation and enhancement.

## 8. Recommendation

8.1. Approve Subject to Section 106 Agreement, RAMS payment, and conditions

8.2. Section 106 to ensure:

- the restoration of the mill is secured prior to the use of the dwelling,
- the extant permission is replaced by this up to date permission (and could therefore no longer be built in the future) and,
- the mill and dwelling are never sold separately

8.3. Planning application (BA/2023/0214/FUL) conditions:

- Standard time limit
- In accordance with plans and documents
- Historic building details including schedule of works to mill, schedule of works to engine house and photographic historic building record
- Materials and Additional details including: all new and reclaimed external materials, large scale joinery sections, barge soffits and rainwater goods, hard

landscaping, soft landscaping, details of flues, external lighting, signs and interpretation and details of proposed sewage treatment plant

- Flood Risk and Water Management including full details of, flood proofing measures, flood refuge measures, flood response plan and evacuation strategy, surface water drainage strategy, hydrostatic and hydrodynamic pressures calculations for dwelling and mill, and water consumption capacity cap.
- Ecology including enhancement and mitigation outlined in Appendix 3 of Ecology Survey (RAMS payment to be secured)
- Water efficiency

8.4. Informatives to add: Water Management Alliance (IDB) consent needed, RAMS payment of £221.17 (2024) required.

8.5. Listed Building Consent BA/2020/0271/LBC conditions:

- Standard listed building time limit
- In accordance with plans and documents
- Any damage to the fabric of the building to be made good
- Historic building details including updated schedule of works to mill, updated schedule of works to engine house and photographic historic building record
- Materials and Additional details including: all new and reclaimed external materials, large scale joinery sections, barge soffits and rainwater goods, hard landscaping, soft landscaping, details of flues, external lighting, signs and interpretation and details of proposed sewage treatment plant

## 9. Reason for recommendation

9.1. The proposal is considered to accord with policies, DM2, DM4, SP2, DM5, DM6, SP3, DM9, SP5, DM11, DM12, SP6, DM13, SP7, DM16, DM21, DM23, SP15, DM40, DM43, DM47 and SSMILLS and the NPPF. S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has also been considered in the determination of this application.

Author: Kayleigh Judson Heritage Planning Officer

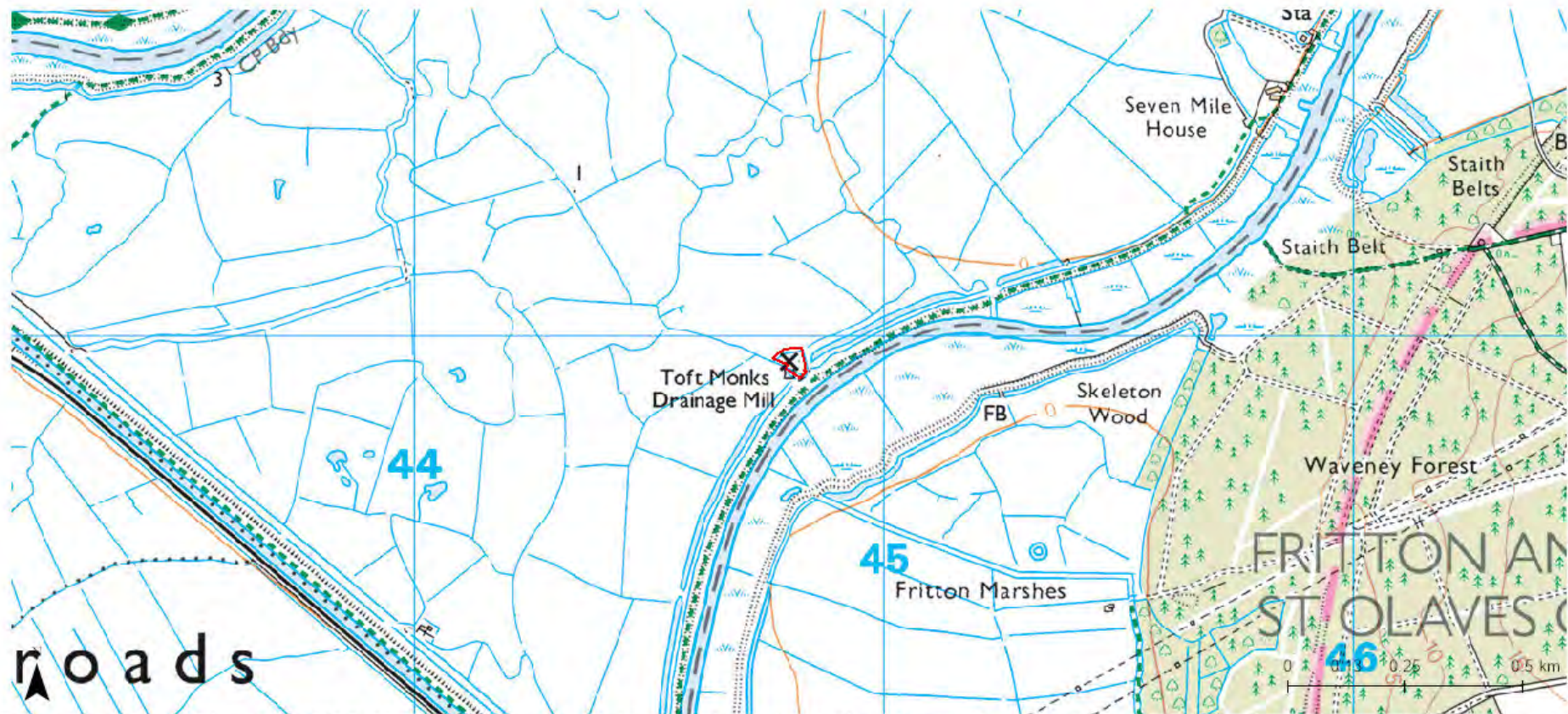
Date of report: 27 August 2024

Appendix 1 – Location maps

Appendix 2 – Full consultation responses

## Appendix 1 – Location maps

BA/2023/0214/FUL & BA/2023/0215/LBC Toft Monks Mill, Haddiscoe Island, Haddiscoe



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## Appendix 2 – Full consultation responses

### Planning Application Responses BA/2023/0214/FUL

#### Parish Council

No response

#### District Member

No response

#### Broads Society

##### Initial response

The Broads Society generally supports the application because there is an extant planning permission (albeit granted in 1974) for residential accommodation associated with the wind pump. However, further information needs to be provided, in accordance with the requirements of Paragraph 194 of the NPPF, in order to fully assess the impact of the proposed new structures on the setting of the mill and whether the character and appearance of the Conservation Area will be preserved or enhanced. Until this information is received the Society reserves its full support.

##### Updated response

Given the support previously given to the scheme by the Authority's Historic Environment Manager, the Broads Society FULLY SUPPORTS this proposal

#### Highways

##### Initial response

Thank you for your recent consultation with respect to the above to which the Highway Authority raise no objection.

##### Updated response

Thank you for your consultation with respect to the above to which the Highway Authority raise no objection

#### Natural England

##### Initial response

Thank you for your consultation on the above dated 05 July 2023 which was received by Natural England on 05 July 2023. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).**

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give

permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions. For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES). Natural England considers that this advice may be used for all applications that fall within the parameters detailed below. This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Norfolk GIRAMS. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development. However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures) should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI. Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority , and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal.

We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header. Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should

also be subject to the requirements of the Habitats Regulations and our advice above applies.

### Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely (The Broads) National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### Other advice

Priority habitats and Species Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

## Updated response

Thank you for your consultation on the above dated 3 April 2024, which was received by Natural England on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### Habitats Regulations Assessment (HRA)

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant (Glaven Ecology, November 2023). As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

### Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS)

The in combination impacts of recreational disturbance has not been addressed in the HRA. Norfolk Local Planning Authorities (LPAs) are working collaboratively to deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) to ensure that the cumulative impacts of additional visitors arising from new developments of housing and tourism, to European sites, will not result in any adverse effects which cannot be mitigated. All Norfolk LPAs are collecting a tariff per new dwelling towards the strategic mitigation package, at the time planning permission is approved. It is Natural England's advice that your authority should consider whether this development qualifies for collection of the tariff should planning permission be granted.

### Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely The Broads National Park. Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purposes to conserve and enhance the area's natural beauty wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public, can be determined locally by the local planning authority, with advice from its landscape or planning officers. Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purposes of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement. We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be



demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. The relevant local authority landscape or planning officers should be able to advise you based on knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purposes of the National Park are to conserve and enhance the natural beauty wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. The Broads have additional purposes to promote their enjoyment by the public and protect the interests of navigation. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its statutory purposes. The National Park's planning or landscape officers may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan. Further general advice on the protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter, please contact me at [gemma.clark@naturalengland.org.uk](mailto:gemma.clark@naturalengland.org.uk). Please consult us again once the information requested above, has been provided.

Further updated response

Natural England has previously commented on this proposal and made comments to the authority in our response dated 24 April 2024 reference number 471934. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us

## Environment Agency

Initial response

Flood Risk Our maps show the site lies within indicative fluvial flood zone 3b defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the restoration of wind pump, re-build of steam pump building, and creation of a new separate living accommodation, which is classified as a 'more vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance (PPG).

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

### Reason

The SFRA shows the site as indicative flood zone 3b and modelled flood data from the Broads 2008 model shows the 5% (1 in 20) year annual probability tidal flood level to be 2.122mAOD. This is greater than the crest level of the existing defences, which are at around 1.83mAOD, and the site could therefore be considered as functional floodplain, as it would be expected to flood during this event, even with the Environment Agency Icen House Cobham Road, Ipswich, IP3 9JD. Customer services line: 03708 506 506 [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency) End presence of defences. It should also be noted that in August 2022 the definition of functional floodplain was updated as 'land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively'. We do not have flood levels for the 3.3% annual probability event within our current models but confirm that this level would be greater than the 5% flood level used above to show the site would flood in this event. It is your responsibility to confirm whether the site is considered to be flood zone 3b. If this is the case, then 'more vulnerable; development should not be permitted, according to table 2 of the PPG: Flood Risk and Coastal Change.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009. Permitting In accordance with The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1, these works may require a Flood Risk Activity Permit. The applicant should apply for a Flood Risk Activity Permit. Information about Flood Risk Activity Permits, and application forms, can be found here; <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>. Completed application forms should be sent to [FDCCoastal@environment-agency.gov.uk](mailto:FDCCoastal@environment-agency.gov.uk). Flood defences Any permission should have the following informative: 'The concrete wall and embankment riverside of the mill and access track are flood defence assets. The EA will require unrestricted access to these for inspection and maintenance.'

### Updated response

Thank you for the consultation dated 03 April 2024. We have reviewed the documents as submitted are maintaining our objection to this proposal for the Flood Risk issues raised in the relevant section below. Further details, such as on how to overcome our objection, are contained within this section.

### Flood Risk Strategic Flood Risk Assessment (SFRA) and Flood Risk Supplementary Planning Document

The Broad Authority's Strategic Flood Risk Assessment (SFRA) shows the site as being in indicative Flood Zone 3b, with modelled flood data from the Broads 2008 model showing

the 5% (1 in 20) year annual probability tidal flood level to be 2.122m AOD. It should be noted that in August 2022 the definition of functional floodplain was updated as 'land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively'. We do not have flood levels for the 3.3% annual probability event within our current models but confirm that this level would be greater than the 5% flood level used above to show the site would flood in this event. These flood levels are greater than the crest level of the existing defences, which are at around 1.83m AOD, and the site could therefore be considered as functional floodplain, as it would be expected to flood during this event, even with the presence of defences. It is your responsibility to confirm whether the site is flood zone 3b. Your Flood Risk Supplementary Planning Document confirms that on brownfield sites 'if flood waters which inundate the site in a 1:20 (5%) annual probability event can pass under or through a building or sit on land this will be defined as functional floodplain'. Considering the height of existing flood defences at the site compared to modelled tidal flood levels, we consider the site would be inundated during the 1:30 (3.33%) flood event. Table 2 of the PPG: Flood Risk and Coastal Change confirms that 'more vulnerable' development should not be permitted within flood zone 3b. We note there is an extant permission dating back to 1974 which could be built and appreciate you will take this into consideration when making your decision. However, this portion of land functions as floodplain and any development within it has the potential to increase flood risk on and off site, which would not meet part c of the exception test. Flood Risk Assessment Notwithstanding the comments above relating to the fundamental acceptability of development within flood zone 3b, for which you are the decision-making authority, we have the following comments relating to the safety of development at this location which we consider would need addressing further to ensure safe development.

### Benefit of Defences

The site benefits from the presence of defences, but these would be expected to overtop within the lifetime of the development for both the 1% and 0.1% fluvial flood events and current day tidal events meaning the flood risk at the site is an actual risk, expected to occur over the development lifetime. The proposal is for a single-story dwelling, which is proposed to be constructed on a pad that would become buoyant if the site floods. The pad would be secured by piles at each corner, to a level of 3.29m AOD. The floating nature of the building has the potential to minimise the impacts of flooding, by allowing it to rise above the floodwater. Provision of Refuge Provision of refuge above the flood level is wholly dependent upon the structure being capable of floating and it is not within our remit to endorse the mechanics of the structure. If you are minded to grant planning permission, you should be satisfied that the structure has been designed to function as intended to ensure the safety of occupants. On fluvial and tidal floodplains, the floodwater's depth, velocity and the presence of moving debris will influence the overall safety of the design. During a flood, debris such as large branches or cars that are carried in the floodwater can hit the structure below or above the waterline. At high velocities that could damage the structure, including the under-croft area or tanks that provide the floatation. If the structure fails to rise, then the building will not have the required refuge within it to satisfy the safety requirements of the PPG. After a flood the structure will settle back down upon its foundations. However, if debris has come to rest underneath, this will be trapped, potentially meaning the house does not settle evenly. This can cause structural stress and also make it very challenging to remove the debris. The design would also need to ensure its anchorage mechanism can

withstand the floodwater velocities. There are also potential concerns around the long-term maintenance of the structure, and you would need to be satisfied that the structure can be maintained over its lifetime. Planning Policy Guidance (PPG) Paragraph 047 of the Planning Policy Guidance confirms that:

- ‘Access considerations should include the voluntary and free movement of people during a ‘design flood’, as well as the potential for evacuation before a more extreme flood, considering the effects of climate change for the lifetime of the development. Access and escape routes need to be designed to be functional for changing circumstances over the lifetime of the development’,
- ‘ideally access routes would be provided above design flood levels, and where they are not limited depths of flooding may be acceptable if it is considered this can be made safe’.

The FRA does not provide details of the nature of flooding at the site, in terms of the speed in which flooding could occur, the duration of flooding, or the flood hazards associated with the depths and velocity of flood water at the site, and this should be provided in any future correspondence to inform the emergency plan. The FRA does confirm that flood depths at the site would be between 2 and 3 metres, which according to Table 13.1 of the flood risks to people document (FD2320/TR2 ([publishing.service.gov.uk](https://publishing.service.gov.uk))) would present a danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services). Paragraph 005 of the PPG states that ‘the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood (0.1% annual probability of flooding with allowance for climate change)’ should be considered. During a design flood the FRA confirms there could be 2-3 metres of flood water across the site, and you should consider whether this risk of flooding can be appropriately mitigated for when considering whether the application meets the safety requirements of the exception test. The PPG requires that off-site flood risks are not increased as a result of development. The building has been designed to float and consideration must be given to whether any water would be displaced by the structure before it becomes buoyant and what the impacts would be to the site and surrounding area. Any losses of floodplain storage prior to the structure becoming buoyant, or once it is floating, should be compensated for to ensure local flood risk is not increased.

### Overcoming our Objection

If it can be justified that the site is not considered to be functional floodplain, based upon modelled flood levels and consideration of the evidence within your SFRA and SPD, and development is therefore considered appropriate to the flood zone, then in order for the exception test to be passed the applicant can overcome our objection through demonstrating the development can be made safe, by:

- Demonstrating that a safe route of access and egress can be achieved in accordance with FD2320, up to the 1% (1 in 100) fluvial and 0.5% (1 in 200) tidal annual probability with climate change flood events. Or if the applicant demonstrates that a safe route of access/egress is not possible this element could be mitigated by an acceptable emergency flood plan submitted to you that deals with matters of evacuation and refuge to demonstrate that people will not be exposed to flood hazards.
- Ensuring that there will be no loss of flood storage capacity on site. The FRA should demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application.

We look forward to being re-consulted following the submission of amended development proposals. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Additional information

#### Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fallback mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water, as per the requirements of paragraph 005 of the PPG. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures. This is of particular importance with this application which requires the structures to be able to float with rising and falling water levels and failure to do so could result in internal flooding of the development, which would not meet the requirements of the PPG.

Safe Access During a flood, the journey to safe, dry areas completely outside the 1% (1 in 100) fluvial and 0.5% (1 in 200) tidal annual probability event with climate change floodplain would involve crossing areas of potentially fast flowing water. Those venturing out on foot in areas where flooding exceeds 100 millimetres or so would be at risk from a wide range of hazards, including for example unmarked drops, or access chambers where the cover has been swept away. Safe access and egress routes should be assessed in accordance with the guidance document Defra/EA Technical Report FD2320: Flood Risk Assessment Guidance for New Development. Where safe access cannot be achieved an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with yourselves.

#### Emergency Flood Plan

Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with the Local Council. We trust this advice is useful.

Further updated response

#### Flood Risk

Our position We have reviewed the documents as submitted, including the revised flood risk assessment, prepared by Ellingham Consulting Limited, referenced ECL1043b/HOWES DESIGNS, dated July 2024 and are maintaining our objection to this proposal on flood risk grounds. We understand the existing extant permission could allow for a 4-bed dwelling to be constructed, connected to the existing mill. This building would not be single storey in nature and would provide the required refuge above the extreme (0.1%) flood level,

inclusive of climate change. The latest proposal does not appear to provide the same level of mitigation and could put site users at increased risk.

### Functional floodplain

The comments relating to the designation of land as functional floodplain in our previous response remain. As the decision-making authority, it is for you to decide whether the land functions as functional floodplain, or not. Your Strategic Flood Risk Assessment (SFRA) defines the land as indicative functional floodplain. As discussed within the Flood Risk Assessment (FRA), the site does benefit from the presence of flood defences, which have a crest level of around 1.3.AOD – 2.64mAOD. Cont/d.. 2

Flood levels are detailed in table 1 below, which can be compared to defence levels to understand where flooding would be expected. The cells in grey in the below table show where flood levels could exceed the defence level. It can be seen that the defences are above the fluvial flood levels for the 5%, 1% and 0.1% flood events and below the tidal flood levels for the 5%, 1% and 0.1% current day flood events. This means that during a tidal flood, excluding climate change, the site would be expected to flood.

When considering climate change, the defences would be expected to be exceeded during the 5%, 1% and 0.1% climate change events in both the fluvial and tidal flood scenarios. Paragraph 165 of the NPPF states that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)". Climate change should therefore be taken into account in the decision-making process and in consideration of whether the site is defined as flood zone 3b or not.

### Extant Permission

We note the footnote provided by the case officer dated 26/03/2024 which confirms that due to an extant permission, dating back to 1974, which has been started, the application could be considered as a replacement dwelling rather than a new dwelling. The 1974 permission allowed for a 4-bedroomed dwelling attached to the mill. The current application is for a two-bedroomed single storey dwelling, separate to the existing mill building. It is not clear whether the footprint of the dwelling with extant permission is the same, or smaller/larger than the proposed dwelling. We understand that a building could be constructed at this location based on the 1974 permission, but you may want to consider whether the footprint of the more recent application would be larger or not than that already approved when considering compensatory storage requirements, which currently have not been addressed. It is also not clear whether there would have been internally accessible access to the mill itself from the 1974 permission, which would have allowed for refuge within the building or not. Whilst the latest proposals has provision for less bedrooms than the extant permission, the latest proposal is reliant upon residents being able to leave the new building and access the mill to get to upper floors above the flood level. Generally, we would expect refuge to be internally accessible without the potential need to enter floodwater to reach it, which could be the case if site users have to make their way to the mill.

### Floor levels

The proposed building is no longer being designed to rise and fall with floodwaters and is instead proposed to be raised 0.6m above surrounding ground levels. The finished floor level has not been provided, but comparison of the topographical survey to flood levels indicates that the building would flood internally during the design flood event, potentially by over 1 meter. We do not normally accept flooding on the ground floor of dwellings which are expected to flood but design within the developments lifetime. We acknowledge that the extant permission may suffer with the same level of flooding on the ground floor, although it appears that access to the mill would have been internally available (which is not the case for the latest proposal), meaning the latest proposal could be putting site users at greater risk if flooding were to occur. Consequently, we would only be able to consider removing our objection if the local council inform us in writing that the development does not result in additional footprint within the floodplain to that which can already lawfully be constructed and they accept that the flood risk to the future occupants, including ground floor flooding and no internally accessible refuge within the building to be acceptable and safe for the proposed more vulnerable development, as they consider the proposed mitigation measures are sufficient to ensure the safety of the occupants and development.

#### Additional information

##### Safety of Building

The development has been designed to provide refuge above the predicted flood levels within an adjacent building on site. Given that refuge is identified as a fallback mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water, as per the requirements of paragraph 005 of the PPG. We advise that supporting information and calculations are submitted to you to provide certainty that the mill building will be constructed to withstand these water pressures. This is of particular importance with this application which requires the structures to be able to float with rising and falling water levels and failure to do so could result in internal flooding of the development, which would not meet the requirements of the PPG. Provision of refuge above the flood level is wholly dependent upon residents being able to get to another building on site (within the existing mill building) and consideration should be given to the possible flood hazards at the site for any users attempting to reach the mill building. Flood levels on site, based upon comparison of the topographical survey and modelled flood levels would be considered to represent a danger for all people, including the emergency services.

##### Safe Access

During a flood, the journey to safe, dry areas completely outside the 1% (1 in 100) fluvial and 0.5% (1 in 200) tidal annual probability event with climate change floodplain would involve crossing areas of potentially fast flowing water. Those venturing out on foot in areas where flooding exceeds 100 millimetres or so would be at risk from a wide range of hazards, including for example unmarked drops, or access chambers where the cover has been swept away. Safe access and egress routes should be assessed in accordance with the guidance document Defra/EA Technical Report FD2320: Flood Risk Assessment Guidance for New Development. Where safe access cannot be achieved an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be End 4 exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with yourselves.

## Emergency Flood Plan

Where safe access cannot be achieved an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be agreed with the Local Council in consultation with emergency planners. We trust this advice is useful.

## Local Lead Flood Authority

### Initial response

Thank you for your consultation on the above application received on 26 July 2023. However, having reviewed the application as submitted, it appears that this development would be classed as minor development (see section A4.3 in the Annex of our current guidance.) <https://www.norfolk.gov.uk/-/media/norfolk/downloads/rubbish-recycling-planning/flood-and-watermanagement/guidance-on-norfolk-county-councils-lead-local-flood-authority-role-as-statutoryconsultee-to-planning.pdf> If there is an incident of flooding that has been investigated by Norfolk County Council in the vicinity of the site, further information on key findings and recommendations are publicly available on our website (<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-watermanagement/flood-investigations>). The Local Planning Authority would be responsible for assessing the suitability for any surface water.

### Updated response

Thank you for your consultation on the above site, received on 3 April 2024. I can confirm that the County Council as Lead Local Flood Authority (LLFA) has no comments to make at this time.

In providing this substantive response, the LLFA is not currently able to carry out any review of the submitted documents or give any formal advice to the LPA for this consultation. As such, it should not be assumed that there is no impact associated with the proposed development in relation to surface water flood risk and drainage.

## Internal Drainage Board (Water Management Alliance)

### Initial response

The Board has been made aware of the above application and wishes to make the following comments.

The site is within the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lotheringland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. The proposed works are unlikely to be acceptable to the Board (in accordance with the policies outlined within the Board's Planning and Byelaw Strategy).



Resultantly, the Board currently objects to this planning application. The reason for the Board's objection is to avoid likely conflict between the planning process and the Board's operations and regulatory regime (as outlined below) and to prevent increased flood risk in accordance with National Planning Policy Framework. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Byelaw / Section of Act	Description	Requirement
Byelaw 3	Discharge of water to a watercourse (treated foul or surface water)	Consent may be required
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent not currently required
Byelaw 10 / 17	Works within 7 metres of a Board maintained watercourse	Consent not currently required

Waveney, Lower Yare and Lothingland Internal Drainage Board Board's Access.

The Board's catchment inlet is located within the site boundary. The Board therefore requires access and are concerned that the works in the vicinity of the inlet such as the proposed boat mooring may impede this. Without further information regarding the works to or near the inlet, the Board currently objects to this application. Byelaw 3 (Surface Water) I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. Byelaw 3 (Treated Foul Water) I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I note the presence of a Board Maintained watercourse (DRN232P0201) near the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaws 10 and 17 Whilst not currently proposed, should the applicant's proposals change to include works within 7 metres of, or and/or works to install services within, make excavations within, or otherwise alter the banks of the aforementioned Board Maintained watercourse, or if works within 7 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaws 10 and 17. Please see the supplementary information overleaf for further detail on the Board's policy and consenting process. If, following review of our comments and supporting policy documents linked below, you wish to discuss any of the requirements I have raised, please contact the Board using the details at the head of this letter.

## Updated response

Thank you for your re-consultation on this application following the submission of new documents. Please see below the Board's amended comments including the removal of our objection.

The site is within the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf.

Please be aware of the potential for conflict between the planning process and the Board's regulatory regime. Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent. Our ref: 23\_23000\_P 29/04/2024 Your ref: BA/2023/0214/FUL Site Location: Toft Monks Mill Haddiscoe Island Haddiscoe Summary of Proposal: Restoration of wind pump, re-build steam pump building, create new separate living accommodation removing this from the wind pump. External works. Byelaw / Section of Act Description Requirement Byelaw 3 Discharge of water to a watercourse (treated foul or surface water) Consent may be required Section 23, Land Drainage Act 1991 Alteration of a watercourse Consent not currently required, Byelaw 10 / 17 Works within 7 metres of a Board maintained watercourse Consent not currently required.

Waveney, Lower Yare and Lothingland Internal Drainage Board Board's Access.

The Board's catchment inlet is located within the site boundary. The Board therefore requires access and were previously concerned that the works in the vicinity of the inlet such as the previously proposed boat mooring may impede this. Following the removal of the boat mooring element of the proposal as shown in drawing number PL01 Rev C (Howes Designs, 25./09/2022), the Board no longer objects to this application. Byelaw 3 (Surface Water) I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. Byelaw 3 (Treated Foul Water) I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note the presence of a Board Maintained watercourse (DRN232P0201) near the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaws 10 and 17 Whilst not currently proposed, should the applicant's proposals change to include works within 7 metres of, or and/or works to install services within, make excavations within, or otherwise alter the banks of the aforementioned Board Maintained watercourse, or if works within 7 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaws 10 and 17. Please see the supplementary information overleaf for further detail on the Board's policy and consenting process. If, following review of our comments and supporting policy documents linked below, you wish to discuss any of the requirements I have raised, please contact the Board using the details at the head of this letter.

## Broads Authority Ecologist

### Initial response

#### Ecology summary

All mitigation and enhancements stated in the Ecological Survey must be followed.

### Habitat and species surveys required

Ecology Survey has been conducted.

#### Biodiversity Mitigation

All mitigation proposals in the ecological report should be followed this includes physical mitigation and timeline for when works should occur. Appendix 3 of the ecological report shows areas where mitigation should be focused on site.

#### Biodiversity Enhancements

All enhancements in section 7 should be implemented. 7.1 – Planting scheme should include plants from the given list from plants to native hedge species. 7.1.1 Birds – 3 mixed sized bird boxes should be put up around the site. The report gives suggestions on which ones. 7.2.1 Bats – 3 boxes should be placed around the property. The opportunities plan (Appendix 3 of the ecological report) shows where all mitigation and enhancements are suggested.

#### Conclusion

There are no ecological concerns as long as all mitigation and enhancements followed from the Ecological Survey.

### Updated response

#### Ecology summary

All conditioned mitigation and enhancements must be followed. The shadow HRA shows negligible impact of the proposed works and we concur with the assessment. Habitat and species surveys required Ecological Impact Assessment has been conducted.

### Biodiversity Mitigation

Condition 1 - All mitigation proposals in the ecological report should be followed this includes physical mitigation and timeline for when works should occur. Appendix 3 of the Ecological Impact Assessment report shows areas where mitigation should be focused on site. Condition 2 - Pollution Prevention A method statement to ensure best practice measures are set in place to contain any sediment or chemical run-off during the construction phase. Condition 3 – Biosecurity The Biosecurity protocol ‘Check, Clean, Dry’ should be observed at all times during the development.

### Biodiversity Enhancements

Condition 4 - All enhancements in section 7 of the Ecological Impact Assessment should be implemented. 7.1 – Planting scheme should include plants from the given list from plants to native hedge species. 7.1.1 Birds – 3 mixed sized bird boxes should be put up around the site. The report gives suggestions on which ones. 7.2.1 Bats – 3 boxes should be placed around the property. The opportunities plan (Appendix 3 of the ecological report) shows where all mitigation and enhancements are suggested.

### Conclusion

There are no ecological concerns as long as all mitigation and enhancements followed.

## **Broads Authority Tree Officer**

### **Initial response**

Many thanks for the attached which I have now reviewed and can offer the following. Whilst the proposed development/restoration of the Mill does require the loss of a number of trees in order to allow sufficient space for the operation of the pump sails and the advice of the millwright, there is replacement planting proposed to mitigate the loss which I deem to be acceptable.

My only area of concern is the proposed retention of the Oak tree T10, which is proposed. Whilst it may be possible, with the proposed tree protection and method statement to protect this tree during construction of the dwelling, I do have concerns about the high growth potential of the tree and its proximity of the building and the likely problems this may cause future residents with regards overhanging limbs, shading and access around the building. Given this, I would suggest that there are two options, either the position of the dwelling be reconsidered in order to move it further from the tree to address the issues detailed above or, the tree could be felled and a suitably sized replacement Oak planted in a more appropriate position in relation to the proposed building.

My preference would be the relocation of the building, but perhaps you could discuss this with the applicant to see if this is possible. I hope this is of some assistance. If you or the applicant would like to discuss this further, please do call/email.

### Updated response

Further to your request I have revisited the above-mentioned site with the revised layout and revisited the Arboricultural Impact Assessment. Whilst I have no fundamental objections to the proposed development, that will no doubt enhance the site in the long-term, the submitted Arboricultural report relates to the previous layout and the references the plans and associated tree impacts relating to the original submission. Given this, I would ask that you request the Arboricultural report be updated and resubmitted to reflect the latest proposal and associated impacts. As always, I am happy to discuss this with the applicant/agent if they wish.

### Further updated response

Further to your recent request I have reviewed the revised Arboricultural submission and can confirm that I have no objections to the proposed development as long as it is undertaken in line with the Chapter 4 (Arboricultural Method Statement), of the revised Arboricultural submission dated July 2024. If this could be listed as an approved document this should suffice without the need for a bespoke condition.

## Broads Authority Landscape Officer

### Initial response

#### Landscape Character considerations:

This site falls within the Haddiscoe Island Landscape Character Assessment (LCA) area number 18, the site sits on the edge of the river, within the River and Ronds landscape type. The LCA for the area highlights the exceptional depths of the reed ronds in the area as a notable characteristic. With reference to enclosure scale and pattern, the LCA recognises Haddiscoe Island as “a large scale, open, flat marshland landscape which is bounded by embanked rivers of the Yare and Waveney lying metres above the low lying grazing land. It is a simple landscape of muted colour palette, with comparatively little variation in light and reflectivity, due to the relative absence of features breaking up skylines or casting shadows.” The extensive views and uninterrupted skylines are also recognised, noting that these are only interrupted by drainage mills and limited vegetation. The Toft Monks mill itself is noted within the LCA, as one of four in the area that are considered significant features within the landscape, stating “visually the drainage mills on the island combine with those on the adjacent marshes adding to their significance in views of the area as a whole.”

The significance of the mills, and their importance within the landscape is also prioritised as an opportunity within this LCA, which recognises their national and international importance as landscape and historic features, acknowledging that new purposes need to be found for some of the structures to ensure their survival for future generations.

Proposed development: The proposed development contains two aspects that could alter the way in which the site is representative of the key and special characteristics of this LCA. - The removal (and replacement planting) of trees to facilitate restoration of the mill - The introduction of new built form Having reviewed the application I believe the effects of the proposal can be established from the submitted information and do not believe that any additional assessments such as an LVIA are required to do this. Firstly, taking the removal

(and replacement planting) of trees to facilitate the restoration of the mill, considering that the LCA recognises that vegetation is limited in the area, and in this instance we know that it would not have existing in the current location when the mill was in working order (as it would have prevented the movement of the sails), I consider the removal of the trees to be acceptable in landscape terms, and that there is a benefit in doing so as it restores the original landscape character of the immediate setting of the mill. In landscape terms the introduction of additional vegetation will result in a minor negative impact, as this is not characteristic of the LCA, and the overall quantity of trees on site will increase. However, the replacement planting is necessary to mitigate the loss of trees, and is broadly shown away from the mill and main ditch and therefore improved visibility of the mill will result overall.

The introduction of built form is clearly uncharacteristic within the receiving landscape, as noted by the LCA generally an absence of settlement and built features, however, the importance of conservation and restoration of the mills is also strongly recognised within the LCA and an openness to the need for an economic incentive acknowledged. Given that the building has been designed to minimise any visual impact on the receiving landscape, and positioned to relate well to the mill and benefit from screening of the existing vegetation, I have no objection to the proposal. General comments: The application includes a proposal for a single new wind turbine to be located on the site, my understanding is that this is currently contrary to national and local policy, given that no areas within the Broads are identified within the development. However, purely in landscape terms, I have no objection to the appearance of the proposed wind turbine, and do not believe it would have any significant visual impact on the surroundings, any visibility of it would be in the context of the overall site narrative – which I believe has been dealt with sensitively in terms of how people perceive landscape and landscape change.

Recommendations: The green roof and living wall elements of the proposal are ambitious, and clearly offer ecological benefits, along with reducing the potential visual impact of the proposal, however if an approval is given for this application, the establishment and maintenance of these elements of the structure will be key to its success. Management of new planting also needs to be considered to prevent self-seeding and gradual encroachment on the site, which could lead to an uncharacteristic amount of vegetation in the area. I therefore recommend that conditions are applied to any approval given in order to secure the effective establishment and management of these elements.

#### Updated response

Thank you for taking the time to explain some of the context around these amendments to me. Whilst I am open minded and accept that the site can accommodate the increased massing of the building, and understand the reasons that the building is now raised from the ground level, I do still have some concerns over the design and its potential impact on the receiving landscape. The approach of creating a green roof, and living wall to the north east elevation would be a mitigation measure to minimise the impact of the building on the surrounding landscape. However I'm interested to understand more about how this will be achieved. Could you applicant provide some examples please of successful schemes where a green roof has been used in this wrap around design, extending from roof to wall? Whilst I think it is well intentioned, I'm unsure about the deliverability of this and would imagine the

build up systems for the wall and roof would be different and that the seamless curve would be difficult to achieve. I'm also interested to know a little more about the proposed planting would be, and if this would differ on the roof to the wall. This is important to consider now, as if we cannot be reassured that the living elements of the building would be successful, I would be looking for some alternative design suggestions that might offer the ability to weather and reference the surrounding landscape (thatch for example). I hope that makes sense and is useful to moving the discussion forward.

#### Further updated response

Thank you for re-consulting us on this application and providing the additional information and images. These do demonstrate that the concept is possible and I therefore have no landscape objections, on the basis that the proposed design is appropriate to mitigate impacts on the wider landscape. I would ask that a condition is applied please, to secure details of the planting mixes that will be used on the green roof and walls of the building. This is to ensure that the mixes are appropriate to the surrounding landscape, and in the hope that we will have something more akin to a naturalistic mosaic of plants, rather than the contemporary structural approach that was taken in the example with highly contrasting textures and colours.

### **Listed Building Application Responses BA/2023/0215/LBC**

#### Historic England

Thank you for your letter of 5 July 2023 regarding the above application for listed building consent. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

#### Joint Committee of Amenity Societies (SPAB in this instance)

##### Initial response

##### Background to this response

The Society for the Protection of Ancient Buildings Mills Section is a statutory body in respect to proposals affecting listed buildings in the case of windmills and watermills. The SPAB Mills Section is supportive of the proposed plans, as the proposed new building will be located at a distance away from the mill. If possible, we would like to find out who will undertake the repair of the mill.

##### Recommendation

The SPAB Mills Section recommends acceptance of the proposed plan

##### Updated response

Background to this response The Society for the Protection of Ancient Buildings Mills Section is a statutory body in respect to proposals affecting listed buildings in the case of windmills and watermills. The SPAB Mills Section is supportive of the proposed plans, as the proposed

new building will be located at a distance away from the mill, which will allow the mill to be fully operational again once it has been repaired

## Historic Environment Services

### Initial response

The proposed development affects a heritage asset comprising a former 19th century or earlier drainage mill and late 19th century engine house. The proposed works, although welcome, will alter and affect the significance of the heritage asset which is worthy of recording prior to its restoration. If planning permission is granted, we therefore ask that this be subject to condition for a programme of archaeological work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205. We suggest that the following condition be imposed:- No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording, the results of which have been submitted by the applicant and approved in writing by the local planning authority. In this instance the programme of historic building recording will comprise a photographic survey of the structures for which a brief is available from the Norfolk County Council Historic Environment Team. Please note that we now charge for our services. If you have any questions or would like to discuss our recommendations, please don't hesitate to get in contact .

### Updated response

Thank you for consulting with us about the above amended planning application. Our previous advice remains valid:- 'The proposed development affects a heritage asset comprising a former 19th century or earlier drainage mill and late 19th century engine house. The proposed works, although welcome, will alter and affect the significance of the heritage asset which is worthy of recording prior to its restoration. If planning permission is granted, we therefore ask that this be subject to condition for a programme of archaeological work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205. We suggest that the following condition be imposed:- No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording, the results of which have been submitted by the applicant and approved in writing by the local planning authority. In this instance the programme of historic building recording will comprise a photographic survey of the structures for which a brief is available from the Norfolk County Council Historic Environment Team. Please note that we now charge for our services.' If you have any questions or would like to discuss our recommendations, please contact us at [hep@norfolk.gov.uk](mailto:hep@norfolk.gov.uk).

### Further updated response

Thank you for consulting with us about the above amended Listed Building planning application. We have no comments to make.



## Broads Authority Historic Environment Manager

### Initial response

Toft Monks Mill is a grade II listed drainage pump, situated on Haddiscoe Island and within the Halvergate Marshes Conservation Area. It is likely to date from the mid-19th century. The remains of a later 'Humpback' vertical steam pump are also retained on the site, along with the foundations of its engine house and the pump is identified in the Halvergate Marshes Conservation Area Appraisal as a rare survival. The mill is in a relatively sound condition, although some elements are currently missing, including the stocks, sails, fantail and some internal machinery and the cap is an inaccurate replica of the original, all of which erode its heritage value and character. The proposal is thorough in its approach and the repairs will ensure that the mill does not continue to deteriorate. The proposal to rebuild the engine house is also considered appropriate and as well as providing protection for the 'Humpback' steam pump, will also enable some heritage interpretation of the mill which will be beneficial. It is considered that the proposal meets the requirements of Local Plan Policy SSMILLS and Policy DM11. As well as Toft Monks Mill being significant in its own right as a good example of a mid-19th century drainage pump, the mill is an important landscape feature and as such has some group value with the other mills and positively contributes to the significance of the conservation area. It is considered that the proposal to repair and restore the external appearance of the mill will ensure that it further enhances the character and appearance of the Halvergate Marshes Conservation Area and contributes to local distinctiveness in line with Local Plan Policy DM11 and NPPF para 197.

BA/2023/0214/FUL An integral part of the overall proposal is for a small building containing living accommodation for occasional use. I have no objection to this building in design or heritage terms. The building is physically and visually lightweight, and the scale and design of the building and the proposed materials will ensure that it is visually recessive and does not impose on the setting of the listed mill, or the wider landscape. In terms of this wider impact, it is considered that it will be minimal as 'Haddiscoe Island occupies negative space – from the wider landscape the landform is concealed by the river walls, so that the eye travels over it to the furthest edges of the marsh' (Halvergate Marshes Conservation Area appraisal, page 18). To summarise, I have no objection to the proposal in terms of design and heritage and consider that the proposal will be beneficial to designated heritage assets including the grade II listed Toft Monks Mill and the Halvergate Marshes Conservation Area.

### Updated response

My previous comments dated 24.07.2023 relating to application no: BA/2023/0215/LBC shall apply. The design of the new building proposed under application no: BA/2023/0214/FUL has changed slightly. The semi-circular form of the building mirrors the mill and its concave front elevation responds to the circular form of the mill, creating a positive relationship between the two. However, the contemporary design of the building ensures that it does not visually compete with the mill. The use of timber cladding and sedum, as well as the curved roof form facing the wider landscape result in a building that should appear lightweight and visually recessive despite the slight increase in height and footprint. I would suggest that materials are conditioned and that timber framed windows and doors would be most appropriate in this location and ensure that the building relates to its landscape and historic context. To summarise, I am supportive of this proposal which would result in the repair and restoration of a grade II listed drainage mill. It is also considered that the ongoing maintenance and upkeep of the mill is more likely with the

regular visitors that the accommodation should provide and that this accommodation has been designed in such a way to be sensitive to both the setting of the designated heritage assets and the wider landscape.

# Planning Committee

13 September 2024

Agenda item number 8

## Enforcement update

Report by Head of Planning

### Summary

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

### Recommendation

To note the report.

Committee date	Location	Infringement	Action taken and current situation
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans (Units X and Y)	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Site being monitored. October 2018 to February 2019.</li> <li>• Planning Contravention Notices served 1 March 2019.</li> <li>• Site being monitored 14 August 2019.</li> <li>• Further caravan on-site 16 September 2019.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Site being monitored 3 July 2020.</li> <li>• Complaints received. Site to be visited on 29 October 2020.</li> <li>• 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.</li> <li>• Incomplete response to PCN received on 10 December. Landowner to be given additional response period.</li> <li>• Authority given to commence prosecution proceedings 5 February 2021.</li> <li>• Solicitor instructed 17 February 2021.</li> <li>• Hearing date in Norwich Magistrates Court 12 May 2021.</li> <li>• Summons issued 29 April 2021.</li> <li>• Adjournment requested by landowner on 4 May and refused by Court on 11 May.</li> <li>• Adjournment granted at Hearing on 12 May.</li> <li>• Revised Hearing date of 9 June 2021.</li> <li>• Operator pleaded 'not guilty' at Hearing on 9 June. Trial scheduled for 20 September at Great Yarmouth Magistrates Court.</li> <li>• Legal advice received in respect of new information. Prosecution withdrawn and new PCNs served on 7 September 2021.</li> <li>• Further information requested following scant PCN response and confirmation subsequently received that caravans 1 and 3 occupied on Assured Shorthold Tenancies. 27 October 2021</li> <li>• Verbal update to be provided on 3 December 2021</li> </ul>

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

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Hearing at Norwich Crown Court adjourned to 22 September 2023. 1 September 2023.</li> <li>• Hearing at Norwich Crown Court adjourned to 22 December 2023. 26 September 2023.</li> <li>• Hearing postponed at request of Court, to 8 April 2024 rescheduled date. 16 January 2024.</li> <li>• Hearing postponed at request of Court, to 14 May rescheduled date. 10 April 2024.</li> <li>• Court dismiss Defendants' application to have prosecution case dismissed. Defendants plead 'not guilty' and trial listed for seven days commencing 23 June 2025. 14 May 2024</li> </ul>
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers' site.	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Correspondence with solicitor on behalf of landowner 20 Nov. 2019.</li> <li>• Correspondence with planning agent 3 December 2019.</li> <li>• Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020.</li> <li>• Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020.</li> <li>• Appeal start date 17 August 2020.</li> <li>• Hearing scheduled 9 February 2021.</li> <li>• Hearing cancelled. Rescheduled to 20 July 2021.</li> <li>• Hearing completed 20 July and Inspector's decision awaited.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• 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</li> <li>• Retrospective application submitted on 6 December 2021.</li> <li>• Application turned away. 16 December 2021</li> <li>• 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.</li> <li>• Further retrospective application submitted and turned away. 17 March 2022</li> <li>• Further information on occupation requested. 11 April 2022</li> <li>• No further information received. 13 May 2022</li> <li>• Site to be checked. 6 June 2022</li> <li>• 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.</li> <li>• Further site visited required to confirm situation. 7 September 2022</li> <li>• 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.</li> <li>• Offer provisionally accepted on 17 October. Site to be checked after 1 November 2022.</li> <li>• 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</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• One caravan remaining. Written to landowner’s agent. 17 April 2023</li> <li>• Gypsy and Traveller Accommodation Needs Assessment commissioned. June 2023</li> <li>• New consultants engaged to undertake Gypsy and Traveller Accommodation Needs Assessment. March 2024.</li> </ul>
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"> <li>• Authority given by Chair and Vice Chair for service of Temporary Stop Notice requiring cessation of construction 13 May 2022</li> <li>• Temporary Stop Notice served 13 May 2022.</li> <li>• Enforcement Notice and Stop Notice regarding workshop served 1 June 2022</li> <li>• Enforcement Notice regarding kerbing and lighting served 1 June 2022</li> <li>• Appeals submitted against both Enforcement Notices. 12 July 2022</li> <li>• Appeals dismissed and Enforcement Notices upheld 29 July 2024.</li> <li>• Workshop to be dismantled and removed off site within two months; all associated structures and fixtures to be removed off site, services (electricity) to be disconnected and infrastructure to be removed off-site and the land to be made good within three months.</li> <li>• Kerbed structure and lighting columns to be taken down and electricity connections to be taken up, all within two months; all structures, materials and associated debris arising from the above to be removed off site and the land to be made good within three months.</li> </ul>
21 September 2022	Land at Loddon Marina, Bridge Street, Loddon	Unauthorised static caravans	<ul style="list-style-type: none"> <li>• Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravans.</li> <li>• Enforcement Notice served. 4 October 2022.</li> </ul>



Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Enforcement Notice withdrawn on 19 October due to minor error; corrected Enforcement Notice re-served 20 October 2022.</li> <li>• Appeals submitted against Enforcement Notice. 24 November 2022</li> <li>• Appeals dismissed and Enforcement Notices amended and upheld 29 July 2024.</li> <li>• Residential use of the caravans to cease, the caravans and associated structures, fixtures, fittings and domestic paraphernalia to be removed off site, services (including water and electricity) to be disconnected and infrastructure to be removed off-site and the land to be made good, all within six months.</li> </ul>
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"> <li>• Planning Contravention Notice to clarify occupation served 25 Nov 2022.</li> <li>• Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravan</li> <li>• Enforcement Notice served 11 January 2023. 20 January 2023.</li> <li>• Appeals submitted against Enforcement Notice. 16 February 2023.</li> <li>• Appeals dismissed and Enforcement Notices amended and upheld 29 July 2024.</li> <li>• Residential use of the caravan to cease within two months; the caravan and associated structure or fixtures to be removed off site, services (electricity and water) to be disconnected and infrastructure to be removed off-site and the land to be made good within three months.</li> </ul>
31 March 2023	Land at the Berney Arms, Reedham	Unauthorised residential use of caravans and outbuilding	<ul style="list-style-type: none"> <li>• Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of the caravans.</li> <li>• Enforcement Notice served 12 April 2023.</li> </ul>

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Enforcement Notice withdrawn on 26 April 2023 due to error in service. Enforcement Notice re-served 26 April 2023. 12 May 2023</li> <li>• Appeal submitted against Enforcement Notice. 25 May 2023</li> </ul>
2 February 2024	Holly Lodge. Church Loke, Coltishall	Unauthorised replacement windows in listed building	<ul style="list-style-type: none"> <li>• Authority given to serve a Listed Building Enforcement Notice requiring the removal and replacement of the windows and the removal of the shutter. Compliance period of 15 years.</li> <li>• LPA in discussions with agent for landowner. 10 April 2024.</li> <li>• <b>No resolution achieved through discussion. Legal advice sought. 29 August 2024</b></li> </ul>

Author: Ruth Sainsbury

Date of report: 29 August 2024

Background papers: Enforcement files

# Planning Committee

13 September 2024

Agenda item number 9

## Consultation responses

Report by Planning Policy Officer

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### 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 responses.

