



# GREAT YARMOUTH BOROUGH COUNCIL

## Council

**Date:** Thursday, 23 March 2023

**Time:** 19:00

**Venue:** Council Chamber

**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

### AGENDA

#### Open to Public and Press

#### 1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

#### 2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

**3 MAYORS ANNOUNCEMENTS**

To consider any announcements from His Worship the Mayor.

**4 ITEMS OF URGENT BUSINESS**

To consider any items of urgent business.

**5 MINUTES**

**4 - 20**

To confirm the minutes of the meeting held on the 21 February 2023.

**6 SERVICE COMMITTEE DECISION LIST**

**21 - 27**

Report attached.

**7 GYBC A47 ALLIANCE COUNCILLOR REPRESENTATIVE**

Council are asked to consider a replacement representative for the A47 Alliance Outside Body.

**8 HEMSBY NEIGHBOURHOOD PLAN EXAMINATION AND RECOMMENDATION**

**28 - 91**

Report attached.

**9 RENEWAL OF PUBLIC SPACE PROTECTION ORDER NO.3 - DOG CONTROL**

**92 - 189**

Report attached.

**10 COUNCIL HOMES PROGRAMME UPDATE**

**190 -  
198**

Report attached.

\*\* PLEASE NOTE - Members will need to log in to view the





# GREAT YARMOUTH BOROUGH COUNCIL

## Council

### Minutes

Tuesday, 21 February 2023 at 19:00

#### PRESENT:-

His Worship, The Mayor, Councillor Plant; Councillors Annison, Bensly, Bird, Borg, Candon, Cameron, G Carpenter, P Carpenter, Cordiner-Achenbach, Fairhead, Flaxman- Taylor, Freeman, Galer, Grant, Hanton, D Hammond, P Hammond, Jeal, Lawn, Martin, Mogford, Myers, Robinson-Payne, Smith, Smith-Clare, Stenhouse, Talbot, Thompson, Wainwright, Waters-Bunn, B Walker, C Walker, Wells, Williamson, A Wright & B Wright.

Ms S Oxtoby (Chief Executive Officer), Ms C Whatling (Monitoring Officer), Ms K Sly (Finance Director), Mrs S Wintle (Corporate Services Manager) & Mrs C Webb (Democratic Services Officer).

#### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hacon & Price.

#### **2 DECLARATIONS OF INTEREST**

Councillor Hanton declared a personal interest in item 15 as he was Chairman of the GY Community Safety Partnership which received funding from the Council.

Councillor Candon declared a personal interest in item 15 as he was Chairman of Bradwell Parish Council which received funding from the Council.

Councillor Grant declared a personal interest in item 15 as he was Chairman of

Ormesby St Margaret with Scratby Parish Council which received funding from the Council.

### **3 MAYORS ANNOUNCEMENTS**

His Worship, The Mayor, gave thanks and a small token of appreciation to the following people in recognition for their work during the recent unexploded bomb incident in Great Yarmouth:-

Assistant Chief Constable Nick Davison  
Superintendent Sonia Humphreys  
Superintendent Nathan Clark  
James Wilson, Head of Environment & Sustainability  
Alan Goulder, Resilience Officer  
Andrew Turner, Radio Norfolk.

The Leader of the Council and Councillor Wainwright also thanked them on behalf of the Council and all the residents of the Borough of Great Yarmouth.

### **4 ITEMS OF URGENT BUSINESS**

His Worship, The Mayor, reported that there were no items of urgent business this evening.

### **5 PUBLIC QUESTION TIME**

Ms Spychel asked her question to Council as follows:-

Would the Borough Council give considered thought to the way in which they approach Levelling-Up in our borough? Please think carefully about the priorities which the residents, especially those least-well off and struggling in the current, difficult economic climate, will benefit from the most and which will result in a better place for them to live and work.

Please remember that the priorities are:-

- The up-skilling of our workforce,
- The renovation of our existing housing stock to exceed the Decent Homes Standard,
- The upgrading of play areas, play equipment and recreation areas for all residents of the borough to enable them to access free, local good quality and safe green spaces,
- Will the elected members work together to improve the lives of the residents and businesses of the borough and not be unduly influenced by Central Government dictate; and
- Will the Members and officers work in partnership and give an assurance that they will secure a gateway for a better life for all the residents of Great Yarmouth.

The Leader of the Council gave the following response:-

- The upskilling of our workforce.

A multi-agency skills partnership has been formalised as the Great Yarmouth Skills Taskforce, co-ordinating efforts to improve access to – and enhance the visibility and uptake of – the various numerous local learning, upskilling and reskilling offers to a) maximise social inclusion and the accessibility of local opportunities, and b) ensure that the jobs that employers need to fill are aligned to pathways for residents to access them. This innovative approach draws directly upon the work of key learning from the Local Government Association (LGA) Skills Taskforce at a national level, applying a place-based model to coordinate and integrate policy and provision, locally.

