



**Broads Authority response to NNDC Local Plan Examination MIQS
December 2023
Matter 8**

8.11 Are Policies E2 – E9 positively prepared, justified, effective and consistent with national policy? Are any main modifications necessary, and if so what should these be?

Modifications are necessary to policy E6, E7 and E8 to be consistent with national policy.

These policies do not mention the Broads. The type of development could impact the Broads and its setting of the Broads. The policy refers to not impacting on the AONB, but for some reason does not mention the Broads which has a status equivalent to a National Park. This issue can be addressed by referring to the setting of the Broads.

In the Statement of Common Ground (reference not known as could not find on website) NNDC give the reason for not making this simple change as the Broads is referred to elsewhere at Policy ENV1 and the Local Plan will be read as a whole. That argument is not logical as, for example, the policy E6 refers to impact on amenity which is covered by its own section - section 6.6, policy ENV6 relates to amenity. Indeed, the AONB, which is rightly mentioned in all three policies, is also covered by ENV 1. So going by NNDC's reason for not including simple wording about the Broads, neither amenity or the AONB need to be mentioned in these policies as they are mentioned in ENV1 and ENV6. Of course, we support the reference to the AONB and amenity in this policy as they are important things to consider, but so is impact on the special qualities of the Broads. So, the Broads need to be mentioned – it is a very simple change.

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

- (1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority ~~shall have regard to~~ **must seek to further** the purposes of—
- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - (c) protecting the interests of navigation.

Policies E6, E7 and E8 do not further the purposes as required under the new Act.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed changes

E6 1 d i: the defined special qualities of the Area of Outstanding Natural Beauty **and the Broads**.

E6 3 b i: the defined special qualities of the Area of Outstanding Natural Beauty **and the Broads**.

E7: In all cases proposals must demonstrate measurable biodiversity net-gains; and that the proposal would not have a significantly detrimental impact upon: The key characteristics and valued features of the defined Landscape Type; **the Broads**, residential amenity; and the safety and operation of the local highway network.

E8: In all cases proposals must demonstrate measurable biodiversity net-gains; and that the proposal would not have a significantly detrimental impact upon: The key characteristics and valued features of the defined Landscape Type; **the Broads**, residential amenity; and the safety and operation of the local highway network.