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## 1. Introduction

- 1.1. Appendices 1 and 2 show selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.

## 2. Action required

- 2.1. The Committee's comments, guidance and endorsement are invited.

Author: Natalie Beal

Date of report: 27 August 2024

[Appendix 1 - Regional Energy Strategic Plan policy framework consultation](#)

[Appendix 2 – South Norfolk Village Clusters Housing Allocation Plan](#)

# Appendix 1 – Ofgem

Document: Regional Energy Strategic Plan policy framework consultation.

[Regional Energy Strategic Plan policy framework consultation | Ofgem](#)

**Due date:** 08 October 2024

## Notes

In our November 2023 future of local energy institutions and governance decision, we confirmed the introduction of a new regional strategic planning function delivered by the National Energy System Operator.

The Regional Energy Strategic Plan (RESP) will enable the coordinated development of the energy system across multiple vectors, provide confidence in system requirements and enable network infrastructure investment ahead of need. Ultimately, this will support the energy system's transition to net zero in a cost effective manner.

This consultation follows on from our November decision and sets out our proposed policy framework for the RESP, alongside a series of questions for consideration. We are seeking input from stakeholders on three primary areas:

**RESP building blocks** – we propose each RESP should include a long-term vision alongside a series of directive strategic net zero pathways that show energy projections and guide system need. The RESP should be developed collaboratively and based on relevant local and national data inputs.

**Regional governance** – we propose each region should have a Strategic Board, made up of local and devolved government and network company representatives. The Strategic Board should facilitate transparency, heighten visibility of regional priorities and provide oversight of the RESP development.

**Boundaries** – we propose eleven regions across Great Britain. One region covering Wales, one region covering Scotland and a further nine regions covering England.

## Proposed response

The document would benefit from checking the terminology used is correct and appropriate. In some places there is reference to local plans and then local energy plans. For example, para 3.57 – I am not sure this Framework can produce a Local Plan – perhaps it means a Local Energy Plan.

Lots of mention of planning and planning process and planning area and spatial planning but not sure every mention is relating to local planning as related to a Local Planning Authority. This needs a check through.

There are numerous different references throughout the document that could mean the same thing: local authorities, local government, local democratic institutions, local government infrastructure bodies. I am not sure what the last two are. I would suggest consistency. However, see next point.

There is no mention of National Park Authorities and the Broads Authority. We are not councils, local authorities, local government, local democratic institutions or local government infrastructure bodies. We are Local Planning Authorities though. I wonder if you should just be using the term 'Local Planning Authority' throughout?

We would welcome some reference to protected landscapes and the National Park Authorities and Broads Authority.

4.15 – how will protected landscapes be represented?

4.22 –Not just district councils but also National Park Authorities and the Broads Authority.

I cannot see mention of using the pre-application advice that Local Planning Authorities provide for schemes.

There are some considerations that the kind of proposals that this document relates to need to consider;

- Peat – peat is a finite resource with many special qualities such as carbon sequestration. It can be excavated as a by-product of development. If it dries out, it becomes a carbon source. Schemes need to take care in relation to location and routing of pipelines and consider impact on peat.
- Protected landscapes – there is no mention in the document of protected landscapes. Clearly, energy projects could have impacts on the landscape. Protected Landscapes are treasured locally, nationally and indeed internationally and the document needs to refer to protected landscapes.
- Light pollution – some schemes tend to have lighting. The lighting is not often designed that well. The document could usefully refer to lighting and light pollution and dark skies and working with experts to produce lighting plans that show how the proposals will look at night. There are many dark areas in the UK and light pollution needs to be a consideration.

## Appendix 2: South Norfolk Council

Document: Village Clusters Housing Allocation Plan (VCHAP)

[www.southnorfolkbroadland.gov.uk/vchap](http://www.southnorfolkbroadland.gov.uk/vchap).

**Status:** Addendum to the Regulation 19 version

**Due date:** 07 October 2024

### Notes

The proposed Addendum includes the additional and amended sites proposed for allocation within the VCHAP to address this shortfall. The document also includes a number of other focused changes to the proposed VCHAP. The published document only deals with the changes that are being proposed to the Regulation 19 VCHAP document that was published in 2023.

### Proposed response

#### Light pollution

Most of the proposed sites are on the edge of settlements. Particular care and attention need to be given to any proposals for external lighting as well as any design that has a lot of glazing. Lighting in such edge of settlement areas needs to be fully justified, serve a specific purpose, be of the right design and intensity so as to not affect dark skies, such as the intrinsic dark skies of the Broads. Reference to lighting being only needed if fully justified and well designed needs to be made in relevant policies, especially the following as they are close to, albeit separated from, the Broads. Also, design with lots of glazing need to be avoided unless there is going to be automated shades incorporated into the design.

- Policy VC BRM1: Land west of Old Yarmouth Road
- Policy VC EAR2: Land north of The Street
- Policy VC GIL1REV: South of Geldeston Road and Daisy Way

We recommend that for sites on the edge of settlement you include wording such as: 'Given that this site is on the edge of the settlement, particular care and attention will be given to lighting of such schemes. This includes external lighting, as well as mitigation for designs with lots of glazing. Schemes will need to fully justify the need for lighting, provide detail of the design and ensure that lighting is on only when it is needed, and designed to not add to light pollution. Designs with a lot of glazing are required to provide mitigation in the form of automated shades that are shut between dusk and dawn.'

### **Policy VC GIL1REV: South of Geldeston Road and Daisy Way**

Our concern is incremental pressure and expansion of development around Gillingham. Again, one of the main concerns is lighting and so consideration of lighting is of particular reference to this policy.

The policy states: 'The boundary of the site incorporates areas at both surface and fluvial (Zones 2 and 3a) flood risk in the south-western corner and a remaining small area of tidal flooding in the southeast corner, which it is recommended are left undeveloped.

Development of the site will require a site-specific Flood Risk Assessment (FRA) and strategy, to inform the layout of the site'. This should be made stronger and state 'which must be left undeveloped' as it is not acceptable to be allocating development in Zones 2 and 3a.

It also states; 'The developer of the site is recommended to enter into early engagement with Anglian Water...'. Again, this should be stronger – to say 'must'.

### **Policy VC BRM1: Land west of Old Yarmouth Road**

The text says, 'The developer is therefore encouraged to enter into early engagement with AW regarding this matter'. This should be stronger – to say 'must'.

### **HAD1 Land south of Haddiscoe Manor Farm**

Don't need the word 'that' in the first sentence, it doesn't make sense of the bullet points following.

# Planning Committee

13 September 2024

Agenda item number 10

## Local Plan- Preparing the Publication Version

Report by Planning Policy Officer

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### Summary

This report introduces some updated evidence and policies that will support the next version of the Local Plan. These are the Energy Efficiency Topic Paper, Sequential Test, Development Boundary Topic Paper, Renewable Energy Policy (including wind) and the policy on the Utilities Site.

### Recommendation

To endorse:

- a) the Energy Efficiency Topic Paper as evidence supporting the Local Plan production and also to endorse the proposed draft policy;
  - b) the Sequential Test as evidence supporting the Local Plan production;
  - c) the amended Development Boundary Topic Paper as evidence supporting the Local Plan production as well as to endorse the section on Filby (that seeks comments on Filby having a development boundary);
  - d) the amended renewable energy policy; and
  - e) the amended Utilities Site policy.
- 

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## 1. Introduction

- 1.1. This report introduces some updated evidence and policies that will support the next version of the Local Plan. These are the Energy Efficiency Topic Paper, Sequential Test, Development Boundary Topic Paper, Renewable Energy Policy (including wind) and the policy on the Utilities Site.
- 1.2. Each section has its own recommendation.

## 2. Energy Efficiency Topic Paper

- 2.1. The issue of energy efficiency in new buildings is one that is continuously evolving. There is the Planning and Energy Act of 2008, then some Written Ministerial Statements and then dismissed legal challenges all related to what a Local Plan can require in terms of energy efficiency of buildings. This Topic Paper on Energy Efficiency explores the situation and proposes a draft policy for the Local Plan. See Appendix 1.
- 2.2. It is recommended that Members endorse the Energy Efficiency Topic Paper as evidence supporting the Local Plan production and also endorse the proposed draft policy.

## 3. Local Plan Sequential Test

- 3.1. Much of the Broads is affected by flood risk. The Local Plan for the Broads allocates sites for certain development as well as including policies that guide how a site can develop and change. The NPPF (para 167) says that when preparing a Local Plan, a Sequential Test needs to be produced where flood risk is a consideration.
- 3.2. This Sequential Test has been produced to address the requirements of the NPPG: [Flood risk and coastal change](#). The Sequential Test is also a planning policy requirement of the National Planning Policy Framework (NPPF) as set out in paragraphs 167 and 168. The Environment Agency and Norfolk and Suffolk Lead Local Flood Risk Authorities were consulted.
- 3.3. See Appendix 2 for the Sequential Test.
- 3.4. It is recommended that Members endorse the Sequential Test as evidence supporting the Local Plan production.

## 4. Development Boundary Topic Paper

- 4.1. During the consultation on the Preferred Options version of the Local Plan, Great Yarmouth Borough Council recommended that the part of Filby that is within the Broads should have a development boundary to complement the development boundary of the part of Filby that is within its planning area. On reviewing the assessment of Filby in the Settlement Study, Filby rates favourably in terms of services and facilities in the settlement and so some options for a development boundary in the Broads part of Filby were produced. This was sent to Filby Parish Council for comment, as well as to the heritage, landscape and ecology Officers at the Broads Authority for comment. There was general support, with some suggestions for amendments.
- 4.2. Given that this is a new area for a development boundary, we intend to ask a question in the Publication Version of the Local Plan to ascertain what stakeholders and the public think of a development boundary for the part of Filby in the Broads. We also intend to ask if area 'Y' should be within the development boundary or not.
- 4.3. See Appendix 3 for the amended Development Boundary Topic Paper.
- 4.4. It is recommended that Members endorse the amended Development Boundary Topic Paper as evidence supporting the Local Plan production as well as endorse the section on Filby that seeks comments on Filby having a development boundary.

## 5. Renewable Energy Policy, including wind power

5.1. We received some comments that sought changes to the renewable energy policy. Furthermore, one of the first things the Labour Government has done since coming to power, was to change the approach to onshore wind power; the requirement for suitable areas to be identified in Local Plans does not exist anymore. We also received some comments relating to wind power (see below). We have therefore added some criteria relating to proposals for wind power in the renewable energy policy. Of relevance to wind power in the Broads is some work we intend to commission that will look at the landscape impact/suitability for turbines that are 0-10m in height. Our current Landscape Sensitivity Study looks at a larger size bracket for 0-20m and concluded that even this size of turbine is not appropriate in the Broads due to landscape impact.

5.2. Here are the comments we received as part of the Preferred Options consultation:

Specific Question 2: Do you have any thoughts on the suitability of wind turbines in the Broads?

Name	Organisation	Comment
Chris Waldron	Ministry of Defence	Technical assets that facilitate air traffic management, primarily radar, navigation, and communications systems are safeguarded to limit the impact of development on their capability and operation. The height, massing, and materials used to finish a development may all be factors in assessing the impact of a given scheme. Developments that incorporate renewable energy systems may be of particular concern given their potential to provide large expanses of metal at height, for example where proposals include a wind turbine or roof mounted solar PV system.
Chris Waldron	Ministry of Defence	Where development falls outside designated safeguarding zones the MOD may have an interest where development is of a type likely to have any impact on operational capability. Usually this will be by virtue of the scale, height, or other physical property of a development. Examples these types of development include, but are not limited to <ul style="list-style-type: none"> <li>o Solar PV development which can impact on the operation and capability of communications and other technical assets by introducing substantial areas of metal or sources of electromagnetic interference. Depending on the location of development, solar panels may also</li> </ul>

Name	Organisation	Comment
		<p>produce glint and glare which can affect aircrew or air traffic controllers.</p> <ul style="list-style-type: none"> <li>o Wind turbines may impact on the operation of surveillance systems such as radar where the rotating motion of their blades can degrade and cause interference to the effective operation of these types of installations, potentially resulting in detriment to aviation safety and operational capability. This potential is recognised in the Government’s online Planning Practice Guidance which contains, within the Renewable and Low Carbon Energy section, specific guidance that both developers and Local Planning Authorities should consult the MOD where a proposed turbine has a tip height of, or exceeding 11m, and/or has a rotor diameter of, or exceeding 2m;</li> <li>o Any development that would exceed a height of 50m above ground level. Both tall (of or exceeding a height of 50m above ground level) structures and wind turbine development introduce physical obstacles to low flying aircraft; and</li> <li>o Any development, including changes of use and regardless of height, outside MOD safeguarding zones but in the vicinity of military training estate or property.</li> </ul>
Georgia Teague	Suffolk County Council	<p>From SCC Ecology regarding wind turbines in the Broads. If any plans for wind turbines are submitted, the proposed impacts on birds and bats must be fully assessed and will probably require a bespoke mitigation package to ensure the risk of any potential harm being caused is minimised. SCC Highways would advise that consideration is given to vehicle routing associated with construction activities for wind farms. It is anticipated that construction of these sites would require large goods vehicles.</p>
Ian Robinson	RSPB	<p>Especially in winter the Broads receives significant numbers of water birds from continental Europe. Numbers in the 10’s of 1,000’s are recorded, and they utilise locations within most of the Broad’s landscape and surrounding farmland. These birds arrive in October and leave by April.</p> <p>Because of the large numbers and large flocks there is potential (high) for strikes with wind turbines.</p> <p>Equally breeding species such as European crane and bittern, both of which are large and relatively slow flying, combined with marsh harrier might also be considered vulnerable to collision with wind turbines.</p> <p>The coast is also a key area for migrating species (generally Mar-May and July-October) for a range of bird species both large and small.</p>

Name	Organisation	Comment
		<p>Little tern breed on the coast and are vulnerable to disturbance, common tern and cormorant commute between inland breeding sites and the North Sea to fish and in the case of cormorant, roost.</p> <p>Visually the turbines located off the coast at Great Yarmouth North Denes are imposing even from the western edge of Halvergate Marshes.</p> <p>Renewable forms of energy are important but more appropriate forms could be considered. However, the low-lying nature of the Broads means the threat of flooding and inundation of any structures is highly likely and might point in the direction of land outside of the Broads. Again, the argument regarding wind turbines and potential for collision would still hold.</p>
Sam Hubbard	Great Yarmouth Borough Council	<p>In response to 'specific question 2: Do you have any thoughts on the suitability of wind turbines in the Broads', based upon the findings of the Broads Landscape Sensitivity Study the Borough Council would agree with a preferred approach whereby suitable wind energy development areas are not identified within the Broads Local Plan. The Borough Council notes that 8 of the 9 landscape character areas within the Borough of Great Yarmouth would have moderate-high or high landscape sensitivity to the Broads from wind turbines of all sizes. The Great Yarmouth first Draft Local Plan has not therefore identified specific suitable areas for wind energy development, owing to the sensitive nature of such development on the Broads landscapes. On the basis of this evidence it is not therefore considered appropriate to identify suitable wind energy areas within the Broads Local Plan.</p>
Sarah Vergette	Broads Society	<p>The Society considers that the current approach of non-allocation of wind turbines should be maintained given the intrinsic value of the Broads specific landscape in relation to PODM19: Renewable and Low Carbon.</p>

5.3. An amended policy is at appendix 4.

5.4. It is recommended that Members endorse the amended renewable energy policy.

## 6. NOR1 – Utilities Site

- 6.1. Work is currently ongoing relating to the East Norwich Strategic Regeneration Area, led by Norwich City Council. This is looking into work completed to date and updating it. We will provide updates as and when there are any outputs.
- 6.2. We have worked with Norwich City Council and have updated the policy relating to the part of East Norwich area that is within the Broads – part of the Utilities Site. The amended policy is at Appendix 5.
- 6.3. It is recommended that Members endorse the amended Utilities Site policy.

## 7. Work expected and timeline update

- 7.1. Over the coming months we are expecting the Viability Assessment and Gypsy and Traveller Assessment. The Design Code/Guide is also being finalised.
- 7.2. As things stand, it is still envisaged that the final Local Plan will come to Planning Committee in November.

Author: Natalie Beal

Date of report: 16 August 2024

Appendix 1 – [Energy Performance in Local Plans Topic Paper](#)

Appendix 2 – [Local Plan Sequential Test](#)

Appendix 3 – [Development Boundaries Topic Paper](#)

Appendix 4 – [Amended renewable energy policy](#)

Appendix 5 – [Amended Policy NOR1 \(Utilities Site\)](#)

# Energy Performance in Local Plans, Written Ministerial Statement and the Local Plan for the Broads

July 2024

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## 1. Introduction

This paper explains the current situation in relation to what Local Plans can do when considering energy efficiency standards or policy requirements. It discusses various issues such as the Written Ministerial Statement, the Planning and Energy Act 2008, what other Local Planning Authorities do in their Local Plans as well as various other ways to make properties energy efficient. The proposed draft Local Plan policy relating to energy efficiency of dwellings is also included.

## 2. Written Ministerial Statement

On [13<sup>th</sup> December 2023 the Government issued a Written Ministerial Statement](#) (WMS)<sup>1</sup> relating to Local Plan Energy Efficiency requirements. This updated the previous [WMS dating from 2015](#). For the purposes of setting an Energy Efficiency requirement in the Broads Local Plan, the following paragraphs from the 2023 WMS are relevant.

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<sup>1</sup> Government ministers can make written statements to Parliament as well as oral ones. Oral statements often address major incidents, policies and actions. Written ministerial statements are normally used to put the day-to-day business of government on the official record and in the public domain. Written ministerial statements are often used to provide or announce:

Detailed information and statistics from the government  
The publication of reports by government agencies  
Findings of reviews and inquiries and the government's response  
Financial and statistical information  
Procurement issues  
Procedure and policy initiatives of government departments



The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).

### 3. Legal actions

A Letter Before Action has been submitted by Rights Community Action into the WMS.

The application of the previous WMS (Published 25 March 2015<sup>2</sup>) has also been challenged via Judicial Review, in a challenge to the Planning Inspector Decision relating to the Salt Cross Garden Village Development Plan in West Oxfordshire.

The legal challenge was dismissed in July 2024.

### 4. Future Homes Standard

The Future Homes Standard (FHS)<sup>3</sup> was out for consultation until the end of March 2024. This will set a minimum standard for new build dwellings. It is essentially a strengthening of the existing Building Regulations Part L approach, with houses expected to achieve a "Target Emissions Rate" that matches a notional building. The Emissions rate is based on the GHG emissions of heating a house.

The FHS also requires all houses to be "net-zero ready" – in practical terms this means that once the grid has fully decarbonised (currently planned for 2035), the house will have zero emissions. This implies Electric Heating, most likely through heat pumps. Hydrogen heating with Green Hydrogen would theoretically meet this requirement, although it seems unlikely that this technology will be used for new builds.

There is now a new Government and it is not clear if or when the Future Homes Standard will be put in place. That being said in a recent email from the Planning Advisory Service, the Ministry of Homes and Local Government do appear to be progressing the Future Homes Standard.

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<sup>2</sup> [Written statements - Written questions, answers and statements - UK Parliament](#)

<sup>3</sup> [The Future Homes and Buildings Standards: 2023 consultation - GOV.UK \(www.gov.uk\)](#)

## 5. Planning and Energy Act 2008

Under section 1 of the [Planning and Energy Act 2008](#), a local planning authority may include policies imposing reasonable requirements for;

(1) A local planning authority in England may in their development plan documents, a corporate joint committee may in their strategic development plan, and a local planning authority in Wales may in their local development plan, include policies imposing reasonable requirements for—

- (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;
- b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;
- c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.

This Act and these sections of the policy are still in place.

## 6. Other Local Planning Authority Actions

**Essex County Council** have cowritten a climate policy with the Planning Authorities in Essex, including the Unitary Authorities. This was published in November 2023 under the title "[Planning Policy Position for Net Zero Carbon Homes and Buildings in Greater Essex](#)". This is currently being implemented in two district local plans, and will eventually apply across all of Essex. The requirements under this policy are;

- **Space heating:** No more than 15/kWh/m<sup>2</sup> per year, with an exemption for Bungalows allowing 20 kWh/m<sup>2</sup> per year
- **Fuel:** No new building may be connected to the gas grid and fossil fuels must not be used on site to provide space heating, domestic hot water or cooking.
- **Energy use Intensity (EUI) limits:** Residential buildings must achieve an Energy use Intensity of no more than 35 kWh/m<sup>2</sup> per year
- Non residential buildings must achieve an Energy Use Intensity of
  - o Offices – 70 kWh/m<sup>2</sup> GIA/year
  - o Schools – 65 kWh/m<sup>2</sup> GIA/year
  - o Light Industrial – 35 kWh/m<sup>2</sup> GIA/year

### [Greater Norwich Local Plan](#) – adopted 2024.

The Final Local Plan includes part 10 or policy 2 that says:

10. Protect water quality and ensure a low level of energy consumption. To achieve this development proposals should:

- i. Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and the risk of overheating.

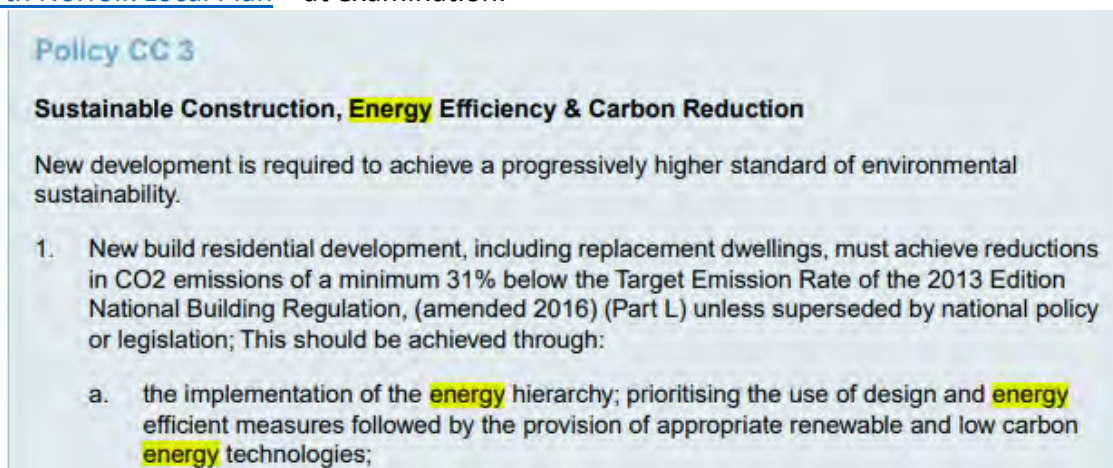
ii. Provide for the use of sustainable energy, local energy networks and battery storage where appropriate

The Inspector's Report said: . The deletion of part 10 of the policy is necessary as these matters are now addressed in the Building Regulations, which have subsequently set higher Greater Norwich Local Plan, Inspectors' Report February 2024 22 national minimum energy efficiency standards than are referred to in the policy. A further change to the Building Regulations is planned for 2025 which will mean that homes built to that standard will be net zero ready. A new part 10 of the policy is necessary to address energy consumption in terms of design, layout, and orientation and to provide for the use of sustainable energy, local energy networks, and battery storage where appropriate. The transfer of part iv into the explanatory text is also necessary as this section is for information only and is not intended to guide the determination of planning applications.

[King's Lynn and West Norfolk Local Plan](#) – at examination.

LP06: Until the Building Regulations change when new development is assumed to conform to the Future Homes Standard (Option 2, as will likely be implemented through a change to Part L of the Building Regulations) all new development will be required to follow the 'Merton Rule', whereby 10% of all energy will come from onsite renewable sources for new domestic development of 10 units or more, and new commercial developments over 1000m<sup>2</sup>; proposals which exceed these CO<sub>2</sub> reduction targets will be encouraged and supported; including developments over 100 dwellings providing a 20% reduction of CO<sub>2</sub> emissions (in accordance with LP18, 24).

[North Norfolk Local Plan](#) – at examination.



**Policy CC 3**

**Sustainable Construction, Energy Efficiency & Carbon Reduction**

New development is required to achieve a progressively higher standard of environmental sustainability.

1. New build residential development, including replacement dwellings, must achieve reductions in CO<sub>2</sub> emissions of a minimum 31% below the Target Emission Rate of the 2013 Edition National Building Regulation, (amended 2016) (Part L) unless superseded by national policy or legislation; This should be achieved through:
  - a. the implementation of the energy hierarchy; prioritising the use of design and energy efficient measures followed by the provision of appropriate renewable and low carbon energy technologies;

- b. incorporation of measures to maximise opportunities for solar gain through building orientation, natural ventilation, use of green roofs, natural shading, and other appropriate measures;
  - c. by 2035 all new dwellings and workplaces should be zero carbon ready.
2. All development proposals should be accompanied by a separate compliance statement setting out:
  - a. the approach taken to address **energy** efficiency within the design and technical specification of the proposed development;
  - b. comparative **energy** performance and carbon emission rates of the proposal in relation to the benchmarked Target Emissions Rate.
3. The above standards should be achieved as a minimum unless, it can be clearly demonstrated that this is either not technically feasible or viable.
4. Proposals for non-residential development above 250sqm floor space are required to achieve a minimum of BREEAM Very Good Standard or equivalent.

[Breckland Local Plan](#) – emerging.

HOU20: New homes will be required to adopt the Fabric Energy Efficiency Standard to measure energy efficiency and the requirements of Building Regulations including Parts F and L.

ENV01: Energy efficiency should be embedded in design both to minimise costs to users and to reduce their environmental impact. All developments should follow the energy hierarchy and design in energy efficiency features from onset.

[West Suffolk Local Plan](#) – at examination.

- SP1: Minimising energy consumption.
- LP1: Designs utilise the fabric first approach and achieve carbon standards primarily through energy efficient design and materials. This should specifically focus on how demands on heating and cooling have been considered in the design stage and reduced through orientation of the building, the location of windows, thermal mass and shading, and how orientation optimises opportunities for on-site photovoltaic or solar thermal heating. Designs should indicate how the balance between solar gain and solar shading is to be managed.



[Great Yarmouth Local Plan](#) – emerging.

This includes this draft policy:

## Non-Strategic Policies

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### Policy CLC6 – Energy Efficiency for New Developments

Development proposals are encouraged to reduce energy and resource consumption compared to the minimum required under Part L of the Building Regulation and where they implement the following core principles:

- a) Designing buildings by prioritising fabric first, orientation and landscaping in order to minimise energy demand for heating, lighting and cooling with reference to CC2, CC8 and BF4 of the Design Code (Appendix 1). All proposals should consider opportunities to provide solar PV and energy storage.
  - b) New Major Non-Residential Developments – are encouraged to achieve BREEAM ‘Excellent’ or an equivalent or better methodology.
- 

### Supporting text

- 14.59. Great Yarmouth is highly vulnerable to the effects of climate change, principally through the risk of flooding and coastal erosion. The Borough will therefore particularly benefit from efforts to move towards net-zero carbon emissions.
- 14.60. Energy efficiency requirements are set through buildings regulations and the Government’s Future Homes and Buildings programmes intend to increase reductions in energy resource use in new buildings with the next increase in standards due in 2025. National planning policy restricts the introduction of additional local energy efficiency standards which go above and beyond building regulations. However, it is possible to give weight to proposals which do, given the need to tackle climate change.
- 14.61. This policy has been developed with an energy hierarchy which seeks to, in order of preference:
- Reduce energy demand.
  - Increase energy efficiency.
  - Utilise renewable resources.
  - Utilise low carbon resources.
  - Utilise conventional sources of energy
- 14.62. The policy seeks to encourage developers to reduce the carbon emissions associated with new buildings through implementing the energy hierarchy in building design. This means improving fabric standards, energy efficiency and minimising space heating requirements, before installing renewable energy and then offsetting residual energy if required. The policy is an encouragement policy in that development will not be refused if does not incorporate the desires of the policy, however, weight will be given in favour of proposals which do go beyond the building regulations in line with the policy.

## 7. Passivhaus Standards

The Passivhaus standard is a global standard aimed at producing energy efficient homes. The aim is for all or nearly all heating and cooling demand of the house to be met by passively – reducing or eliminating the need for heating and cooling through use of insulation and carefully designed ventilation. Examples of significant Passivhaus developments in Norfolk include the Goldsmith Street estate and Rayne Park estate in Norwich.

In the UK, guidance is provided by the [Passivhaus Trust](#).

The core requirements for a dwelling to be classed as a Passivhaus dwelling are:

- Space heating demand no more than 15 kWh/m<sup>2</sup>/a. For an average UK house with 110m<sup>2</sup> of floorspace, this would be 1,650 kWh. This is compared to a typical extant UK house usage of over 10,000 kWh of heating energy a year.
- Space cooling demand of no more than 15 kWh/m<sup>2</sup>/a. In a warming climate with increased risk of heatwaves, this may become a significant part of energy use for households.
- Primary Energy Demand of less than 60 kWh/m<sup>2</sup>/a. This includes all the energy uses of the house, including water heating, kitchen appliances, and other uses in the property.

## 8. Preferred Options policy and consultation

The Preferred Options version of the Local Plan that was consulted on, includes a policy relating to energy and this can be found at [Appendix 1](#) (although there are some amendments included and marked up). The comments received on that policy are included at [Appendix 2](#).

It should

## 9. Discussion

The FHS will not maximise possible energy efficiency savings for houses. Building houses with higher energy demand will slow the decarbonisation of the grid, which can be achieved more quickly if there is less demand in the first place.

The Target Emissions Rate is the CO<sub>2</sub> emissions of a property arising from its use. This has been criticised on the basis that an electrically heated house with Solar Panels installed will nominally have a low emissions rate, however it can still leave an occupier with high energy bills if the overall insulation and design is poor. This has led to a preference for a “Fabric First” approach to reducing emissions, and local authorities to specify Energy use levels in terms of kilowatt-hours per year per area. (kWh/y/m<sup>2</sup>).

As primary legislation, the Planning and Energy Act takes precedence over Written Ministerial Statements.

The Written Ministerial Statements have offered guidance to Planning Inspectors on what a “reasonable requirement” is. However, it is not clear that the requirement to use a Target Emissions Rate rather than an energy efficiency metric can be imposed on a Planning Authority.

There is now a new Government in place and it is not clear what will happen to the Future Homes Standard as well as the Written Ministerial Statements.

This creates two areas of uncertainty for the setting of local plans.

In Summary these are:

1. The Future Homes Standard was only recently out for consultation and now there is a new Government, so in setting a local plan it is not clear what standards may apply post 2025.
2. The Target Emissions Rate is not considered a good indicator for home energy efficiency, and it is not clear that Local Plans can be forced to use it as it doesn't fit with the power Planning Authorities have under section 1 of the Planning and Energy Act 2008.

Whilst there may be debate about what the Written Ministerial Statement actually means as well as its strength when compared to primary legislation, the Written Ministerial Statement, when what it actually says is considered, says that local energy efficiency standards that go beyond current of planner building regulations can be set if they are well-reasoned and robustly costed and the standard ensures development remains viable. These are the tests that any policy in a Local Plan need to pass anyway. The main issue however is where the Written Ministerial Statement says *'the additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)'*. The Target Emissions Rate is not considered a good indicator for home energy efficiency, and it is not clear that Local Plans can be forced to use it as it doesn't fit with the power Planning Authorities have under section 1 of the Planning and Energy Act 2008.

## 10. Options

This has been debated at the High Court and dismissed. The timeline to submit the Local Plan for examination under the current planning system is by June 2025 and is a tight timescale. It is not clear what the new Government plan to do.

There are these three options, with number three being the tightest measure:

1. Have a policy that encourages, but does not require, Passivhaus building – this is what the policy in the Preferred Options currently says.
2. Adopt a policy similar to the Essex Net Zero Carbon Homes Policy
3. Require Passivhaus building

It is recommended that option 1 is taken forward. This is what the current draft policy says. We will keep informed of any progress on the Future Homes Standard, any other other standard set out by Government (and this could be in the revised NPPF) and we will also keep informed of any changes to the legal challenge to the WMS. During the Examination into the Local Plan, we will discuss the best way forward regarding energy efficiency with the Planning Inspector.

## Appendix 1 - Draft Policy

### 1 **Policy PODM18: Energy demand and performance of new buildings (including extensions)**

2 1. The expected energy use of buildings must be as low as possible; ~~the building regulation~~  
3 ~~standards are the minimum.~~

4 2. Energy efficiency will be embedded in design both to minimise costs to users and to  
5 reduce their environmental impact.

6 3. All developments will follow the energy hierarchy (see point 5) and design in energy  
7 efficiency features from onset.

8 4. Applicants will be required to demonstrate what measures they have taken to achieve  
9 ~~more~~ energy efficiency (see part 10 of this policy).

### 10 **Reducing energy requirements of new build**

11 5. Developments are required to meet or reduce at least 10% of their predicted energy  
12 requirements, using the following hierarchy:

- 13 a) Reduce the overall energy demand in the first place. Development is required to take a  
14 'fabric first' approach and reduce overall energy demand through its design, materials,  
15 layout and orientation.  
16 b) Energy efficient and conservation measures. Proposals are then also required to  
17 maximise the use of energy efficiency and energy conservation measures; and  
18 c) Decentralised and renewable or low-carbon sources for any residual amount.

19 6. Buildings designed to Passivhaus standard (or equivalent) would generally be  
20 encouraged, subject to other relevant policies of the Plan.

### 21 **Reducing Energy Consumption in Existing Buildings**

22 7. For all development proposals which involve the change of use or redevelopment of a  
23 building, or an extension to an existing building, the applicant is encouraged to consider  
24 all opportunities to improve the energy efficiency of that building including the original  
25 building, if it is being extended.  
26

27 8. Where the building pre-dates 1919<sup>4</sup>, methods of improving energy efficiency should be  
28 carefully considered so that they are not detrimental to the fabric of the building.

### 29 **Heritage Assets**

30 9. Planning permission and, where relevant, listed building consent, will be granted for  
31 works required to improve the energy performance of designated and non-designated

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<sup>4</sup> [Retrofit and Energy Efficiency in Historic Buildings | Historic England](#)



32 heritage assets where it complies with other relevant policies and can be clearly  
33 demonstrated that this is compatible with all of the following:

- 34 a) The heritage asset's character and appearance;
- 35 b) The heritage asset's special architectural or historic interest;
- 36 c) The long-term conservation of the built fabric; and
- 37 d) The wider setting of the heritage asset.

### 38 **Energy Statement**

39 10. An energy statement which demonstrates the approach is required to accompany  
40 planning applications [\(and this can be done through the design and access statement or](#)  
41 [planning statement\)](#).

### 42 **Reasoned Justification**

43 The Climate Change Act 2008 legislates for a 34% reduction in greenhouse gas emissions  
44 against 1990 levels by 2020, and an 100% reduction by 2050. The UK government has set  
45 the climate change target into law to reduce emissions by 78% by 2035 compared to 1990  
46 levels. The incorporation of renewable energy generation technologies and energy  
47 efficiency measures into the design of new development can make a significant contribution  
48 to achieving these targets.

49 The policy approach seeks development that is designed to reduce energy demand in the  
50 first place, then to use energy efficiency improvements, and finally to use renewable energy  
51 technologies where appropriate.

52 On-site provision will normally be the preferred mechanism for decentralised and  
53 renewable or low-carbon sources. However, off-site schemes will be permitted where it  
54 would result in the generation of a greater amount of energy or would have a lesser  
55 visual/environmental impact. Planning conditions and/or obligations will be used to make  
56 sure the energy infrastructure comes on-line before the development is occupied.

57 Addressing climate change is also about making improvements to resource and energy  
58 efficiency.

### 59 **Future Homes Standard**

60 [The Conservative](#) Government ~~is~~ [was](#) committed to improving the energy efficiency of new  
61 homes through the Building Regulations system through the Future Homes Standard (FHS).  
62 The introduction of the FHS will ensure that an average home will produce at least 75%  
63 lower CO2 emissions than one built to recent/current energy efficiency requirements.  
64 Homes built under the FHS will be 'zero carbon ready', which means that in the longer term,  
65 no further retrofit work for energy efficiency will be necessary to enable them to become  
66 zero-carbon homes as the electricity grid continues to decarbonise. However, the FHS is  
67 only proposed to take effect from 2025 and there is no legal guarantee of even that date

68 being met, [especially given that there is now a new Government in place](#). There has been an  
69 uplift in Building Regulations as a step towards FHS having taken place in 2022 which  
70 changes Part L of the Building Regulations to reduce carbon emissions by 31% for new  
71 homes through a set of reformed insulation and air tightness requirements.

## 72 **Design principles**

73 The following design expectations should be considered and in the following order:

- 74 1. Orientation of buildings – such as positioning buildings to maximise opportunities for  
75 solar gain, and minimise winter cold wind heat loss whilst also addressing the risk of  
76 overheating;
- 77 2. Form of buildings – creating buildings that are more efficient to heat and stay warm in  
78 colder conditions and stay cool in warmer conditions because of their shape and design;
- 79 3. Fabric of buildings – using materials and building techniques that reduce heat and  
80 energy needs. Ideally, this could also consider using materials with a lower embodied  
81 carbon content and/or high practical recyclable content;
- 82 4. Heat supply – net zero carbon content of heat supply (for example, this means no  
83 connection to the gas network or use of oil or bottled gas);
- 84 5. Renewable energy generated – generating enough energy from renewable sources  
85 onsite (and preferably on plot).

## 86 **Passivhaus**

87 Where Passivhaus certification is being sought, a ‘pre-construction compliance check’  
88 completed by a Passivhaus certifier will be required, secured by condition and upon  
89 completion, a Quality Approved Passivhaus certification for each dwelling/ building will be  
90 required.

## 91 **Retrofit**

92 The UK’s Committee on Climate Change has identified retrofitting existing homes as one of  
93 five priorities for government action (CCC, 2019). The policy encourages applicants to  
94 improve the energy efficiency of the existing building if appropriate to do so.

## 95 **Heritage assets**

96 Historic England (Heritage Counts) research shows that sympathetic refurbishment and  
97 retrofit can reduce the carbon emissions of historic buildings by over 60% by 2050. The  
98 Heritage Counts research also demonstrates that the speed at which carbon is reduced in  
99 buildings has a greater impact than the scale of retrofit showing that the sooner actions are  
100 taken, the more effectively we can address carbon in buildings.

101 The retrofit of historic buildings to enhance their energy efficiency would be welcomed  
102 subject to it meeting the tests. The Authority will assess the impact of the adaptations,  
103 taking regard of the significance of the historic asset and the character, historic interest,

104 setting and integrity of the elements of the asset likely to be affected<sup>5</sup>. The ‘whole-house  
105 approach<sup>6</sup>’ is encouraged for use in historic buildings and it is likely that the measures taken  
106 in a listed building will need to be bespoke, taking into account the construction and special  
107 characteristics of the building.

#### 108 **Guidance**

109 Further guidance on designing new development to minimise energy consumption is  
110 provided in the Broads Authority’s Sustainability Guide<sup>7</sup>.

111 The Broads Authority may want to consider the Net Zero Carbon Toolkit when looking at the  
112 design of new homes and the retrofitting of existing homes: [www.greensuffolk.org/net-  
113 zero-carbon-toolkit-housing/](http://www.greensuffolk.org/net-zero-carbon-toolkit-housing/).

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<sup>5</sup> Historic England guidance Energy Efficiency and Historic Buildings – Application of Part L of the Building Regulations to historically and traditionally constructed buildings <https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-pt/> may be helpful in understanding these special considerations. And Energy Efficiency and Historic Buildings | Historic England may be of relevance.

<sup>6</sup> Guidance can be found here: [STBA Whole House Approach – STBA \(stbauk.org\)](http://STBA Whole House Approach – STBA (stbauk.org))

<sup>7</sup> [Sustainability Guide \(broads-authority.gov.uk\)](http://Sustainability Guide (broads-authority.gov.uk))

## Appendix 2 - Comments received on Preferred Options draft policy

Name	Organisation	Comment
Ian Robson	RSPB	4. As written this suggests that so long as the applicant ‘considers’ opportunities to improve energy efficiency that is all they need to do. Is this correct, is there no requirement to implement?
Helen Binns	Walsingham Planning on behalf of Greene King	PODM18 ‘Energy Demand and Performance of new buildings’ – requires the expected energy use of buildings to be as low as possible with Building Regulations being the minimum standard. Applicants for change of use of a building will be required to improve energy efficiency.
Andrew Marsh	Historic England	We welcome reference to heritage assets within this policy and the need for developments to comply with points 6a – d as well as other relevant legislation.
Dr Sarah Eglinton	Norfolk Wildlife Trust	We support general intention of this policy to reduce the energy demand of buildings, in line with the weight afforded to the measures in the updated NPPF (Paragraph 164): In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
Dr Sarah Eglinton	Norfolk Wildlife Trust	However, given the scale of the climate crisis we recommend that the policy should be more ambitious and require new developments to follow an approach to achieving net zero emissions by 2035 based on the principle of setting ambitious fabric efficiency standards and then providing all heat and power renewably, on- or off-site. An example of this can be seen in the approach taken by Cornwall Council, who are using a policy approach that requires proposals to demonstrate how they will achieve net zero through energy efficiency and use of sustainable energy throughout their lifecycle (see Policy SEC1 – Sustainable Energy and Construction ).
Dr Sarah Eglinton	Norfolk Wildlife Trust	We are guided in our response by the best practice document ‘The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change’, which gives encouraging examples from other local authority plans on positive policies already adopted which will ensure local plans make clear and measurable contributions to national progress towards net zero.

Name	Organisation	Comment
Dr Sarah Eglington	Norfolk Wildlife Trust	For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to must consider all opportunities to improve the energy efficiency of that building including the original building, if it is being extended.
Dr Sarah Eglington	Norfolk Wildlife Trust	As minor point, we recommend amending the title of this policy to remove the word ‘new’, as it is only in fact clauses 2 and 3 that deal with new buildings.
Tessa Saunders	Anglian Water	Improved water efficiency measures can reduce the operational energy demand of buildings. Of all the CO2 emissions in the UK, 6% are from water use, and a massive 89% of this comes from heating water in homes - meaning 5.3% of UK emissions is from domestic water heating. The remainder (0.67%) from pumping and treating water as part of the supply and sewerage network. Improved water efficiency measures (fixtures and fittings such as water efficient showers and taps and white goods appliances) are therefore important in helping to reduce overall operational carbon in new homes.
Dickon Povey	East Suffolk Council	The Written Ministerial Statement of 13 December 2023 requires energy efficiency standards to be an uplift of dwelling target emission (TER). Bullet point 2 of the proposed policy uses the term “predicted energy requirements”. Perhaps TER should be specified in accordance with the WMS.
Dickon Povey	East Suffolk Council	I understand the FHS CO2 emissions will be 75% less than the 2013 Part L Building Regulations not the current/latest energy efficiency requirements (which are the 2023 Part L Building Regulations). The uplift in Building Regulations that took place in 2022 was relative to the 2013 Part L Building Regulations.

# Local Plan Sequential Test

July 2024

June 2024

Broads Authority  
Yare House  
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## 1. Introduction

Much of the Broads is affected by flood risk. The Local Plan for the Broads allocates sites for certain development as well as includes policies that guide how a site can develop and change. The NPPF (para 167) says that when preparing a Local Plan, a Sequential Test needs to be produced where flood risk is a consideration.

This Sequential Test has been produced to address the requirements of the NPPG: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/flood-risk-and-coastal-change). The Sequential Test is also a planning policy requirement of the National Planning Policy Framework (NPPF) as set out in paragraphs 167 and 168. The Environment Agency and Norfolk and Suffolk Lead Local Flood Risk Authorities were consulted, and their comments are included at [Appendix 1](#).

## 2. What is the ‘Sequential Approach’?

The NPPF says:

167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations

The NPPG says (para 023):

The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.

### 3. What is the 'Exception Test'

The NPPG says (para 031):

The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- development that has to be in a flood risk area will provide wider [sustainability benefits to the community that outweigh flood risk](#); and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development



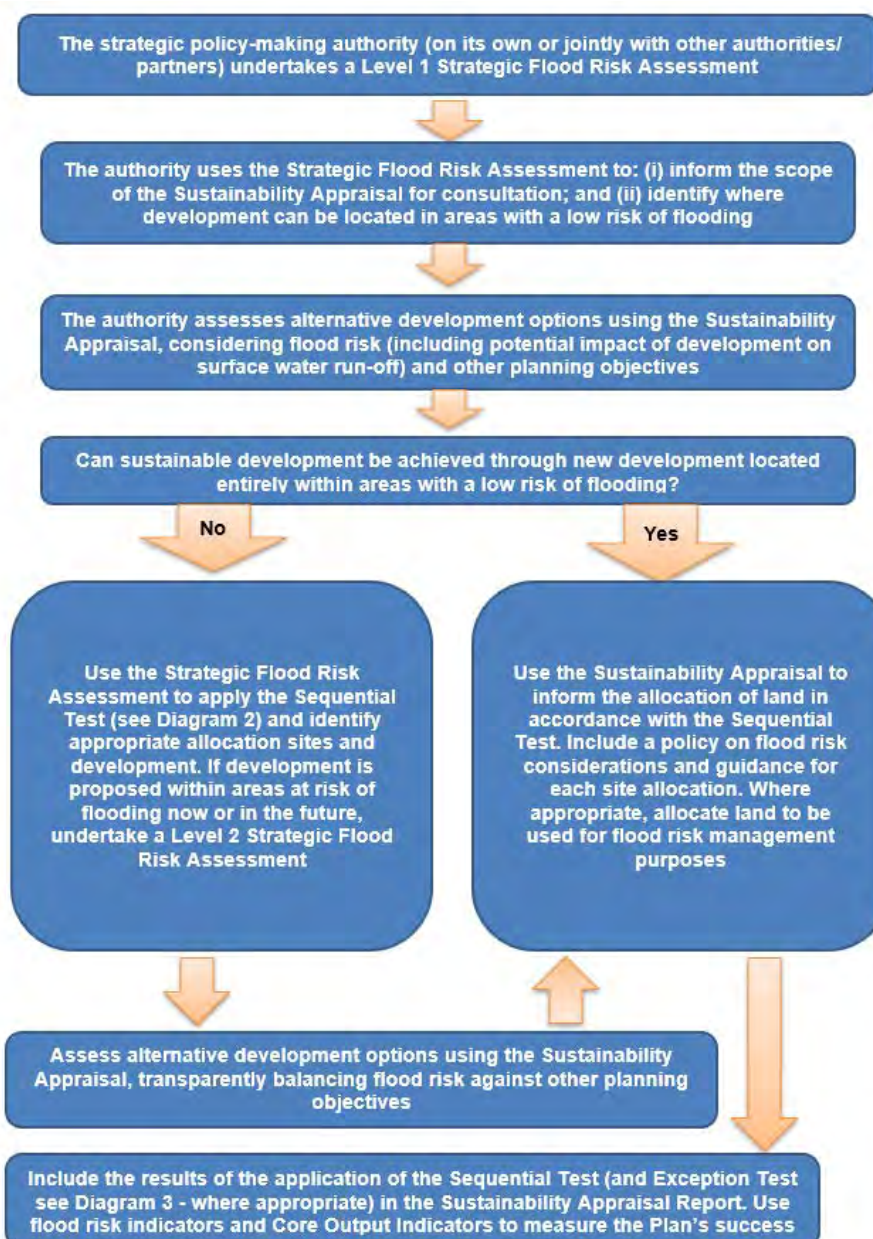
objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified. Table 2 sets out the circumstances when the Exception Test will be required.