Residents' interests are best served by skills and employability provision that not only provides access to the labour market, but supports mobility and progression throughout their working lives, drawing together employers, training providers, schools, colleges and universities to create high quality progression pathways. The Taskforce aims to make it easier for residents of all ages and all levels of attainment to navigate the support available to them in an ever more complex labour market.

Improving graduate and skilled-worker retention to service growth industries – along with work returners and other off-the-radar individuals – is a key priority and it is essential that disadvantaged communities are equipped and enabled to access better paid jobs. The Council is currently recruiting to a brand new Skills Manager post to champion skills and support the Taskforce. In addition, the Council's UK Shared Prosperity Fund Investment Plan has recently been approved by the Government, which includes funding of £280K for 'people and skills' in 2024/2025.

- The renovation of our existing housing stock to exceed the Decent Homes Standard.

The Council is committed to ensuring that all Council housing meets the Decent Homes Standard. Currently, approximately 15% of housing stock doesn't meet this standard. We are about to commence a full stock condition survey across the housing stock to identify compliance with that Standard. The information will be available at the end of the summer, when the Council will prepare a Housing Investment Plan, which will be organised to a) prioritise all capital works to ensure that the Council returns quickly to full compliance with the Decent Homes Standard, and b) ensure that, in future, properties no longer fall into non-compliance.

- The upgrading of play areas, play equipment and recreation areas for all residents of the borough to enable them to access free, local good quality and safe green spaces.

Children's playground and open space locations have been reviewed and a full audit undertaken. The play areas have been broken down into phases based on an annual safety audit, with the information gathered by the Council's Property and Assets Management team. An initial 5-year programme of capital works has been identified and requested as part of the budget. Repairs and maintenance works are ongoing, together with a programme of repair related works to extend and improve the facilities in a range of locations. The Property and Asset Management team continues to work with local councillors and other stakeholders to improve the play facilities and increase the inclusivity provision within the borough. For example, Levelling Up Parks Fund monies are being directed at improving Diana Way Community Park in Caister-on-Sea.

- Will the elected members work together to improve the lives of the residents and businesses of the borough and not be unduly influenced by Central Government dictate; and
- Will the members and officers work in partnership and give an assurance that they will secure a gateway for a better life for all the residents of Great Yarmouth.

Our residents and communities are at the heart of our ambitions to realise a vibrant and inclusive coastal economy that builds upon our successes and our strengths in clean energy and culture, capitalises upon our natural assets, heritage and attractions and responds to emerging cultural and technological challenges. Our ambition is that residents of all ages and socio-economic backgrounds can flourish and reach their potential. Inclusive, stakeholder-led groups like the Great Yarmouth Town Board are directly involved in developing and prioritising project and programmes, including those that are part of our major Future High Streets, Town Deal and Levelling Up programmes and ensure that careful checks are made so that the benefits accrue to residents and employers across the whole Borough. Formal 'Equality Impact Assessments' are also undertaken for key projects to make sure that they are as inclusive as possible and don't disproportionately disadvantage specific groups.

Ms Spychel asked a supplementary question of Council:-

The Community Marshalls are a huge asset to the Council and offer local residents a high level of support. Is the Council supportive of keeping, developing and increasing the numbers of these officers.

The Leader of the Council responded that the Community Marshalls were a real asset to the Borough, unfortunately, Central Government funding grants would come to an end on 31 March 2023 but the Council was working with the JPUH and ICS to ensure that some Marshalls were kept in post and an announcement would be made shortly.

## **6 MINUTES**

That Council confirm the minutes of the meeting held on 15 December 2022.

Proposer: Councillor Smith  
 Secunder: Councillor Candon

CARRIED.

## **7 SERVICE COMMITTEE DECISION LIST**

That Council note the Service Committee Decision List.

Proposer: Councillor Smith  
 Secunder: Councillor Candon

CARRIED.

## **8 AMENDMENT TO THE APPOINTED MEMBER FOR THE NORFOLK PARKING PARTNERSHIP COMMITTEE**

That Councillor Candon replace Councillor Plant on the Norfolk Parking Partnership.

Proposer: Councillor Smith  
Secunder: Councillor Candon

CARRIED.

## **9 APPOINTMENT OF EXECUTIVE DIRECTOR - PLACE**

The Leader of the Council reported that under the Council's Constitution (Article 45 – Officer Employment Procedure Rules) the appointment of any chief officer shall be by resolution of the Council on the recommendation of the Employment Committee.

An extensive and thorough recruitment process was undertaken to enable the appointment of the new Executive Director – Place and the Employment Committee met on 30th January 2023 to undertake the final stage of the recruitment process.