## 4. What the NPPG says

The NPPG says the following:

### What process is used in plan or decision-making where flood risk is a consideration?

Where an assessment shows that flood risk is a consideration for a plan or development proposal, the process is set out below (Diagram 1):



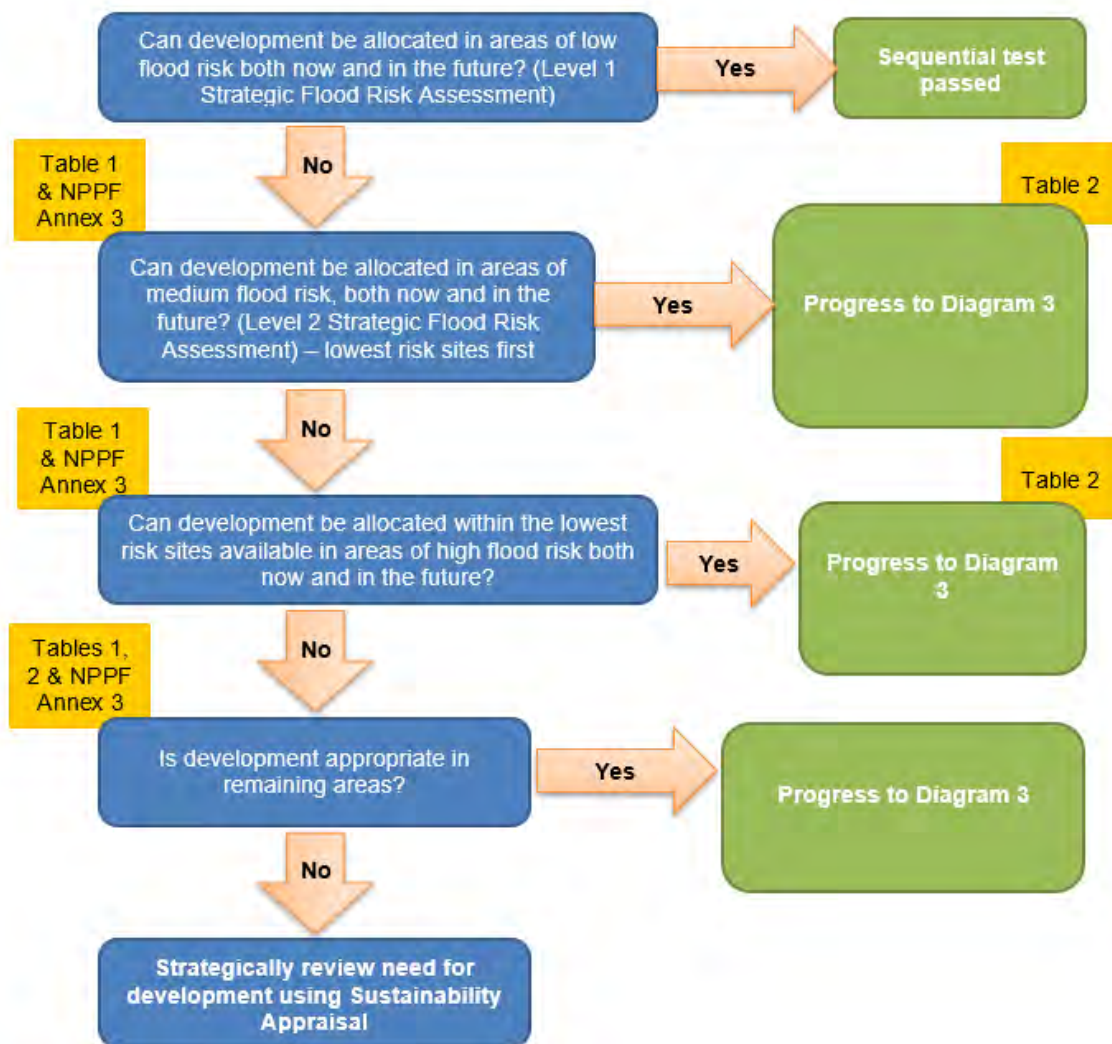
**Para 025: How can the Sequential Test be applied in the preparation of strategic policies?**

This is illustrated in diagram 2. The Sequential Test needs to be applied to the whole local planning authority area to increase the possibilities of accommodating development, which is not exposed to flood risk, both now and in the future.

Where possible, local planning authorities can jointly review development options over a wider area (e.g. a river catchment) where this could potentially broaden the scope for opportunities to reduce flood risk and put the most vulnerable development in lower risk areas, considering flood risk both now and in the future.

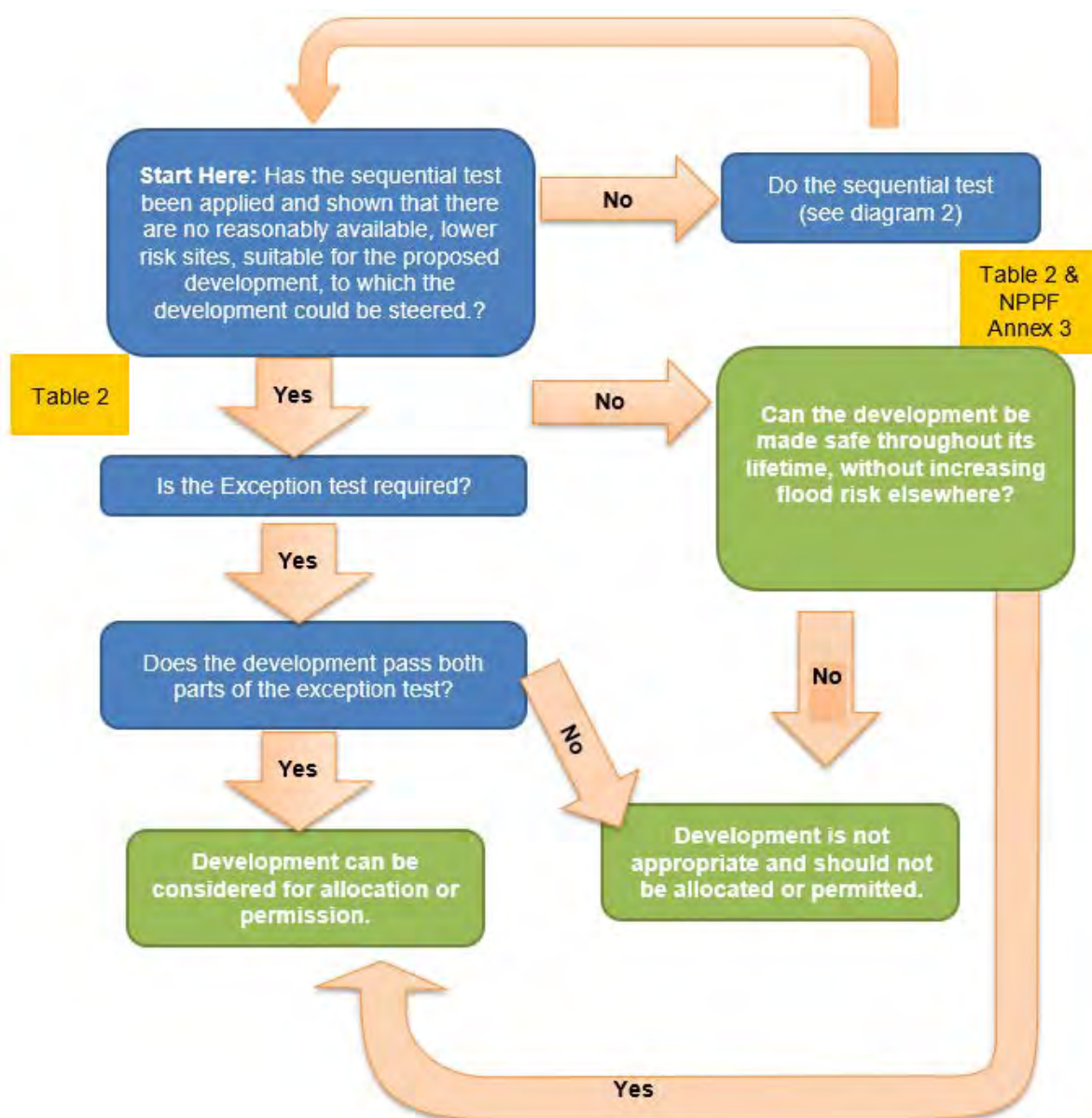
Plan policies designed to exempt specific types of planning applications, such as windfall sites, from the sequential test may be considered, where such policies can restrict the exemption to specific sites that have been subject to, and satisfy, the sequential test at the plan-making stage.

**Diagram 2: Application of the Sequential Test for plan preparation**



And in terms of the Exception Test, the NPPF says:

**Diagram 3: Application of the Exception Test to plan preparation**



## 5. Residential Moorings

The aim of the sequential approach/test is set out in the NPPG which says: ‘The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding’. Residential moorings and the boat that will subsequently be lived on are in flood zone 3b by their very nature. The [Housing and Planning Act 2016](#) at Section 124 requires Local Planning Authorities to identify and meet the need of those who live on a boat. So, we are required by law to meet the need of those living on boats on inland waterways. It is therefore not clear how the allocation of

residential moorings, whereby the boat to be lived on and the mooring itself are in 3b, can have the sequential test applied as if you are living on a boat that is on water then you can't be located in areas of lower risk of flooding. This is why we have flood risk related text in the supporting text of the detailed residential moorings policy.

The NPPG says at paragraph 31: *The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.*

The two tests of the Exception Test are:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

In terms of (a): The [Housing and Planning Act 2016](#) at Section 124 requires Local Planning Authorities to identify and meet the need of those who live on a boat. Living on a boat provides a form of housing, benefitting the community in terms of contributing to meeting housing need.

In terms of (b): We have numerous allocations for residential moorings, and these also need to address the generic residential moorings policy requirements. By the very nature of living on a boat, one is within the body of water which is flood zone 3b. Therefore, this is residential use within flood zone 3b. As such, we say in supporting text to the generic residential moorings policy that a site-specific flood risk assessment and flood response plan is required as well as monitoring of how the boat is moored and tethered to the bank. We also say that schemes will need to pass the Exception Test.

## 6. Water Compatible Uses

Although the Exception Test is not required for water-compatible uses, it is worth highlighting that these should still be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

This is set out in paragraph 079 of the NPPG.

This applies to relevant uses, classed as water compatible, at these sites: BRU1, BRU2, BRU3, BRU4, BRU5, POBRU6, CHE1, DIL 1, DIT1, DIT2, GIL1, HOR3, HOR4, HOR5, HOR6, HOR7, HOV1, LOD1, NOR2, ORM1 ("depending on precise operation"), OUL1, PHRB3, SOL1, SOM1, STA1, TSA1, TSA2 (unless more vulnerable development is proposed), TSA3, TSA4, TSA5, WHI1 (aside for café and car park), SSTR1, SSUT, SSTRACKS, SSSTAITHES, SSCOAST,



SSLGS, DM9. It should be noted that some uses of these areas may have different vulnerability classes.

## 7. All sources of flooding

The Sequential Test looks at:

- Fluvial and Tidal – using the 2017 SFRA flood risk zones.
- Considers climate change - using the 2017 SFRA flood risk zones. The SFRA may not show flood risk climate change allowances in some areas, but the NPPF and NPPG requirements will need to be followed in terms of climate change allowances: [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/flood-risk-assessments-climate-change-allowances-2019.pdf)
- Reservoir flooding – using Reservoir Flooding layer on GIS. Note that the EA have said that it would be sensible to add it as a constraint in the Local Plan and to mention this in the Sequential Test and that the reservoir flood extents seem to all be encompassed by the fluvial/tidal flood zones (FZ2/3) so adding reservoir flooding as a constraint is unlikely to have any significant impact on the assessment of the sequential test but it should be stated that it has been considered (as have all forms of flooding).
- Surface water flooding - using the 2017 SFRA flood risk zones.
- Groundwater flooding - using the 2017 SFRA flood risk zones.

Please note that the constraints and features section of each relevant policy in the Local Plan reflects the flood risk experienced at the sites as per the following table.

## 8. Policies in the Local Plan for the Broads

It is important to note that not all the site-specific policies allocate an area of land for certain uses. Most policies set criteria to guide what could happen in areas – so not all policies are allocation policies. Those that are allocation policies have the policy title cell coloured blue.

It should be noted that this Sequential Test assess the policies of the Local Plan. This Sequential Test does not assess particular schemes that an applicant puts forward. As such, a Sequential Test of proposals may be required and so too may an Exception Test depending on the scheme proposal that an applicant puts forward.

## 9. Sequential Test of all Site-Specific Policies.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBACL1: Acle Cemetery extension	Cemetery extension	1	SFRA does not show climate change allowance in this area.	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Not specifically covered. EA suggest these should be considered more vulnerable due to the water pollution risk.	Exception Test not required.	N/A	Passes sequential test. It is important to note that all proposals for burial grounds need to address Environment Agency requirements relating to groundwater and water pollution risk.
PUBACL2: Acle Playing Field extension.	Playing field extension.	1	SFRA does not show climate change allowance in this area.	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Water-Compatible Development	Exception Test not required.	N/A	Passes sequential test
PUBBRU1: Riverside chalets and mooring plots	Riverside chalets and moorings plots	EA flood zone 3. SFRA indicative flood zone 3b.	SFRA does not show climate change allowance in this area.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Chalets - More vulnerable Mooring plots - presume similar to amenity open space so water compatible development	Chalets – policy only allows extensions and replacements, not new. Exception Test not required subject to details of any application. Mooring plots - Exception Test not required.	On a site, there may be areas that have lower probability of flooding, so potentially, yes.	Chalets - policy states that additional more vulnerable uses will not be permitted. Relates to changes to the existing land use such as replacement or extensions and policy refers to area being constrained due to flooding. Design response to flooding is a specific issue to be dealt with through planning application process.  Mooring plots – passes the sequential test. These should still be designed and constructed to:

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
										<ul style="list-style-type: none"> <li>remain operational and safe for users in times of flood;</li> <li>result in no net loss of floodplain storage;</li> <li>not impede water flows and not increase flood risk elsewhere.</li> </ul>
PUBBRU2: Riverside Estate Boatyards, etc., including land adjacent to railway line	Riverside estate boatyards etc	EA flood zone 3. SFRA indicative flood zone 3b.	SFRA does not show climate change allowance in this area.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Parts of site are affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Presume same as marina/ship building so water compatible development	Exception Test not required.	N/A	Passes sequential test
PUBBRU3: Brundall Mooring Plots	Brundall mooring plots	EA flood zone 3. SFRA indicative flood zone 3b.	SFRA does not show climate change allowance in this area.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Presume similar to amenity open space so water compatible development.	Exception Test not required.	N/A	Passes sequential test
PUBBRU4: Brundall Marina	Brundall Marina	EA flood zone 3. SFRA indicative flood zone 3b.	SFRA does not show climate change allowance in this area.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Water-Compatible Development	Exception Test not required.	N/A	Passes sequential test
PUBBRU5: Land east of the Yare Public House	Land east of White Heron Public House – amenity open space	2 (part of)	SFRA does not show climate change allowance in this area.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Parts of site are affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Water-Compatible Development	Exception Test not required.	N/A	Passes sequential test
PUBBRU6: Brundall Gardens	Residential moorings.	3b	SFRA does not show climate change	Affected on a wet day if Heigham Large Deposit	Mapping does not show the	Area susceptible to groundwater	These are considered as effectively	The marina assessment indicates that Exception Test	No as it is people living on boats	The EA's interpretation passes the sequential test. Looking at the

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
			allowance in this area.	Reservoir floods according to mapping.	site affected by surface water.	flooding – less than 25%	marinas so water compatible. But also aware that people will live on these boats so there is a residential element of it which is more vulnerable.	not required, and the residential element indicates that Exception Test required.	which then are on water.	residential element in isolation, it does not.  To reflect that this policy relates to people living on boats on water, the supporting text of the generic residential moorings policy emphasises the issue of mooring technique and also the need for Flood Response Plans.
PUBCAN1: Cantley Sugar Factory	Sugar beet works.	Some 1, 2, EA3 and Indicative 3b.	SFRA does not show climate change allowance in this area.	Mapping shows a very small part could be affected on a dry day if North Lake Cantley floods.	Parts of site are affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Less vulnerable	Exception Test not required. Development should not be permitted if within FZ3b, as set out in Table 2, paragraph 079 of the NPPG.	N/A	Passes sequential test. Development should be sequentially located within the site, based on the site-specific flood risk assessment.
PUBCHE1: Greenway Marine residential moorings	Residential moorings.	3b	SFRA does not show climate change allowance in this area.	Affected on a wet day if Reeder's Reservoir floods according to mapping.	Parts of site are affected by surface water.	Area susceptible to groundwater flooding – less than 25%	These are considered as effectively marinas so water compatible. But also aware that people will live on these boats so there is a residential element of it which is more vulnerable.	The marina assessment indicates that Exception Test not required, and the residential element indicates that Exception Test required.	No as it is people living on boats which then are on water.	The EA's interpretation passes the sequential test. Looking at the residential element in isolation, it does not.  To reflect that this policy relates to people living on boats on water, the supporting text of the generic residential moorings policy emphasises the issue of mooring technique and also the need for Flood Response Plans.



Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBDIL 1: Dilham Marina (Tyler's Cut Moorings)	Tyler's Cut Moorings.	Mostly 1, part in 2 and part in indicative 3b	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Parts of site are affected by surface water.	Area susceptible to groundwater flooding – 50% - 75%	Presume similar to amenity open space so water compatible development.	Exception Test not required.	N/A	Passes sequential test
PUBDIT1: Maltings Meadow Sports Ground, Ditchingham	Sport and recreation. Main building (including a drinking establishment).	Main building and approximately half the area in flood zone 1. Most of area in flood zone 2. Part in indicative 3b.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – more than 25% and more than 75%	Drinking establishment is more vulnerable. Car parks is less vulnerable. Outdoor sport and recreation and essential facilities is water compatible.	Drinking establishment – Exception Test required. Car park Exception Test not required. Outdoor sport Exception Test not required.	On site, yes if needed. All built development would be outside the flood zones – adopting a sequential approach to development on site. More vulnerable uses not appropriate in 3b for example.	Passes sequential test generally. Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.  If the site were to be redeveloped in its entirety, the whole site would need to be considered as the most vulnerable use of all the component parts (more vulnerable), as set out in paragraph 079 of the NPPG). Individual elements brought forward separately can be classified under the most relevant vulnerability.
PUBDIT2: Ditchingham Maltings Open Space, Habitat Area and Alma Beck	Open space, Beck and habitat area	2, 3a and 3b	SFRA does not show climate change allowance in this area	Mapping shows eastern extent of the open space affected if Ditchingham Lake floods on a wet day.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – more than 25% and more than 75%	Amenity open space.	Exception Test not required.	N/A	Passes sequential test

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBFLE1: Broadland Sports Club	Sport and recreation. Main building (including a drinking establishment).	Part 1, 2 and indicative 3b	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Mapping does not show area susceptible to groundwater flooding.	Drinking establishment is more vulnerable.  Car parks is less vulnerable.  Outdoor sport and recreation and essential facilities is water compatible.  Indoor sport is less vulnerable.	Drinking establishment – Exception Test required if in 3a.  Car park Exception Test not required if in 1, 2, 3a.  Outdoor sport Exception Test not required.  Indoor sport Exception Test not required if in 1, 2, 3a.	On site, yes if needed. All built development would adopt a sequential approach to development on site. More vulnerable uses not appropriate in 3b for example. all built development will be located in Flood Zone 1, adopting a sequential approach to development on site	Passes sequential test generally. Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.  If the site were to be redeveloped in its entirety, the whole site would need to be considered as the most vulnerable use of all the component parts (more vulnerable), as set out in paragraph 079 of the NPPG). Individual elements brought forward separately can be classified under the most relevant vulnerability.
PUBGIL1 Gillingham residential moorings (H. E. Hipperson's Boatyard)	Residential moorings.	3b	SFRA does not show climate change allowance in this area	Mapping shows site affected if Ditchingham Lake floods on a wet day.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	These are considered as effectively marinas so water compatible. But also aware that people will live on these boats so there is a residential element of it which is more vulnerable.	The marina assessment indicates that Exception Test not required, and the residential element indicates that Exception Test required.	No as it is people living on boats which then are on water.	The EA's interpretation passes the sequential test. Looking at the residential element in isolation, it does not.  To reflect that this policy relates to people living on boats on water, the supporting text of the generic residential moorings policy emphasises the issue of mooring technique and also the need for Flood Response Plans.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBGTY1: Marina Quays (Port of Yarmouth Marina)	Regeneration of brownfield site which is compatible with flood risk.	The Flood Map for Planning and the 2017 SFRA show this site to be FZ3, with the SFRA also showing an area of partial indicative FZ3b.	Site affected by Tidal climate change: 0.5% APE and 0.1% AEP.	Mapping does not show the site is affected by reservoir flooding.	Very small area of the southern part of the site affected by surface water.	Mapping does not show area susceptible to groundwater flooding.	No specific land use is prescribed – policy says proposals need to be compatible with flood risk to the site.	Exception Test may be required or may not be required, depending on the proposal and where it is located.	On site, potentially, yes, depending on site specific flood risk assessments.	It is difficult to apply the Sequential Test at this stage if the end use is not known and the nature of the risk affecting the site is unclear. A site-specific flood risk assessment likely required to ascertain flood risk on site. This site has been identified for development as it was an area that was run down on the urban/rural fringe on the way into Great Yarmouth. A sequential test will need to be applied at the application stage as the final land use is not specified in the policy.
PUBHOR1: Horning Car Parking	Car parking	1	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Less vulnerable.	Exception Test not required.	N/A.	Passes sequential test
PUBHOR2: Horning Open Space (public and private)	Open space	1, 2 and part modelled 3b. EA3 on some.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Water compatible.	Development is appropriate	N/A.	Passes sequential test
PUBHOR3: Waterside plots	Waterside plots including some	Mostly modelled 3b, some 2.	SFRA does not show climate change	Mapping does not show the site is	Very small part of site affected	Area susceptible to groundwater	Chalets (including gardens <sup>1</sup> ) -	Chalets – policy only allows extensions and replacements, not	On a site, there may be areas that have lower	Passes sequential test. Policy includes dwellings, but only

<sup>1</sup> Note that the EA usually consider residential gardens to also be ‘more vulnerable’ due to permitted development rights.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
	buildings. General upkeep.		allowance in this area	affected by reservoir flooding.	by surface water flooding.	flooding – less than 25%	More vulnerable  Mooring plots and gardens - presume similar to amenity open space so water compatible development	new. Exception Test not required subject to details of any application.  Mooring plots - Exception Test not required.	probability of flooding, so potentially, yes.	relates to upkeep rather than new. Indeed, due to Water Recycling Centre Constraints, net new dwellings not able to come forward in Horning. Also, the policy itself states the requirement for consistency with policies on flood risk.
PUBHOR4: Horning Sailing Club	Sailing club buildings.	SFRA – part 2, mostly modelled 3b. EA, all 3.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Water compatible.	Exception Test not required.	On a site, there may be areas that have lower probability of flooding, so potentially, yes.	Passes sequential test.  Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.
PUBHOR5: Crabbett's Marsh	Nature conservation.	SFRA – part 2, mostly modelled 3b. EA, all 3.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Water compatible.	Exception Test not required.	N/A.	Passes sequential test
PUBHOR6: Horning - Boatyards, etc. at Ferry Road. and Ferry View Road	Employment, boatyards.	SFRA and EA – part 2, mostly modelled 3b.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Employment – less vulnerable.  Boatyards – water compatible.	Employment: Exception Test not required if in 1, 2, 3a.  Boatyards: Exception Test not required.	Within the area allocated, yes. Less vulnerable (employment) uses will not be located in an area deemed to be FZ3b.	Passes sequential test
PUBHOR7: Woodbastwick Fen moorings	Seeks minimal development.	SFRA – part 2, mostly modelled 3b. EA, all 3.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Water compatible.	Exception Test not required.	N/A.	Passes sequential test

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBHOR8: Land on the Corner of Ferry Road, Horning	Live work units.	Very small part in EA3, SFRA 2 and modelled 3b.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Some of site affected by surface water flooding.	Mapping does not show area susceptible to groundwater flooding.	Less vulnerable on lower floor. More vulnerable on upper floor.	Exception Test not required/does not apply as the policy is for the retention of existing uses.	N/A.	Passes sequential test
PUBHOV1: Green infrastructure	Green Infrastructure.	Part in modelled 3b.	SFRA does not show climate change allowance in this area	Mapping shows site affected if Beeston Hall reservoir floods on a wet day.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Water compatible.	Exception Test not required.	N/A.	Passes sequential test
PUBHOV2: Station Road car park	Car parking	Most in flood zone 1, small part flood zone 2.	SFRA does not show climate change allowance in this area	Mapping shows site affected if Beeston Hall reservoir floods on a wet day.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Less vulnerable.	Exception Test not required.	N/A.	Passes sequential test
PUBHOV3: Brownfield land off Station Road, Hoveton	Land on Station Road. Potential uses could include holiday accommodation, retail, food and drink.	Mostly 2, very small part modelled 3b.	SFRA does not show climate change allowance in this area	Mapping shows site affected if Beeston Hall reservoir floods on a wet day.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Holiday accommodation and drinking establishments: more vulnerable. Retail: less vulnerable. Restaurants: less vulnerable.	Exception Test not required.	On site, yes.	All of these proposed uses are not appropriate in Flood Zone 3b. There is therefore a need for a Sequential Approach to the layout of development to ensure that less vulnerable and more vulnerable land uses are sited in areas of the site that are mapped as Flood Zone 1 and 2 Passes sequential test.
PUBHOV4: BeWILDerwood Adventure Park	BeWILDerwood Adventure Park	Mostly flood zone 1. Some EA2.	SFRA does not show climate change allowance in this area	Mapping shows site affected if Beeston Hall reservoir floods on a wet day.	Central part of BeWILDwewood affected by surface water.	Area susceptible to groundwater flooding – less than 25%	Office buildings: less vulnerable Eating establishments: presume cafes	Exception Test not required.	On site, yes if needed.	Passes sequential test. A sequential approach will be required for development within the site.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
							so less vulnerable  Play areas: presume outdoor sport and recreation, so water compatible.			
PUBHOV5: Hoveton Town Centre and areas adjacent to the Town Centre	Town Centre	Part modelled 3b. Some more EA zone 2	SFRA does not show climate change allowance in this area	Mapping shows site affected if Beeston Hall reservoir floods on a wet day.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Shops in general are less vulnerable.  Drinking establishments and hotels are more vulnerable.  Housing is also more vulnerable.	Less vulnerable and more vulnerable in flood zone 2 - Exception Test not required.  More vulnerable in 3a - Exception Test required.  More vulnerable in 3b – should not be permitted	Within the town centre, yes.	Passes sequential test. Note that the town centre is located where it is, and the policy seeks to guide development and change in the town centre. Policy requires site specific flood risk assessment as appropriate. Note that some more vulnerable uses in 3a would need Exception Test. There is therefore a need for a Sequential Approach to the layout of development to ensure that less vulnerable and more vulnerable land uses are sited in areas of the site that are mapped as Flood Zone 1 and 2. Passes sequential test. Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBNOR1: Utilities Site	Mixed use scheme including dwellings.	Most 1. Very small parts 2. Small riverside strip modelled 3b.	Site at risk when consider climate change. 1% aEP with 65% climate change and 0.1% AEP with 25% climate change.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – more than 25% and more than 75%	More vulnerable.	Exception Test not required.	On site, yes if needed.	Passes sequential test. A sequential approach will be required for development within the site.
PUBNOR2: Riverside walk and cycle path	Walking and cycling route.	EA zone 2	Site at risk when consider climate change. 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Mapping does not show the site affected by surface water.	Area susceptible to groundwater flooding – more than 25% and more than 75%	Water compatible as presume outdoor recreation.	Exception Test not required.	N/A.	Passes sequential test
PUBORM1: Ormesby waterworks	Waterworks.	Part EA2 and 3 and indicative 3b.	SFRA does not show climate change allowance in this area	Does not seem that reservoir flooding affects the sites, although it could come close to the site.	Very small part of site affected by surface water flooding.	Mapping does not show area susceptible to groundwater flooding.	Less vulnerable and water compatible depending on precise operation.	Less vulnerable in 1, 2, 3a and water compatible - Exception Test not required. Less vulnerable in 3b, should not be permitted.	On site, yes.	Passes sequential test. Policy refers to flood risk.
PUBOUL1: Boathouse Lane Leisure Plots	Leisure plots.	Small part SFRA 3b and EA 3. More EA 2.	SFRA shows part of area affected when consider climate change for tidal event. 1 in 200-year event with	Mapping does not show the site is affected by reservoir flooding.	Very small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25%	Amenity open space so water compatible.	Exception Test not required.	On site, yes.	Passes sequential test



Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
			climate change.							
PUBOUL2: Oulton Broad - Former Pegasus/Hamptons Site	Mixed use scheme including dwellings and employment.	Part EA zone 2 and 3.	SFRA shows part of area affected when consider climate change for tidal event. 1 in 200-year event with climate change.	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water. Some on the road frontage.	Mapping does not show area susceptible to groundwater flooding.	Employment – less vulnerable. Dwellings – more vulnerable.	Employment – Exception Test not required. Dwellings – Exception Test.	On site, yes.	<p>Passes sequential test.</p> <p>Refer to the need for a site-specific flood risk assessment and sequentially locating development on site to reflect flood risk in policy.</p> <p>Note that the policy seeks to regenerate brownfield land. This site is quite prominent in Oulton Broad and has been run down and not in use for some time. It is fair to say that the local community, as well as the Broads Authority, want this site to be developed.</p> <p>Scheme has planning permission.</p> <p>EA requested the scale of development be included in the policy – policy now says similar or equal scale to the permission.</p>
PUBOUL3 - Oulton Broad District Shopping Centre	District Shopping Centre	Most. SFRA 3b. EA zone 2 and 3.	SFRA shows part of area affected when consider climate change for	Mapping does not show the site is affected by reservoir flooding.	Some of site affected by surface water flooding.	Mapping does not show area susceptible to groundwater flooding.	Shops in general are less vulnerable. Drinking establishments and hotels are	Exception test if in 3a if more vulnerable land use.	Within the district centre, to some extent, yes.	<p>Passes sequential test.</p> <p>Residential need to pass Exception Test if in 3a.</p> <p>Note that the district centre is located where</p>



Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
			tidal event. 1 in 200-year event with climate change.				more vulnerable. Housing is also more vulnerable.	Less vulnerable in 3a, no exception test required.  More vulnerable and less vulnerable in 3b, should not be permitted.		it is, and the policy seeks to guide development and change in the district centre.  Policy refers to flood risk.  Individual proposals should consider the Sequential Test at the application stage.  Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.
PUBPHRB1: Bridge Area	Bridge Area	Most of area indicative 3b. Area near bridge, to south of river, modelled 3b. EA – entire area 3.	SFRA does not show climate change allowance in this area	Affected on a wet day if Back of Hall Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Mapping does not show area susceptible to groundwater flooding.	Shops in general are less vulnerable. Drinking establishments and hotels are more vulnerable. Housing is also more vulnerable. Boatyards (presume marinas) are water compatible.	More vulnerable in 3a needs exception test, in 3b should not be permitted.  Less vulnerable in 3a, does not require exception test and in 3b should not be permitted.  Water compatible – exception test not required.	Depends on what a site-specific FRA ascertains in terms of the indicative 3b area.	Passes sequential test. Although individual proposals should consider the Sequential Test at the application stage  But some development may need Exception Test.  Note that the land uses in the entire Bridge area policy area are located where they are, and the policy seeks to guide development and change in that area. It does not promote certain land uses and refers to proposals

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
										<p>needing to reflect the flood risk.</p> <p>Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.</p>
PUBPHRB2: Waterside plots	Waterside plots. Some with chalets, some for mooring and some undeveloped.	Modelled 3b.	SFRA does not show climate change allowance in this area	Affected on a wet day if Back of Hall Reservoir floods according to mapping.	Mapping does not show the site affected by surface water. Some on the road frontage.	Mapping does not show area susceptible to groundwater flooding.	<p>Undeveloped, presume amenity open space so water compatible.</p> <p>With chalets (including gardens<sup>2</sup>) – more vulnerable.</p>	<p>Undeveloped – exception test not required.</p> <p>New chalets – should not be permitted.</p>	No as the entire plot tends to be subject to flood risk.	<p>Policy seeks mainly to maintain or improve the current situation. Does not seek significant change. Does not promote new build but refers to replacement. Again, these chalets are already in place. So, policy passes sequential test. Also, the policy itself states the requirement for consistency with policies on flood risk.</p>
PUBPHRB3: Green Bank Zones	Green bank zones.	3b	SFRA does not show climate change allowance in this area	Affected on a wet day if Back of Hall Reservoir floods according to mapping.	Mapping does not show the site affected by surface water. Some on the road frontage.	Mapping does not show area susceptible to groundwater flooding.	Presume amenity open space so water compatible.	Exception test not required.	N/A.	Passes sequential test
PUBSOL1: Riverside area moorings	Moorings and mooring plots.	3b	SFRA does not show climate change	Affected on a wet day if Reeders Reservoir floods	Some of site affected by surface water flooding.	Mapping does not show area susceptible to	For the mooring of boats so presume similar to boatyards and marinas so	Exception test not required.	N/A.	Passes sequential test

<sup>2</sup> Note that the EA usually consider residential gardens to also be ‘more vulnerable’ due to permitted development rights.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
			allowance in this area	according to mapping.		groundwater flooding.	water compatible. Also, part amenity open space.			
PUBSOM1: Somerleyton Marina Residential Moorings	Residential moorings.	3b	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Mapping does not show the site affected by surface water.	Mapping does not show area susceptible to groundwater flooding.	These are considered as effectively marinas so water compatible. But also aware that people will live on these boats so there is a residential element of it which is more vulnerable.	The marina assessment indicates that Exception Test not required, and the residential element indicates that Exception Test required.	No as it is people living on boats which then are on water.	The EA's interpretation passes the sequential test. Looking at the residential element in isolation, it does not.  To reflect that this policy relates to people living on boats on water, the supporting text of the generic residential moorings policy emphasises the issue of mooring technique and also the need for Flood Response Plans.
PUBSTA1: Land at Stalham Staithe (Richardson's Boatyard)	Boatyard, employment use and residential moorings.	EA zone 2 and 3.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – more than 25% and more than 75%	Employment – less vulnerable.  Boatyards – water compatible.  Residential moorings - These are considered as effectively marinas so water compatible. But also aware that people will live on these boats	The marina assessment indicates that Exception Test not required, and the residential element indicates that Exception Test required.	N/A – for general boatyard use.  Resi moorings: No as it is people living on boats which then are on water.	Passes sequential test for general boatyard uses.  In terms of residential moorings: The EA's interpretation passes the sequential test. Looking at the residential element in isolation, it does not.  To reflect that this policy relates to people living on boats on water, the supporting text of the generic residential moorings

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
							so there is a residential element of it which is more vulnerable.			policy emphasises the issue of mooring technique and also the need for Flood Response Plans.
PUBTSA1: Cary's Meadow	Open space	Mostly 1, small part modelled 3b and 2 (EA).	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Some of site affected by surface water flooding.	Area susceptible to groundwater flooding – 25% to 50%	Water compatible as amenity open space.	Exception Test not required	N/A.	Passes sequential test
PUBTSA2: Thorpe Island	Thorpe Island – boatyard, moorings and open space.	EA – most 2 and 3. SFRA shows most modelled 3b.	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – 25% to 50%	Generally, water compatible (moorings, basins and boatyards). Also some open space.  There is a house – more vulnerable.	Exception Test not required as policy does not promote any new more vulnerable development.	Potentially, on the island.	Passes sequential test. May need Exception Test if more vulnerable, although this is not likely.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBTSA3: Griffin Lane – boatyards and industrial area	Boatyard and dockyard.	All EA zone 2. Most SFRA modelled 3b and EA zone 3.	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – 25% to 50%	Docks and boatyards so water compatible.	Exception Test not required	N/A.	Passes sequential test
PUBTSA4: Bungalow Lane – mooring plots and boatyards	Mooring plots and boatyards.	All SFRA modelled 3b, EA 2 and EA 3.	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – less than 25% and 50 to 75%	Presume amenity open space so water compatible.  Boatyard water compatible too.	Exception Test not required	N/A.	Passes sequential test
PUBTSA5: River Green Open Space	Open space.	Part SFRA modelled 3b, EA zone 2 and 3.	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate	Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – 25% to 50%	Water compatible as amenity open space.	Exception Test not required	N/A.	Passes sequential test

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
			change and 0.1% AEP with 25% climate change.							
PUBTHU1: Tourism development at Hedera House, Thurne	Dwellings.	Small part EA zone 3 and SFRA indicative 3b. More is EA zone 2. Rest is 1.	SFRA does not show climate change allowance in this area	Mapping does not show the site is affected by reservoir flooding.	Very small part of site affected by surface water flooding mainly on boundaries.	Mapping does not show area susceptible to groundwater flooding.	More vulnerable.	Exception test required for part in 3/indicative 3b. Development is appropriate for FZ 2 and 1 areas of site.	On site, yes.	<p>Passes sequential test. Although individual proposals should consider the Sequential Test at the application stage</p> <p>Refer to the need for a site-specific flood risk assessment and sequentially locating development on site to reflect flood risk in policy.</p> <p>Note that the policy seeks to regenerate brownfield land. This site is quite prominent in Oulton Broad and has been run down and not in use for some time. It is fair to say that the local community, as well as the Broads Authority, want this site to be developed.</p>
PUBWHI1: Whitlingham Country Park plus adjacent land	Country Park.	Generally, other than a small part near the little Broad, land is flood zone 1.	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1%	Partly affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – 0% to 50%	Amenity open space, recreation and sport and changing facilities water compatible. Café less	Exception Test not required	N/A.	Passes sequential test

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
			AEP with 65% climate change and 0.1% AEP with 25% climate change.				vulnerable. Car park less vulnerable.			
PUBWHI2: Land at Whitlingham Lane	Boatyard or use compatible with location.	Very small part SFRA modelled 3b and EA zone 3. A bit more EA zone 2.	SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Partly affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Small part of site affected by surface water flooding.	Area susceptible to groundwater flooding – 0% to 50%	Class E varies from more vulnerable to less vulnerable, so depends on the actual use. Policy does not specify a land use.  Boatyard is water compatible.	Most of the site is 2 or 1, so Exception Test not required.	Yes, as part of site that is 3 is very small.	Passes sequential test. But will need a sequential approach to development on site.
PUBSSTRI: Trinity Broads	Trinity Broads. Seeks quiet recreation.	All SFRA indicative 3b, EA zones 2 and 3.	SFRA does not show climate change allowance in this area	Partly affected on a wet and dry day if Ormesby Subsidence Reservoir floods	Some parts of area affected by Surface Water.	Mapping does not show area susceptible to groundwater flooding.	Presume amenity open space so water compatible.	Exception Test not required.	N/A.	Passes sequential test  An area wide policy that seeks to guide what can go there, not identifying specific land uses.
PUBSSUT: Upper Thurne	Upper Thurne. Seeks quiet recreation	All SFRA indicative 3b, EA zones 2 and 3.	SFRA show area affected by tidal climate change: 0.5% AEP climate change and 0.1% climate change.	Mapping does not show the site is affected by reservoir flooding.	Some parts of area affected by Surface Water.	Small part of area 0 to 50%.	Presume amenity open space so water compatible.	Exception Test not required.	N/A.	Passes sequential test.  An area wide policy that seeks to guide what can go there, not identifying specific land uses.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBSSPUBS: Pubs network	Seeks to protect waterside pubs.	Various, but generally flood zone 3 and indicative or modelled 3b.	Depending on the pub, some are affected by tidal climate change, some by fluvial climate change and some not shown through the SFRA to be affected.	Many pubs in the Broads. Some may be affected by reservoir flooding.	Some pubs may be affected by surface water.	Depending on location, pubs may not be susceptible, or less than 25%, 25-50%.	More vulnerable	Policy relates to protecting what is already there. Any changes could be not appropriate or need an Exception Test, depending on the detail and the site-specific flood risk.	Potentially for new development, although pubs are already there.	Note that pubs are already there, and policy emphasises importance of flood risk. Passes sequential test. Any changes could be not appropriate or need an Exception Test, depending on the detail and the site-specific flood risk. Also, the policy itself states the requirement for consistency with policies on flood risk. Depending on the proposal and location on site, an Exception Test may be needed as part of planning application.
PUBSSROADS: Main road network	Main road network. Seeks to protect the network.	Various, but generally flood zone 3 and indicative or modelled 3, some 2 and some 1.	Depending on the road, some are affected by tidal climate change, some by fluvial climate change and some not shown through the SFRA to be affected.	Some parts of the main road network affected by reservoir flooding. Some parts not.	Some roads may be affected by surface water flooding.	Some roads may be affected by groundwater flooding.	Essential infrastructure. Measures could fall within the "flood control infrastructure" cited within the 'Water-compatible development' flood vulnerability class if they are secondary measures to protect infrastructure	Presume that the network is essential transport infrastructure. Exception Test required if in 3a and 3b.	N/A	Policy relates to existing network which is there already. Passes sequential test



Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
							that already exists. A new or replacement road, or works to raise the level of the road, might be classed as 'Essential Infrastructure'.			
PUBSSTRACKS: Former rail trackways	Three routes of former railways are safeguarded for future walking, cycling and horse-riding routes.	Most in 2, some could be in EA 3 and indicative and modelled 3b.	Depending on the track, some are affected by tidal climate change, some by fluvial climate change and some not shown through the SFRA to be affected.	Belton/Bradwell – not affected.  Haddiscoe link - wet day, Readers Reservoir  Aldeby link – wet day, Ditchingham Lake.  Geldeston link – wet day, Ditchingham Lake.	Some parts of trackways may be affected by surface water flooding.	Some parts of trackways may be affected by groundwater flooding.	Presume outdoor sport and recreation so water compatible.	Exception Test not required.	N/A.	Passes sequential test
PUBSSSTATIONS: Railway stations/halts	Stations protected in current use. Criteria for any proposals at these sites.	Wroxham/Hoveton -1  Berney Arms, Haddiscoe, Somerleyton, Buckenham – SFRA indicative 3b, EA 2 and 3.	Depending on the halt, some are affected by tidal climate change, some by fluvial climate change and some not shown through the SFRA to be affected.	Wroxham/Hoveton, Buckenham, Somerleyton, Berney Arms – not affected.  Haddiscoe – wet day, Reeders Reservoir.	Some halts may be affected by surface water.	Depending on location, halts may not be susceptible, or less than 25%.	Presume waiting areas and other land uses at the station could be the same as shops so less vulnerable.	Depending on the proposal and the precise location, may need Exception Test or should not be permitted.	N/A.	Passes sequential test.  Policy does not prescribe land uses. Policy refers to flood risk.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
PUBSSSTAITHES: Staithes	Protects staithes and allows enhancements.	FZ1,2,3a and 3b depending on individual sites.	Policy does not identify the locations of these.	Policy does not identify the locations of these.	Policy does not identify the locations of these.	Policy does not identify the locations of these.	Water compatible.	Exception Test not required.	N/A.	Passes sequential test
PUBSSCOAST: The Coast	The Coast. Seeks quiet recreation and low-key structures.	Indicative and modelled 3b, EA 2 and 3.	SFRA show area affected by tidal climate change: 0.5% AEP climate change and 0.1% climate change.	Mapping does not show the site is affected by reservoir flooding.	Small part of site affected by surface water flooding.	Mapping does not show area susceptible to groundwater flooding.	Presume amenity open space or structures associated with recreation so water compatible.	Exception Test not required.	N/A.	Passes sequential test
PUBSSMILLS: Drainage Mills	Seeks to protect mills.	Various, but generally flood zone 3 and indicative or modelled 3, some 2 and some 1.	Depending on the mill, some are affected by tidal climate change, some by fluvial climate change and some not shown through the SFRA to be affected.	Many mills in the Broads. Some may be affected by reservoir flooding.	Some mills may be affected by surface water.	Depending on location, mills may not be susceptible, or less than 25%, 25-50%.	Depends on the usage. Policy does not state what they should be used as but emphasises flood risk. If in use for operational drainage purposes, these will fall within the 'Water-compatible' vulnerability class as they are effectively similar to water transmission infrastructure and pumping stations.	Depends on the usage.	Potentially for ancillary development, but the mills are there already.	Policy does not specify a land use. Mills are already in place. Flood risk emphasised as an issue.  If they are not functional or proposed to be made functional again, then the development class should be appropriate to the flood zone, i.e. no forms of vulnerable development if the building/site is in Flood Zone 3b. If deemed water-compatible (i.e. used solely as a drainage mill), the Exception Test will not be required, but these should still be designed and constructed to:

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
										<ul style="list-style-type: none"> <li>remain operational and safe for users in times of flood;</li> <li>result in no net loss of floodplain storage;</li> <li>not impede water flows and not increase flood risk elsewhere.</li> </ul>
PUBSSLGS: Local Green Space	Local Green Spaces - protected	Various, but generally flood zone 3 and indicative or modelled 3, some 2 and some 1.	SFRA does not show climate change allowance in this area	Many local green spaces in the Broads. Some may be affected by reservoir flooding.	Some spaces may be affected by surface water.	Depending on location, local green spaces may not be susceptible, or less than 25%, 25-50%.	Water compatible.	Exception Test not required.	This policy protects local green space that is already in place.	Passes sequential test.
Policy PUBSSA47: Road schemes on the Acle Straight (A47T)	Provides a framework for changes to guide changes to the A47.	Indicative 3b. EA 2 and 3.	Site affected by Tidal climate change: 0.5% APE and 0.1% AEP.	Mapping does not show the site is affected by reservoir flooding.	Some parts of the A47 may be affected by surface water.	Mapping does not show area susceptible to groundwater flooding.	Could be classed as essential transport infrastructure.	Exception test required.	If dualling for example, no as the A47 is where it is.	<p>Exception test required.</p> <p>Essential transport infrastructure (as with water-compatible uses) that has passed the Exception Test should also be designed and constructed to:</p> <ul style="list-style-type: none"> <li>remain operational and safe for users in times of flood;</li> <li>result in no net loss of floodplain storage;</li> <li>not impede water flows and not increase flood risk elsewhere.</li> </ul>

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
Oulton Broad Development Boundary	Development boundaries in principle enable housing, employment and residential moorings but subject to other policies.	Various, but generally flood zone 3 and indicative or modelled 3, some 2 and some 1.  Residential moorings, 3b.	SFRA shows part of area affected when consider climate change for tidal event. 1 in 200-year event with climate change.	Mapping does not show the site is affected by reservoir flooding.	Some parts of the development boundary may be affected by surface water.	Mapping does not show area susceptible to groundwater flooding.	Dwellings – more vulnerable  Employment – less vulnerable	Depends on proposal and location. Other policies in local plan used as appropriate to determine applications, in particular the flood risk policy.	Yes.	The Authority raises the importance of flood risk as well as other policies even though different types of development are theoretically acceptable in development boundaries. Whether the sequential test is passed or an Exception Test is needed will depend on the proposal and the location.
Hoveton and Wroxham Development Boundary			SFRA does not show climate change allowance in this area	Part of Hoveton and Wroxham affected on a wet day if Beeston Hall Reservoir floods according to mapping.	Some parts of the development boundary may be affected by surface water.	Area susceptible to groundwater flooding – 0% to 25%	Residential moorings – These are considered as effectively marinas so water compatible. But also aware that people will live on these boats so there is a residential element of it which is more vulnerable			
Thorpe St Andrew Development Boundary.			SFRA show area affected by fluvial climate change: 1% AEP with 35% climate change, 1% AEP with 65% climate change and 0.1% AEP with 25% climate change.	Part of Thorpe St Andrew affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.	Some parts of the development boundary may be affected by surface water.	Area susceptible to groundwater flooding – 25 to 50%				
PUBDM9: Open space on land, play space, sports fields and allotments.	Allotments, sports fields, play areas – protected.	Various, but generally flood zone 3 and indicative or	Depending on the open space, some are affected by tidal	Many open spaces in the Broads. Some may be	Some spaces may be affected by surface water.	Depending on location, open spaces may not be susceptible,	Water compatible.	Exception Test not required.	This policy protects open space that is already in place.	Passes sequential test.

Policy and location	Brief description	Flood zone	Consider climate change	Reservoir flooding	Surface water flooding	Groundwater flooding	Vulnerability class	Compatibility	Can development be allocated in lowest risk sites?	Conclusions
		modelled 3, some 2 and some 1.	climate change, some by fluvial climate change and some not shown through the SFRA to be affected.	affected by reservoir flooding.		or less than 25%, 25-50%.				

## Appendix 1: Comments received as part of technical consultation

A technical consultation whereby Norfolk and Suffolk LLFAs and the Environment Agency were asked for comments, was held in April 2024. The comments received are as follows.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Environment Agency	1: Introduction	The introduction states: “This Sequential Test has been produced to address the requirements of the NPPG”. It is worth stating here that the Sequential Test is also a planning policy requirement of the National Planning Policy Guidance (NPPF) as set out in paragraphs 167 and 168.	Agreed.	Text added to the introduction.
Environment Agency	2. What is the ‘Sequential Approach’?	We recommend preceding the NPPG text in this section with the policy text from paragraph 167 of the NPPF to ensure that both “policy” and “practice/approach” are covered here.	Agreed.	Text added to section 2.
Environment Agency	POACL1	POACL1 states that the vulnerability class of cemeteries is not specifically covered and suggest they might be classified as ‘water compatible’. While it is true that cemeteries are not specifically identified in NPPF Annex 3: Flood risk vulnerability classification, we would suggest that they could be considered	Agreed.	Vulnerability class changed. No other changes to the assessment.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		as 'more vulnerable'. This is due to the water pollution risk.		
Environment Agency	POBRU1, POBRU2, POBRU3, POBRU4, POBRU5, POBRU6, POCHE1, PODIL 1, PODIT1, PODIT2, POGIL1, POHOR3, POHOR4, POHOR5, POHOR6, POHOR7, POHOV1, POLOD1, PONOR2, POORM1 ("depending on precise operation"), POOUL1, POPHRB3, POSOL1, POSOM1, POSTA1, POTSA1, POTSA2 (unless more vulnerable development is proposed), POTSA3, POTSA4, POTSA5, POWHI1 (aside for café and car park), POSSTRI, POSSUT,	<p>This policy states that the Exception Test is not required for mooring plots. Although the Exception Test not required for water-compatible uses, it is worth highlighting that these should still be designed and constructed to:</p> <ul style="list-style-type: none"> <li>• remain operational and safe for users in times of flood;</li> <li>• result in no net loss of floodplain storage;</li> <li>• remain operational and safe for users in times of flood;</li> <li>• result in no net loss of floodplain storage;</li> </ul> <p>This is set out in paragraph 079 of the NPPG.</p>	Agreed.	<p>A new section added to the sequential test that refers to water compatible uses.</p> <p>Wording added to DM7 of Local Plan.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
	POSSTRACKS, POSSSTAITHES, POSSCOAST, POSSLGS, PODM9			
Environment Agency	Residential moorings: BRU6, CHE1, GIL1, LOD1, SOM1, STA1	<p>POBRU6 states “The EA’s interpretation passes the sequential test. Looking at the residential element in isolation, it does not.” In all cases (BRU6, CHE1, GIL1, LOD1, SOM1, STA1) we would not question an LPA’s assertion that the physical moorings and associated infrastructure are ‘water compatible’. The LPA should consider the treatment of ‘boats’ within planning, and any distinction between boats and other floating residential structures.</p> <p><i>EA asked for clarification and said: The comment was just to highlight that you may consider the vulnerability of those living on a vessel deemed to be a ‘boat’ differently to those living on a ‘houseboat’ or other floating structure. However, that point is appropriately captured in the text supporting the (current) DM37 and (proposed) PODM45 – as you have said. Regarding the residential</i></p>	Comment noted. Clarification appreciated.	No change to sequential test.



Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<i>moorings, we're satisfied that moorings are Water Compatible and that the Sequential Test is passed.</i>		
Environment Agency	POCAN1	POCAN1 is deemed to pass the sequential test. This should only be concluded provided the development is sited outside of Flood Zone 3b. Development should not be permitted if within FZ3b, as set out in Table 2, paragraph 079 of the NPPG. Furthermore, development should be sequentially located within the site, based on the site-specific flood risk assessment.	Agreed.	Add this wording to the policy and sequential test.
Environment Agency	PODIT1	PODIT1 states the drinking establishment is more vulnerable. If the site were to be redeveloped in its entirety, the whole site would need to be considered as the most vulnerable use of all the component parts (more vulnerable), as set out in paragraph 079 of the NPPG). This policy is for retention of uses and improved facilities. Individual elements brought forward separately can be classified under the most relevant vulnerability.  <i>EA asked for clarification:</i>	Noted, but what does this mean for the policy and sequential test?  Agreed and noted – add to sequential test. And add some wording about sequential test to policy.	Make change to sequential test.  Add sequential test wording to policy.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p><i>If the policy stipulates that the sequential approach should be applied on the site and that all built development elements are to be outside FZ2&amp;3 then the Sequential Test is passed. Outdoor sports could be in FZ but if (for example) the policy were to allow for a redeveloped 'drinking establishment' in the FZ then you would have to explain in the conclusions column why there is no other site elsewhere at lower risk that could be used to pass this ST.</i></p>		
Environment Agency	POFLE1	<p>PODIT1 states the drinking establishment is more vulnerable. If the site were to be redeveloped in its entirety, the whole site would need to be considered as the most vulnerable use of all the component parts (more vulnerable), as set out in paragraph 079 of the NPPG). This policy is for retention of uses and improved facilities. Individual elements brought forward separately can be classified under the most relevant vulnerability.</p> <p>This also applies to POFLE1, which states "All built development would be outside the</p>	<p>Agreed and noted – add to sequential test.</p> <p>Agreed, although sequential test changed to 'all built development would adopt a sequential approach to development on site'.</p>	<p>Make change to sequential test.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>flood zones". Presumably this means outside of Flood Zones 2, 3a and 3b. It would be clearer to state "all built development will be located in Flood Zone 1, adopting a sequential approach to development on site".</p>		
Environment Agency	POGTY1	<p>POGTY1 is described as "Most flood zone 1, very small part zone 2 and indicative (typo) 3b. EA does show entire area as 2 and 3." Further clarity on this required. The Flood Map for Planning and the 2017 SFRA show this site to be FZ3, with the SFRA also showing an area of partial indicative FZ3b.</p> <p>The table also concludes that it is "not clear if passes sequential test". It is difficult to apply the Sequential Test at this stage if the end use is not known and the nature of the risk affecting the site is unclear. The Sequential Test conclusion should make clear why this site has been identified for potential development rather than sites at lower flood risk.</p> <p>The Local Plan policy could further define acceptable development types based on a</p>	<p>Regarding flood zones – agree.</p> <p>Regarding sequential test conclusion – agree.</p> <p>Regarding sequential test and development type – agree.</p>	<p>Clarify flood zones in sequential test and supporting text of policy.</p> <p>Improve sequential test conclusion.</p> <p>Add text to sequential test and policy to say that the sequential test may need to be applied at the application stage as the final land use is not specified in the policy.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		more focused Sequential Test, or a Sequential Test may need to be applied at the application stage.		
Environment Agency	POHOV2	We recommend that a Flood Warning and Evacuation/Response Plan is developed and operated for car parking sites, such as POHOR1, POHOV2 and POWHI1. Paragraphs 043 to 048 of the NPPG provide useful advice on this.	Agreed.	Amend sequential test and policy to require flood response plan.
Environment Agency	POWHI1			
Environment Agency	POHOR1			
Environment Agency	POHOR3	POHOR3 states “Mooring plots and gardens - presume similar to amenity open space so water compatible development”. We would usually consider residential gardens to also be ‘more vulnerable’ due to permitted development rights.	Regarding permitted development rights, agree.	Amend sequential test to say more vulnerable due to permitted development rights and improve sequential test as needed.
Environment Agency	POPHRB2			
Environment Agency	POSSPUBS	This policy also states “Chalets – policy only allows extensions (typo) and replacements, not new.” Please note the references to development footprint in Policy DM5 of the Local Plan and its associated footnote and supporting text. Please also note the guidance given in Section 6.8 of the Broads Authority Flood Risk SPD which relates to the	Agree; amend sequential test to reflect that flood risk referred to in policy HOR3, PHRB2, SSPUBS.  Amend typo.	Amend sequential test to reflect that flood risk referred to in policy HOR3.  Amend typo.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>existing footprint of development in Flood Zone 3b and Permitted Development (PD).</p> <p>EA asked for clarification:</p> <p><i>The conclusions column should make it clear that the sequential test is passed for POHOR3 as the policy itself states the requirement for consistency with policies on flood risk – i.e. the need for any proposed changes to be in line with Policy DM5 of the Local Plan (PODM7 in the emerging Plan) and its associated footnote and supporting text, particularly with reference to replacement dwellings/buildings and also to Section 6.8 of the Broads Authority Flood Risk SPD which relates to the existing footprint of development in Flood Zone 3b and Permitted Development (PD). The reference to Horning WRC preventing any net new dwellings is also relevant, as already set out.</i></p> <p>Table 1 of the NPPG states that Flood Zone 3b is “land where water from rivers or the sea has to flow or be stored in times of flood” Extensions to buildings within Flood Zone 3b</p>		

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>can reduce the capacity of the Functional Flood Plain to store flood water and raise the potential for flood risk to be increased elsewhere. The footnote to Table 2 in the NPPG states “In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:</p> <ul style="list-style-type: none"> <li>• remain operational and safe for users in times of flood;</li> <li>• result in no net loss of floodplain storage;</li> <li>• not impede water flows and not increase flood risk elsewhere”</li> </ul> <p><i>EA asked for clarification:</i></p> <p><i>As above, the conclusions section should make clear that POHOR3, POPHRB2 and POSSPUBS pass the ST as they all include requirements comply with flood risk policies. Of particular relevance for these sites in FZ3b - Policy DM5 of the Local Plan (PODM7 in the emerging Plan) and its associated footnote and supporting text, particularly with reference to replacement dwellings/buildings</i></p>		

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p><i>and also to Section 6.8 of the Broads Authority Flood Risk SPD which relates to the existing footprint of development in Flood Zone 3b and Permitted Development (PD).</i></p> <p>This advice regarding development in Flood Zone 3b is also relevant to policies POPHRB2 and POSSPUBS.</p>		
Environment Agency	POHOR8	<p>POHOR8 states the Exception Test is not required. We have no issue with this as this policy is for the retention of existing uses. However, the Exception Test would usually apply for the “more vulnerable” part of the development if part of the site is in Flood Zone 3. See footnote to Table 2 of the NPPG which states that “Some developments may contain different elements of vulnerability and the highest vulnerability category should be used, unless the development is considered in its component parts”.</p> <p><i>EA asked for clarification: Rather than stating that the Exception Test is not required, it should be stated specifically</i></p>	Agree, although the NPPF does say the words that it is not required. Say both phrases.	Change sequential test to say: Exceptions test not required/ <u>does not apply.</u>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<i>that the Exception Test doesn't apply as the policy is for the retention of existing uses.</i>		
Environment Agency	POHOV3	POHOV3 states the Exception Test is not required. We agree with this, provided all the development is to be located in Flood Zone 2. All of these proposed uses are not appropriate in Flood Zone 3b and text should reflect this and advocate that a Sequential Approach to the layout of development needs to ensure that less vulnerable and more vulnerable land uses are sited in areas of the site that are mapped as Flood Zone 1 and 2. Unless all built development is directed to Flood Zone 1, the conclusion that this policy passes the Sequential Test should include text to demonstrate why there are no other suitable available alternative sites at lower risk than Flood Zone 2 that could facilitate this development.	Agree.	Make clear in sequential test and policy that all of the proposed uses are not appropriate in Flood Zone 3b, and text should reflect this and advocate that a Sequential Approach to the layout of development needs to ensure that less vulnerable and more vulnerable land uses are sited in areas of the site that are mapped as Flood Zone 1 and 2.



Organisation	Section of the draft Sequential Test	Comment	Response	Action
Environment Agency	POHOV4 PONOR1	<p>POHOV4 states development can be allocated in lowest risk sites “if needed”. NPPF policy directs for development to be sited in lowest risk areas where possible. “If needed” seems rather weak. This advice also applies to PONOR1.</p> <p><i>EA asked for clarification: Bear in mind that for HOV4 the site is FZ1 &amp; FZ2. For NOR1 only very small parts of the site are FZ2 &amp; 3b. To be confident that the ST is passed, the conclusions section just needs to be clear that a sequential approach will be required for development within the site. The draft policies do refer to addressing flood risk / complying with flood risk policies. But the supporting text could make clear that this includes a sequential approach to siting development.</i></p>	Agree.	Amend sequential test conclusions cell. Add sequential approach to siting development to policies.
Environment Agency	POHOV5	We are satisfied that policy POHOV5 is acceptable but note that it refers to a range of potential development types in an area that has a range of flood zones. Therefore, individual proposals should consider the Sequential Test at the application stage. It is	<p>Range of development types and range of flood risk zones – agree.</p> <p>Add guidance to Local Plan policy supporting text.</p>	Amend sequential test and policy to say that individual proposals should consider the Sequential Test at the application stage.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>worth noting that this site also includes a significant area of Flood Zone 1, in addition to Flood Zones 2 and 3b. We are pleased to note the inclusion of text that that more vulnerable development should not be permitted in Flood Zone 3b.</p> <p>It should be noted that all “more vulnerable” development in Flood Zone 3a will normally require the Exception Test (as set out in Table 2 of the NPPG) unless it is householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) or a change of use application (with the exception of changes of use to a caravan and camping or chalet site). This is set out in footnote 60 of the NPPF.</p>		<p>Add guidance as stated to supporting text of HOV5.</p>
Environment Agency	POOUL2	<p>POOUL2 is stated to have passed the Sequential Test. However, we would like to highlight the need to consider Climate Change in the application of the Sequential Test, as set out in paragraphs 165, 167 and 168 of the NPPF. This is particularly important if land has the potential to become Flood Zone 3b within a development lifetime (and</p>	<p>Agreed. Policy to be amended to refer to the scale of development permitted being appropriate to the site, as well as additional text relating to sequential location of development.</p>	<p>Amend policy to refer to scale of development and sequential location of development.</p> <p>Amend sequential test to refer to say that test passed now policy refer to scale of</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>therefore inappropriate for a number of flood risk vulnerability classes).</p> <p><i>EA asked for clarification: You need to be sure that the site area for POOUL2 is big enough to accommodate the allocated Less Vulnerable and More Vulnerable development outside of FZ3b – including climate change. Does the land proposed for development have the potential to become Flood Zone 3b within a development lifetime (and therefore inappropriate for a number of flood risk vulnerability classes)?</i></p> <p><i>Although the ‘Reasoned Justification’ within the draft policy mentions the 2012 planning permission for “76 market dwellings, office accommodation, and moorings”, the policy wording itself does not specify the number of dwellings or scale of other development that would be permitted at this site. It may therefore not be appropriate to state that this site passes the ST without putting an upper limit on development. This could lead to complications if a planning application</i></p>	<p>Regarding tidal barrier – noted.</p> <p>The flood risk on the site could be assessed through a site-specific flood risk assessment and subsequently development sited sequentially.</p> <p>Regarding flood zone 2/3 and expanding text in sequential test – agree.</p>	<p>development and sequential location of development.</p> <p>Regarding tidal barrier – no change to sequential test or policy.</p> <p>Add text to refer to the need for a site-specific flood risk assessment and sequentially locating development on site to reflect flood risk to policy and sequential test.</p> <p>Expand on text relating to brownfield land and regeneration.</p> <p>Add test to supporting text about climate change having an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p><i>came forward for development in excess of the 2012 planning permission in future. The policy should look to provide more detail on the scale of development (particularly residential) that would be permitted at this site so that the ST can be fully considered.</i></p> <p>This is also particularly relevant if the site is not going to be defended as envisaged in earlier strategic plans, i.e. due to the current affordability of the Lowestoft tidal barrier.</p> <p><i>EA asked for clarification: We raised the issue of the Lowestoft tidal barrier more as something to consider when the site is developed in the future. The site may not be defended as (possibly) envisaged in earlier plans.</i></p> <p>The policy should also specify whether more and less vulnerable development is intended to be directed to Flood Zone 1 only.</p> <p>This Sequential Test conclusion should be clear on why this site in Flood Zone 2/3 is being brought forward for development and</p>		

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		that there are no suitable alternatives at lower risk. 'Regen of brownfield land' is referenced as a reason for the allocation but this should be expanded upon.		
Environment Agency	POOUL3	<p>We are satisfied that policy POOUL3 is acceptable. As with POHOV5, the policy refers to a range of potential development types in an area that has a range of flood zones. Therefore, individual proposals should consider the Sequential Test at the application stage.</p> <p>As with POOUL2, we would again like to highlight the need to consider Climate Change in the application of the Sequential Test for POOUL3.</p> <p><i>EA asked for clarification: This was to highlight that climate change will have an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage. But we're satisfied with the proposed ST &amp; policy amendments.</i></p>	Range of development types and range of flood risk zones – agree.	<p>Amend sequential test and policy to say that individual proposals should consider the Sequential Test at the application stage.</p> <p>Add test to supporting text about climate change having an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Environment Agency	POPHRB1	<p>POPHRB1 mentions “Housing is also more vulnerable.” However, this policy excludes new residential development.</p> <p>As with POOUL2 and POOUL3, we would again like to highlight the need to consider Climate Change in the application of the Sequential Test for POPHRB1.</p> <p><i>EA asked for clarification:</i></p> <p><i>This was to highlight that climate change will have an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</i></p> <p><i>Given the range of development types that could be brought forward in the area, we’d also suggest that the sequential test and policy be amended to say that individual proposals should consider the Sequential Test at the application stage.</i></p>	<p>Re housing – noted. But there is a house already on site and there is some holiday accommodation as well.</p> <p>Regarding climate change, agreed.</p>	<p>No change re housing.</p> <p>Amend policy and sequential test to say that individual proposals should consider the Sequential Test at the application stage.</p> <p>Add test to supporting text about climate change having an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</p>
Environment Agency	POTHU1	<p>As with POOUL2 above, POTHU1 does not specify whether the built residential development will be required to be located in Flood Zone 1 only.</p>	<p>The flood risk on the site could be assessed through a site-specific flood risk assessment and</p>	<p>Add text to refer to the need for a site-specific flood risk assessment and sequentially locating development on site</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>This Sequential Test conclusion should also be clear on why residential development in Flood Zone 2/3 is being promoted and why there are no suitable alternatives elsewhere at lower risk. ‘Regen of brownfield land’ is once again referenced as a reason for the allocation but this should be expanded upon. We note that the policy refers to enabling development.</p> <p>As with POOUL2, POOUL3, and POPHRB1, we would again like to highlight the need to consider Climate Change in the application of the Sequential Test for POTHU1.</p> <p><i>EA asked for clarification: This was to highlight that climate change will have an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage. The policy is clear that flood risk needs to be considered as part of any application &amp; it should be ensured that the sequential approach to development on site is part of that.</i></p>	<p>subsequently development sited sequentially.</p> <p>Regarding flood zone 2/3 and expanding text in sequential test – agree.</p>	<p>to reflect flood risk to policy and sequential test.</p> <p>Expand on text relating to brownfield land and regeneration.</p> <p>Add test to supporting text about climate change having an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Environment Agency	POWHI2	<p>POWHI2 does not specifically request that the small areas of Flood Zones 2 and 3 are avoided. We recommend the policy is amended to state this.</p> <p>As with POOUL2, POOUL3, POPHRB1 and POTHU1, we would again like to highlight the need to consider Climate Change in the application of the Sequential Test for POWHI2.</p> <p><i>EA asked for clarification: This was just to highlight that climate change will have an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</i></p>	<p>Regarding avoiding flood zones 2 and 3 – agree.</p> <p>Re climate change, agreed.</p>	<p>Add text to policy about avoiding flood zones 2 and 3.</p> <p>Add test to supporting text about climate change having an impact on the nature &amp; extent of flood risk and that this should be considered at the application stage.</p>
Environment Agency	POSSROADS	<p>POSSROADS is described as “Main Road network. Seeks to protect the network.” Such measures could fall within the “flood control infrastructure” cited within the ‘Water-compatible development’ flood vulnerability class if they are secondary measures to protect infrastructure that already exists. A new or replacement road, or works to raise</p>	<p>Noted and agree.</p>	<p>Amend sequential text in line with comment and the potential types of projects and their related vulnerability classifications.</p>



Organisation	Section of the draft Sequential Test	Comment	Response	Action
		the level of the road, might be classed as 'Essential Infrastructure'.		
Environment Agency	POSSSTATIONS	POSSSTATIONS is stated to pass the Sequential Test. However, this will depend upon the location, which is to be confirmed.	Comment noted. The locations are known and set out in the policy.	No change to sequential test or policy.
Environment Agency	POSSMILLS	<p>POSSMILLS is for drainage mills. If in use for operational drainage purposes, these will fall within the 'Water-compatible' vulnerability class as they are effectively similar to water transmission infrastructure and pumping stations. If they are not functional or proposed to be made functional again, then the development class should be appropriate to the flood zone, i.e. no forms of vulnerable development if the building/site is in Flood Zone 3b. If deemed water-compatible (i.e. used solely as a drainage mill), the Exception Test will not be required, but these should still be designed and constructed to:</p> <ul style="list-style-type: none"> <li>• remain operational and safe for users in times of flood;</li> <li>• result in no net loss of floodplain storage;</li> </ul>	Noted and agree.	<p>Amend policy to refer to site specific flood risk assessment and sequential test.</p> <p>Amend sequential text to reflect the comment relating to if in water transmission use, they are water compatible, but if another use, then depends on use and flood zone.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<ul style="list-style-type: none"> <li>• not impede water flows and not increase flood risk elsewhere.</li> </ul> <p>This is set out in paragraph 079 of the NPPG.</p>		
Environment Agency	POSSA47	<p>The Sequential Test for POSSA47 will have to demonstrate why the development needs to be located where proposed and why alternatives are not suitable. Essential transport infrastructure (as with water-compatible uses) that has passed the Exception Test should also be designed and constructed to:</p> <ul style="list-style-type: none"> <li>• remain operational and safe for users in times of flood;</li> <li>• result in no net loss of floodplain storage;</li> <li>• not impede water flows and not increase flood risk elsewhere.</li> </ul> <p><i>EA asked for clarification: We were highlighting the additional design and construction requirements for essential infrastructure that may need to be located in flood risk areas. These points could be added</i></p>	Agreed.	Add text to the sequential test and policy.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p><i>to the conclusions column i.e. as supplementary text to “Exception Test required” and/or to the supporting text of the policy.</i></p>		
Environment Agency	Development Boundary policy.	<p>The policies for ‘Oulton Broad Development Boundary’, ‘Hoveton and Wroxham Development Boundary’ and ‘Thorpe St Andrew Development Boundary’ need to consider Climate Change in the application of the Sequential Test, as detailed above. This could potentially represent a constraint to these policies if there is a significant change in the boundary of Flood Zone 3b, constraining the potential to deliver housing and employment.</p> <p>We note the policy describes the flood zone as “Various, but generally flood zone 3 and indicative or modelled 3”. This should be clarified to state “indicative or modelled 3b”.</p> <p>As noted in the conclusions, the Sequential Test will need to be applied if or when any applications for development in a flood zone come forward in these policy locations.</p>	Regarding describing the flood risk – agree.	Amend description of flood risk.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<i>EA asked for clarification: Some were really for reference regarding any future applications. Nothing further needed at this stage.</i>		
Norfolk County Council LLFA	Throughout	The LLFA notes that throughout the documents there are unreferenced quotes from NPPG. The LLFA recommends the paragraph number is included in the reference.	Agree.	Paragraph numbers added.
Norfolk County Council LLFA	Throughout	In addition, the LLFA notes the document references the secondary guidance rather than the policy requirements from NPPF. The LLFA would recommend that some referencing back to the NPPF would improve the strength and quality of the document.	Noted. We feel that there is adequate reference to the NPPF. In the absence of specific references and suggestions, no further action.	No change to sequential test.
Norfolk County Council LLFA	Throughout	In section 3, there is a typo that requires correction in the title which states 'Exceptions Test'. However, it should read Exception Test. The LLFA recommends the correction is applied to both the title and elsewhere in the document.	Agree.	Exception Test not Exceptions Tet.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Norfolk County Council LLFA		<p>It is clear in section 5 that only flooding from rivers and the sea has been considered.</p> <p>There is no justification provided for this approach in the document. NPPF in paragraph 167 (a) states</p> <p>"All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:</p> <p>(a) applying the sequential test and then, if necessary, the exception test as set out below;"</p> <p>Therefore, at present the information in section 5 is considered incomplete as not all sources of flood risk have been considered during the application of the sequential test. Further work is required.</p>	Agree.	Add a new column that talks about the site in question and all sources of flood risk.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Norfolk County Council LLFA	General comment	<p>In addition, in NPPF Paragraph 170 states</p> <p><i>"To pass the exception test it should be demonstrated that:</i></p> <p><i>(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</i></p> <p><i>(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."</i></p> <p>This appears to indicate that an FRA is required to pass the exception test which is required to enable site allocation to occur.</p> <p>Furthermore, the guidance in NPPG for Flood Risk and Coastal Change in paragraph 31 states that</p> <p><i>"The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing</i></p>	Comments noted and specific policy areas queried, and responses included as follows.	See following rows.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p><i>development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test."</i></p> <p>Therefore, the document will need to be updated to accurately reflect the national policy and guidance should the need for the exception test be required for any of the potential site allocations be considered. It is likely that the developer would need to undertake a suitable FRA to support the allocation process in the local plan.</p> <p>LLFA contacted for clarification: The LLFA are advising on the national policy requirements. In relation to the residential moorings, the exception test will need to be applied and passed prior to allocation. There are two parts of the exception test (as defined by NPPF paragraph 170) states that: "To pass the exception test it should be demonstrated that: (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</p>		

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."</p>		
<p>Norfolk County Council LLFA</p>	<p>Residential moorings</p>	<p>For the residential mooring sites to be allocated, both parts of the exception test will need to be passed. It appears that an evidence base could prepare to demonstrate the wider sustainability benefits to the community that outweigh the flood risk. While a flood risk assessment could be prepared to provide evidence to demonstrate the site would pass part b.</p> <p>The guidance in PPG for Flood Risk and Coastal Change in paragraph 31 states that: <i>"The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in</i></p>	<p>In relation to residential moorings, The Government in the 2016 Planning Act tells us to find the need for those who live on boats and meet that need. And we set out in the supporting text that schemes will need an FRA and flood response plan and have how they are tethered and moored monitored. So they may need the exception test but have got to pass it as the Government tells us to find sites for resi moorings</p>	<p>Regarding residential moorings: add a general note in the sequential test and exception test about residential moorings.</p>



Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p><i>situations where suitable sites at lower risk of flooding are not available following application of the sequential test."</i></p> <p>The LLFA notes the guidance has not been update since the December 2023 update to NPPF, which is why it refers to the paragraph 164, the previous number of paragraph 170. As can be seen, NPPF and its supporting guidance clearly requires the need for this information to be provided to support the allocation of sites.</p>	<p>which are residential in flood zone3b.</p>	
<p>Norfolk County Council LLFA</p>	<p>DIT1 and FLE1</p>	<p>NPPF Guidance is clear that developments must be assessed based on the proposed use and associated vulnerability class of the proposed development.</p> <p>On the scenario indicated in the enquiry where the applicant may wish to submit an altered planning application compared to the local plan allocation, the policy is clearly presented in paragraph 172. It states: "Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need</p>	<p>In terms if DIT1 and FLE1 We are not promoting any kind of development. We are protecting it as a sports facility and saying the considerations that any proposals they want to come forward need to consider. Now the sequential test talks about drinking establishment on site, but the Local Plan is</p>	<p>Add text in sequential test and Local Plan to say that Exception Test may need to be applied at the planning application stage, depending on the proposals being put forward.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account."</p> <p>Therefore, if there is any change in the use of the proposed development in the application, there may be the need to apply the exception test.</p>	<p>not promoting drink establishment in the local plan; it is already there.</p>	
<p>Norfolk County Council LLFA</p>	<p>HOV5 – Hoveton Town Centre and OUL3 Oulton District Centre and PHRB1 – Lathams etc.</p>	<p>As previously stated, the application of the sequential and exception test relates to proposed future developments. Therefore, if the local plan is proposing to allocate these sites for new development, the local plan will need to state the nature of the proposed development in these locations in order to undertake the assessments required to develop the supporting evidence base.</p>	<p>Again, we are not promoting a certain use at a certain site. We are protecting the area as a town centre and therefore as per national policy, any uses that come forward need to be appropriate for a centre use. And also appropriate to the flood risk for the site which that use is located – none of which are</p>	<p>Add text in sequential test and Local Plan to say that Exception Test may need to be applied at the planning application stage, depending on the proposals being put forward.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
			known or promoted in the policy.	
Norfolk County Council LLFA	OUL2 and THU1has	If it is a historic site with a granted planning application, then we suggest it is worth consulting with a planner on whether this should be kept in the plan rather than consulting the LLFA on this matter.	These sites have permission now which is implemented. They are kept in the local plan in case any plans/proposals for the sites are changed.	See amendments to these policies discussed elsewhere in the table.
Norfolk County Council LLFA	Pubs	As previously stated, the application of the sequential and exception test relates to proposed future developments. Therefore, if the local plan is proposing to allocate these sites for new development, the local plan will need to state the nature of the proposed development in these locations in order to undertake the assessments required to develop the supporting evidence base.	This is a protection policy that sets parameters for any changes. The Local Plan does not promote anything like more covers or extensions for more drinking areas.	Add text in sequential test and Local Plan to say that Exception Test may need to be applied at the planning application stage, depending on the proposals being put forward.
Norfolk County Council LLFA	Main road network	We suggest consulting with a planner on whether this should be in the plan as an allocated site because it is not something	This is policy that seeks protection of these assets and sets parameters.	See amendments to these policies discussed elsewhere in the table

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		that the LLFA has seen included before without a proposed development being defined.		
Norfolk County Council LLFA	Rail halts and mills	As previously stated, the application of the sequential and exception test relates to proposed future developments. Therefore, if the local plan is proposing to allocate these sites for new development, the local plan will need to state the nature of the proposed development in these locations in order to undertake the assessments required to develop the supporting evidence base.	This is policy that seeks protection of these assets and sets parameters.	See amendments to these policies discussed elsewhere in the table
Norfolk County Council LLFA	Throughout and POHOR4: Horning Sailing Club	In section 5, the " <i>brief description</i> " of the proposed development is found to be incomplete in a number of instances as it does not state the use of the site in terms that are consistent with the uses identified in the vulnerability class. For example, POHOR4: Horning Sailing Club the brief description states " <i>sailing club buildings</i> ". It does not state the function of these buildings. This could have a significant impact on the vulnerability class of the buildings. A	See other rows that talk about specific policies.  POHOR4: Horning Sailing Club: This is noted, but in that particular example, the policy is a protective policy and is not promoting any development and the sailing club is there and has been for years. Lots of	POHOR4: Horning Sailing Club: Add text in sequential test and Local Plan to say that Exception Test may need to be applied at the planning application stage, depending on the proposals being put forward.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>boathouse used for the storage of a boats would be water compatible which would be an appropriate use in flood zone 3b. However, a club house used for entertainment and social gathering, with cafe facilities etc would fall into the less vulnerable class and would not be acceptable in flood zone 3b, with no option for the application of the exception test. Therefore, for the description of the use of the development is an important part of the assessment and a better description is required.</p> <p>LLFA asked for clarification: As previously stated, the application of the sequential and exception test relates to proposed future developments. Therefore, if the local plan is proposing to allocate these sites for new development, the local plan will need to state the nature of the proposed development in these locations in order to undertake the assessments required to develop the supporting evidence base.</p>	<p>policies are protecting what is there. They may give general guidance about what a proposal on a site needs to consider, but a lot of our policies are not promoting a type of development.</p>	

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Norfolk County Council LLFA	General comment	Furthermore, there are occasions where it appears that the application of the sequential and exception tests has been applied inconsistently when compared with national policy. Again, this could be due to lack of appropriate information and description in the table in section 5. Further work is required as the information given in the summary table is incomplete and it is not possible to appropriately apply the sequential and exception test with this information and is open to challenge as it stands.	It is presumed these occasions are the specific areas discussed elsewhere in the table.	See previous rows.

The updated/amended Sequential Test was then sent round to the EA and LLFA for final comment in June 2024.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
Environment Agency	Throughout.	We have some concern that the document puts the EA forward as ruling on the determination of considerations over whether staites, boatyards and backwaters should be viewed as Marinas. It is up to the LPA to decide on the flood risk vulnerability classification of any given development, not the Environment Agency. We therefore	Agree.	Replace with suggested text throughout document.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		request that the sentence “Aware that the EA consider these as effectively marinas so water compatible”, which is used throughout the document, be replaced with “These are considered as effectively marinas so water compatible”. (To confirm, we don’t disagree with the definition of water compatible).		
Environment Agency	POGTY1	POGTY1 – Given that the site is now confirmed as being FZ3, the conclusions text should now say “A sequential test <b>will</b> need to be applied at the application stage as the final land use is not specified in the policy”.	Agree.	Amend conclusion cell as suggested.
Environment Agency	POHOR8	POHOR8 – Not an essential change but still think that (as mentioned previously) stating specifically that the Exception Test doesn’t apply as the policy is for the retention of existing uses would be useful for clarity.	Agree.	Amend wording re Exception Test as suggested.
Environment Agency	POWHI2	POWHI2 – It would be useful for clarity if the conclusions column referred to the requirement to take a sequential approach to development on site.	Agree.	Amend conclusion cell as suggested.
Norfolk County Council LLFA	Section 5	The LLFA points out that in section 5 on residential moorings for the proposed sites to be allocated, the application of the sequential and exception test will need to be	Noted. The residential moorings are in flood zone 3b and the boat on which the person would live is in the waterbody which is	Add some wording about the sequential test to section 5 as follows:

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>completed first. Therefore, it is not possible to say that as the site is allocated it passes part b of the exception test. The LLFA would suggest the rewording of this section that focuses on the provision of evidence that assesses and demonstrates the significance of the flood risk, the mitigation measures necessary to reduce the impact of the flood risk and management measures that will be included to mitigate the residual impacts of flood risk and the associated mitigation. Once this has been undertaken and achieved for each site, then the proposed development could be considered as having a sufficient evidence base for the consideration of whether the allocation of each site is appropriate or not. Without this evidence base, it is not possible to allocate site in accordance with NPPF and NPPG.</p>	<p>flood zone 3b. There is no avoiding that for residential moorings. The Housing and Planning Act 2016 at paragraph 124 sets a requirement to consider the needs for where houseboats can be moored. So we are required by law to meet the need of those living on boats on inland waterways. It is therefore not clear how the allocation of residential moorings, whereby the boat to be lived on and the mooring itself are in 3b, can have the sequential test applied.</p>	<p>The aim of the sequential approach/test is set out in the NPPG which says: 'The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding'. Residential moorings and the boat that will subsequently be lived on are in flood zone 3b by their very nature. The <a href="#">Housing and Planning Act 2016</a> at Section 124 requires Local Planning Authorities to identify and meet the need of those who live on a boat. So we are required by law to meet the need of those living on boats</p>



Organisation	Section of the draft Sequential Test	Comment	Response	Action
				on inland waterways. It is therefore not clear how the allocation of residential moorings, whereby the boat to be lived on and the mooring itself are in 3b, can have the sequential test applied as if you are living on a boat that is on water then you can't be located in areas of lower risk of flooding.
Norfolk County Council LLFA	Section 6	The LLFA notes there is duplication of text in section 6 which requires amending. In addition, one of the points given in paragraph 079 of the NPPG has not been copied into the document. This is "not impede water flows and not increase flood risk elsewhere". The LLFA requests that an appropriate update is made.	Noted and agree.	Remove duplication and ensure paragraph 079 bullet points are all copied over.
Norfolk County Council LLFA	Section 6	Also in relation to section 6, the LLFA notes the document considers residential accommodation with moorings (POBRU1) and residential moorings (POBRU6, POCHE1, POGIL1) to be water compatible	Noted. This is advice from the EA – see elsewhere in the previous table of comments.	No change to Sequential Test.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		<p>development. The LLFA notes there are two different types of vulnerable development; the moorings which are "water compatible"; and the residential riverside chalets / residential accommodation on the vessels are either "more vulnerable" or "highly vulnerable". The vulnerability classification of the residential accommodation would depend on the type of construction used such as traditional dwelling construction or park home / caravan construction. Therefore, if these proposed developments were in Flood Zone 3 (or 2 depending on which construction type), the exception test would need to be applied before the site could be allocated.</p>	<p>BRU1 clearly says that no new holiday or market residential dwellings will be permitted.</p>	
<p>Norfolk County Council LLFA</p>	<p>Section 8</p>	<p>The LLFA reminds the LPA that the limited description of the proposed development in the Table in section 8 leads to ambiguity of the proposed development. For example, POHOR3 states "Waterside plots including some buildings. General upkeep." in the description. While later in this row in the table the vulnerability class is described as "Chalets (including gardens [1]) – More</p>	<p>POHOR3 does not allocate the site for development or propose development at the site. The policy contains wording about what can happen at the site within parameters such as flood risk, which is quoted as a constraint. A reader can</p>	<p>No change to Sequential Test.</p>

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		vulnerable". Therefore, the proposed development is actually a residential development and not water compatible as indicated in section 6. These inconsistencies need to be addressed as it will undermine the local plan policies and result in the inappropriate and incorrect application of NPPF.	read the policies in detail if they wish, but the table in section 8 clearly identifies this column as being a 'brief description'.	
Norfolk County Council LLFA	POHOR4, POHOR6 and POHOR7,	There are a number of sites, such as POHOR4, POHOR6 and POHOR7, where it is not possible to determine what type of development is proposed there. Therefore, for sites such as the sailing club, only water compatible aspects of the club would be allocated under the current proposal such as those listed in Annex 3. Any other developments such as shops, offices, restaurants and residential facilities would not be considered as allocated in terms of the sequential and exception test and would require further assessment and evidence for these types of development to occur. While for the POHOR7 with the description of "Seeks minimal development" it's not possible to determine what type of	These policies do not allocate the sites for development or propose development at the sites. The policies quoted contain wording about what can happen at the site within parameters such as flood risk, which is quoted as a constraint. A reader can read the policies in detail if they wish, but the table in section 8 clearly identifies this column as being a 'brief description'. Furthermore, in Horning, no residential development can come	No change to Sequential Test.

Organisation	Section of the draft Sequential Test	Comment	Response	Action
		development is proposed at these moorings, therefore, even though the site is identified nothing can be assessed, resulting in no meaningful allocation. The LLFA recommends the LPA reviews and better defines the type of the proposed development.	forward due to capacity constraints at the Water Recycling Centre.	
Norfolk County Council LLFA	Section 6	In section 6 the title refers to a very specific technical phrase "water compatible uses", yet in the second paragraph of the section, there is reference to sites that have a higher vulnerability class as also being considered as water compatible.	Observation noted, although no clear request is included. However, wording could be improved.	Make this change to wording: This applies to relevant uses, classed as water compatible, at these sites: POBRU1, POBRU2, POBRU3, POBRU4, POBRU5, POBRU6, POCHE1, PODIL 1, PODIT1, PODIT2, POGIL1, POHOR3, POHOR4, POHOR5, POHOR6, POHOR7, POHOV1, POLOD1, PONOR2, POORM1 ("depending on precise operation"), POOUL1, POPHRB3, POSOL1, POSOM1, POSTA1, POTSA1, POTSA2 (unless more vulnerable development is proposed), POTSA3, POTSA4, POTSA5, POWHI1 (aside for café and car park), POSSTRI, POSSUT,

Organisation	Section of the draft Sequential Test	Comment	Response	Action
				POSSTRACKS, POSSSTAITHES, POSSCOAST, POSSLGS, PODM9. It should be noted that some uses of these areas may have different vulnerability classes.
Norfolk County Council LLFA	Section 7	In section 7 there are a couple of typos that require addressing.	Noted and these will be addressed.	Ensure check typos.
Norfolk County Council LLFA	General comment	The LLFA has recently updated the developer guidance on the information required by the LLFA from applicants, which can be found at <a href="https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers">https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers</a> .	Noted.	No change to Sequential Test.

# Development Boundaries Topic Paper

Updated [August 2024](#)

DRAFT

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## 1. Introduction

The purpose of a development boundary is to consolidate development around existing built-up communities where there is a clearly defined settlement where further development, if properly designed and constructed, would not be incongruous or intrusive because of the size of the settlement. Development Boundaries have twin objectives of focusing the majority of development towards existing settlements whilst simultaneously protecting the surrounding countryside.

There are currently four areas in the Broads Executive Area that have Development Boundaries. These are detailed in Policy DM35: Residential development within defined Development Boundaries in the adopted Local Plan for the Broads (2019) and are shown on the [adopted policies maps](#). The four areas are:

- A. Horning
- B. Wroxham and Hoveton
- C. Oulton Broad
- D. Thorpe St Andrew

This version of the Topic Paper is intended to support the update of the Local Plan. It sets out the proposed development boundaries to be included in the new Local Plan.

This is an update to the [August 2023](#) version, to take on board comments received during the Issues and Options consultation (see [section 4](#) and [Appendix 3](#)) [and Preferred Options consultation \(see Appendix 6\)](#).

## 2. The Settlement Study

The Settlement Study<sup>1</sup>, completed throughout 2021/22 and updated in 2023, sets out the methodology for assessing if settlements have good access to facilities and services. This study scored settlements according to access to schools and shops for example. The settlements included in Section 3 were assessed as having the best access to services and facilities. Those highlighted in green already have development boundaries as discussed previously. It is important to note that just because a settlement may be sustainable in terms of the facilities and services nearby, it does not automatically follow that it should have a development boundary (or indeed development) as there may be on-site or local issues that would indicate a development boundary is not appropriate. Please note that during the 2023 update, in response to a comment received as part of the Issues and Options consultation, allotments were added as a facility or service. [And following the Preferred Options consultation, a section about Filby has been added. See section 7.](#)

## 3. Settlements in the Broads and the potential for Development Boundaries

The following table includes a summary of the built-up area in the Broads part of those settlements. Stakeholders' comments were also sought. See [Appendix 1](#). Maps of the built-up areas of these settlements in the Broads, with some other spatial information such as flood risk and neighbouring development boundaries is also included at [Appendix 2](#).

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<sup>1</sup> Can be found here: [Local Plan for the Broads \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)



Settlement	District/Borough	Place in District's Settlement Hierarchy.	Commentary of built-up area in the Broads
Norwich City	Norwich	City	The Broads part of Norwich is the river only as it flows through the centre of the City. But to the east, there are some built up areas. Cremorne Lane for example is an area of housing. The Utilities Site is an area of brownfield land that is allocated for mixed use in the current local plan. Close/adjoining the main settlement. Limited impact from flood risk.
Great Yarmouth	Great Yarmouth Borough	Main town	There are some dwellings on Riverwalk, to the south of Bure Park, near to the permission for dwellings and residential moorings. To the north of Gapton Hall Retail Park is some more urban uses, more industrial. Close/adjoining the main settlement. Seems all of the Broads part is at risk of flooding.
Beccles	Waveney	Market Town	To the east of the River Waveney are some dwellings, hotel and the Lido. There is also Hipperson's Boatyard. And Morrison's and fuel station. Close/adjoining the main settlement. Nearer to the road, no risk of flooding, but nearer to the water, flood risk. The incremental impacts of even small-scale developments or activities can ultimately have cumulative adverse effects on the local landscape character
Thorpe St Andrew	Broadland	Fringe Parish	There are areas of housing and pubs. There are development boundaries in place already. Close/adjoining the main settlement. Some of the area at risk of flooding. No obvious changes to the existing development boundary.
Loddon	South Norfolk	Key Service Centre	There are some dwellings along Mill Road and Pyes Mill Road, but these are some distance from the main area of Loddon. There is also the Loddon Boatyard. Other than the boatyard, Mill Road and Pyres Mill Road tends not to be at risk of flooding.

Settlement	District/Borough	Place in District's Settlement Hierarchy.	Commentary of built-up area in the Broads
Oulton Broad	Waveney	Main Town	There are areas of housing and pubs and shops. There are development boundaries in place already. The scheme at the former Pegasus boatyard site has permission. Close/adjoining the main settlement. Some of the area at risk of flooding. No obvious changes to the existing development boundary.
Hoveton	North Norfolk	Small Growth Town	There are areas of housing, shops, boatyards and pubs. There are development boundaries in place already. There is also an allocation on Station Road in the current Local Plan. Close/adjoining the main settlement. Some of the area at risk of flooding. No obvious changes to the existing development boundary.
Brundall	Broadland	Key Service Centre	Boatyards and residential to the south of the railway. Entire areas subject to policies in the Local Plan already. Over the railway from the main settlement. Most of the riverside area is at risk of flooding.
Bungay	Waveney	Service Centre	Built up areas to the south of the River Waveney, especially along Bridge Street. Close/adjoining the main settlement. Development likely to have adverse effects on landscape character.
Wroxham	Broadland	Key Service Centre	There are areas of housing, shops, boatyards and pubs. There are development boundaries in place already. Close/adjoining the main settlement. Some of the area at risk of flooding. No obvious changes to the existing development boundary.
Trowse with Newton	South Norfolk	Fringe Parish	Ski centre, campsite and a few dwellings along Whitlingham Lane somewhat separated from the main settlement. Flood risk to the west of the Lane. No obvious extensions to the neighbouring LPA's settlement boundary.

Settlement	District/Borough	Place in District's Settlement Hierarchy.	Commentary of built-up area in the Broads
Coltishall	Broadland	Village cluster	Dwellings and pubs along Anchor Street and Wroxham Road somewhat separated from the main settlement. Tends to be limited flood risk away from the river. Quite sensitive having a conservation area etc.
Reedham	Broadland	Village cluster	Dwellings, pubs and retail along the Riverside. Close/adjoining the main settlement. Some flood risk mainly up to the road itself. Visual impacts of built development could detract from the perceived naturalness and tranquillity of the area
Ditchingham Dam	Waveney	Open Countryside	North of the River Waveney, with some dwellings and business park. Over the river from the main settlement of Bungay. Most the area at risk of flood zone 2.
Ditchingham	South Norfolk	Village cluster	Ditchingham Maltings development, with some other dwellings near the Yarmouth Road/Ditchingham Dam roundabout. Also, sports facilities. Over the A143 from the main settlement. Limited flood risk issue – flood zone 2 if there is a risk.
Chedgrave	South Norfolk	Key Service Centre	Dwellings and boatyards to the north of the River Chet, and off Wherry Close. Close/adjoining the main settlement. Flood risk an issue for most of the built-up area.
Horning	North Norfolk	Small growth village	There are areas of housing, shops, boatyards and pubs. There are development boundaries in place already close/adjoining the main settlement. Some of the area at risk of flooding. No obvious changes to the existing development boundary. Capacity issues at Horning Water Recycling Centre a constraint.
Stalham Staithe	North Norfolk	Small Growth Town	There are areas of housing, shops, boatyards and pubs. Over the A149 from the main settlement. Some flood risk nearer the boatyard/river. Proximity of

Settlement	District/Borough	Place in District's Settlement Hierarchy.	Commentary of built-up area in the Broads
			A149, settlement and large boatyards make this area less sensitive. Policy STA1 includes some landscape requirements which would help safeguard landscape character.
Ludham	North Norfolk	Large Growth Villages	Some boatyards and dwellings around Womack Water. Away from the main settlement. Most of the built-up areas are at risk of flooding. Womack water has special qualities which would be vulnerable to further development
Cantley	Broadland	Village cluster	Some dwellings along Station Road which are close/adjoining the main settlement as well as the Sugar Beat Factory. Parts of Station Road and parts of the Factory not at risk of flooding.
Filby	Great Yarmouth	Secondary Village	Dwellings and pubs to the west of Thrigby Road. Generally, the settlement is linear in nature. Generally, nearer the road, no flood risk, but nearer the Broad, tends to be at risk of flooding.

## 4. Comments received as part of Issues and Options consultation

During the Issues and Options consultation<sup>2</sup>, we asked the following questions:

Question 37: Do you have any comments on the development boundaries as they are currently drawn?

Question 38: Do you have any comments on the Settlement Study?

Question 39: Do you have any comments on the Development Boundary Topic Paper?

Question 40: Do you have any suggestions for other development boundaries in the Broads? Please explain your suggestion.

The responses are included at Appendix 3.

There was also another question which is discussed in the next section: Question 41: What are your thoughts about not having development boundaries?

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<sup>2</sup> [The Local Plan for the Broads: Review - Issues and Options Consultation \(broads-authority.gov.uk\)](https://www.broads-authority.gov.uk), section 29.

## 5. The option of not having development boundaries.

As part of the Issues and Options consultation, we asked for opinions on not having development boundaries and instead, relying on criteria-based policy approach. The responses are as follows:

Question	Respondent	Comment	BA response	Action for Local Plan
Question 41	Bradwell Parish Council	There absolutely needs to be development boundaries.	Support for development boundaries noted.	Consider this advice as the approach to development boundaries is worked up.
Question 41	Broads Society	The Society feels that, given that there are currently only four areas deemed to require a formal development boundary, the removal of those boundaries and a criteria-based approach may be possible. However, this would depend on what the criteria were and whether or not this could realistically be applied across the whole of the Broads area.	Support to investigate criteria-based approach noted.	Consider this advice as the approach to development boundaries is worked up.
Question 41	Brooms Boats	This would depend on the criteria were and if it were possible to realistically apply across the whole of the Broads area using an economic viability, environmental impact and economic growth assessment model.	Noted.	Consider this advice as the approach to development boundaries is worked up.
Question 41	East Suffolk Council	Removing development boundaries in the Broads Authority area will have the effect of treating the whole area of The Broads as being in the open countryside. This will make it easier to resist development and protect the rural character of The Broads area. However, it also means that it will no longer	Thoughts on this matter welcomed and will be considered as we produce the housing section of the Local Plan.	Consider this comment as produce Preferred Options version of the Local Plan.

Question	Respondent	Comment	BA response	Action for Local Plan
		<p>be possible to focus the development that does come forward within existing centres. This could mean the development of isolated dwellings. While there could potentially be fewer developments in the Broad Authority area, those that did come forwards could be more likely to take place in isolated locations, creating a dispersed settlement pattern, which would undermine the delivery of sustainable development.</p>		
Question 41	Sequence UK LTD/Brundall Riverside Estate Association	<p>2.99 Sequence acknowledge that there are other Local Plans that do not have specific development boundaries drawn on proposals maps and more generally look to guide development to certain locations (for example a consideration of a built-up area or cluster of properties). These can work well as an alternative to development boundaries and the Riverside Estate Brundall should be recognised as a built-up location for the reasons set out in the response to question 40 in particular above. We would, however, reserve the right to comment further on the specific wording of such a policy.</p>	Support to investigate criteria-based approach noted.	Consider this advice as the approach to development boundaries is worked up.
Question 41	South Norfolk Council	<p>As previously stated elsewhere in the plan, the definition of development boundaries, supported by appropriate exception policies, is a tried and tested approach and acts as a useful policy tool to help direct development/growth into sustainable locations. However, in most cases, the development boundary will only be the starting point with regard needing to be had to the development plan taken as a whole and to specific exception policies.</p>	Noted. We do currently have exceptions policies that are likely to be checked, updated and rolled forward.	No further action other than checking the exceptions policies and updating them for the Preferred Options consultation.

Question	Respondent	Comment	BA response	Action for Local Plan
Question 41	South Norfolk Council	If the authority were to pursue a criteria-based approach careful consideration would need to be given to ensuring that the policy is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. This will ensure that the plans overall outcomes are still achieved, that there are predictable outcomes for applicants and that the authority can efficiently process applications.	Agreed and advice noted.	Consider this advice as the approach to development boundaries is worked up.
Question 41	Broadland Council	As previously stated elsewhere in the plan, the definition of development boundaries, supported by appropriate exception policies, is a tried and tested approach and acts as a useful policy tool to help direct development/growth into sustainable locations. However, in most cases, the development boundary will only be the starting point with regard needing to be had to the development plan taken as a whole and to specific exception policies.	Noted. We do currently have exceptions policies that are likely to be checked, updated and rolled forward.	No further action other than checking the exceptions policies and updating them for the Preferred Options consultation.
Question 41	Broadland Council	If the authority were to pursue a criteria-based approach careful consideration would need to be given to ensuring that the policy is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. This will ensure that the plans overall outcomes are still achieved, that there are predictable outcomes for applicants and that the authority can efficiently process applications.	Agreed and advice noted.	Consider this advice as the approach to development boundaries is worked up.

Taking all the responses into account, there seems to be two reasonable options to consider when producing the development boundary policy:

- a) Criteria based development boundary policy – would not use a spatial approach but use a criteria-based approach.



b) Spatial approach – using boundaries on a map.

These have been assessed through the Sustainability Appraisal. The full assessment is set out in Appendix 4, but a summary is included below.

A: Criteria-based development boundary policy: 0 positives. 0 negatives. 8 ?

B: Plan based development boundary policy 7 positives. 0 negatives. 1 ?

On one hand, removing development boundaries in the Broads Authority Executive Area could be treating the whole area of The Broads as being in the open countryside which could help protect the character of The Broads area. On the other hand, it will not be possible to influence the location of development to built up/urban areas that have key services which could result in isolated dwellings. Indeed, development boundaries is a tried and tested policy approach. The Local Plan will also enable any development that is needed to come forward in more remote areas to do so, for example through rural enterprise dwellings and replacement dwellings. Development boundaries will also provide certainty to all involved as to where development is suitable in theory.

**The New Local Plan will therefore include development boundaries.**

## 6. Horning Water Recycling Centre – capacity issues

The capacity issues at Horning Water Recycling Centre have been known for some time now. More detail can be found in the [Joint Position Statement \(August 2023\)](#), but to summarise the issue:

- Concerns regarding development in the catchment of the WRC relates to the potential impact of rising nutrient loads on the river and sensitive downstream receptors and excess flows caused from water ingress into the system.
- Water ingress is from surface water, river over topping and the resultant groundwater infiltration which is compounded through defects in the public and private network.
- Development that would add foul water flows or increase surface water run off are not permitted in the Horning area.

Anglian Water Services have undertaken studies, assessments and some work in the area over recent years to try to address the issue of water ingress into the system, but issues still remain.

It is currently not clear how the situation will ultimately be resolved to enable the WRC to accommodate more foul water or surface water and therefore enable development in the Horning area.

As a result, the development boundary for Horning will not be included in the emerging Local Plan.

If the situation changes over the rest of the Local Plan production period, this approach could be changed. Indeed, if the situation changes, subsequent Local Plans may reintroduce a development boundary for Horning.

## 7. A development boundary for Filby?

During the consultation on the Preferred Options version of the Local Plan (see Section 7), Great Yarmouth Borough Council recommended that the part of Filby that is within the Broads should have a development boundary to complement the development boundary of the part of Filby that is within their planning area. On checking the assessment of Filby in the Settlement Study, Filby rates favourably in terms of services and facilities in the settlement and so some options for a development boundary in the Broads part of Filby were produced. This was sent to Filby Parish Council for comment, as well as internally to heritage, landscape and ecology Officers at the Broads Authority for comment. There was general support, with some suggestions for amendments.

Given that this is a new area for a development boundary, we intend to ask a question in the Publication Version of the Local Plan to ascertain what stakeholders and the public think of a development boundary for the part of Filby in the Broads. We also intend to ask if artea y should be within the development boundary or not.

It should be noted that the form of the proposed development boundary for the Filby part of the Broads reflects the settlement fringe landscape type that is identified in the area. Settlement fringe is a landscape type found repeatedly throughout the Broads, where settlement and semi natural/natural environment converge. The Broads' Landscape Character Assessment identifies areas that are classed as Settlement Fringe. Invariably around any settlement there are pressures for use other than for traditional agriculture. Many of these pressures are generated as a direct result of recreational and leisure activities. Developments can be varied and include garden extensions with their associated fencing and features, allotments, poultry keeping, horse keeping, sports pitches, pond construction (fishing and wildfowling), storage of scrap items and so on. Policy PUBDM26: Protection and enhancement of settlement fringe landscape character seeks to protect this landscape type.

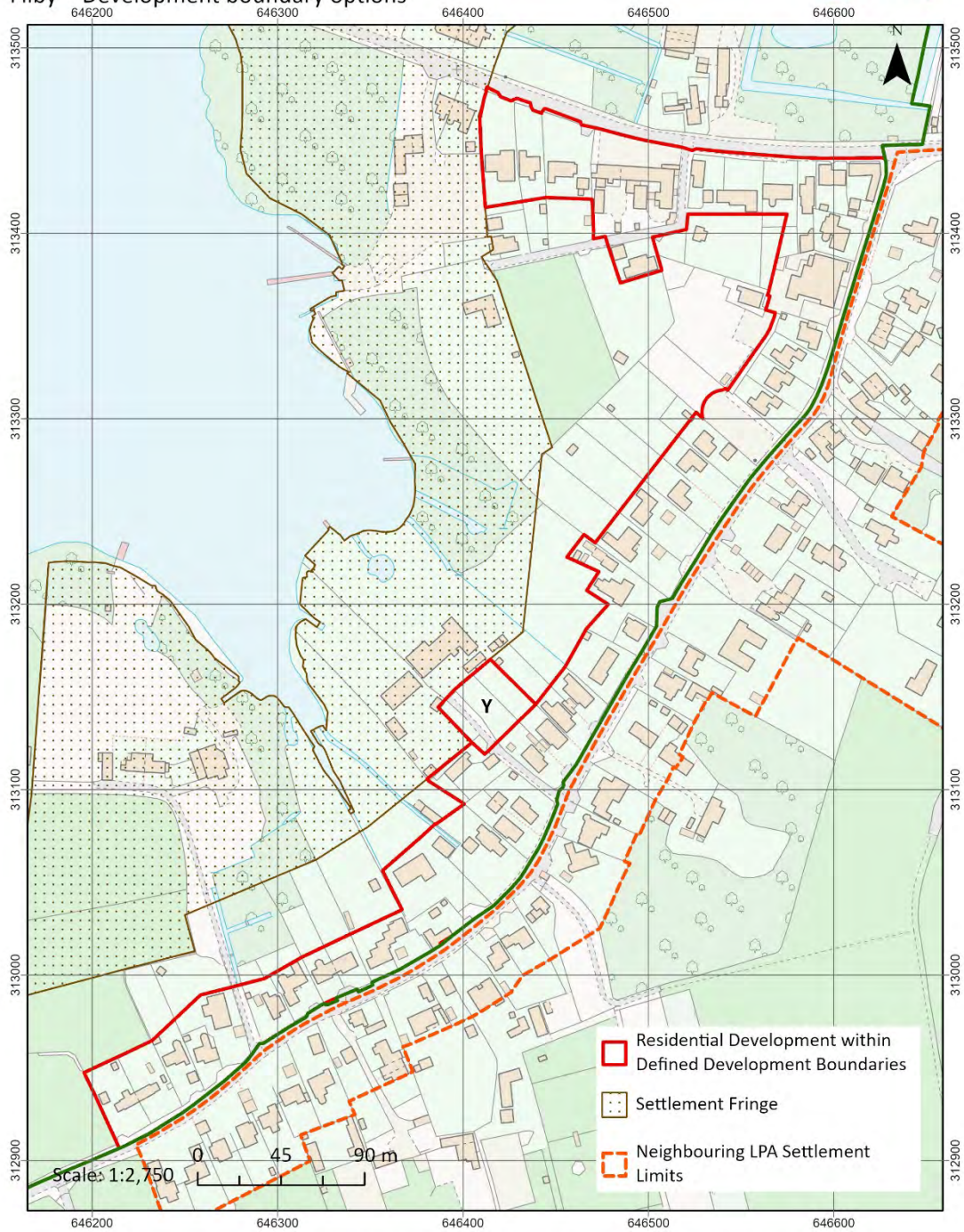
Constraints and features of Filby:

- Some protected trees in the area.
- EA flood zone 2 and 3 and SFRA indicative flood zone 3 covers some properties and gardens.
- Close to SAC and SSSI.
- Part of Filby in SSSI impact zone.
- Settlement fringe landscape type nearby.

Development Boundary for Filby – general information:

The western side of Thrigby Road is within the designated Broads area. Elsewhere, Great Yarmouth Borough Council is the local planning authority. The part of Filby in the Broads is urban in nature along the road frontage, but backs onto Filby Broad. Filby itself has some facilities and services including, a primary school, everyday shop and post office. Although there is a range of buildings and uses within the identified boundary, in practice it is not anticipated that there will be a great deal of development in the foreseeable future. The development boundary provides additional scope for some redevelopment if opportunities arise, subject to flood risk - the relevant Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk.

Filby - Development boundary options



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## 8. Development Boundaries in the new Local Plan

There are currently four areas in the Broads Executive Area that have Development Boundaries, and these are:

- A. Horning
- B. Wroxham and Hoveton
- C. Oulton Broad
- D. Thorpe St Andrew

It has been suggested, through the Issues and Options Consultation responses, that a development boundary be drawn at **Brundall Riverside**. In liaison with Norfolk County Council as the Highways Authority, it is recommended to not have a development boundary here for the following reasons:

- The access to the area is constrained by the level crossing. There is no footway for the entire length from the level crossing north along Station Road and due to land ownership and levels of the land, it seems difficult to provide one.
- There does not seem to be any land that could be used to develop more dwellings in the area. Proposals that affect the boatyards in the area would be judged against economy policies in the Local Plan.
- If property owners wish to replace their dwellings, there are policies in the Local Plan related to this.

The previous section discussed the Water Recycling Centre issues at **Horning**.

Finally, no amendments to the current areas included in the Development Boundaries are proposed.

There will therefore be 3 development boundaries in the Local Plan: **Hoveton and Wroxham, Oulton Broad and Thorpe St Andrew**. They will be drawn the same as the 2019 Local Plan.

The proposed policy is included at [Appendix 5](#).



## Appendix 1: Short technical consultation

In February/March 2022, some stakeholders were sent the table as set out in Section 3 for comments. These stakeholders were Anglia Water Services, Environment Agency, Norfolk and Suffolk Councils. Comments were also received from Broads Authority Officers.

The following comments were received and have been weaved into an amended Section 3.

### Suffolk County Council

- **Archaeology:** We would not have any objection to the proposed development boundary, although potential developments may require archaeological investigation - most likely as mitigation secured through conditions on any consent although depending on the scale, nature and location of the development, historic features may be affected by individual development proposals, and SCCAS would be happy to advise on the scope of desk-based assessment in the first instance. The area of the development boundary at Oulton Broad includes sites and features of WW2 and post-medieval date in particular (see [Map - Suffolk Heritage Explorer](#)). The Broad itself is probably the remnant of a medieval turbarry. There may also be peat deposits surviving and for this geoarchaeological work may be appropriate – peat deposits have the potential for waterlogged remains and environmental remains that allow reconstruction of changing environments over the long term. There may be cases where the Marine Management Organisation has jurisdictional boundary in some areas of the broads, who are advised by Historic England.
- **Flood and water:** content with the current commentary on flooding and have no substantive comments to make.

### Landscape Architect

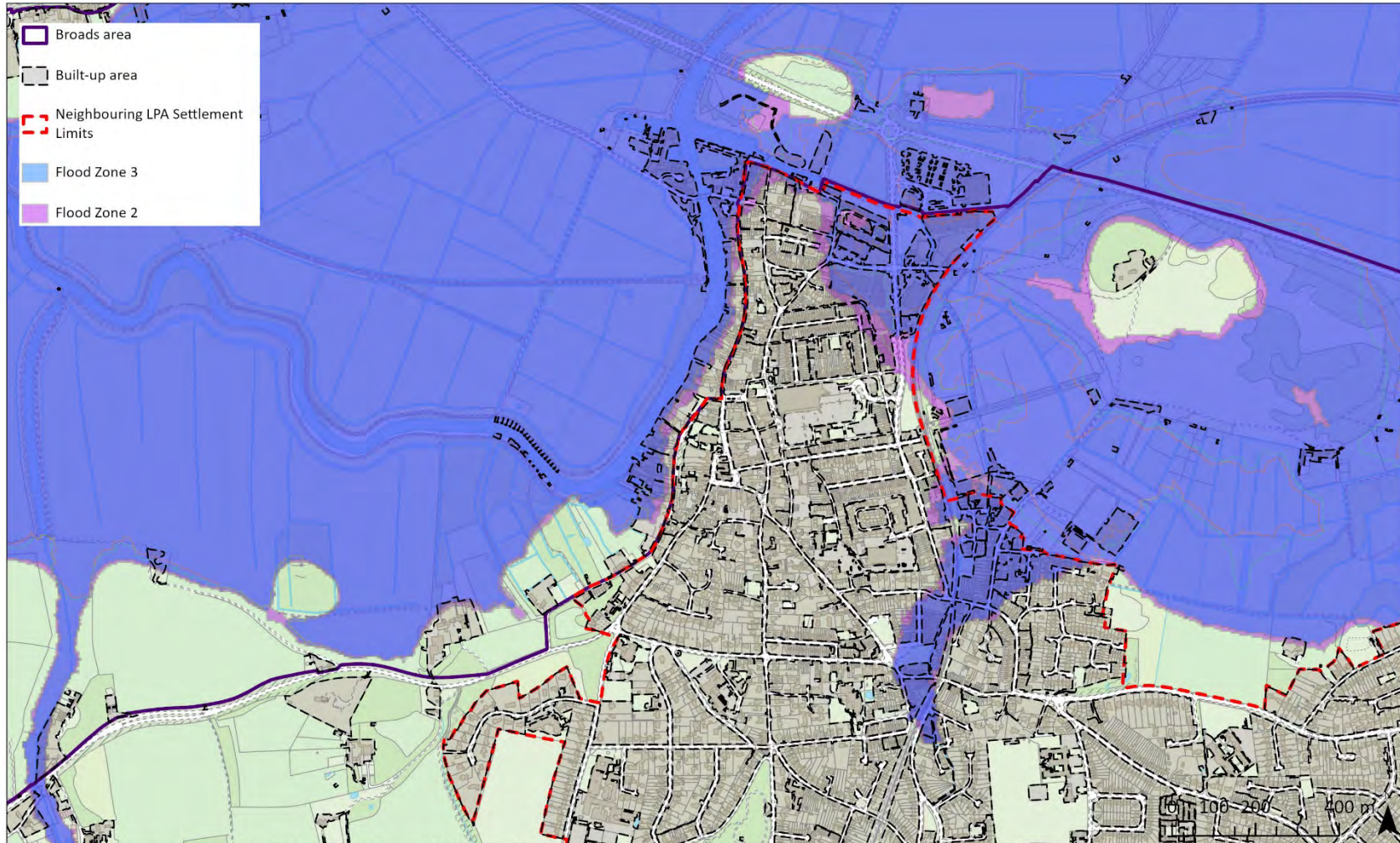
- **Beccles** – Open areas around Beccles are subjected to pressures from different settlement fringe type development which potentially can erode the traditional pastoral landscape of the marshland. The incremental impacts of even small-scale developments or activities can ultimately have cumulative adverse effects on the local landscape character. Development boundary likely to be inappropriate.
- **Brundall** – Development boundary is likely to be inappropriate.
- **Bungay/Ditchingham Dam** - Development likely to have adverse effects on landscape character. Visual impacts of built development and infrastructure around of Bungay allied to the leisure/holiday developments within the area tend to detract from the perceived naturalness of the area. As for Beccles, open areas around Bungay/Ditchingham are subjected to pressures from different settlement fringe type development, the incremental impacts of which can ultimately have cumulative adverse effects on the local landscape character. Development boundary is likely to be inappropriate.
- **Chedgrave and Loddon** – Given the SNDC allocation of 200 dwellings which will cause pressures on the adjacent Broads, there doesn't seem to be justification for introducing a development boundary.

- **Coltishall** - Quite sensitive having a conservation area etc. The settlement is well vegetated and a neat and simple contrast to the apparently unmanaged surrounding valley. It is a main land-based access point to the river valley and is a principal base for recreational boating activity. As such development boundary is likely to be inappropriate.
- **Horning** - Further built development would be likely to exacerbate existing problems such as drainage, Crabbett's Marsh, suburbanisation, and cause erosion of the area's landscape and nature conservation value.
- **Ludham - Womack** water has special qualities which would be vulnerable to further development. Development boundary is likely to be inappropriate.
- **Neatishead** - Development boundary is likely to be inappropriate.
- **Norwich** – I assume policy NOR1 will be updated to reflect the East Norwich Masterplan [[East Norwich Masterplan | Norwich City Council](#)] and forthcoming SPD.
- **Oulton Broad** – No specific comments. Aware of the Pegasus development.
- **Potter Heigham Bridge** – The only suitable development on this particular site would need to be 'Water Compatible' such as boat yards etc. Development boundary is likely to be inappropriate.
- **Reedham** – Visual impacts of built development could detract from the perceived naturalness and tranquillity of the area. Development boundary is likely to be inappropriate.
- **Stalham Staithe** – agree that there may be potential for development, including residential moorings. Proximity of A149, settlement and large boatyards make this area less sensitive. Policy STA1 includes some landscape requirements which would help safeguard landscape character.
- **Thorpe St Andrew** – Development is unlikely to help reduce urbanising effects in this area and create a more effective transition from the urban environment to the open countryside.
- **Wroxham and Hoveton** – Existing development boundary probably fine – extending it would not seem appropriate given density of current development/activity and lack of open space.
- **The Broads' Landscape Character Assessment** identifies areas that are classed as Settlement Fringe. Many of the locations above are identified as such. See also map Appendix A in Settlement Fringe Topic Paper: [Settlement-Fringe-Topic-Paper-Jan-2017.pdf \(broads-authority.gov.uk\)](#)
- **Policy DM20: Protection and enhancement of settlement fringe landscape character** is useful in considering development in such areas. Clearly, we just need to be mindful that creating new development boundaries and extending existing ones should avoid potential friction between this policy and new development boundaries.

## Appendix 2: Maps of settlements in the Broads with good access to services and facilities

Beccles

Scale: 1:12,000

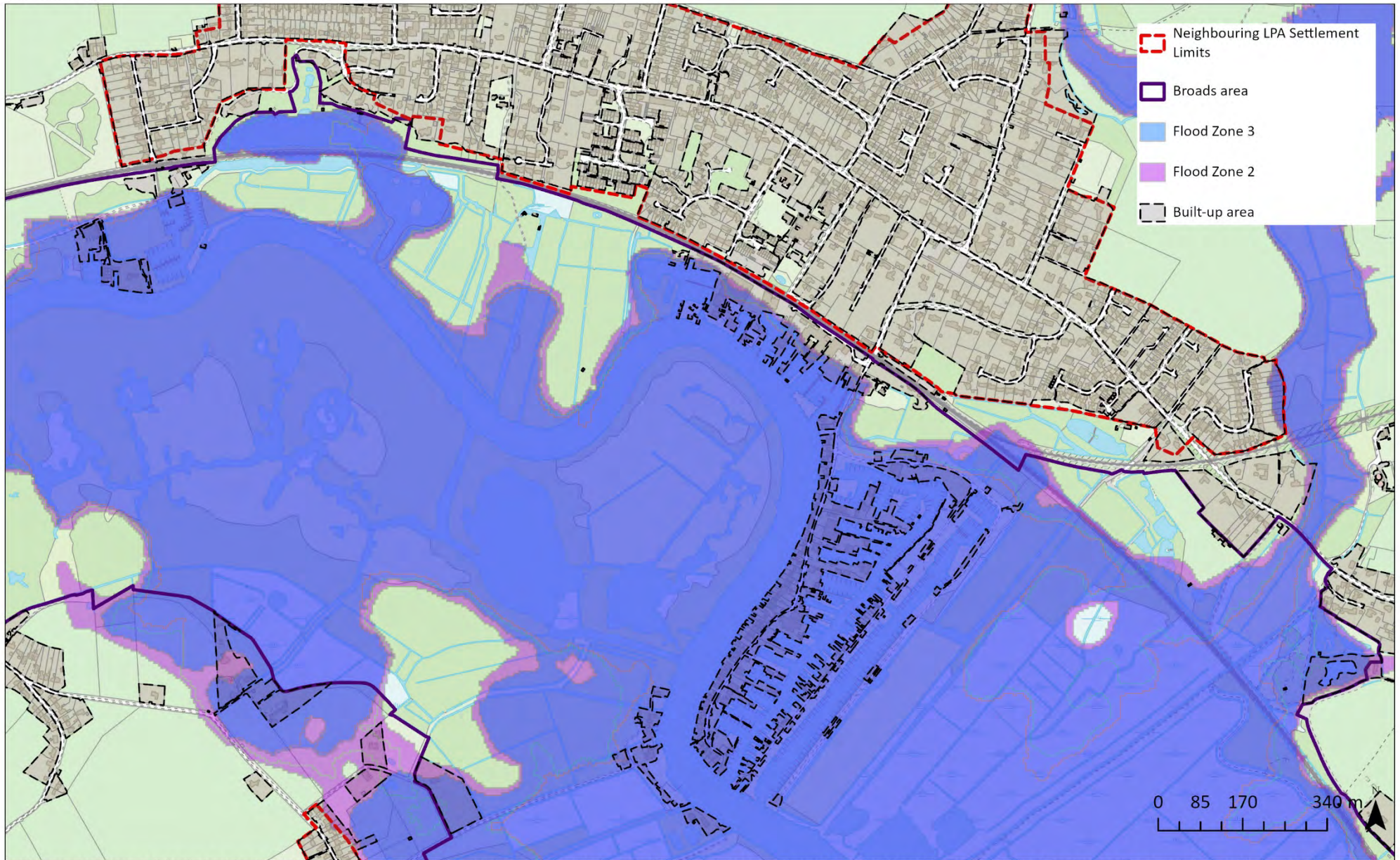


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# Brundall

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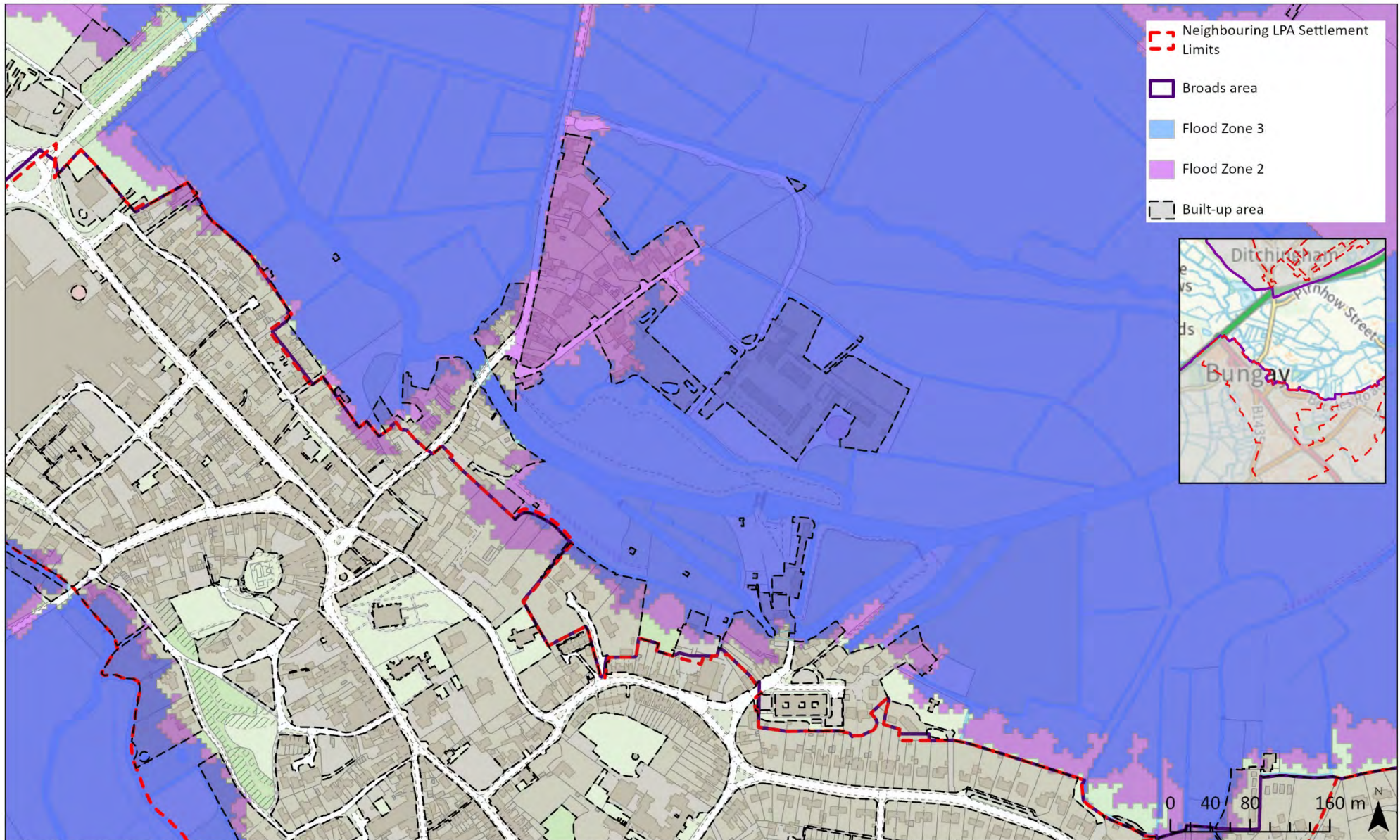


20



# Bungay

Scale: 1:5,000

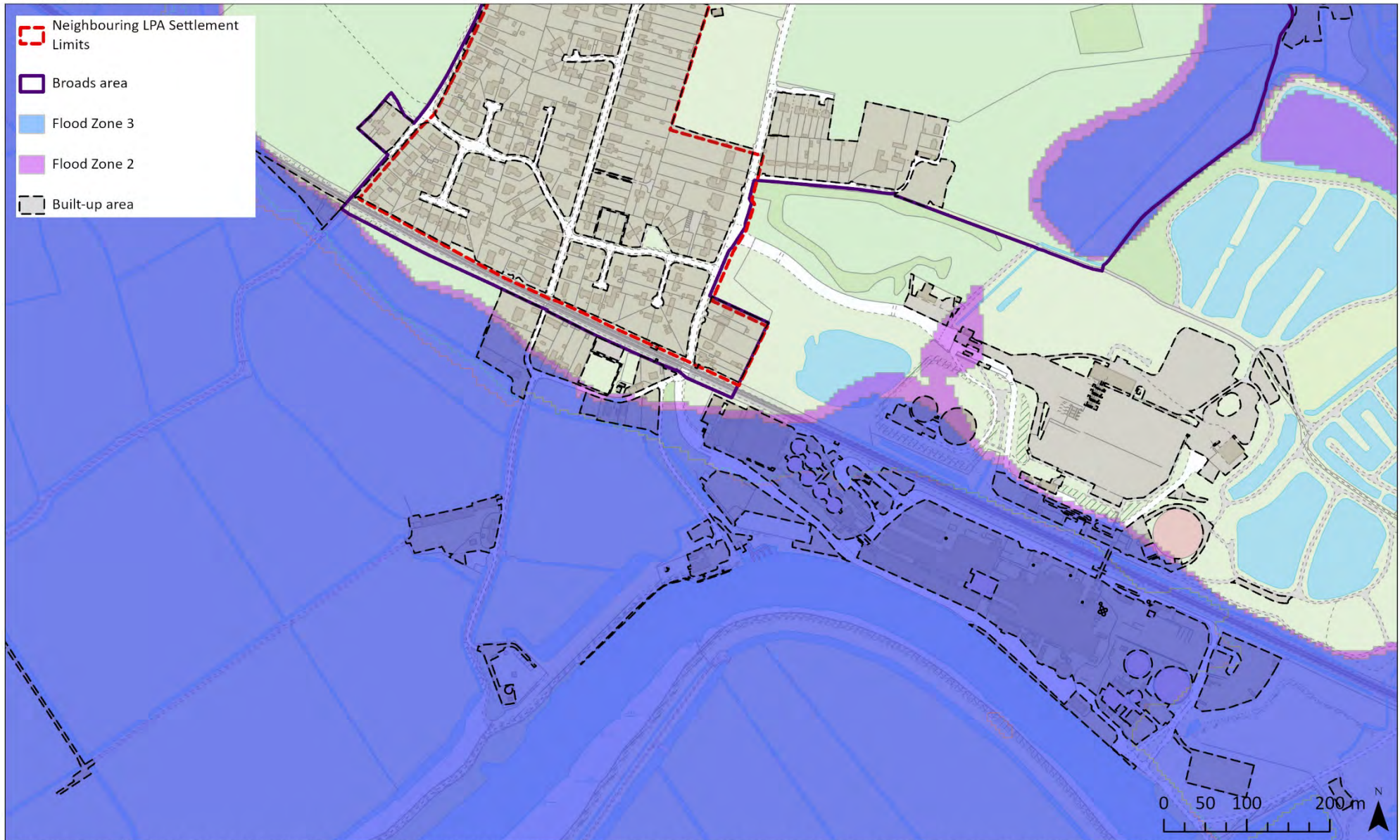


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# Cantley

Scale: 1:6,000



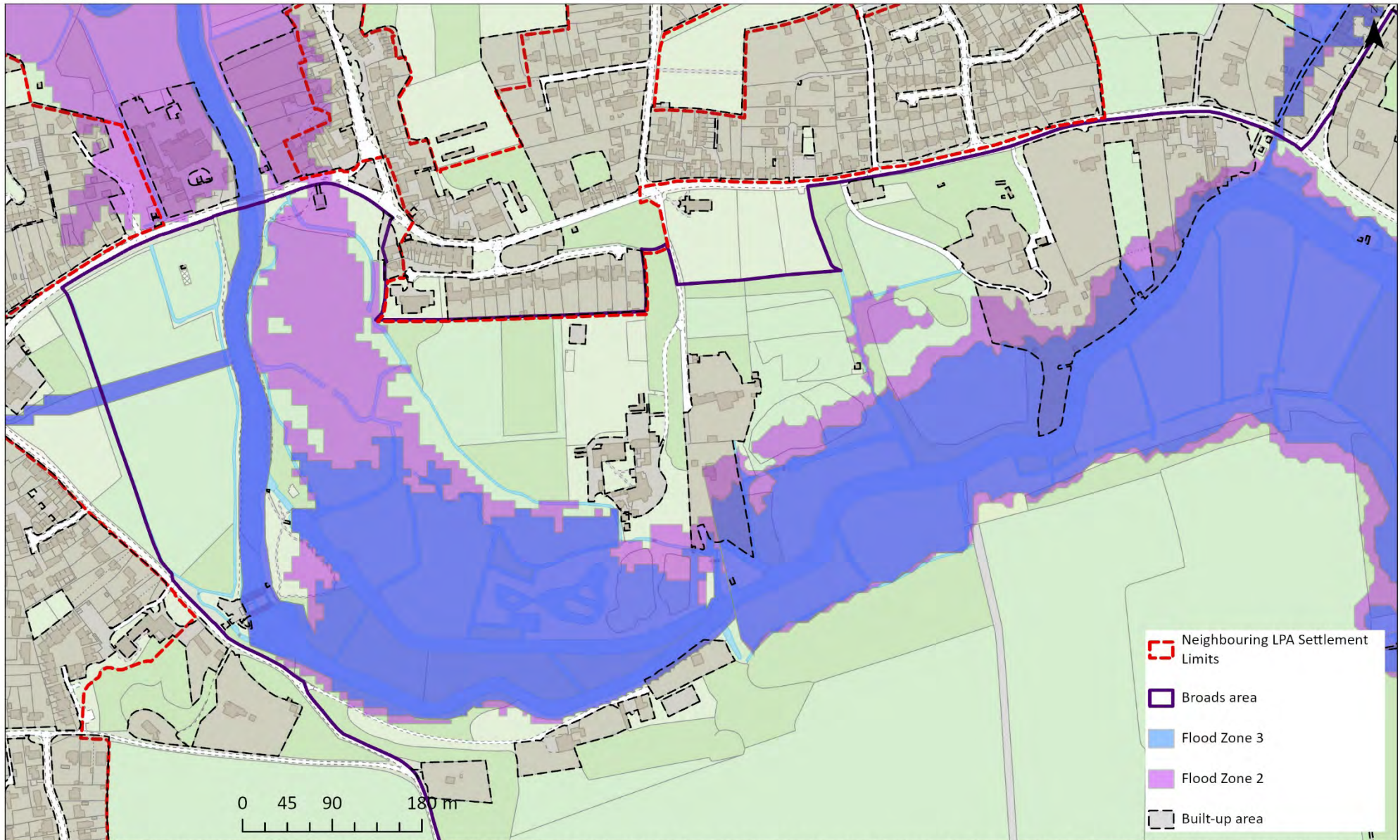
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Coltishall

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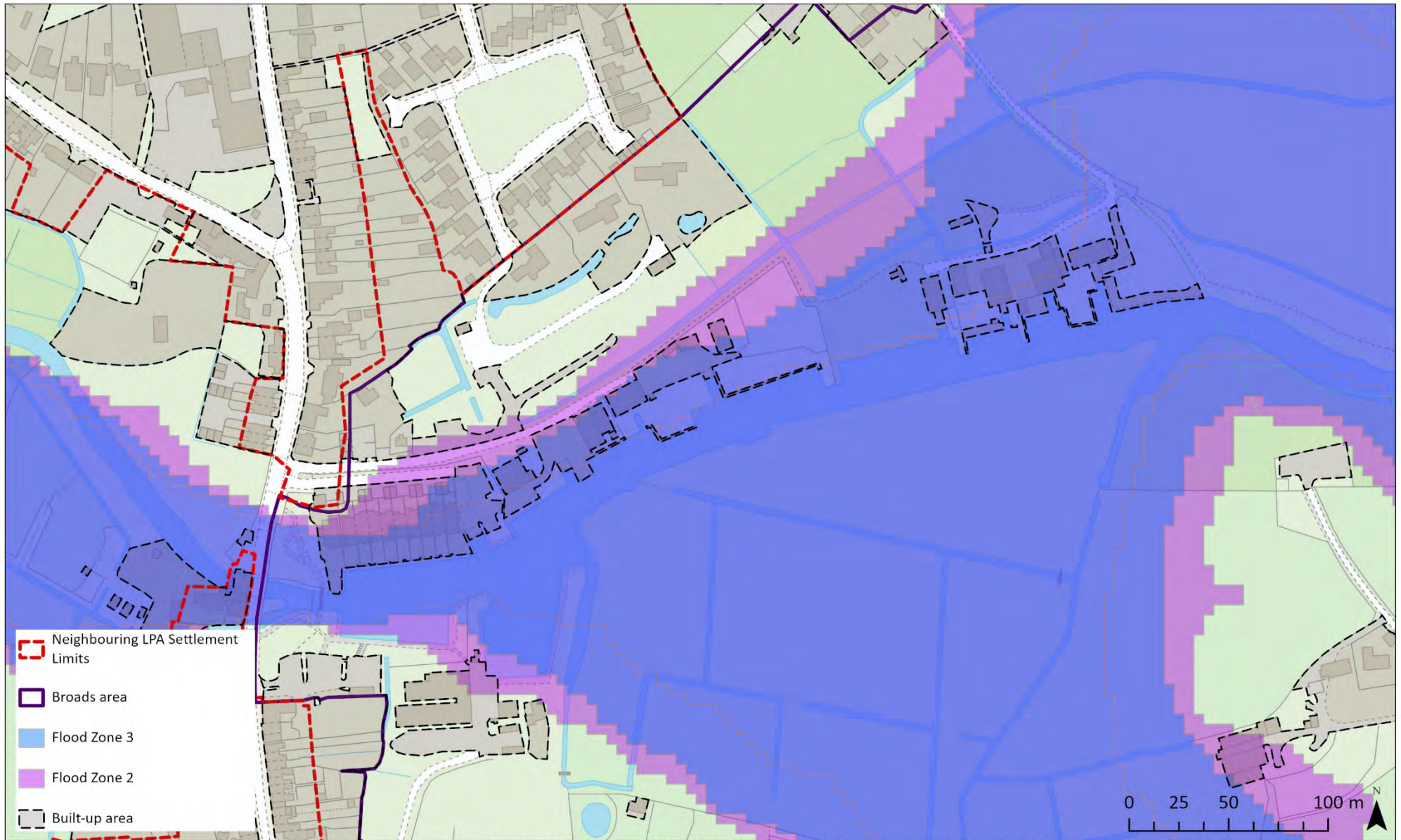


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# Chedgrave

Scale: 1:2,500

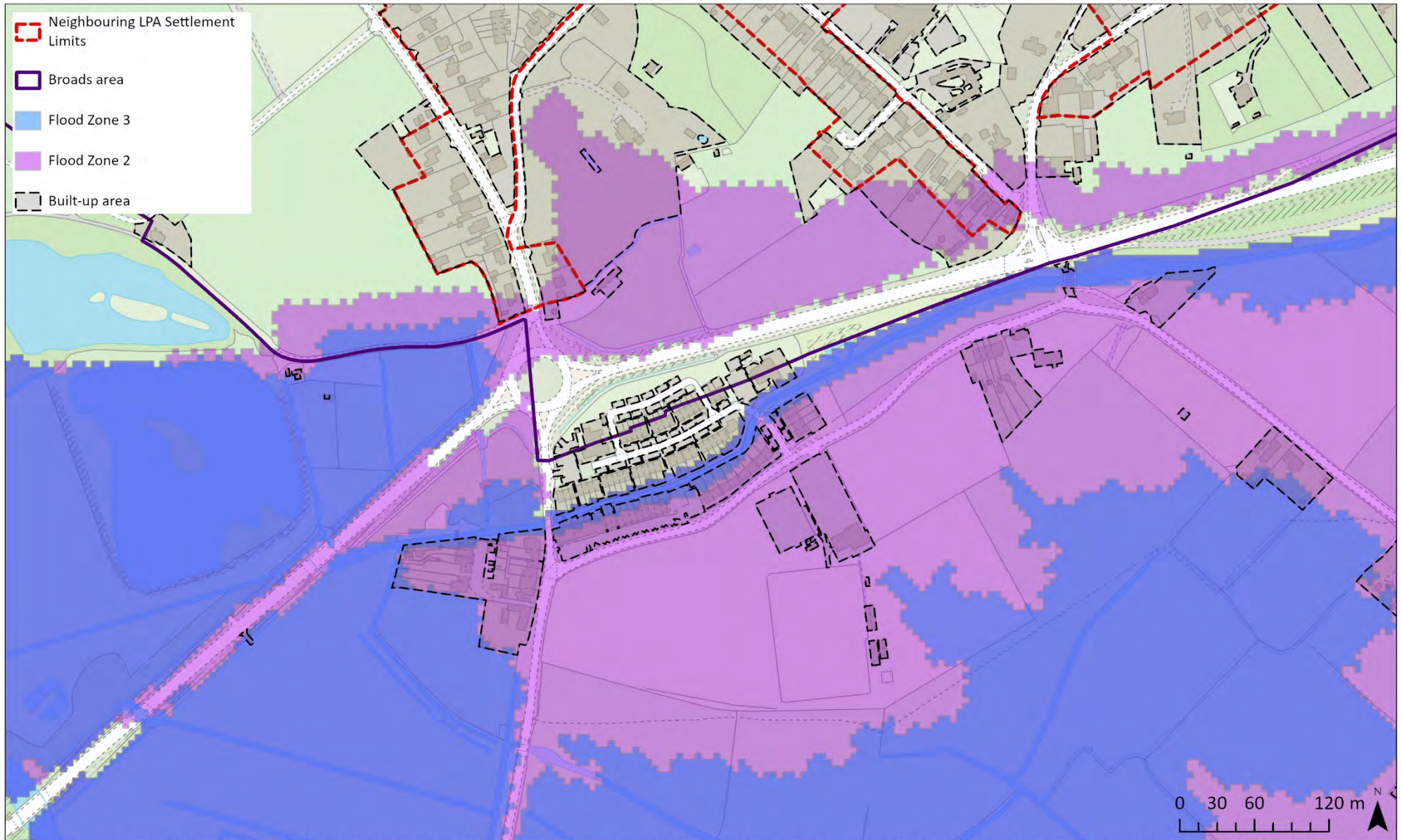


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# Ditchingham

Scale: 1:4,000

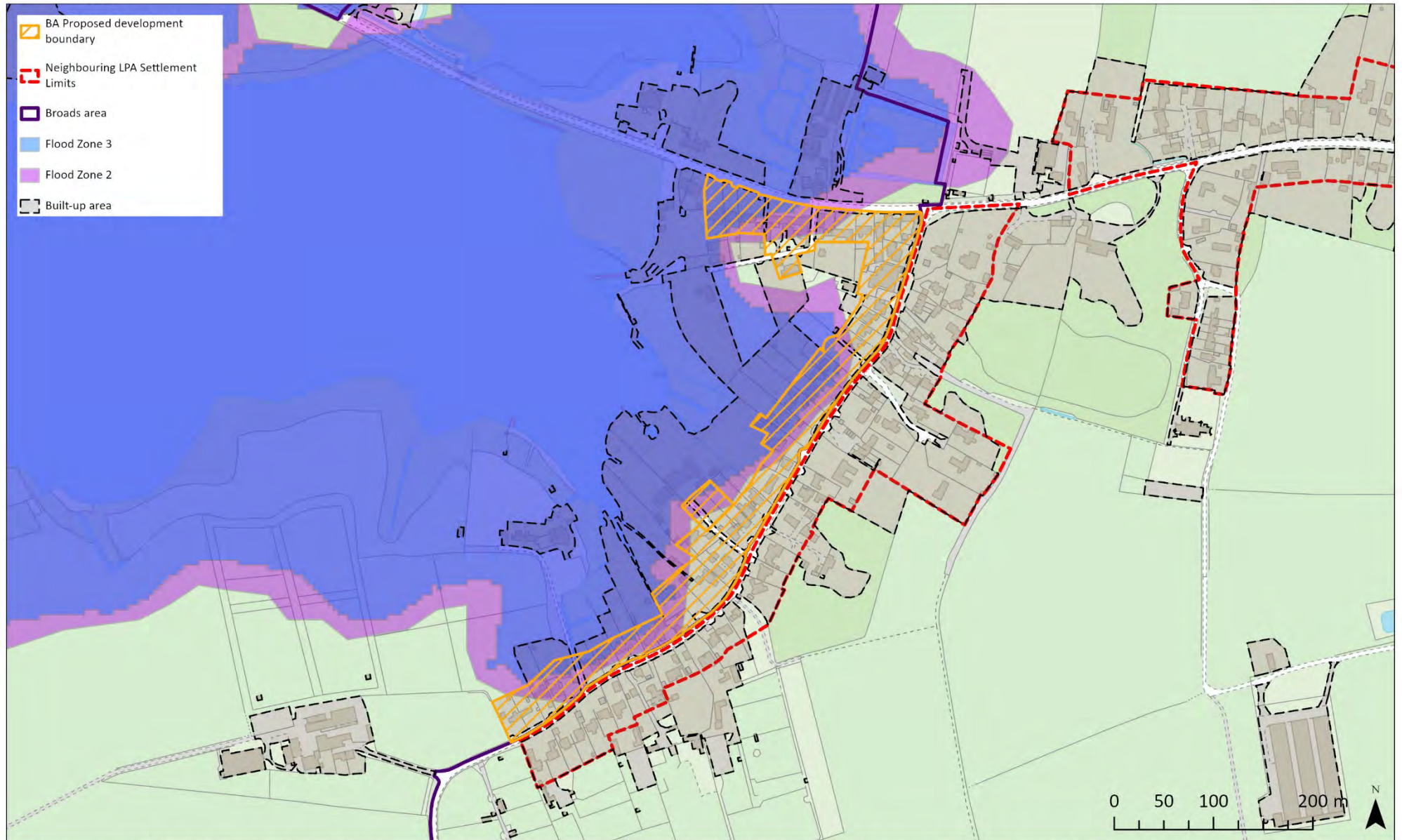


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# Filby

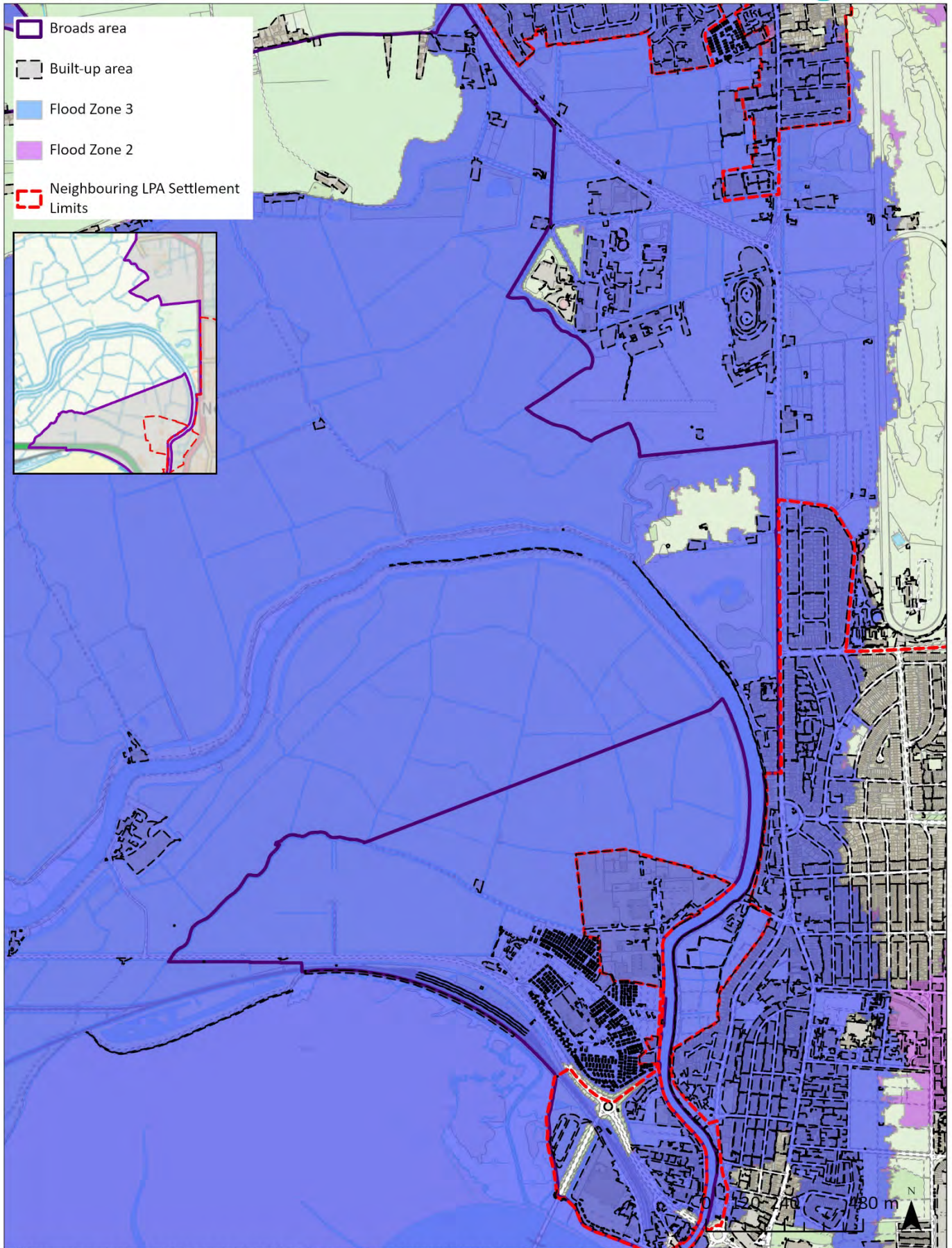
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# Great Yarmouth

Scale: 1:15,000

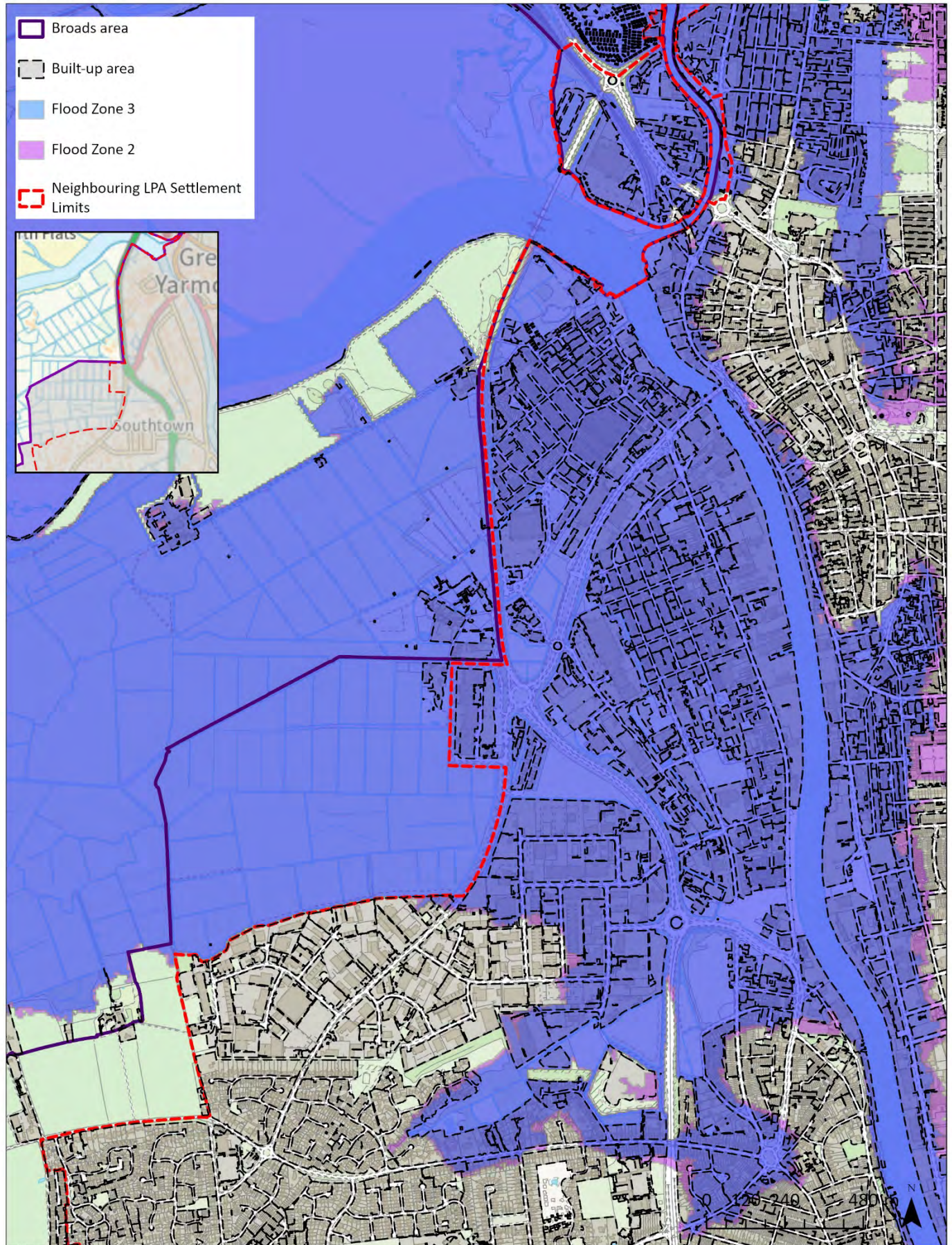


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# Great Yarmouth

Scale: 1:15,000

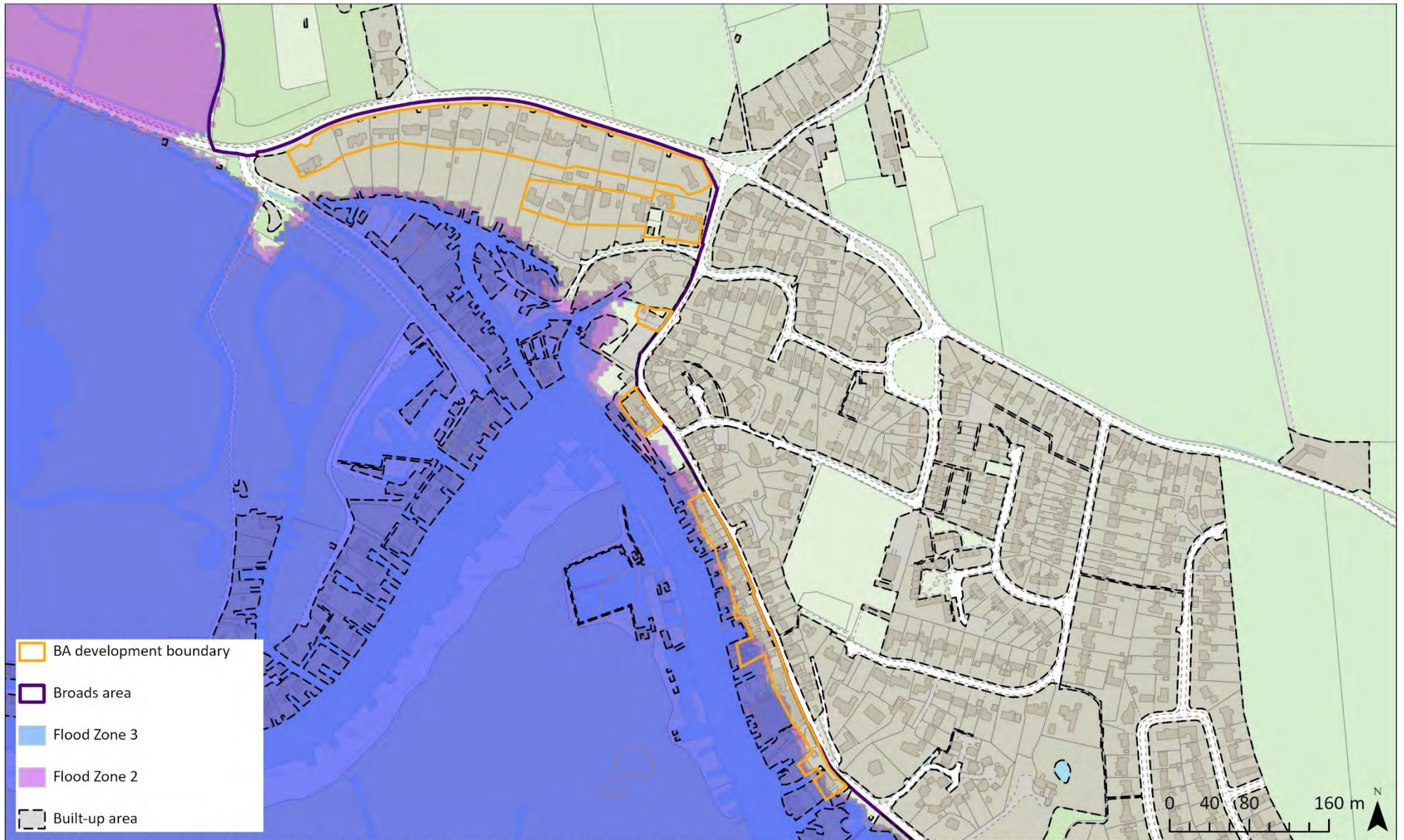


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# Horning

Scale: 1:5,000

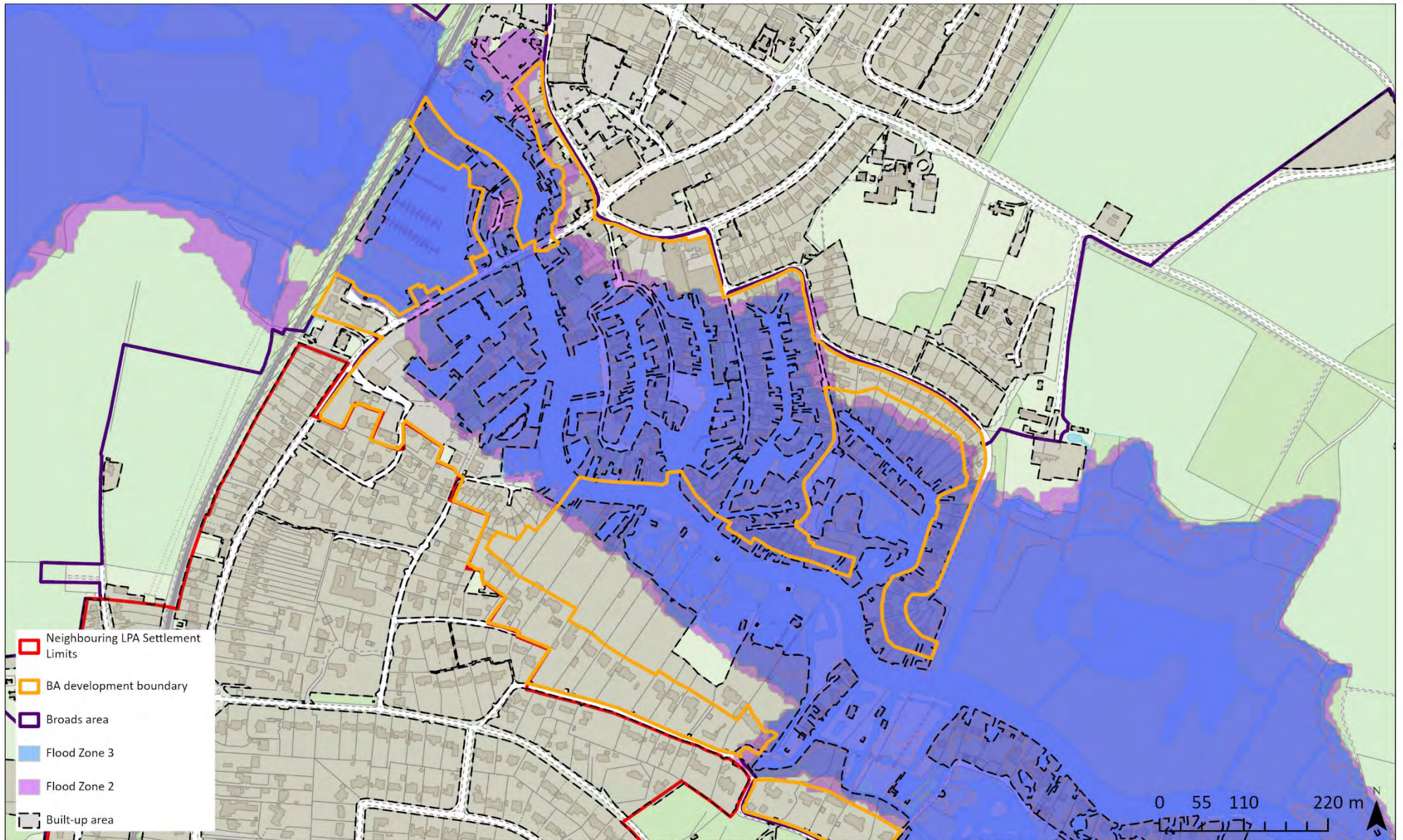


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# Hoveton & Wroxham

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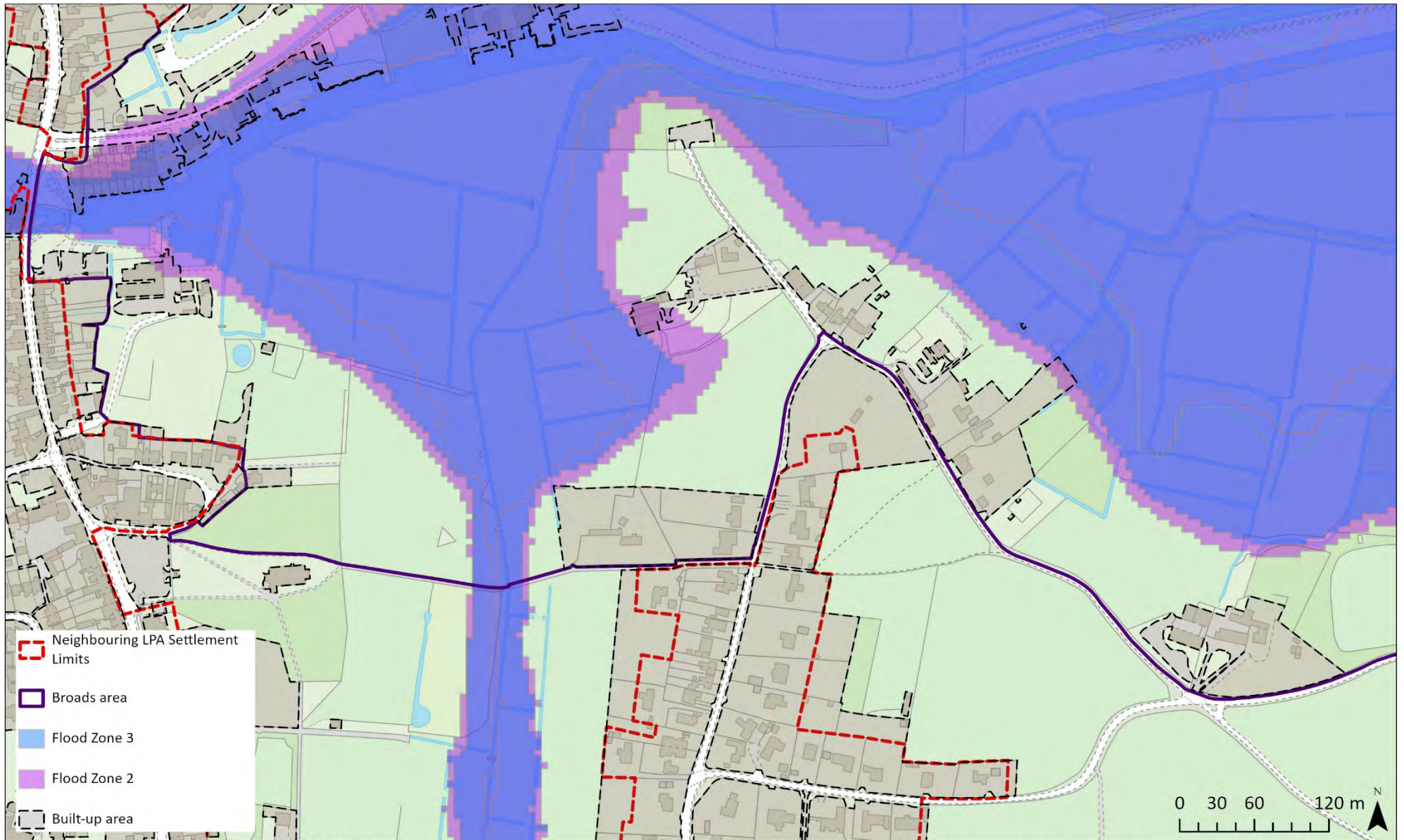


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# Loddon

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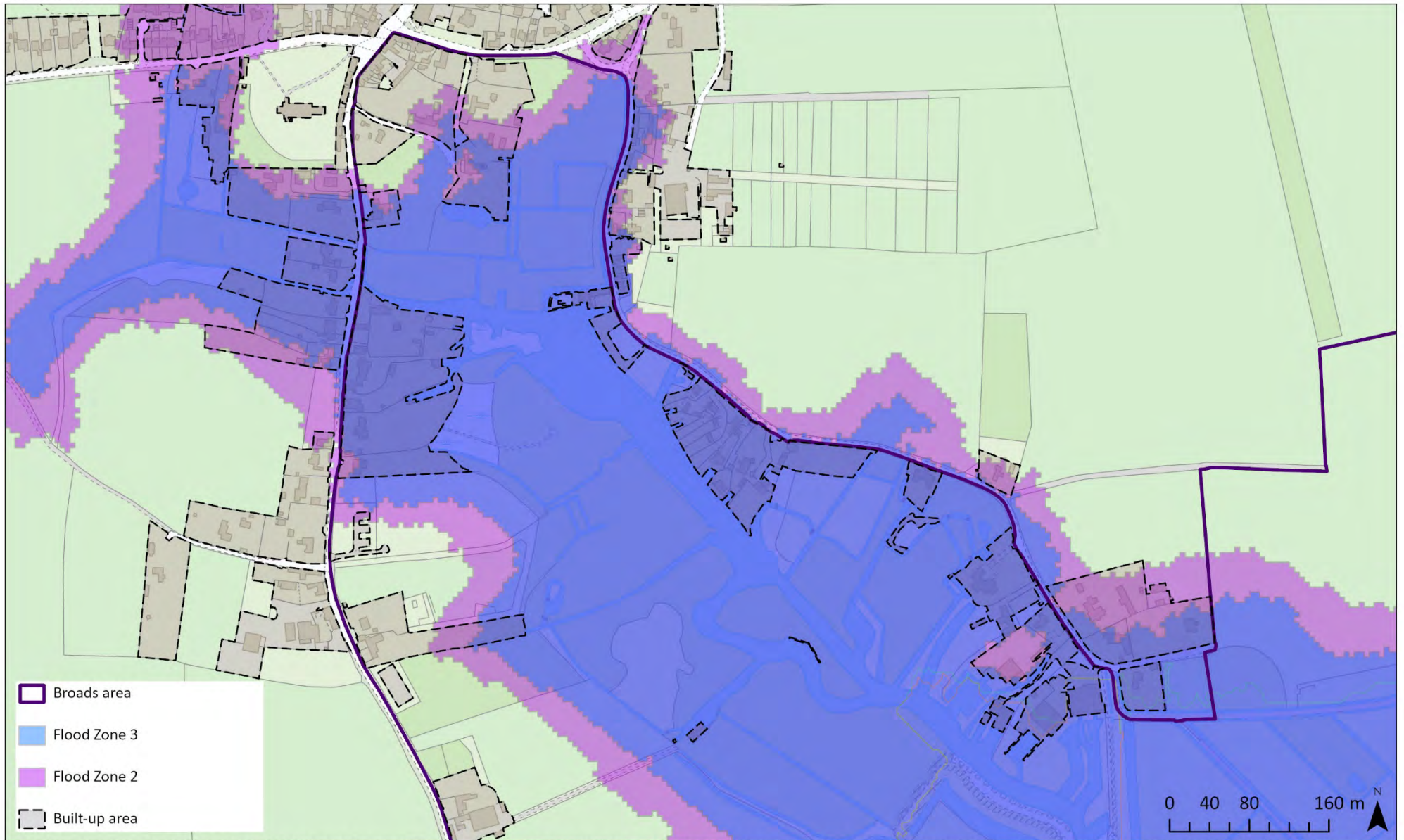


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# Ludham

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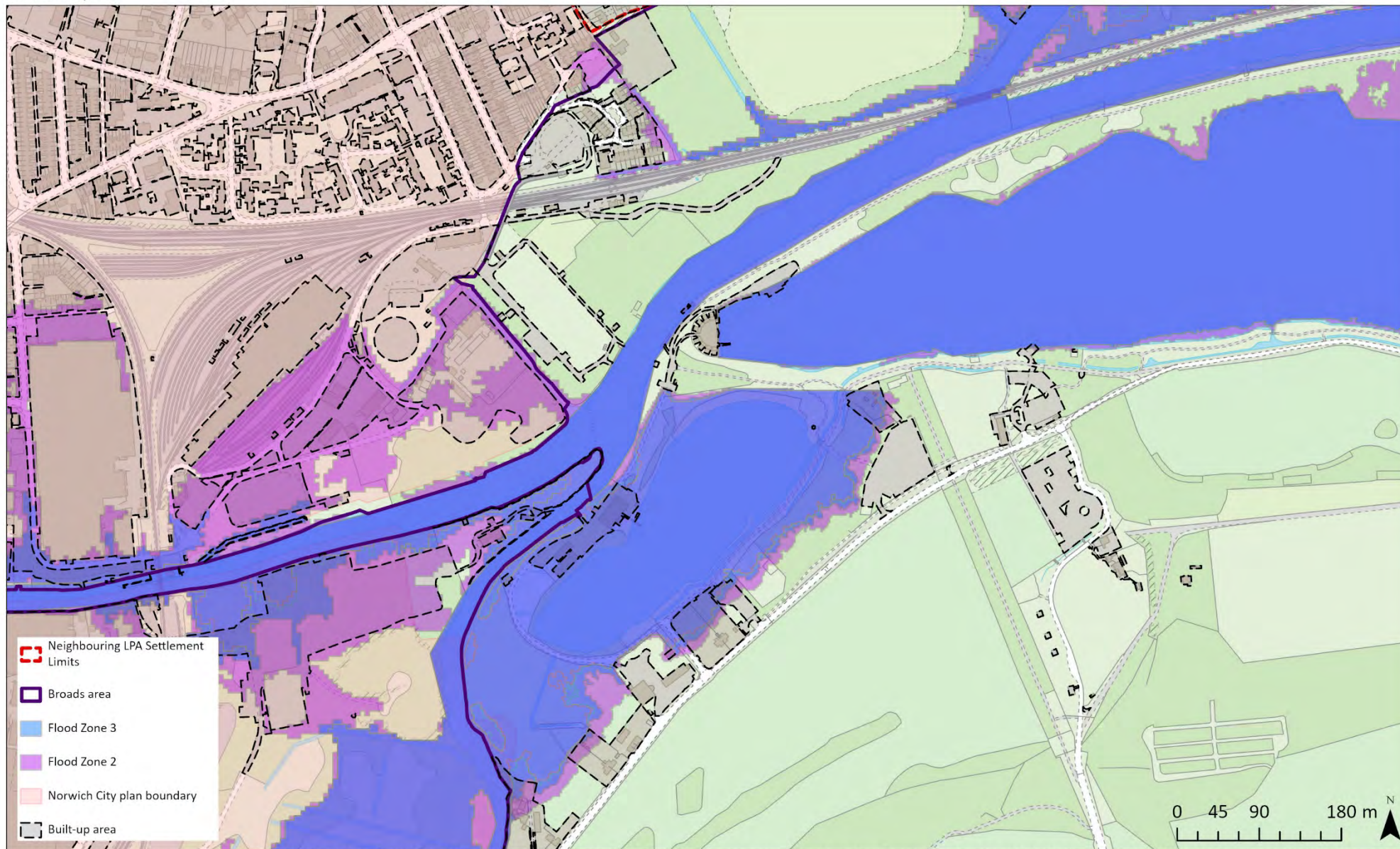


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Norwich

Scale: 1:5,500

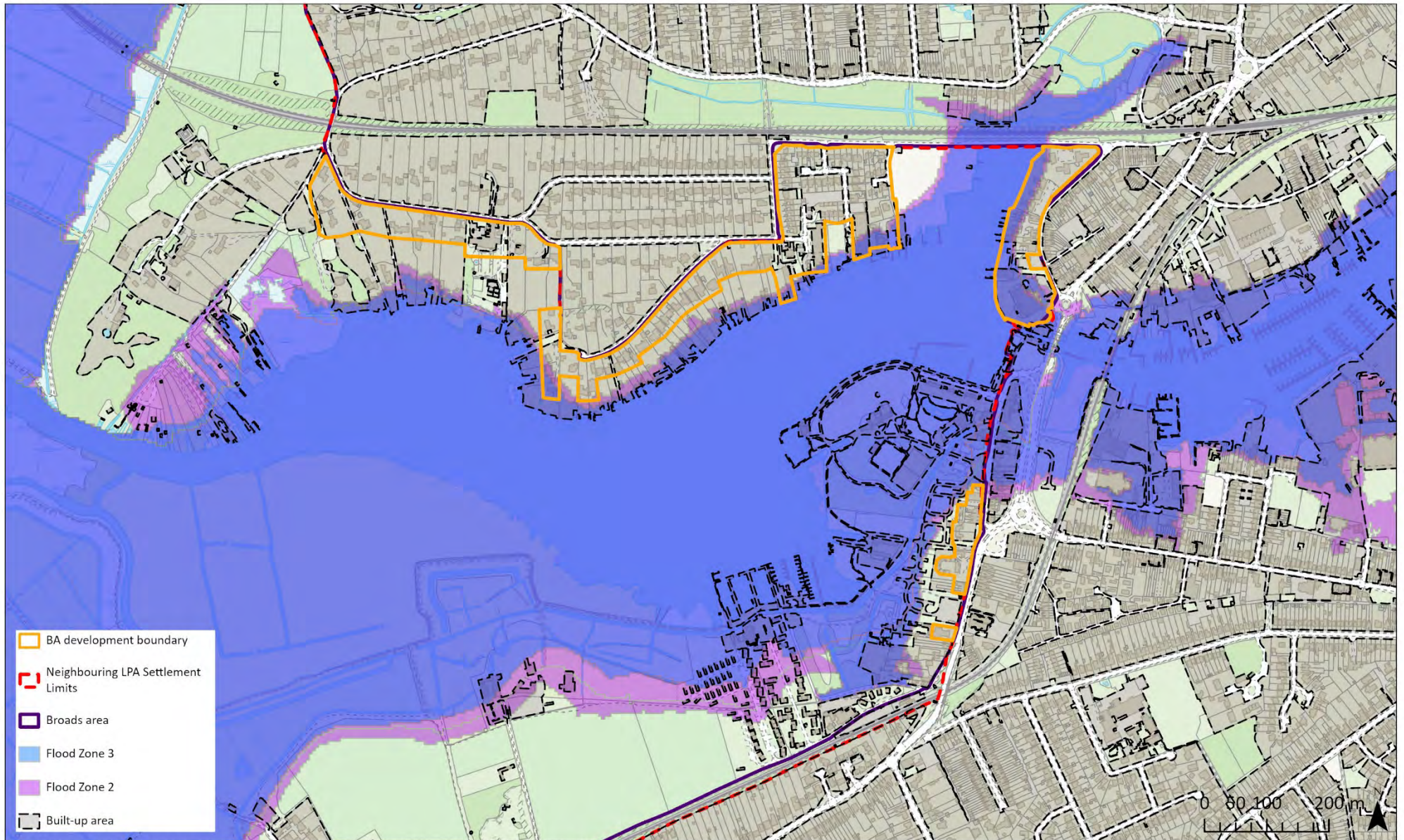


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# Oulton Broad

Scale: 1:8,000

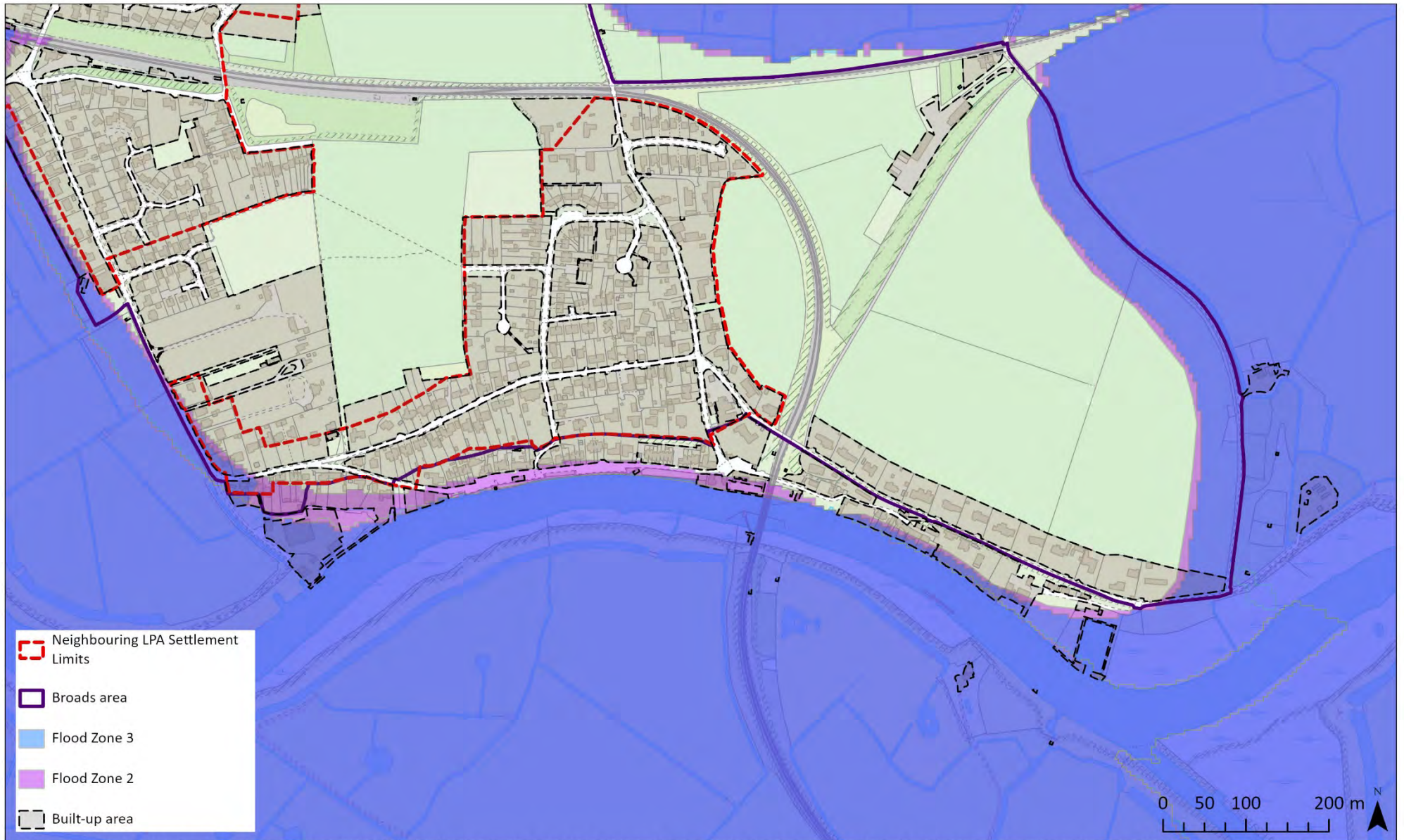


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# Reedham

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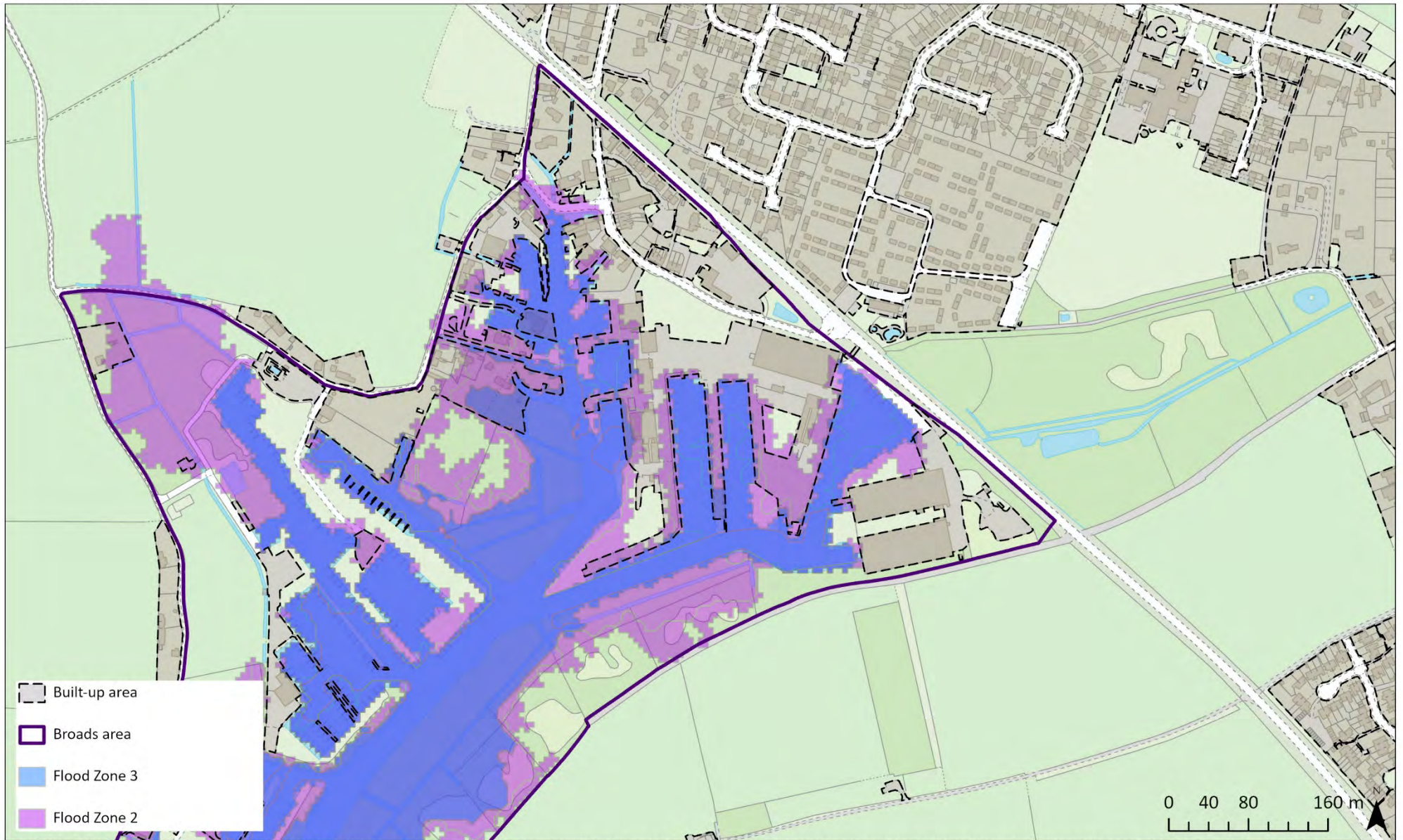


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# Stalham

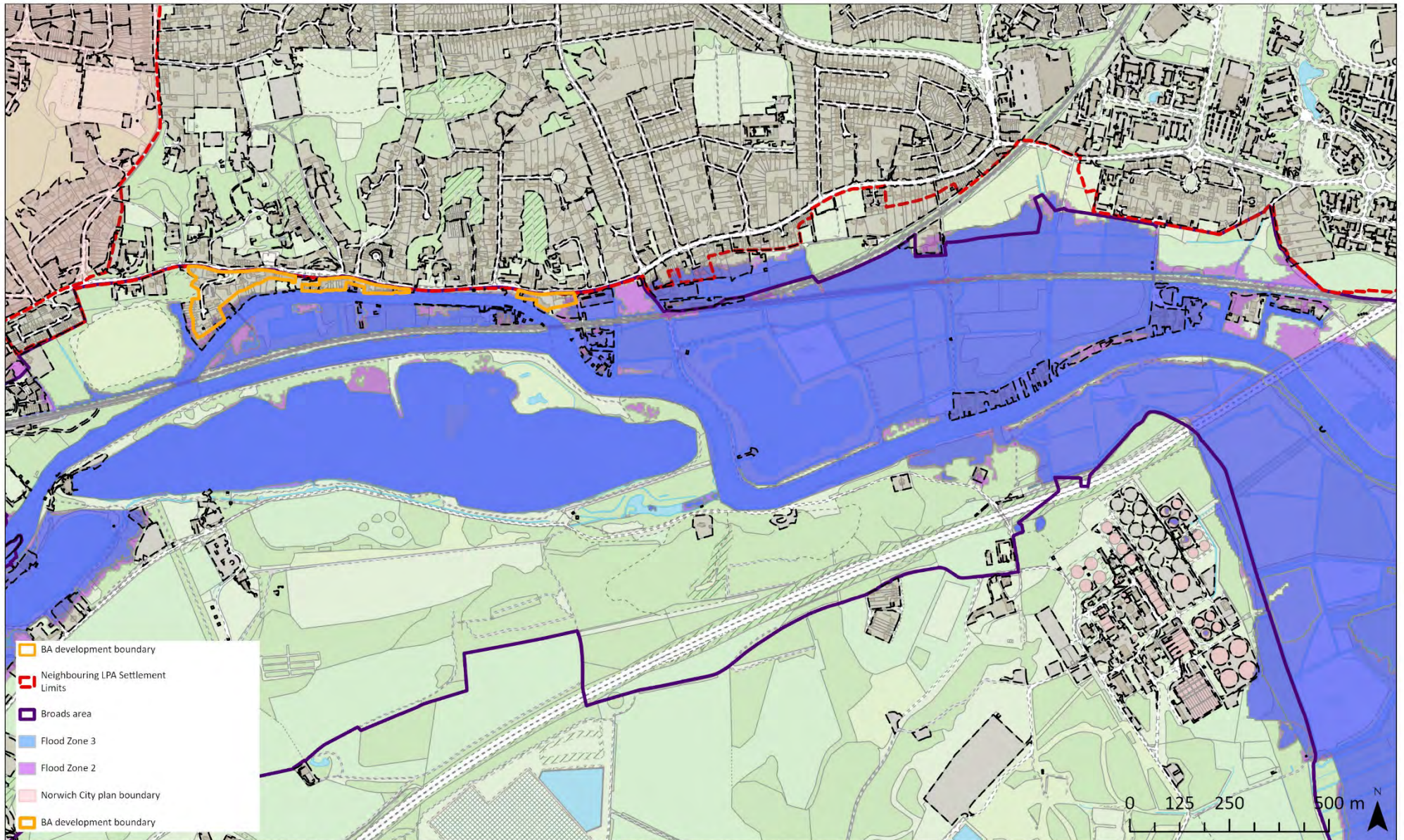
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# Thorpe St Andrew

Scale: 1:12,500

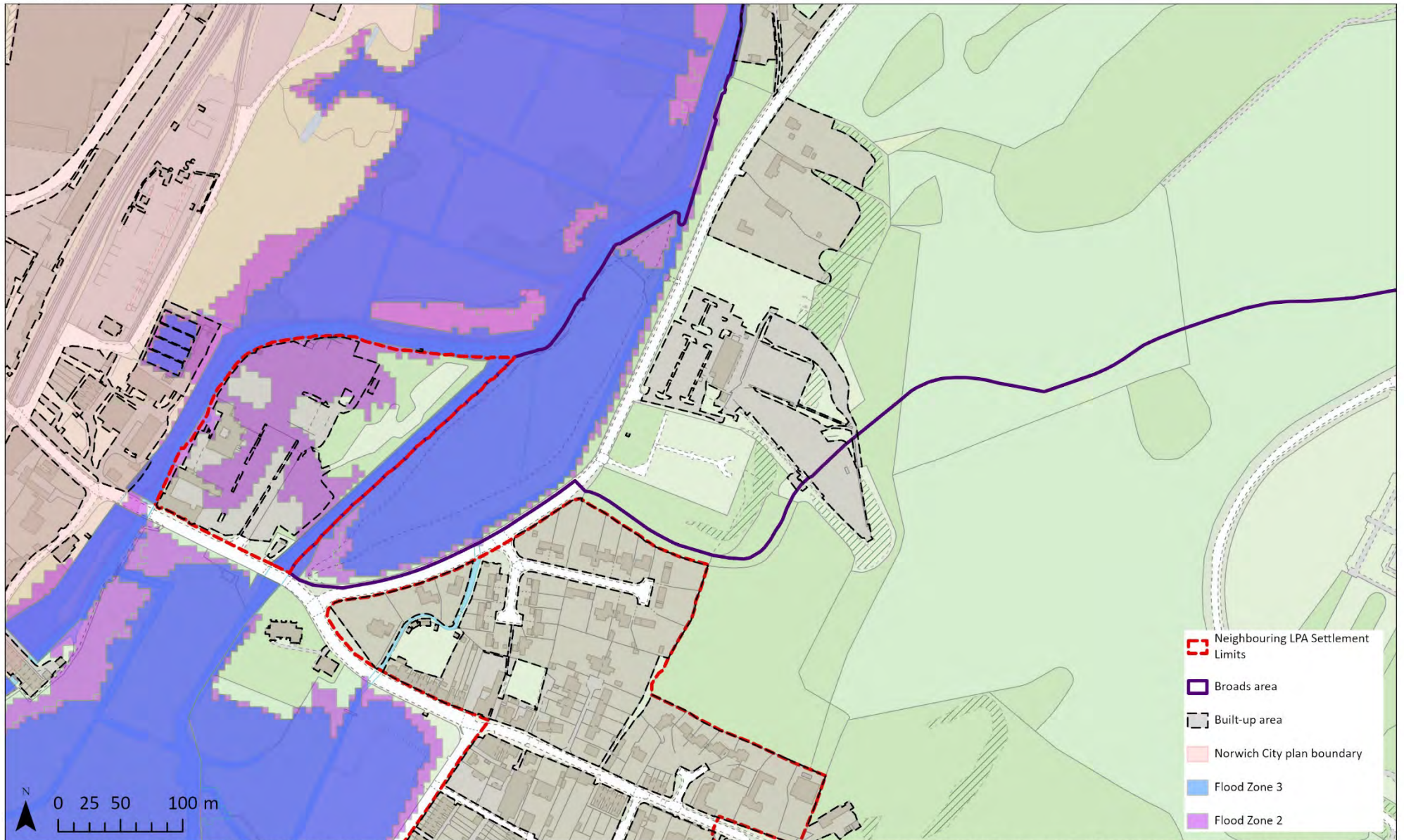


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# Trowse with Newton

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## Appendix 3: Issues and Options comments

Between October and December 2022, the Issues and Options version of the Local Plan was consulted on. The comments received with the BA response is as follows.

Question	Respondent	Comment	BA response	Action for Local Plan
Question 37	Bradwell Parish Council	No comment	Noted.	No further action.
Question 37	Broads Society	The Society has no objections to the current development boundaries relating to the areas currently identified.	Noted.	No further action.
Question 37	East Suffolk Council	The Waveney Local Plan defines Settlement Boundaries around the built-up area of a number of settlements, including for the Waveney Local Plan part of settlements which also straddle the border with the Broads. Land outside of Settlement Boundaries (and allocations) is considered as the countryside where new residential, employment and town centre development will not be permitted except where in accordance with other policies in the Local Plan. The Settlement Boundaries can be viewed in the Waveney Local Plan policies maps here - <a href="http://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/policies-map/">www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/policies-map/</a> . Below are some settlement-specific comments:	Background information noted.	No further action.
Question 37	East Suffolk Council	<p>Oulton Broad</p> <p>The only development boundary in the current Broads Local Plan within the East Suffolk part of the Broads is Oulton Broad. It is noticeable that the area in the development boundary is partly located within flood zones 2 and 3. The area contained within the development boundary that is covered by flood zones 2 and 3 could increase in the future due to the impact of climate change.</p> <p>The Settlement Boundary as defined by Waveney Local Plan policy WLP1.2 follows the Broads Authority boundary through Oulton Broad itself. The two only deviate from each other further north near Camps Heath and Oulton in the south approaching Carlton Colville.</p> <p>The Oulton Broad Development Boundary extends southwards from Broadview Road and westwards from Commodore Road towards the water and includes housing that is not</p>	Comments noted and will be considered as the development boundaries for the new Local Plan are produced.	Consider this comment as produce Preferred Options version of the Local Plan.

Question	Respondent	Comment	BA response	Action for Local Plan
		included within the Waveney Local Plan Settlement Boundary. It is not considered necessary for the Development Boundary to be redrawn in the Broads Local Plan.		
Question 37	East Suffolk Council	<p>Beccles</p> <p>The Settlement Boundary in the Waveney Local Plan closely follows the Broads Authority Boundary along the northern and western edges of the town. The Settlement Boundary runs close to, but does not touch the Broads Authority Boundary in all places. It is noticeable that there are several waterside properties next to the River Waveney which are situated within the Broads Authority area but are clearly part of Beccles. The Council previously highlighted, in relation to the preparation of the current Broads Local Plan, that introducing a Settlement Boundary for Beccles would not be supported due to issues of character and flood risk. These matters are reflected in Table 7 of the Issues and Options consultation documents and should be given careful consideration.</p>	Comments noted and will be considered as the development boundaries for the new Local Plan are produced.	Consider this comment as produce Preferred Options version of the Local Plan.
Question 37	East Suffolk Council	<p>Bungay</p> <p>The Settlement Boundary in the Waveney Local Plan closely follows the Broads Authority Boundary, except around the Olland's Plantation. The Bungay Conservation area also extends eastwards into the Broads Authority area. Parts of the built-up area are within the Broads and therefore not within the Settlement Boundary. However, the Council previously highlighted, in relation to the preparation of the current Broads Local Plan, that introducing a Settlement Boundary for Bungay would not be supported due to issues of character and flood risk. These matters are reflected in Table 7 of the Issues and Options consultation documents and should be given careful consideration.</p>	Comments noted and will be considered as the development boundaries for the new Local Plan are produced.	Consider this comment as produce Preferred Options version of the Local Plan.
Question 37	East Suffolk Council	<p>Somerleyton</p> <p>Somerleyton Settlement Boundary, as designated by policy WLP1.2 (Settlement Boundaries) is drawn very tightly around the existing built up areas of the settlement. Somerleyton Conservation Area borders the Broads Authority area along its western edge and encompasses both Brickfields and Staithe Lane. There do not appear to be reasonable opportunities to introduce a Development Boundary into the Broads part of Somerleyton.</p>	Agreed.	No further action.
Question 37	South Norfolk Council	The approach appears to be generally consistent with Agreement 3 of the NSPF.	Support noted.	No further action.

Question	Respondent	Comment	BA response	Action for Local Plan
Question 37	Suffolk County Council	The only settlements within the Broads with potential for development boundaries, of relevance to Suffolk County Council, are Beccles, Oulton Broad, Bungay and Ditchingham Dam. The only one of these settlements that currently has a development boundary is Oulton Broad. Suffolk County Council provided comments on the proposed development boundary in February/March 2022, as set out at Appendix 1 of the Development Boundaries Topic Paper. These comments from the County Council as LLFA and from the SCCAS remain valid and we have no further comments to make on this development boundary.	Noted.	No further action.
Question 37	Wroxham Parish Council	map incorrectly labelled "Hoveton" - map shows Hoveton & Wroxham.	Noted. Will ensure correct title.	Ensure title says 'Hoveton and Wroxham'.
Question 37	Broadland Council	The approach appears to be generally consistent with Agreement 3 of the NSPF.	Support noted.	No further action.
Question 37, 38, 39	Great Yarmouth Borough Council	The Borough Council offers no comment in relation to the existing development boundaries as these lie outside of our planning administrative area. The Borough Council has noted the most recent Broads' Settlement Study (2022) evidence base, including scorings for settlements based upon their access to services and facilities and potential suitability for development boundaries as commented in Table 7 of the current consultation document.	Noted.	No further action.
Question 37, 38, 39	Great Yarmouth Borough Council	The Borough Council is also in the process of preparing an update to its Settlement Study to inform the potential hierarchy of settlements and approach to development limits for its own Local Plan review. The Borough Council would therefore be keen to liaise with the Broads Authority to ensure that approaches taken to identify and justify development boundaries in settlements which straddle the shared planning boundary are complementary to the aims of both emerging development plans.	Noted. We would be happy to be involved.	Contact GYBC re their work.
Question 38	Bradwell Parish Council	No comment	Noted.	No further action.
Question 38	Broads Society	The study solely assesses 'walking distance and public transport against bus routes and not train routes. The example of Brundall is such that Authorities have failed to provide adequate provision for public access to Brundall Station and hence the scoring within the Study is inaccurate.	The study includes access to a train station and therefore it is not	No further action.

Question	Respondent	Comment	BA response	Action for Local Plan
			clear how the scoring is inaccurate.	
Question 38	Broads Society	Improved links and access for pedestrians and cyclists to Brundall Station is embodied within the vision and policies of the Brundall Neighbourhood Plan 2016-2026 and is impacted further by approved housing developments and the inevitable population increase of Brundall and surrounding areas.	In general, we would support the access to the train station being improved, however it seems the comments implies this is about access from the side of the rail lines that is in Broadland Council's area.	No further action.
Question 38	Brooms Boats	The study solely assesses 'walking distance and public transport against bus routes and not train routes. The example of Brundall is such that Authorities have failed to provide adequate provision for public access to Brundall Station and hence the scoring within the Study is inaccurate.	The study includes access to a train station and therefore it is not clear how the scoring is inaccurate.	No further action.
Question 38	Brooms Boats	Improved links and access for pedestrians and cyclists to Brundall Station is embodied within the vision and policies of the Brundall Neighbourhood Plan 2016-2026 and is impacted further by approved housing developments and the inevitable population increase of Brundall and surrounding areas.	In general, we would support the access to the train station being improved, however it seems the comments implies this is about access from the side of the rail lines that is in Broadland Council's area.	No further action.



Question	Respondent	Comment	BA response	Action for Local Plan
Question 38	East Suffolk Council	East Suffolk Council broadly welcomes the Settlement Study, however, there are some additional elements that the Broads Authority may wish to consider for inclusion in the Settlement Study.	Noted.	See actions for each comment.
Question 38	East Suffolk Council	Allotments are a valuable community resource, providing residents with the opportunity to grow their own food. This in turn enables allotment holders to exercise and socialise. Therefore, there may be value in including them in appendix D of the Settlement Study. The East Suffolk Council: Suffolk Coastal Local Plan Settlement Hierarchy Topic Paper provides an example of where this has been done, see <a href="https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/First-Draft-Local-Plan/Final-Settlement-Hierarchy-Topic-Paper.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/First-Draft-Local-Plan/Final-Settlement-Hierarchy-Topic-Paper.pdf</a>	Noted and will add this as another consideration.	Amend study to assess provision of allotments.
Question 38	East Suffolk Council	Appendix D of the Settlement Study does also not include proximity to major towns as a consideration. The close proximity of a smaller settlement to larger settlement/market town provides access to a wider range of shops, employment opportunities, public services and other facilities and can therefore increase the sustainability of the smaller settlement and increases the feasibility of sustainable modes of transport. Again, the Suffolk Coastal Local Plan Settlement Hierarchy considered this. See <a href="https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/First-Draft-Local-Plan/Final-Settlement-Hierarchy-Topic-Paper.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/First-Draft-Local-Plan/Final-Settlement-Hierarchy-Topic-Paper.pdf</a>	This is considered. The facility or service considered might be in another settlement.	No change to study.
Question 38	East Suffolk Council	In addition to the comments above, please note that appendix D of the Settlement Study still refers to Beccles, Oulton Broad and Bungay as being located in Waveney. This should be updated to refer to East Suffolk.	Noted and will amend.	Amend study to say ESC rather than Waveney.
Question 38	Sequence UK LTD/Brundall Riverside Estate Association	2.90 No specific comments on the findings of the Settlement Study, which reflect our views on Brundall as a Key Service Centre with a good range of services and facilities.	Noted.	No further action.
Question 38	South Norfolk Council	The approach appears to be generally consistent with Agreement 3 of the NSPF. In respect of question 38, it is important to recognise how services and facilities are distributed across the broads authority area. Careful consideration needs to be given to ensuring that important services and facilities are maintained, and it may be the case that some of these may not be in the best served villages. In this regard, when determining the location of new	Noted.	Consider these sections of the NPPF when producing housing sections of

Question	Respondent	Comment	BA response	Action for Local Plan
		development consideration should be given to paragraph 79 of the NPPF which sets out that where there are groups of smaller settlements, development in one village may support services in a nearby village.		the Preferred Options.
Question 38	Broadland Council	The approach appears to be generally consistent with Agreement 3 of the NSPF. In respect of question 38, it is important to recognise how services and facilities are distributed across the broads authority area. Careful consideration needs to be given to ensuring that important services and facilities are maintained, and it may be the case that some of these may not be in the best served villages. In this regard, when determining the location of new development consideration should be given to paragraph 79 of the NPPF which sets out that where there are groups of smaller settlements, development in one village may support services in a nearby village.	Noted.	Consider these sections of the NPPF when producing housing sections of the Preferred Options.
Question 39	Anglian Water	3.35. The Settlement Study sets a direction for sustainable growth, but this needs to be informed by constraints to delivering the housing needs of The Broads particularly in relation to the availability of suitable and deliverable sites that can access, and be supported by, resilient infrastructure and facilities. This should factor in embedded (capital) carbon. The Development Boundaries Topic Paper is helpful in this regard, but we recognise that this will be consolidated with other evidence as it emerges, to provide a comprehensive evidence base on appropriate and sustainable locations for long term growth through the Sustainability Appraisal. It is noted that many of the locations identified in the Development Boundaries Topic Paper have areas of flood risk, which will have implications for future growth.	Yes, the settlements study and the development boundaries proposed are a starting point, and each application may have other constraints that need addressing if they can. AWS have been asked to comment on the sites put forward as part of the Call for Sites.	Await AWS comments on sites put forward as part of the Call for Sites.
Question 39	Bradwell Parish Council	No Comment	Noted.	No further action.

Question	Respondent	Comment	BA response	Action for Local Plan
Question 39	East Suffolk Council	<p>It is important to take account of the settlement boundaries defined by other local authorities. Development boundaries defined by the Broads Authority should therefore be defined having regard to the criteria used by neighbouring local authorities. Settlement boundaries defined by the Waveney Local Plan closely follow the built-up area of a settlement, as well as landscape features such as hedgerows. Therefore, it is important for any development boundaries defined by the Broads Local Plan to take a similar approach, along with considerations of the statutory purposes and special qualities of the Broads. For information, a link to the Waveney Local Plan Settlement Boundaries Topic Paper can be found below. <a href="https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Background-Studies/C38-Topic-Paper-Definition-of-Settlement-Boundaries.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Background-Studies/C38-Topic-Paper-Definition-of-Settlement-Boundaries.pdf</a></p>	<p>This seems to be about the actual form of the development boundary and the idea is logical and we will look into that.</p>	<p>Liaise with districts about how they draw development boundaries to see if the BA ones should be changes to fit with their approach.</p>
Question 39	RSPB	<p>The impact of either maintaining or extending the area of hard standing with obvious rapid run-off doesn't seem to be considered. This will be important given the trend for extreme, heavy rain events and the need for water to flow off by gravity.</p>	<p>The settlements study and the development boundaries proposed are a starting point, and each application may have other constraints that need addressing if they can. Indeed, the Local Plan has a policy relating to flood risk and SuDS.</p>	<p>No further action.</p>

Question	Respondent	Comment	BA response	Action for Local Plan
Question 39	Sequence UK LTD/Brundall Riverside Estate Association	<p>2.92 We note that the Development Boundary Topic Paper is currently a guide for the Issues and Options consultation and will be developed further in response to the consultation responses. Therefore, we trust that our comments below for question 40 with regard to the suitability of the Riverside Estate being included within an extended development boundary for Brundall will be considered within that update.</p> <p>2.93 In response to the topic paper itself, we note the summary in the table in section 3 referencing Brundall Riverside comprising boatyards and residential (holiday let) to the south of the railway. The reference to the estate being 'over the railway from the main settlement' is unhelpful as it would suggest a degree of separation when as set out below, the Riverside Estate abuts the current settlement limit with the crossing on Station Road which does not act as a barrier. There are also ongoing discussions with regard to enhancements to Station Road and those linkages.</p> <p>2.94 We recognise the majority of the Riverside Estate lies within the higher risk flood zones but this should not preclude its inclusion within the development boundary / settlement limit. It is not clear what is meant by 'entire areas subject to policies in the Local Plan already' but again this would be not be a basis for not including the estate within a development boundary.</p>	Noted, but the Brundall Riverside area is over the railway. See also response to question 40.	No further action.
Question 39	South Norfolk Council	The approach appears to be generally consistent with Agreement 3 of the NSPF.	Support noted.	No further action.
Question 39	Broadland Council	The approach appears to be generally consistent with Agreement 3 of the NSPF.	Support noted.	No further action.
Question 40	Bradwell Parish Council	With ongoing rising sea levels building on possible flood plans seems highly questionable.	National policy is clear in relation to building in such areas and the Broads Authority has a history of upholding flood risk policy.	No further action.
Question 40	East Suffolk Council	The Definition of Settlement Boundaries Topic Paper sets out how settlement boundaries are defined in the East Suffolk Council: Waveney Local Plan	This seems to be about the actual	Liaise with districts about how they

Question	Respondent	Comment	BA response	Action for Local Plan
		<a href="https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Background-Studies/C38-Topic-Paper-Definition-of-Settlement-Boundaries.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Background-Studies/C38-Topic-Paper-Definition-of-Settlement-Boundaries.pdf</a> Settlement boundaries are drawn close to the built-up area of a settlement and tend to follow features in the landscape such as hedges and trees. Comments on individual settlements have been provided in response to question 37 above.	form of the development boundary and the idea is logical and we will look into that.	draw development boundaries to see if the BA ones should be changed to fit with their approach.
Question 40	RSPB	None	Noted.	No further action.
Question 40	Sequence UK LTD/Brundall Riverside Estate Association	We would suggest the Brundall Riverside Estate is incorporated within the development boundary for Brundall. The image below shows the current settlement limit for Brundall within the Broadland Site Allocations DPD 2016. (image shows BDC site allocations map). 2.96 The above image shows that the settlement limit runs essentially to the railway line to the south of Brundall which marks the boundary between the respective local authority area of Broadland District Council and the Broads Authority. However, we are of the view that the extension of the boundary south to incorporate the Brundall Riverside Estate would be a logical extension, as shown on the image below. 2.97 The extension of the development boundary to the south would include land that is contiguous with the current boundary and contains a significant concentration of residential properties, holiday accommodation and business uses including boatyards, in a sustainable location with excellent access to Brundall train station. It would therefore seem wholly appropriate for it to be included within an extended settlement boundary for Brundall to reflect that this is a developed area, which will see further (re)development and diversification, and is demonstrably not countryside.	Noted. Although by providing a development boundary there, that would effectively be promoting the area for residential dwellings, rather than holiday homes and businesses. Flood risk is a key issue with the area almost entirely flood zone 3a and indicative flood zone 3b so residential might not be allowed there to reflect flood risk.	Consider this advice as the approach to development boundaries is worked up.

## Appendix 4: Sustainability Appraisal of Development Boundaries policy options

This is a new appendix.

SA objectives:

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

Policy assessment – development boundaries or criteria-based policy.



		A: Criteria-based development boundary policy	B: Plan based development boundary policy
ENV1	?	<p>In general, the effect of this approach is uncertain as it depends on the criteria and how they are applied. On one hand, this approach could help protect the character of the Broads, but on the other hand, development would not necessarily be focussed in existing build up areas</p>	+ The development boundaries will be around areas with key services that could be accessed by all modes of transport.
ENV2			
ENV3	?		? Development boundaries could mean development in areas where general impacts on biodiversity are less than in more rural areas. But with Biodiversity net gain coming in, the impact of habitat being lost could be reduced. But on the other hand, preventing loss rather than replacing could be seen as better.
ENV4	?		+ Development boundaries could mean development in areas where general impacts on landscape are minimal because the area is generally built up.
ENV5			
ENV6			
ENV7	?		+ Development boundaries may contain areas of brownfield land that could be used for development and therefore there could be benefits relating to efficient use of land.
ENV8			
ENV9			
ENV10			
ENV11			
ENV12			
SOC1	?	+ The development boundaries will be around areas with key services that could be accessed by all walking, cycling and wheeling.	
SOC2	?	+ By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.	
SOC3			
SOC4	?	+ In theory, housing is acceptable within a development boundary, subject to details.	
SOC5			
SOC6	?	+ The development boundaries will be around areas with key services that could be accessed by all modes of transport.	
SOC7			
ECO1			
ECO2			
ECO3			

Areas to potentially apply development boundaries.

	Brundall Riverside	Horning	Hoveton and Wroxham	Oulton Broad	Thorpe St Andrew	Filby
ENV1	- The access for pedestrians and vehicles to the area is constrained. There is a level crossing and the road on the northern side of the level crossing does not have a footway for the entire length and given the elevations either side of the road and that the land seems to be in private ownership, it is not clear how footways can be provided. People would have to walk in the road so that could detract from walking. The access is a concern to the Highways Authority.	+ No obvious impact on roads. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. With key services in the settlement, there is potential for these to be accessed by walking and cycling.	+ No obvious impact on roads. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. With key services in the settlement, there is potential for these to be accessed by walking and cycling.	+ No obvious impact on roads. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. With key services in the settlement, there is potential for these to be accessed by walking and cycling.	+ No obvious impact on roads. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. With key services in the settlement, there is potential for these to be accessed by walking and cycling.	+ <a href="#">No obvious impact on roads. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. With key services in the settlement, there is potential for these to be accessed by walking and cycling.</a>
ENV2						
ENV3	+ No protected sites within the proposed development boundary. Broadland SPA over the river. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. Nutrient enrichment and recreation impacts will need to be mitigated for.	- No protected sites within the proposed development boundary. Broadland SPA over the river. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. Recreation impacts will need to be mitigated for. Water Recycling Centre has issues associated with flows which ultimately affect nutrient load.	+ No protected sites within the proposed development boundary. No protected sites close by. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. Nutrient enrichment and recreation impacts will need to be mitigated for.	+ No protected sites within the proposed development boundary. Broadland SPA over the Broad. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. Recreation impacts will need to be mitigated for.	+ No protected sites within the proposed development boundary. Near Carey's Meadow, but not likely to cause issues. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. Nutrient enrichment and recreation impacts will need to be mitigated for.	+ <a href="#">No protected sites within the proposed development boundary. Close to SAC and SSSI. Part of Filby in SSSI impact zone. Any scheme would be assessed on its own merits against local and national policy in terms of impacts. Recreation impacts will need to be mitigated for.</a>
ENV4	+ Generally, as development would be directed to these already built-up areas, the impact on landscape is likely to be minimal and there are other local plan policies that will be of relevance.	+ Generally, as development would be directed to these already built-up areas, the impact on landscape is likely to be minimal and there are other local plan policies that will be of relevance.	+ Generally, as development would be directed to these already built-up areas, the impact on landscape is likely to be minimal and there are other local plan policies that will be of relevance.	+ Generally, as development would be directed to these already built-up areas, the impact on landscape is likely to be minimal and there are other local plan policies that will be of relevance.	+ Generally, as development would be directed to these already built-up areas, the impact on landscape is likely to be minimal and there are other local plan policies that will be of relevance.	+ <a href="#">Generally, as development would be directed to these already built-up areas, the impact on landscape is likely to be minimal and there are other local plan policies that will be of relevance. Whilst out the rear of the dwellings, there are long gardens which are characteristic of the area, these have been excluded from the development boundary. Furthermore, the settlement fringe landscape character type has influenced the proposed development boundary.</a>
ENV5						
ENV6	? Whilst there are some areas of flood risk, there are also areas which are of lower risk of flooding. National and local flood risk policy will apply. Also note that development boundaries are relevant to windfall residential moorings.	? Whilst there are some areas of flood risk, there are also areas which are of lower risk of flooding. National and local flood risk policy will apply. Also note that development boundaries are relevant to windfall residential moorings.	? Whilst there are some areas of flood risk, there are also areas which are of lower risk of flooding. National and local flood risk policy will apply. Also note that development boundaries are relevant to windfall residential moorings.	? Whilst there are some areas of flood risk, there are also areas which are of lower risk of flooding. National and local flood risk policy will apply. Also note that development boundaries are relevant to windfall residential moorings.	? Whilst there are some areas of flood risk, there are also areas which are of lower risk of flooding. National and local flood risk policy will apply. Also note that development boundaries are relevant to windfall residential moorings.	? <a href="#">Whilst there are some areas of flood risk, there are also areas which are of lower risk of flooding. National and local flood risk policy will apply. Also note that development boundaries are relevant to windfall residential moorings.</a>
ENV7	? Development boundaries may contain areas of brownfield land that could be used for development and therefore there could be benefits relating to efficient use of land.	+ Development boundaries may contain areas of brownfield land that could be used for development and therefore	+ Development boundaries may contain areas of brownfield land that could be used for development and	+ Development boundaries may contain areas of brownfield land that could be used for development and therefore there	+ Development boundaries may contain areas of brownfield land that could be used for development and therefore there	+ <a href="#">Development boundaries may contain areas of brownfield land that could be used for development and therefore there</a>

	Brundall Riverside	Horning	Hoveton and Wroxham	Oulton Broad	Thorpe St Andrew	Filby
	However, in this area, there does not seem to be any land that could be developed for dwellings and as such this rates as a ?. The boatyards are generally protected by other local plan policies.	there could be benefits relating to efficient use of land.	therefore there could be benefits relating to efficient use of land.	could be benefits relating to efficient use of land.	could be benefits relating to efficient use of land.	<a href="#">could be benefits relating to efficient use of land.</a>
ENV8						
ENV9	? There are some heritage assets within or nearby to the development boundary that will need to be considered. National and local heritage policy will apply.	? There are some heritage assets within or nearby to the development boundary that will need to be considered. National and local heritage policy will apply.	? There are some heritage assets within or nearby to the development boundary that will need to be considered. National and local heritage policy will apply.	? There are some heritage assets within or nearby to the development boundary that will need to be considered. National and local heritage policy will apply.	? There are some heritage assets within or nearby to the development boundary that will need to be considered. National and local heritage policy will apply.	± <a href="#">No heritage assets within or nearby the development boundary.</a>
ENV10						
ENV11						
ENV12						
SOC1	? There are key services within walking distance and walking and cycling benefit health. That being said there is no footway for the entire length of Station Road and as such, people would have to walk in the road so that could detract from walking.	+ Key services tend to be within walking and cycling distance, with associated infrastructure tending to be in place – walking and cycling benefits health.	+ Key services tend to be within walking and cycling distance, with associated infrastructure tending to be in place – walking and cycling benefits health.	+ Key services tend to be within walking and cycling distance, with associated infrastructure tending to be in place – walking and cycling benefits health.	+ Key services tend to be within walking and cycling distance, with associated infrastructure tending to be in place – walking and cycling benefits health.	± <a href="#">Key services tend to be within walking and cycling distance, with associated infrastructure tending to be in place – walking and cycling benefits health.</a>
SOC2	+ By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.	+ By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.	+ By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.	+ By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.	+ By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.	± <a href="#">By directing development to built up areas, the likelihood of isolated dwellings and social isolation would be reduced.</a>
SOC3						
SOC4	+ In theory, housing is acceptable within a development boundary, subject to details	+ In theory, housing is acceptable within a development boundary, subject to details	+ In theory, housing is acceptable within a development boundary, subject to details.	+ In theory, housing is acceptable within a development boundary, subject to details	+ In theory, housing is acceptable within a development boundary, subject to details	± <a href="#">In theory, housing is acceptable within a development boundary, subject to details</a>
SOC5						
SOC6	- There are key services nearby which can be accessed using the bridge over the railway or the level crossing by walking and level crossing by cycling. However, there is not a footway for the entire length north of the level crossing. People walk in the road so that could detract from walking. The Highways Authority have concerns.	+ Key services in settlement of shop and employment (boat yards). Bus service to higher order settlement within walking distance of the centre.	+ Many key services within settlement within walking and cycling distance.	+ Many key services within settlement within walking and cycling distance.	+ Many key services within settlement within walking and cycling distance.	± <a href="#">key services within settlement within walking and cycling distance: a primary school, everyday shop and post office.</a>
SOC7						
ECO1						
ECO2						
ECO3						

## Appendix 5: Proposed draft Development Boundary Policy

Policy PUBDM44: Residential development within defined Development Boundaries

See Development Boundaries Map Bundle: <https://www.broads-authority.gov.uk/development-boundaries.pdf>

1. New residential development will only be permitted within defined development boundaries and must ~~be compatible~~ comply with other policies of the Development Plan.
2. Development will be of a scale that is suitable and appropriate for the size of the site and settlement and will reflect the character of the area.
3. Development Boundaries are identified on the policies maps for the following settlement areas:
  - a) Oulton Broad
  - b) Thorpe St Andrew
  - c) Wroxham and Hoveton

### Constraints and features

- Depending on location, some of the areas may be affected by surface water flooding, groundwater flooding, reservoir flooding.
- a) **Oulton Broad**
    - Area is within Oulton Broad Conservation Area
    - High potential for archaeological remains in the area
    - Flood risk (mainly zone 1, plus some 2 & 3, by EA mapping and mostly 1 with some 2, 3a and indicative 3b using SFRA 2018)
    - Nearby listed buildings
  - b) **Thorpe St Andrew**
    - Area is within Thorpe St. Andrew Conservation Area
    - Flood risk (mainly zone 2, some zones 1 & 3, by EA mapping and mostly 1 with some 2, 3a and modelled 3b using SFRA 2017)
    - The bounded area includes safeguarded minerals (sand and gravel) resources, but the Minerals Planning Authority has advised this is unlikely to constrain the type and scale of development supported by the Policy
    - Large number of listed buildings
  - c) **Wroxham and Hoveton**
    - Close to SPA and SAC
    - Lies partly within Wroxham Conservation Area
    - Flood risk (mainly zone 3 by EA mapping, and partly zones 1 & 2 and 1, 2, 3a and indicative 3b using SFRA 2017)
    - The SFRA shows almost all of the area is at risk of flooding

- Capacity of minor roads in the area
- Wroxham Bridge is a Scheduled Monument
- The Grange - Grade II listed

### Reasoned Justification

The purpose of a Development Boundary is to consolidate development around existing built-up communities where there is a clearly defined settlement and where further development, if properly designed and constructed, would not be incongruous or intrusive because of the size of the settlement. Development Boundaries have the twin objectives of focusing most of the development towards existing settlements while also protecting the surrounding countryside.

Early in the evolution of the Broads Local Plan, consideration was given to the merits of not having development boundaries, but it was concluded that they are a useful tool in promoting sustainable development in the Broads.

Development is directed to areas with Development Boundaries as listed in the policy and defined on the Local Plan Policies Map. Development in these areas could be acceptable, notwithstanding other policies, constraints, and other material considerations. It is important to note that just because an area has a Development Boundary, it does not mean that all proposals for development in the area are necessarily acceptable. The sensitivities of the Broads in terms of biodiversity, landscape, cultural heritage, and flood risk mean that careful consideration must be given to the appropriateness of developing a site, and each proposal will be determined against this and other policies of the Plan. Outside the defined Development Boundaries, new residential development will not be permitted except in the circumstances defined in the other housing policies.

Recently, Transport East undertook work looking into [Transport Related Social Exclusion \(TRSE\)](#). This could mean being unable to access services such as childcare, health provision and leisure opportunities, having limited choices of good job and education opportunities, facing poverty and financial hardship because of transport costs or facing significant stress and anxiety from using the transport system as part of everyday life. Transport East say there are several identified contributors to TRSE, including poor provision of local public transport, unsuitable conditions to facilitate walking, cycling and wheeling in car-dominated environments, and a high-level of car dependency that result from these factors. Directing development to areas with services and good public and other sustainable transport provision is important.

To support the Authority's approach, a [Development Boundaries Topic Paper](#) and a [Settlement Study](#) have been produced. This work assesses the suitability of settlements for

Development Boundaries and seeks to justify why the three areas (Oulton Broad, Thorpe St Andrew and Wroxham and Hoveton) have Development Boundaries.

Development Boundaries are also important for residential moorings. One of the key criteria of policy [PUBDM46](#) relates to the mooring being within or adjacent to a Development Boundary (a Broads Authority Development Boundary or one of our constituent Councils'). The Authority also regards other sites as suitable for residential moorings that are not adjacent to Development Boundaries. These sites, which are allocated in the Local Plan, are in Brundall ([PUBBRU6](#)), ~~Loddon and~~ Chedgrave (~~POLOD1 and~~ [PUBCHE1](#)) Gillingham ([PUBGIL1](#)), Somerleyton ([PUBSOM1](#)) and Stalham ([PUBSTA1](#)). While the sites covered by these policies are not deemed suitable for Development Boundaries to reflect constraints on the land, they are still accessible to services and facilities that make them suitable for residential moorings.

Some development proposals could be acceptable outside of Development Boundaries in exceptional circumstances, although this will depend on detail, constraints in the area and accordance with other adopted policies and the NPPF, such as [PUBDM47](#) (dwellings for rural enterprises) and [PUBDM50](#) (replacement dwellings).

If a proposal is considered to potentially have an effect on a habitat site, it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken. With respect to recreation impacts, development would need to mitigate, and this would most easily be done by paying either the Norfolk or Suffolk Coast RAMS tariff (and depending on scale, there may be a need for green infrastructure provision). Proposals for development in Thorpe St Andrew and Wroxham and Hoveton face nutrient enrichment issues and mitigation will be required.

### **Development Boundary for Hoveton and Wroxham**

This combined area is one of the largest concentrations of development, population, and services in the Broads. It has a range of shopping, employment opportunities, leisure and health facilities and relatively frequent rail and bus services. Although there is little undeveloped land (aside from gardens and public spaces), there has long been a gradual renewal and replacement of buildings and uses within the area, and there is a limited number of derelict or underused sites ripe for redevelopment. The development boundary excludes areas identified as open space and includes boatyards and other development on the south (Wroxham) bank. It also complements the Hoveton ~~Town~~ [Village](#) Centre policy ([PUBHOV5](#)) to continue the focus of retail and related development in the village centre. Parts of the area are at risk of flooding. The relevant Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk.



### **Development Boundary for Oulton Broad**

Together with Lowestoft, the area has a wide variety of services, facilities, and employment opportunities. Although most of these are at some distance from the area under consideration, there is a bus service, and the distances involved mean walking and cycling are feasible options. The development boundary has been drawn to generally exclude the edge of the Broad except where there is already significant built development. This is to discourage building on the waterfront for flooding and landscape reasons, and to encourage continuance of the overall level of trees and planting that provides an important part of the setting of the Broad and contributes to its value for wildlife. Parts of the area are at risk of flooding. The relevant Local Plan and National Planning Policy Framework Policies will apply, and a site-specific flood risk assessment may be required to establish the degree of risk. In the light of the potential for archaeological remains in the area an archaeological survey may be required in advance of any grant of planning permission.

### **Development Boundary for Thorpe St Andrew**

Only part of the south side of Yarmouth Road in Thorpe St Andrew is within the designated Broads area. Elsewhere, Broadland District Council is the local planning authority, and this part of Thorpe St Andrew is urban in character. Thorpe itself has a range of facilities and services, including employment opportunities and good public transport links to the extensive facilities of Norwich (also within cycling distance). Although there is a range of buildings and uses within the identified boundary, in practice it is not anticipated that there will be a great deal of development in the foreseeable future. The development boundary provides additional scope for some redevelopment if opportunities arise, subject to flood risk - the relevant Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk.

### **A development boundary for Filby?**

During the consultation on the Preferred Options version of the Local Plan, Great Yarmouth Borough Council recommended that the part of Filby that is within the Broads should have a development boundary to complement the development boundary of the part of Filby that is within their planning area. On checking the assessment of Filby in the Settlement Study, Filby rates favourably in terms of services and facilities in the settlement and so some options for a development boundary in the Broads part of Filby were produced. This was sent to Filby Parish Council for comment, as well as internally to heritage, landscape and ecology Officers at the Broads Authority for comment. There was general support, with some suggestions for amendments. We are therefore asking for what you think regarding a development boundary for Filby. It should be noted that the form of the proposed development boundary for the Filby part of the Broads reflects the settlement fringe landscape type that is identified in the area (see [Policy PUBDM26: Protection and enhancement of settlement fringe landscape character](#)).

#### Constraints and features of Filby:

- Some protected trees in the area.
- EA flood zone 2 and 3 and SFRA indicative flood zone 3 covers some properties and gardens.
- Close to SAC and SSSI.
- Part of Filby in SSSI impact zone.
- Settlement fringe landscape type nearby.

#### Development Boundary for Filby

The western side of Thrigby Road is within the designated Broads area. Elsewhere, Great Yarmouth Borough Council is the local planning authority. The part of Filby in the Broads is urban in nature along the road frontage, but backs onto Filby Broad. Filby itself has some facilities and services including, a primary school, everyday shop and post office. Although there is a range of buildings and uses within the identified boundary, in practice it is not anticipated that there will be a great deal of development in the foreseeable future. The development boundary provides additional scope for some redevelopment if opportunities arise, subject to flood risk - the relevant Local Plan and National Planning Policy Framework Policies will apply, and a site flood risk assessment may be required to establish the degree of risk.

#### **Specific Question 1:**

- Do you think there should be a development boundary for the part of Filby that is within the Broads? Please say why.
- Do you think area y should be included in the development boundary for Filby? Please say why.

Xxxmapxxx

## Appendix 6: Comments received as part of the Preferred Options consultation

Section	Name	Organisation	Comment
Development Boundary Topic Paper	Sam Hubbard	Great Yarmouth Borough Council	The preferred approach of not identifying any development boundaries within the Broads area of the Borough and the development limits topic paper that forms part of the evidence base is noted. Whilst the Borough Council considers this approach to largely be consistent with Borough Council's approach to development boundaries in settlements which straddle the shared planning boundary, it is not clear why development boundaries have not been defined within the area west of Thrigby Road in Filby or surrounding River Walk within Great Yarmouth. Whilst parts of these areas are within flood zone 3, the currently adopted Great Yarmouth Local Plan identifies development limits within similar areas of flood risk. It may be more appropriate to include such areas within development boundaries and rely upon the completion of the flood risk sequential and exception tests where applicable.
Development Boundary Topic Paper	Sam Hubbard	Great Yarmouth Borough Council	Appendix 2 of the development limits topic paper does not appear to have taken into account the neighbouring development limit for Filby (to the east of Thrigby Road), as has been mapped in other areas.
PODM43: Residential development within defined Development Boundaries	Dickon Povey	East Suffolk Council	This approach is supported.
PODM43: Residential development within defined Development Boundaries	Dickon Povey	East Suffolk Council	Development Boundary for Oulton Broad section. Presumably this means to say: '...and a site-specific flood risk assessment may be required...
PODM43: Residential development within defined Development Boundaries	Paul Harris	Broadland and South Norfolk Councils	The Council supports the approach to focusing development within areas with services.
PODM43: Residential development within defined	Tessa Saunders	Anglian Water	Anglian Water agrees with the aims of the policy and the need to be consistent with other policies in the plan. We acknowledge that the statement in the supporting text that "development could be acceptable, notwithstanding other policies, constraints and material

Section	Name	Organisation	Comment
Development Boundaries			<p>considerations", would address our key concerns around flood risk, infrastructure capacity, and resilience over the longer term. We agree with the justification for not including a development boundary for Horning in Development Boundary Topic Paper (updated August 2023) - however, it would be helpful to provide a link to the Anglian Water Statement of Fact, in addition to the Joint Position Statement to provide a complete factual position for Horning and capacity at the WRC.</p>

DRAFT

## Appendix 4 – Amended renewable energy policy

### 1 Policy PUBDM21: Renewable and low carbon energy

#### 2 General principles

- 3 1. Renewable/low carbon energy proposals shall be of a scale and design appropriate to the  
4 locality and shall not, either individually or cumulatively, have an adverse impact on the  
5 distinctive landscape, cultural heritage, biodiversity, recreational experience or special  
6 qualities of the Broads or the local amenity<sup>1</sup>. The Broads Landscape Sensitivity Study<sup>2</sup> (or  
7 successor document) will provide guidance on this. The impact of ancillary infrastructure,  
8 including power lines, onshore infrastructure for onshore and offshore wind  
9 turbines/farms, sub-stations, storage buildings, wharves and access roads, will form part  
10 of the evaluation.
- 11 2. Wherever possible, renewable energy proposals should utilise previously developed sites  
12 and result in environmental improvements over the current condition of the site.
- 13 3. The developer will also be required to restore the land to its original use and remove any  
14 renewable energy equipment when it is redundant.
- 15 4. Proposals for solar farms on agricultural land are required to avoid best and most versatile  
16 land ~~use poorer quality agriculture land~~
- 17 5. Battery storage proposals will need to address relevant policy considerations, such as  
18 landscape impact and impact on the special qualities of the Broads.
- 19 6. Any mitigation proposals for landscape impact shall be appropriate to the context and  
20 character of the area.
- 21 7. Provision has been made for the satisfactory decommissioning of the renewable energy  
22 infrastructure once the operations have ceased and the site can be restored to a quality of  
23 at least its original condition.
- 24 8. Proposals shall not compromise, restrict or otherwise degrade the operational capability  
25 of safeguarded MOD sites and assets.

#### 26 Specific additional criteria for onshore wind proposals

- 27 9. Proposals for onshore wind energy development are required to address each of these  
28 criteria:
  - 29 a) Justification for the turbine being within the Broads;
  - 30 b) Information will be required that sets out alternative locations considered and why these  
31 were not pursued;

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<sup>1</sup> For example, through visual dominance, noise, fumes, odour, vibration, glint and glare, shadow flicker traffic generation, broadcast interference

<sup>2</sup> [Landscape Sensitivity Study \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

- 32 c) The proposed impacts on birds and bats must be fully assessed and avoided and  
33 mitigated;
- 34 d) Information relating to the vehicle routing associated with construction activities for wind  
35 farms must be provided. The proposed site access arrangements and access routes will be  
36 suitable for the construction phase, including the delivery of turbine components and  
37 construction materials, the operational phase, and the decommissioning of the proposed  
38 wind farm;
- 39 e) Landscape impact will be assessed using the Landscape Sensitivity Study (or successor  
40 document). The landscape must have capacity to accommodate the proposed  
41 development without unacceptable negative effects on its character and qualities and  
42 how it is valued by communities likely to be affected;
- 43 f) The scale of the turbine must be thoroughly justified;
- 44 g) There must be no unacceptable adverse impact on local amenity as a result of noise,  
45 shadow flicker and visual intrusion or conflict with public safety. To protect visual amenity,  
46 there will be a presumption against development within a distance of six times the turbine  
47 blade tip height of residential properties unless it can be demonstrated that the presence  
48 of turbines would not have an unacceptable impact upon living conditions;
- 49 h) Potential interference to television and/or radio reception and information and  
50 telecommunications systems will be avoided and/or mitigated;
- 51 i) The proposed wind turbines are located appropriate distances from highways, and railway  
52 lines to provide a safe topple distance. A minimum topple distance of the turbine height  
53 plus 10% is recommended as a starting point;
- 54 j) There are no unacceptable adverse effects on sensitive or well used viewpoints; and
- 55 k) There are no unacceptable adverse effects on important recognised outlooks and views  
56 from or to heritage assets where these are predominantly unaffected by harmful visual  
57 intrusion, taking into account the significance of the heritage asset and its setting.

## 58 Reasoned Justification

59 It is widely acknowledged that tackling the challenges posed by climate change will  
60 necessitate a radical increase in the proportion of energy generated from renewable sources.  
61 The UK Renewable Energy Strategy (2009) includes the UK's legally binding renewable energy  
62 target of 15% by 2020<sup>3</sup>. In July 2024, the government announced an ambition for the UK to  
63 have a Net-Zero electricity grid by 2030. This is part of a wider suite of strategies within the  
64 UK Low Carbon Transition Plan. The Authority must ensure that the causes of climate change  
65 are addressed at the local level. This will, however, need to be undertaken within the context  
66 of the ~~special circumstances pertaining to~~ protected status of the Broads.

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<sup>3</sup>Since that Strategy, the UK Government have committed to net zero by 2050.



67 Landscape impact of proposals

68 A range of renewable energy technologies may be suitable for the Broads, including solar  
69 photovoltaic cells, ground and water and air source heat pumps and wind turbines<sup>4</sup>.  
70 However, the sensitivity of the Broads landscape means that large-scale renewable energy  
71 developments are generally inappropriate. Where wind turbines, solar photovoltaics cells or  
72 other large-scale renewable energy developments are proposed, applications should be  
73 accompanied by a landscape and visual impact assessment of the impact of the development  
74 from a full range of viewpoints, including from the waterways, and ~~is~~ be completed in  
75 accordance with the Guidelines for Landscape and Visual Impact Assessment published by the  
76 Landscape Institute and Institute of Environmental Management and Assessments<sup>5</sup>.

77 Ministry of defence assets

78 MOD technical assets that facilitate air traffic management, primarily radar, navigation, and  
79 communications systems are safeguarded to limit the impact of development on their  
80 capability and operation. The height, massing, and materials used to finish a development  
81 may all be factors in assessing the impact of a given scheme. Developments that incorporate  
82 renewable energy systems may be of particular concern given their potential to provide large  
83 expanses of metal at height, for example where proposals include a wind turbine or roof  
84 mounted solar PV system. Where development falls outside designated safeguarding zones  
85 the MOD may have an interest where development is of a type likely to have any impact on  
86 operational capability. Usually this will be by virtue of the scale, height, or other physical  
87 property of a development. Examples these types of development include, but are not limited  
88 to

- 89 • Solar PV development which can impact on the operation and capability of  
90 communications and other technical assets by introducing substantial areas of metal or  
91 sources of electromagnetic interference. Depending on the location of development, solar  
92 panels may also produce glint and glare which can affect aircrew or air traffic controllers.
- 93 • Wind turbines may impact on the operation of surveillance systems such as radar where  
94 the rotating motion of their blades can degrade and cause interference to the effective  
95 operation of these types of installations, potentially resulting in detriment to aviation  
96 safety and operational capability. This potential is recognised in the Government's online  
97 Planning Practice Guidance which contains, within the Renewable and Low Carbon Energy  
98 section, specific guidance that both developers and Local Planning Authorities should  
99 consult the MOD where a proposed turbine has a tip height of, or exceeding 11m, and/or  
100 has a rotor diameter of, or exceeding 2m;

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<sup>4</sup>See Renewable Energy Topic Paper : under evidence on this webpage: [Local Plan for the Broads \(broads-authority.gov.uk\)](http://broads-authority.gov.uk)

<sup>5</sup> Guidelines for Landscape and Visual Impact Assessment: [www.landscapeinstitute.org/product/guidelines-for-landscape-and-visual-impact-assessment/](http://www.landscapeinstitute.org/product/guidelines-for-landscape-and-visual-impact-assessment/)

- 101 • Any development that would exceed a height of 50m above ground level. Both tall (of or  
102 exceeding a height of 50m above ground level) structures and wind turbine development  
103 introduce physical obstacles to low flying aircraft.

104 Wind turbines

105 ~~The NPPF 2023 (paragraph 163, footnote 58) says: ‘Except for applications for the repowering~~  
106 ~~and life extension of existing wind turbines, a planning application for wind energy~~  
107 ~~development involving one or more turbines should not be considered acceptable unless it is~~  
108 ~~in an area identified as suitable for wind energy development in the development plan or a~~  
109 ~~supplementary planning document; and, following consultation, it can be demonstrated that~~  
110 ~~the planning impacts identified by the affected local community have been appropriately~~  
111 ~~addressed and the proposal has community support’.~~

112 The Labour Government brought in a new national policy approach to onshore wind turbines  
113 in early July 2024, removing the strict requirements relating to wind turbines that had been in  
114 place for a number of years. The need to identify areas suitable for wind turbines has been  
115 removed and instead a criteria-based policy has been introduced.

116 Wind turbine developments in particular have the potential to impact significantly on the  
117 special character of the Broads. Wind turbines are tall structures that are likely to detract  
118 from the mainly open and low-lying character of the Broads landscape, particularly when they  
119 are in large groups or sited in prominent locations. Proposals for wind turbines must therefore  
120 be accompanied by a landscape and visual impact assessment, which assesses the impact of  
121 the development from a full range of viewpoints, including from the waterways. When  
122 considering such proposals, the Authority will take into account: the scale of the wind farm (in  
123 terms of turbine groupings and heights); the condition of the landscape; the extent to which  
124 topography and/or trees screen the lower part of turbines; the degree of human influence on  
125 the landscape; and the presence of strong visual features and focal points. The Authority’s  
126 Landscape Character Assessment and Landscape Sensitivity Study (or successor documents)  
127 will be used to assist in assessing the impact of individual proposals.

128 ~~The Landscape Sensitivity Study concluded that wind turbines are tall structures that have the~~  
129 ~~potential to detract from the mainly open and low lying character of the Broads landscape,~~  
130 ~~particularly when they are in large groups or sited in prominent locations.~~

131 In terms of impact on birds, the RSPB emphasises the following:

- 132 • Especially in winter the Broads receives significant numbers of wetland birds from  
133 continental Europe. Numbers in the 10s of 1,000s are recorded, and they utilise locations  
134 within most of the Broads landscape and surrounding farmland. These birds arrive in  
135 October and leave by April.

- 136 • Because of the large numbers and large flocks there is a high potential for strikes with  
137 wind turbines.
- 138 • Breeding species such as European crane and bittern, both of which are large and  
139 relatively slow flying, combined with marsh harrier might also be considered vulnerable to  
140 collision with wind turbines.
- 141 • The coast is also a key area for migrating species (generally Mar-May and July-October) for  
142 a range of bird species both large and small.
- 143 • Little tern breed on the coast and are vulnerable to disturbance, common tern and  
144 cormorant commute between inland breeding sites and the North Sea to fish and, in the  
145 case of cormorant, roost.

146 The Broads and surrounding areas are also important for populations of rare and protected  
147 bats which are vulnerable to collision with wind turbines.

148 In terms of construction and decommissioning, large vehicles will likely be required to move  
149 components and therefore routing is an important consideration, including the direct impact  
150 of constructing access routes.

#### 151 Battery storage

152 Any deployment of battery storage is highly likely to be closely associated with either solar  
153 energy systems or wind energy, and therefore the suitability of a site would be restricted to  
154 where these elements of the technologies would be considered appropriate.

#### 155 Renewable/low carbon proposals outside of the Broads

156 The Authority will not support proposals for renewable energy development that are sited  
157 outside but close to the Broads executive area boundary that would have an adverse impact  
158 on the Broads environment, the special qualities of the Broads and the special landscape  
159 setting and character.

160 **During the Preferred Options consultation, we asked a question about wind turbines. We**  
161 **have assessed the comments received as well as checked the new Government's approach**  
162 **and the policy now includes some criteria relating to wind power.**

## Appendix 5 – Amended Policy NOR1 – Utilities Site

### 1 Policy PUBNOR1: Utilities Site

#### 2 Policy Map 12 <https://www.broads-authority.gov.uk/norwich.pdf>

- 3 1. Redevelopment of this area will be sought to realise its potential contribution to the  
4 strategic needs of the wider Norwich area. The site is allocated for mixed-use  
5 development which could include around ~~274~~ 250 dwellings.
- 6 2. Redevelopment proposals will only be supported where they are in conformity with the  
7 East Norwich Regeneration Area SPD or other relevant guidance (to be completed) and  
8 where they:
- 9 a) Do not prejudice but contribute to a comprehensive and deliverable mixed-use scheme for  
10 the whole of the Deal Ground/Carrow Works/May Gurney/Utilities Sites Core Area  
11 (including those parts outside the Broads Authority Executive Area boundary) known  
12 collectively as the East Norwich Regeneration Area;
- 13 b) Protect and enhance natural assets and the historic environment and setting of heritage  
14 assets; with many trees on site, scheme proposals will need to consider how best to  
15 include and enhance these natural assets.
- 16 c) Provide suitable and appropriate public access to the river (including enabling river users  
17 to get onto the water, as is feasible and appropriate) and provide moorings on the river  
18 (including visitor and short stay moorings);
- 19 d) Provide a high-quality local environment through high quality design and landscaping and  
20 making the most of the location on the river (see design policy (PUBDM52) and design  
21 guide<sup>6</sup>);
- 22 e) Deliver biodiversity and ecological improvements (in line with the policies within the  
23 Natural Environment section);
- 24 f) Ensure that scale and massing are carefully considered taking into account the impact of  
25 development on the setting of natural and heritage assets including the character and  
26 appearance of conservation areas and the Broad ~~Balance-scale-and-massing-of~~  
27 ~~development~~, having regard to its location on the urban/rural fringe, and make a positive  
28 contribution to the views between the river and the site;
- 29 g) Do not impede ~~Norwich~~-navigation on the river into/out of Norwich;
- 30 h) Ensure the residential dwellings mix is informed by the Local Housing Needs Assessment  
31 with the eastern end of the site transitioning in scale to become a development of a more  
32 traditional street-based form including family houses with a Broads outlook. Development  
33 on western end of Utilities site more likely to be high-density mixed-use development;
- 34 i) Provide evidence, including a site flood risk assessment, to confirm that any development  
35 will be consistent with national and local policy in terms of both on-site and off-site flood

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<sup>6</sup> Being finalised at the time of writing.

- 36 risks. A sequential test may be required, depending on the proposal and location of the  
37 proposal. Development should be located to reflect flood risk on site;
- 38 j) Provide a suitable and appropriate solution to the constrained access to the site for all  
39 modes of transport including the wheeling, pedestrian and cycle links through the site and  
40 linking to the wider network; the highest priority will be given to supporting walking and  
41 cycling;
- 42 k) Provide public access to the length of the Yare riverfront (see policy [PUBNOR2](#));
- 43 l) Are designed with sympathetic materials to ensure careful integration of new  
44 development within the natural environment of the Broads;
- 45 m) Are energy and water efficient;
- 46 n) Identify, and provides remediation of, any existing ground contamination;
- 47 o) Consider, identify and address amenity impacts from nearby existing land uses;
- 48 p) Are resilient to a changing climate, particularly through providing shade and addressing  
49 surface water from intense rain bursts;
- 50 q) Ensure no adverse impact on Cary's Meadow County Wildlife Site;
- 51 r) Ensure any lighting meets the requirements of the light pollution policy ([PUBDM28](#)) to  
52 reflect the riverside location;
- 53 s) Manage any risk of pollution of groundwater or river water arising from the proposed  
54 uses; and
- 55 t) Make appropriate use of the safeguarded sand and gravel resources on the site where  
56 practicable (see Norfolk County Council's Core Strategy Policy CS16 - Safeguarding mineral  
57 and waste sites and mineral resources).
- 58 3. As part of the scheme, the Authority expects a certain number of plots to be provided for  
59 self-build/custom build housing if this is viable and feasible in terms of the overall scheme.  
60 The precise number of plots will be discussed and agreed as part of the planning  
61 application process.
- 62 4. Project Level Habitats Regulation Assessments will be required to ensure no adverse  
63 impacts ~~up~~ on any habitat site. Measures to mitigate for the effects of new growth will be  
64 required to mitigate for recreational disturbance and nutrient enrichment.
- 65 5. The Authority will also expect the following to be delivered as part of the overall scheme,  
66 unless it is demonstrated this cannot practically be achieved:
- 67 i) Improved opportunities for recreation on site;
- 68 ii) Improved facilities for recreational boating on the river frontage; and
- 69 iii) A pedestrian/cycle link across the Wensum and Yare between the City Centre and  
70 Whitlingham Country Park. A proportionate developer contribution will be required to  
71 address any increased demand on services and facilities in Whitlingham Country Park  
72 arising from the creation of this link.

73 6. Applicants are encouraged to take the opportunity of using the proximity of the site to the  
74 river to use water source heat pumps or use the river for water source district heating.

## 75 Constraints and Features

- 76 • Close to a Norfolk County Wildlife Site – Cary’s Meadow.
- 77 • Likely to be of archaeological interest. Contains a range of heritage assets, including  
78 evidence for Roman settlement, a possible Roman wharf, and possible World War Two  
79 features and structures. Potential for archaeological remains associated with the use of  
80 the adjacent River Yare.
- 81 • ~~Norwich navigation.~~
- 82 • Flood risk - zone 2 by EA mapping and small parts in zone 2, 3a and modelled 3b by SFRA  
83 2017 mapping. When EA climate change allowance of 65% added, the site is affected.
- 84 • According to SFRA, susceptible to groundwater flooding – more than 25% and more than  
85 75%
- 86 • Affected on a wet day if Heigham Large Deposit Reservoir floods according to mapping.
- 87 • Contributes to the urban/rural transition.
- 88 • Semi natural habitat on the edge of Norwich.
- 89 • Future growth could have an impact on the foul sewerage network capacity.
- 90 • Access to the site is particularly constrained for all modes of transport.
- 91 • This site is in close proximity to a number of designated heritage assets including the  
92 Grade II listed Ruins of Trowse Newton Hall, the Thorpe Ridge Conservation Area and the  
93 Grade II listed Registered Park and Garden (RPAG) of Crown Point.
- 94 • Safeguarded sand and gravel resources.
- 95 • Overgrown brownfield land with potential for Open Mosaic Habitat.
- 96 • Many trees on the site.
- 97 • On the main river. The Environment Agency should be consulted on any alteration of or  
98 discharge to the main river. The IDB would also like to be consulted for comment due to  
99 the major scale of development within its IDD and potential to affect the local riparian  
100 network. Consent may be required for any alteration of or discharge to a riparian  
101 watercourse.

## 102 Reasoned Justification

103 The site sits to the East of Norwich, yet on the urban rural fringe. In this area there is much  
104 brownfield redundant land that Norwich City Council and Norfolk County Council (in liaison  
105 with Broadland District Council, South Norfolk District Council and the Broads Authority) are  
106 keen to see redeveloped and realise their potential. The Utilities site is part of a much wider  
107 area of industrial land, now largely redundant, stretching across the planning boundaries of  
108 the Broads Authority, Norwich City Council and South Norfolk District Council. Over the river,  
109 to the southwest, is the ‘Deal Ground’ site which has extant outline planning consent for a  
110 mixed-use development including 670 dwellings, a local centre, restaurant/dining quarter,



111 flood risk management and landscape measures, a new access road, and an access bridge  
112 over the river Yare. To the West of the Deal Ground is the Carrow Works [site](#) which was  
113 occupied by Britvic/Unilever, but which has become vacant and has potential for  
114 redevelopment. The May Gurney site sits to the south of the Deal Ground site. This wider area  
115 is seen as having strategic development potential, but bringing development forward is  
116 complicated by access problems and the number of different landowners. The [Greater  
117 Norwich Local Plan \(adopted 2024\)](#) ~~Joint Core Strategy (adopted 2011 with amendments  
118 2014)~~ identifies the East Norwich area as having major physical regeneration opportunities for  
119 mixed-use development and enhanced green linkages from the city centre to the Broads. The  
120 Greater Norwich Local Plan ~~is being produced and~~ allocates land at the Utilities Site, Deal  
121 Ground, May Gurney and Britvic/Unilever site and those policies will be of great relevance to  
122 any scheme that comes forward on the Utilities Site. ~~Indeed, the Norwich City Council Site  
123 Allocations and Site Specific Policies Plan (adopted December 2014) has the following policies  
124 currently in place: R9: The Deal Ground, Trowse (residential led mixed use development) and  
125 R10: Utilities Site, Cremorne Lane (mixed use development).~~

126 The wording for this policy reflects [the Greater Norwich Local Plan equivalent policy as well as  
127 the Master Plan](#).~~and emerging SPD/Guidance, but simplifies and adds to, the content of the  
128 East Norwich Joint Statement produced by Norwich City Council in association with the Broads  
129 Authority and South Norfolk District Council.~~ It also reflects the East Norwich Masterplan<sup>7</sup> and  
130 emerging East Norwich [Supplementary Planning Document \(SPD\)](#). It is anticipated that the  
131 SPD will be adopted by Norwich City Council, Broadland Council and South Norfolk Council as  
132 well as the Broads Authority in 2024/[25](#).

### 133 Delivery and implementation of the policy

134 The access constraints referred to in the policy reflects that the site is bounded by railway  
135 lines and a river. Whilst there are two ways to get to the site, the bridge over the railway to  
136 Cremorne Lane is not designed to cater for [the amount of](#) traffic that could arise from the  
137 redevelopment of this site and the access that runs alongside the river uses a [small](#) tunnel  
138 under the railway bridge which again is not designed to cater for more traffic. The likely  
139 solution would be the provision of a bridge over the river that would connect the Utilities Site  
140 (in its entirety, not just the part within the Broads) to the Deal Ground site. The solution will  
141 need to take account of the navigation of the rivers Wensum and Yare, and Norwich  
142 navigation, as defined in The Norfolk and Suffolk Broads Act 1988.

### 143 The Environment Agency:

- 144 • supports the reference to the need to address flood risk issues, and highlights the need for  
145 Flood Defence Consent from the Agency for development and trees in proximity to the  
146 river;

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<sup>7</sup>[East Norwich Masterplan | Norwich City Council](#)

- 147 • highlights the importance of protection against water pollution, that the site lies over  
148 groundwater resources and within Source Protection Zone 1, and the potential risks of  
149 water pollution from waterside sites in any industrial/boatyard uses; and  
150 • draws attention to the potential of contaminated land.

151 Norfolk County Council identifies that the site includes a safeguarded minerals (sand and  
152 gravel) resource.

153 There will be a requirement for an evidence-based project level HRA to assess the impact of  
154 this development on habitat sites. Mitigation measures will be required relating to recreation  
155 impact and nutrient enrichment – see the [Natural Environment section](#) for details.

156 There is potential for serviced plots to be provided for people to build their own homes as  
157 part of any residential element of the scheme. See the self-build policy [PUBDM51](#).

158 It is anticipated that the dwellings will be delivered after 2035, towards the end of the plan  
159 period. The Authority and partners consider that the site could potentially accommodate ~~274~~  
160 [around 250](#) dwellings.

161 [Schemes will need to include opportunities for public access to the river as well as access onto](#)  
162 [the river, possibly in the form of slipways. There is also an expectation that moorings will be](#)  
163 [provided on the river for visitors. The Broads Authority will need to be consulted regarding](#)  
164 [river related issues such as slipways and moorings.](#)

165 In relation to the potential new link to Whitlingham Country Park, there could be more use of  
166 the park by residents living at the Utilities Site. The Authority appreciates that this link would  
167 make the Park more directly accessible to more visitors and that it benefits the wider existing  
168 community in the area, not just the residents of the Utilities Site. As such, an assessment of  
169 the increased number of visitors likely to visit the Park from the Utilities Site development will  
170 be needed. This will then determine the developer contribution required to enable the park to  
171 accommodate the additional visitors and demand on the services and facilities. The developer  
172 contributions sought would only reflect the visitors arising from Utilities Site development.

173 In terms of lighting, whilst it is acknowledged that the site is in Norwich, it is near a river  
174 corridor and these areas are foraging areas for bats and so any lighting [if required](#) needs to be  
175 [thoroughly justified and if needed, well designed,](#)~~if required.~~

# Planning Committee

13 September 2024

Agenda item number 11

## Proposed new NPPF- briefing and proposed response to the consultation

Report by Planning Policy Officer

### Summary

The new Government is consulting on amendments to the National Planning Policy Framework (NPPF). These are summarised, with some commentary provided. At the end of the report is the proposed response to the consultation.

### Recommendation

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

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## 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.
- 1.3. Two documents make up the consultation:

Supporting document explaining the proposals: [Proposed reforms to the National Planning Policy Framework and other changes to the planning system](#)

Draft NPPF with proposed amendments marked up: [National Planning Policy Framework: draft text for consultation](#)

## 2. Summary of the main proposed amendments.

- 2.1. The following is a summary of the main points. It is taken mostly from a Planning Resource article entitled '47 things you need to know about Labour's proposed NPPF revisions' dated 31 July 2024. Some commentary is provided in italics.

### Standard method for assessing local housing need

1. **The draft NPPF, at new paragraph 62, directs that strategic policies should be informed by a local housing need assessment conducted using the government's standard method. The changes propose to remove reference to the method being 'an advisory starting point'. They also propose to remove reference to the ability of councils to use 'exceptional circumstances' to argue for the use of alternative approaches to assess need.** "Removing these opt outs will stop debates about the right number of homes to plan for and support authorities to get on with plan making," the [consultation document accompanying the new draft NPPF](#), says. So, the draft establishes the standard method as mandatory, and the government says local planning authorities (LPAs) would be required to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate "hard constraints" and that they have exhausted all other options.

*It should be noted that the Standard Method for Housing does not apply to the Broads. This has been the case since its introduction and is continued. This is probably because data is not available for the Broads.*

2. **Authorities would be able to justify a lower housing requirement than the standard method figure on the basis of local constraints on land and delivery, such as existing National Parks, protected habitats and flood risk areas,** the consultation document explains. But they would have to evidence and justify

their approach through local plan consultation and examination, it states. “All local planning authorities will need to demonstrate they have taken all possible steps, including optimising density, sharing need with neighbouring authorities and reviewing green belt boundaries, before a lower housing requirement will be considered,” the document says.

3. **Wording changes are proposed to instruct authorities to “meet an area’s identified housing need”.** This is in comparison with the previous wording in paragraph 60, which instructed councils to “meet as much of an area’s identified housing need as possible”. Changes are also proposed to remove the word ‘sufficient’ in the context of providing for housing in paragraph one.

*Member will recall a recent update on housing figures for the emerging Local Plan for the Broads. Following two calls for sites which resulted in no suitable residential sites coming forward, the Local Plan currently contains one allocation. Adding that to the completions and permissions, the Authority is around 60 dwellings short of meeting the need. There will be one or two more monitoring periods where windfall permissions and further completions will be subtracted from the residual need. We will also undertake a call for sites as part of the Publication Local Plan. But it could be that we go into the examination short on the need.*

4. **A revised standard method is proposed which replaces the current four-step model with a new two-step approach.** The new method, which would be set out in guidance, is explained in the consultation document. The revised approach would set a baseline as a first step and add in an affordability multiplier as a second step. The last steps of the existing method - capping the figure (at 40 per cent above either the previous local plan figure or the projection-derived baseline) and adding the urban uplift - are proposed to be removed.
5. **The first step - setting the baseline through calculating the existing housing stock - is designed to replace the use of household projections.** “Housing stock is more stable and predictable than household projections and does not vary significantly over time,” the consultation document says. The method proposes using 0.8 per cent of existing housing stock in each local planning authority as the baseline starting point using dwelling stock estimates by local authority district. “On average, housing stock has grown nationally by 0.89 per cent per year over the last 10 years,” the document says. “Using a figure of 0.8 per cent therefore provides a level of increase in all areas that is consistent with average housing growth over time, a baseline which banks the average status quo level of delivery, to then be built on through affordability-focused uplifts.”
6. **The government proposes to continue to use affordability ratios as the second step in the method.** However, it proposes to increase the significance of affordability by revising the affordability adjustment. The baseline stock figure would be adjusted upwards in areas where house prices are more than

four times higher than earnings. For every one per cent above that 4:1 ratio, the multiplier would increase 0.6 per cent, compared to the current multiplier of 0.25 per cent. Secondly, it proposes to use average affordability over the three most recent years for which data is available. Using an average, the consultation document says, “will help smooth out changes in affordability and will provide further stability and certainty in inputs and outputs of the method.” The consultation also seeks views on how rental affordability could be reflected in the model.

7. **The proposed new method would result in a lower need figure for London but would increase targets across all other regions relative to the existing standard method.** The consultation documents include a [spreadsheet](#) outlining the result of the method for all regions and authorities. This shows that the new formula increases targets by more than 30 per cent across mayoral combined authorities.

*Looking at what this means for the housing need of our districts, all see an increase as shown in the following tables:*

Joint Plan Area	Region	Current Method	Proposed Method
Broadland; Norwich; South Norfolk	East of England	1,929	2,647

Reorganised Authority Name	Region	Current Method	Proposed Method
East Suffolk	East of England	905	1,696

Local Authority Name	Region	Current Method	Proposed Method
North Norfolk	East of England	556	943
Great Yarmouth	East of England	354	569

#### Five-year housing land supply

8. **Changes made to the five-year housing land supply policy in December 2023 - including the ability to show a four rather than five-year housing land supply in certain cases - are proposed to be reversed.** The requirement for local planning authorities to include a buffer of five per cent on top of their five-year housing land supply, is proposed to be reintroduced “to ensure choice and competition in the market for land”. This would be added to all five-year housing land supply calculations in decision-making and plan-making, it says. The consultation document seeks views on whether five per cent is an appropriate buffer or whether it should be a different figure.



9. **The changes also propose to remove the wording on past oversupply in paragraph 77, which was introduced to set out that previous over-supply could be set against upcoming supply.** “Given the chronic need for housing we see in all areas, we should celebrate strong delivery records without diluting future ambitions,” the consultation document says.
10. **The draft also proposes to remove the option for LPAs to ‘fix’ their five-year housing land supply through annual position statements.** The consultation document says this is “a policy that has been little used”. Any authority with sufficient evidence to confirm its forward supply through this process, it says, “should in any case be able to demonstrate a five-year housing land supply”.

*We do produce a five-year land supply statement each year as part of the Annual Monitoring Report. Some years we have a five-year land supply and some years we do not. That being said, the consequence of not having a five-year land supply of the presumption in favour of sustainable development does not apply to the Broads.*

## Green Belt

11. **The draft says LPAs should undertake a green belt review where they are unable to meet housing, commercial or other needs without altering green belt boundaries.** “Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means”, new wording in new paragraph 142 states. “In these circumstances, authorities should review green belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the green belt across the area of the plan as a whole,” it states.
12. **The draft introduces the concept of ‘grey belt’ land within the green belt.** It defines this in the glossary of the NPPF as ‘land in the green belt comprising previously developed land and any other parcels and/or areas of green belt land that make a limited contribution to the five green belt purposes’. Land of environmental value would be excluded from the definition, as would be assets of particular importance. The government seeks views on whether additional exclusions are necessary, such as areas that become of particular importance for biodiversity.
13. **The government proposes that, in making this assessment, land which makes a limited contribution to green belt purposes will not strongly fulfil any green belt purpose.** It will also have at least one of the following features:
  - Land containing substantial built development or which is fully enclosed by built form;
  - Land which makes no or very little contribution to preventing neighbouring towns from merging into one another;

- Land which is dominated by urban land uses, including physical developments
  - Land which contributes little to preserving the setting and special character of historic towns.
14. **The government proposes a sequential test to guide green belt releases.** Under this approach, outlined in additional wording in new paragraph 144, councils would give first consideration to previously developed land within the green belt, before moving on to other grey belt sites, and finally to higher performing green belt sites where these can be made sustainable. The changes state that the release of land should not be supported where doing so would fundamentally undermine the function of the green belt across the area of the plan as a whole.
15. **Where an LPA cannot demonstrate a five-year housing land supply or delivery in the LPA is less than 75 per cent against the Housing Delivery Test, or where there is unmet commercial or other need, development on the green belt will not be considered inappropriate,** the consultation document proposes. This is on the proviso that the development is on sustainable ‘grey belt’ land, where ‘golden rules’ for major development are satisfied, and where development would not fundamentally undermine the function of the green belt across the area of the plan as a whole.
16. **The following ‘golden rules’ would be applied to major development on land released from the green belt, to ensure it benefits both communities and nature (set out in additional wording to new paragraph 147 and in new paragraph 155):**
- In the case of schemes involving the provision of housing, at least 50 per cent affordable housing, with an appropriate proportion being social rent, subject to viability;
  - Necessary improvements to local or national infrastructure,
  - The provision of new, or improvements to existing, local green spaces that are accessible to the public. Where housing development is involved, new residents should be able to access good quality green spaces within a short walk of their homes, whether through onsite provision or through access to offsite facilities.
17. **Any development released from the green belt must bring benefits, via not only mandatory biodiversity net gain,** but also through new rules that will secure improved access to good quality greenspace.
18. **The government is seeking views on setting indicative benchmark land values for land released from or developed in the green belt to inform LPA policy development.** Regarding the provision of green space, new paragraph 156 says

development proposals should meet local standards where these exist in local plans, and national standards relevant to development where there are no local standards are in place.

19. **Development proposed on previously developed land in the green belt, and limited infilling in the green belt, would be classed as ‘not inappropriate development’,** under the proposed changes.

#### Local character and design coding

20. **Paragraph 130 of the previous NPPF, which was added to state that local character can be taken into account when councils consider their ability to meet their housing needs, is proposed to be deleted in its entirety.** The new draft proposes strengthening expectations that plans should promote an uplift in density in urban areas. “By restricting density, the existing policy is likely to have longer term negative impacts on achieving sustainable patterns of development and on meeting expectations on future housing supply,” the consultation document says.
21. **Rather than district-wide design coding, the government proposes to focus on the preparation of localised design codes, masterplans and guides “for areas of most change and most potential”.** These, it says, include regeneration sites, areas of intensification, urban extensions and the development of large new communities. Wording changes to new paragraph 135 state that the National Model Design Code is “the primary basis for the preparation and use of local design codes” and removes the preference in the previous NPPF for the preparation of local design codes being the primary means for assessing and improving design of development.
22. **Changes made in 2023 to the NPPF that reference “beauty” and “beautiful” in relation to well-designed development are proposed to be reversed, with the word removed from the title of chapter 12.** The consultation document also says the current NPPF wording on upwards extensions places “a disproportionate emphasis on one type of upwards extension development”. The draft proposes to clarify that national policy is strongly supportive of all upward extensions, including mansard roofs.

*Design continues to be a key consideration in the Broads, which is a protected landscape. A Design Guide is still being produced.*

23. **An amendment proposed to the existing NPPF would reinforce the expectation that development proposals for homes and other identified needs on suitable brownfield land within settlements are viewed positively.** The additional wording - to new paragraph 122 - states that such proposals “should be regarded as acceptable in principle.” This, the consultation document says, makes clear that the default answer to brownfield development should be yes.

24. **The consultation seeks views on whether the definition of previously developed land should be expanded to include hardstanding and glasshouses.** “We want to understand how expanding this definition might affect the availability of horticultural land,” the consultation document says.

#### Presumption in favour of sustainable development

25. **The document changes the presumption in favour of sustainable development by clarifying what policies are ‘most important’ in the assessment of housing schemes.** This, the government’s consultation document says, is to “bring clarity” to debates over what policies are most important in such decisions. The changes proposed to paragraph 11 of the draft NPPF state that these are **policies “for the supply of land”**. A new footnote explains further that these are policies **“which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned.”**
26. **In a further proposed change to the presumption, the draft framework adds explicit reference to the need to consider policies “for the location and design of development” and “for securing affordable homes”, when the presumption is engaged.** The government said it had “heard concerns that some developers have used the presumption to promote low quality, unsustainable development”. “We are clear that the presumption cannot offer a route to creating poor quality places”, the government says, and so is proposing the additional references in the presumption.

#### Strategic planning

27. **The draft proposes new mechanisms for cross-boundary strategic planning, including short-term measures to strengthen cross-boundary cooperation ahead of introducing formal strategic planning mechanisms through new legislation.** “It is our intention to move to a model of universal strategic planning covering functional economic areas within the next five years,” the document says. “Effective strategic planning across LPA boundaries will play a vital and increasing role in how sustainable growth is delivered and key spatial issues, including meeting housing needs, delivering strategic infrastructure, and building economic and climate resilience, are addressed,” additions to paragraph 24 state.
28. **Local planning authorities and county councils “continue to be” under a duty to cooperate with each other, the draft NPPF says.** Paragraph 25 sets out the relevant bodies for collaboration on strategic plans, with reference to local enterprise partnerships proposed to be deleted. The consultation document says the government will take steps necessary to enable universal coverage of strategic planning within this Parliament. “This will support elected mayors in overseeing the development and agreement of spatial development strategies (SDSs) within their areas”, the document says. The government will also

explore the most effective arrangements for developing SDSs outside of mayoral areas, “in order that we can achieve universal coverage in England, it says.

29. **Once the matters for collaboration have been identified, new paragraph 27 states that authorities “should make sure that their plan policies are consistent with those of other bodies** where a strategic relationship exists on these matters, and with the relevant investment plans of infrastructure providers, unless there is clear justification to the contrary”. In particular, plans should ensure that:

- a consistent approach is taken to planning the delivery of major infrastructure;
- unmet development needs from neighbouring areas are accommodated; and
- any allocation or designation which cuts across the boundary of plan areas “is appropriately managed by all relevant authorities.”

Changes to new paragraph 28 acknowledge that plans come forward at different times and that there can be a degree of uncertainty over other plans. In such circumstances, it states, those preparing plans “will need to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities.”

*We work closely with our relevant districts. The Norfolk Strategic Planning Framework is in place and sets out agreements that cover various different strategic matters. Separate conversations are ongoing with East Suffolk.*

30. **The government will identify priority groupings of other authorities where strategic planning - in particular the sharing of housing need requirements - would provide particular benefits.** This will include “setting a clear expectation of cooperation that we will help to structure and support this, and to use power of intervention where necessary,” the consultation document says.

31. **The consultation document asks whether the tests of soundness should be amended to better assess strategic scale plans or proposals.** This is noting concerns that plans containing such proposals can require implementation over a long period, making it more difficult to provide evidence of deliverability and viability. “We want the planning system to enable such long term and ambitious planning, while recognising that such plans need to be grounded and realistic,” the consultation document says.

### Affordable housing

32. **The draft NPPF sets an expectation that housing needs assessments explicitly consider the needs of those requiring social rent** and that authorities specify their expectations on social rent delivery as part of broader affordable housing

policies. Reference is also added in the new draft to assessing the needs of 'looked after children', which a footnote says can be evidenced in the relevant LPA's Children's Social Care Sufficiency Strategy.

33. **The requirement to deliver at least ten per cent of the total number of homes on major sites as affordable home ownership, as set out in paragraph 66 of the current NPPF, is proposed to be removed.** The government also proposes removing the requirement that a minimum of 25 per cent of affordable housing units secured through developer contributions should be First Homes.
34. **New wording is proposed in paragraph 66 that expects LPAs to take a positive approach to development proposals that have a mix of tenures and types,** through both plans and decisions. New paragraph 69 states that mixed tenure sites can provide a range of benefits "including creating diverse communities and supporting timely build out rates". LPAs, it says, "should support their development through their policies and decisions."
35. **The consultation seeks views on the most appropriate way to promote high percentage social rent/affordable housing developments.**
36. **The consultation seeks views on measures to strengthen small site policy through the NPPF,** and whether the ten per cent small site allocation policy should be required in all cases.

#### Supporting economic growth and clean energy

37. **Councils should identify appropriate sites for commercial development "which meet the needs of a modern economy", additions to new paragraph 84 state.** These include, it says, "suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure and freight and logistics". The government is also seeking views on whether digital infrastructure should be enabled to opt into the Nationally Significant Infrastructure Projects regime.
38. **Planning policies and decisions should make provision for new, expanded or upgraded facilities and infrastructure to support the growth of knowledge and data-driven, creative or high technology industries,** including data centres and grid connections, an addition to new paragraph 85 states. The draft also says storage and distribution operations should be provided for "that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation". The same paragraph also includes new text that provision should be made for "the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience."
39. **The government is proposing that onshore wind is re-integrated into the NSIP regime.** It is also proposing to set the threshold at which onshore wind projects are determined as nationally significant at 100 megawatts; and increase the same threshold for solar projects to 150 megawatts.



*As a result of this, a criteria-based policy is proposed, and this will be discussed at the next Planning Committee.*

40. **The government is also proposing amendments to existing paragraph 163 (in new paragraph 164) of the NPPF to direct decision-makers to give “significant weight” to the benefits associated with renewable and low carbon energy generation, and proposals contributing to meeting a net zero future.** The amendments also seek to set a stronger expectation that authorities proactively identify sites for renewable and low carbon development when producing plans, where it is likely that in allocating a site, it would help secure development.

### Infrastructure

41. **The government proposes adding to wording in NPPF paragraph 98 to make clear that “significant weight” should be placed on the importance of facilitating new, expanded or upgraded public service infrastructure when considering proposals for development.** It also proposes to incorporate reference to post-16 education places to the existing NPPF to support the delivery of this type of education provision. Reference to early year places is also proposed to be included in this paragraph.
42. **The government will not be implementing the Infrastructure Levy as introduced in the Levelling-Up and Regeneration Act 2023.** As part of improving the existing system of developer contributions, it will look to set clear planning policy requirements on green belt land.
43. **The government is taking what it calls a ‘vision-led’ approach to transport planning, focusing on the outcomes desired.** To support this approach, it is proposing to make amendments to paragraphs 114 and 115 of the existing NPPF.
44. **The government is seeking views on how national planning policy could better support local authorities in promoting healthy communities and in tackling childhood obesity.** The planning system should deliver community needs to support society and the creation of healthy places, the consultation document says.

### Intervention, fees and transitional arrangements

45. **The government is also floating changing the criteria for local plan intervention.** It is proposing that LPAs that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention. It proposes that decisions on intervention should have regard to local development needs; sub-regional, regional and national development needs; or plan progress.

46. **It proposes to increase some planning fees, including for householder applications**, “so that local planning authorities are properly resourced to support a sustained increase in development and improve performance”. For example, the current fee for householder applications is £258. However, the government states that the costs to local planning authorities to process these applications is significantly higher. This has an impact on the resourcing of local planning authorities, as for most, householder applications represent the greatest proportion of applications received. We therefore propose that the fee for householder applications should be increased to meet cost recovery levels. It estimates that, to meet broad cost recovery levels, householder application fees should be increased to £528.

There is also a proposal being discussed as to whether local planning authorities should set their own fees with an option to have some flexibility around central government guidelines.

47. **Annex 1 of the draft NPPF sets out the following proposed transitional arrangements, which the government says are designed to maintain the progress of plans at more advanced stages of preparation.**
- **Plans at examination would continue to be examined under the version of the NPPF they were submitted under.** However, if the revised local housing need figure is more than 200 homes per annum higher than the figure in the adopted version of the plan, upon introduction of the new plan-making system, the LPA would be required to begin preparation of a plan under the new system as soon as possible.
  - **Those plans that have reached Regulation 19 publication stage but have not yet been submitted for examination one month after the revised framework is published, with a gap of no more than 200 homes per annum between the LPAs’ revised LHN figure and its proposed housing requirement, should also progress to examination under the version of the NPPF the authority has used when preparing the plan thus far.** However, those with a more significant gap of over 200 homes per annum between the two figures will need to revise their plan in line with the revised NPPF before submitting the plan for examination no more than 18 months after the publication of the revised NPPF. Where this requires LPAs to undertake unforeseen additional work and reopen engagement with communities, the government will provide direct funding support to help these authorities progress their plans to examination quickly.
  - **All plans at earlier stages of preparation should be prepared against the revised version of the NPPF.**

- Where there is an ‘operative’ SDS in place that is less than five years old, this will continue to provide the housing requirement for relevant emerging plans.
- The government says it plans to implement the new plan-making system as set out in the LURA from summer or autumn 2025. All current system plans that are not subject to the transitional arrangements will need to be submitted for examination under the existing system no later than December 2026 (this amounts to an 18 month extension on the previous 30 June 2025 deadline).
- *We still intend for the Local Plan to be submitted in Summer 2026. That would mean a consultation on the next version of the Local Plan starting February at the latest. We will have to wait for confirmation of the transition arrangements as well as the arrival of the new NPPF to understand the impacts. We will keep Members informed.*

Author: Natalie Beal

Date of report: 27 August 2024

Appendix 1 – [Proposed response to the NPPF consultation](#)

# Appendix 1 – Proposed response to the NPPF consultation

## Ministry of Housing, Communities & Local Government – amended NPPF

**Document:** [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

**Due date:** 24 September 2024

### Proposed response

#### **Question 19: Do you have any additional comments on the proposed method for assessing housing needs?**

There are thousands of houses that have permission but are not built out. In the Broads area there are two schemes totalling 82 dwellings that have had permission for a number of years, but not been built out. The housing need for the Broads is low, at around 20 or so a year, but the point is, that is four years' worth of housing need that is permitted, that is not being built out. Ramp that up for areas with larger housing need and there are a significant number of dwellings that could be built but are not being built. It is not clear what the Government is going to do to get developers to build the sites that they get permission for.

#### **Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?**

We are a protected landscape with many constraints. We have undertaken two calls for sites for residential dwellings and no suitable sites have come forward. If sites do not come forward and we do not own land, how can small sites be allocated in Local Plans?

### **Chapter 9 Supporting green energy and the environment**

Supporting green energy is fine, but you need to reduce the demand for energy in the first place by making new homes and existing homes more energy efficient. The Future Homes standard needs to be improved to reflect the various concerns that industry experts have about it and the Government needs to retrofit existing dwellings and buildings. The Written Ministerial Statement relating to energy efficiency standards being set in Local Plans also needs to be assessed.

#### **Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?**

In terms of peat being protected or there being compensatory mechanisms in place, it is important to note that peat occurs only in a few places in the lowland landscape, it takes an extremely long time to form and can be destroyed irreparably in a few short years of inappropriate drainage, cropping and through development. So, it is not clear what compensatory measures could be put in place if peat is excavated as a by-product of

development – if it dries out, it becomes a carbon source, so how can that be compensated for sensibly given the thrust of the section is about emissions and climate change? We advocate that paludiculture could be employed in certain existing degraded areas of lowland agricultural peat where, with the right incentives, energy crops could be grown at raised watertables that protects the peat resource and enhances nature.

The CO<sup>2</sup> emissions from maintaining drainage in peatland systems likely outweighs the benefits of renewable energy development on those sites, so there should be a general presumption against such development.

Consideration should also be given to whether the development will block rewetting of peatland across a wider catchment – for instance, a solar installation adjacent to currently drained land within a linked drainage system, could increase the cost of raising water levels on the neighbouring land. This can be a challenge where certain lowland areas have been deep drained and lost all their peat, whereas more sustainably managed neighbouring fields still have significant peat reserves.

**Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?**

#### *Mitigation*

Ensure the future home standard using energy efficiency as its primary metric, focusing on Passivhaus type standards where applicable. The current focus on a Target Emission Rate does not make sense in a move to a zero-carbon grid by 2030, and potentially allows substandard energy inefficient houses to be built hiding behind the decarbonisation of the grid.

Focus on the carbon footprint of the materials used for housebuilding, which will become the majority of a house's footprint over the next few years. Planning Policy should support novel building materials that reduce these footprints. There is a scope to support a national biomass strategy, with encouraging the use of products made from wetland biomass to combine peatland rewetting with sustainable housing (Paludiculture).

#### *Adaptation*

We are concerned that policies do not currently take into account the risks of heat to health. The aging population in and around the Broads will be particularly vulnerable to this, and poor-quality design and build will expose people to lethal levels of overheating in the worst climate change projections.

**Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?**

Basic Carbon accounting measures exist and can be used. The NPPF needs to set out a standard that authorities can use without risk of challenge and needs to be coupled with funding to support training for officers in planning departments. Small planning authorities

like the Broads Authority do not have the resources to verify the standards chosen by developers are adequate and have been completed correctly.

As per the answer to question 78, there needs to be scope for novel materials where the full lifecycle has not yet been established but offer promise in reducing the overall footprint of the housing supply chain.

**Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?**

The NPPF does not seem to refer to the recent court ruling that decision-makers must consider projects' 'downstream' environmental impacts and perhaps it needs to.

**Question 82: Do you agree with removal of this text from the footnote?**

If the text is not clear in terms of how to assess and weigh, as set out in paragraph 21 of this chapter, then the NPPF/NPPG perhaps needs to set out ways to assess and weigh rather than removing the text.

**Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?**

Not much land around England is classed as 3a. This could be because there might not be much land of that quality, or that an assessment has not taken place or that the information is on paper maps and not digitised and made available. This needs to be checked.

**Question 86: Do you have any other suggestions relating to the proposals in this chapter?**

Should building regulations be amended to reduce water consumption per head to lower than 125 l/h/d throughout the country? At the moment the level is 125 l/h/d and 110l/h/d is an optional requirement if it can be justified to include in Local Plans. Given what is said in this section should the required level come down to 110l/h/d or lower and the optional be lower than what it is currently set? Also see this document; will measured be enacted as set out within it? [Summary of responses for the consultation on measures to reduce personal water use \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674447/summary_of_responses_for_the_consultation_on_measures_to_reduce_personal_water_use.pdf)

**Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?**

No.

**Question 90 : If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.**

The increase suggested is substantial but a 50% increase would be more achievable.

**Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?**



No – it should be lower than £528.

**Question 105: Do you have any other suggestions relating to the proposals in this chapter?**

No comment on how they are presented, but we need to see the national development management policies ASAP and ensure they are out for consultation soon. The Broads is a protected landscape, and it is unlikely that a one size fit all policy will be appropriate.

**Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?**

The issues are highlighted within the above commentary, there are no further points we would like to make.

# Planning Committee

13 September 2024

Agenda item number 12

## Appeals to the Secretary of State update

Report by Head of Planning

This report sets out the position regarding appeals against the Authority.

### Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2022/0221/TPOA APP/TPO/E9505/9259	Mr R Stratford	Appeal received by the BA on 25 July 2022  Appeal start date 22 February 2024	Broadholme Caldecott Road Lowestoft Suffolk NR32 3PH	Appeal against refusal to grant permission for works to trees in a Conservation Areas: T9: Sycamore - remove and replace with Silver Birch. T12&T13: Sycamores - remove.	Delegated decision 15 July 2022  LPA statement submitted - 4 April 2024  <b>Hearing scheduled 8 October 2024.</b>

<b>Application reference number</b>	<b>Applicant</b>	<b>Start date of appeal</b>	<b>Location</b>	<b>Nature of appeal/ description of development</b>	<b>Decision and dates</b>
BA/2023/0004/UNAUP2 APP/E9505/C/23/3322890 and APP/E9505/C/23/3322949	Jeanette Southgate and Mr R Hollocks	Appeals received by the BA on 24 and 26 May 2023  Appeals start dates 27 and 29 June 2023	Berney Arms Inn	Appeal against enforcement notice - occupation of caravan	Committee decision 31 March 2023  LPA Statements submitted 9 August and 11 August 2023
BA/2023/0012/HOUSEH APP/E9505/W/23/3326671	Mr M Anwar	Appeal received by the BA on 26 July 2023  Appeal start date 23 October 2023	Broadswater House, Main Road, Ormesby St Michael	Appeal against refusal of planning permission – Single storey flat roof, side/rear extension. Timber fence to boundary. Erection of cart lodge.	Delegated decision 5 May 2023  Fast track householder appeal so no LPA Statement submitted.
BA/2023/0309/FUL APP/E9505/W/23/3333375	Mr and Mrs R Baldwin	Appeal received by the BA on 29 January 2023  Appeal start date 25 March 2024	Barns at The Street Farm, Hardley Steet, Hardley	Appeal against refusal of planning permission – Change of use of two barns to holiday lets.	Delegated decision 9 October 2023  LPA Statement submitted 26 April 2024

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
BA/2023/0471/HOUSEH APP/E9505/D/24/3341522	Mr J Broom	Appeal received by the BA on 27 March 2024  Appeal start date 24 May 2024	Ferrymans Cottage Ferry Road Horning	Appeal against refusal of planning permission - loft conversion, including raising ridge line and adjusting pitch to provide the new accommodation	Delegated decision – 26 February 2024  Fast track householder appeal so no LPA Statement submitted.  <b>DISMISSED</b> <b>30 August 2024</b>
BA/2024/0061/HOUSEH APP/E9505/D/24/3346992	Rachel Parker	Appeal received by the BA on 25 June 2024  Start date not yet confirmed	Bureside 6 Skinners Lane Wroxham	Appeal against refusal of planning permission - Replace single glazed timber windows & doors with double glazed UPVC	Delegated decision 7 May 2024  Fast track householder appeal so no LPA Statement submitted.
BA/2023/0291/TPOA APP/TPO/E9505/9846	Mr J Calver	Appeal received by the BA on 23 August 2023  Appeal start date 2 July 2024	River Green Yarmouth Road Thorpe St Andrew	Appeal against refusal to grant permission for works to TPO tree: T1: Horse Chestnut - Reduce primary stems by approximately 6m & reduce limb at 5.5m.	Delegated decision 11 August 2023  Fast track appeal so no LPA Statement required.  Site Visit date TBC

Author: Ruth Sainsbury

Date of report: 30 August 2024

Background papers: BA appeal and application files

# Planning Committee

13 September 2024

Agenda item number 13

## Decisions made by officers under delegated powers

Report by Head of Planning

### Summary

This report sets out the delegated decisions made by officers on planning applications from 6 August to 2 September 2024 and Tree Preservation Orders confirmed within this period.

### Recommendation

To note the report.

Parish	Application	Site	Applicant	Proposal	Decision
Aldeby Parish Council	BA/2024/0143/HOUSEH	East End Farm East End Lane Aldeby Norfolk NR34 0BF	Mr Benjamin Watts	Erection of an oak framed conservatory/orangery and a conservatory	Approve Subject to Conditions
Barton Turf And Irstead Parish Council	BA/2024/0260/FUL	Broadacres Residential Home Hall Road Barton Turf Norfolk NR12 8AR	Greensleeves Care	The addition of a new staircase within the existing footprint of the building.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Brundall Parish Council	BA/2024/0003/FUL	Silverline Marine Riverside Estate Brundall Norwich Norfolk NR13 5PL	Mr Robert Dye	Replacement of existing building	Approve Subject to Conditions
Ditchingham Parish Council	BA/2024/0239/COND	Ditchingham Lodge Norwich Road Ditchingham Norfolk NR35 2JN	Mr Richard Stearn	Revised plans, elevations & fenestration, variation of condition 2 of BA/2022/0102/HOUSEH	Approve Subject to Conditions
Ditchingham Parish Council	BA/2024/0242/COND	Ditchingham Lodge Norwich Road Ditchingham Norfolk NR35 2JN	Mr Richard Stearn	Revised plans, elevations & fenestration, variation of condition 2 of BA/2022/0117/LBC	Approve Subject to Conditions
Geldeston Parish Council	BA/2024/0261/APPCON	Orchard House Dunburgh Road Geldeston Norfolk NR34 0LL	Mr David Lilley	Details of: Conditions 9: River Platform Use Monitoring Plan, 12: Flood Response Plan and 13: Water Safety Plan of permission BA/2023/0290/FUL	Approve
Geldeston Parish Council	BA/2024/0262/APPCON	Orchard House Dunburgh Road Geldeston Norfolk NR34 0LL	Mr David Lilley	Details of: Condition 2: Landscape Management Plan and Landscape Mitigation Details of planning permission BA/2023/0168/FUL	Approve



<b>Parish</b>	<b>Application</b>	<b>Site</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Decision</b>
Horning Parish Council	BA/2024/0233/HOUSEH	The Kings Cottage Upper Street Horning Norfolk NR12 8NE	Mr & Mrs Ekkerd	Replace existing conservatory with single storey extension	Approve Subject to Conditions
Martham Parish Council	BA/2024/0135/HOUSEH	Idle Hours 50 Riverside Martham Great Yarmouth Norfolk NR29 4RG	Mrs Jane Williams	Raise bungalow and decking and install bi-fold doors. Replacement timber quayheading (retrospective)	Approve Subject to Conditions
Somerton Parish Council	BA/2024/0169/COND	Somerton Holmes Farm Horsey Road West Somerton Somerton Norfolk NR29 4DW	Mr Agnew	Extension of roof to cover central feed area, variation of condition 2 of permission BA/2021/0372/FUL	Approve Subject to Conditions
Wroxham Parish Council	BA/2024/0231/HOUSEH	Greenbanks Beech Road Wroxham Norfolk NR12 8TP	Mr A Howard	Proposed boathouse and cart lodge garage	Approve Subject to Conditions

Author: Ruth Sainsbury

Date of report: 03 September 2024