An offer of employment as a Chief Officer shall only be made where no well-founded objection from any Member of the Council has been received.

Therefore, the Employment Committee recommends that Council agree the appointment of Natasha Hayes as Executive Director – Place.

Proposer: Councillor Smith  
Secunder: Councillor Candon

That Council agree the appointment of Natasha Hayes as Executive Director - Place.

CARRIED.

## **10 PAY POLICY STATEMENT 2023/24**

The Leader of the Council reported that Section 38 of the Localism Act 2011 requires the Council to produce an annual pay policy statement for the start of each financial year. It is a legal requirement that Full Council formally sign off this statement and the responsibility cannot be devolved to any other person or committee and must be approved by the end of March each year. The Pay Policy Statement has therefore been updated for the 2023-24 financial year.

The Pay Policy Statement meets the statutory requirements of the Localism Act and it is therefore recommended to adopt the Pay Policy Statement for 2023/24 and to publish on the Council's website.

Proposer: Councillor Smith  
Secunder: Councillor Candon

That Council adopt the Pay Policy Statement for 2023/24 and to publish on the Council's website.

CARRIED

## **11 INVESTMENT STRATEGY 2023/24**

The Leader of the Council reported that the investment strategy is the first of three finance strategy documents that are presented for approval alongside of the budget each year.

In particular it focusses on commercial and service investments and recognises the ongoing implications of related investment decisions now, and in the past, have on future revenue budgets. The strategy provides the framework for specific investment decisions that may be presented as part of a business case in the coming financial year.

Proposer: Councillor Smith  
Secunder: Councillor Candon

That Council agree and approve the 2023/24 Investment Strategy.

CARRIED

## **12 CAPITAL STRATEGY 2023/24**

The Leader of the Council reported that this report is presenting the Council's Capital Strategy for approval, again one of the strategies for approval alongside the budget.

This strategy provides an overview of capital expenditure and how it is to be financed recognising how capital spend contributes to local service provision and covers General Fund, Housing Revenue Account and commercial capital spend & financing.

The capital strategy is intrinsically linked to a number of strategies namely Treasury Management, Investment, Asset Management and also the Medium-Term Financial Strategy. The last of these recognises the ongoing impact of capital financial decisions taken now on future budgets. In light of this the capital strategy also considers the risks around the capital spend and how these are mitigated, as well as the sustainability of the planned spend.

Proposer: Councillor Smith  
Secunder: Councillor Candon

That Council agree and approve the 2023/24 Capital Strategy.

CARRIED

### **13 TREASURY MANAGEMENT STRATEGY 2023/24**

The Leader of the Council reported that the final strategy which is presented for approval this evening alongside the setting of the annual budget is the treasury management strategy for the forthcoming financial year.

The strategy outlines the approach to the borrowing and investment activity and managing these in a prudent way that has regard to security and liquidity ahead of the highest rate of return and ensuring that sufficient cash is available to meet the capital expenditure plans.

The Treasury strategy covers both the borrowing for the general fund and the housing revenue account taking into account future borrowing requirements which are aligned to the approved capital programme for the Council as presented within the budget reports.

The strategy was considered by the Policy and Resources Committee earlier this month and will be monitored during the year with a half year report being made to Members later in the year.

Proposer: Councillor Smith  
Secunder: Councillor Candon

That Council agree and approve:-

- (a) The Treasury Management Strategy for 2023/24,
- (b) The Treasury Investment Strategy (section 4),
- (c) Prudential Indications (section 5); and
- (d) Operational Boundary and Authorised Limits (Appendix C)

CARRIED

### **14 HOUSING REVENUE ACCOUNT BUDGET 2023/24**

Councillor Flaxman-Taylor reported that, as the landlord to approximately 5,800 dwellings and 368 leaseholder homes across the Borough, this report presents for approval the Housing Revenue Account Budget for 2023/24 and reflects the spending and income plans for 2023/24 and the following 4 years for both the day to day revenue account and the longer term capital plans.

This report recommends the annual rent setting for the year at the cap at 7% which will enable the continued investment in the stock to provide accommodation at affordable rents. Across all properties, this will mean an average weekly rent of £104.75.

Service charges are increasing for next year again at the cap although this is completed on a cost neutral basis, reflecting increasing cost pressures.

The annual budget includes a provision of £9.6m for repairs in the year and just under £10.6 million of capital works to the properties and estates, a significant investment to homes within the borough.

In addition, the budget allows for an update to the HRA budget in the current year to recommend a revenue budget of £584k to address immediate Fire Risk Assessment Remedial works identified following the completion of new Fire Risk Assessments across the housing stock to be completed in the current year. A further £1 million has also been allowed for in the 2023/24 budget for the continuation of the works.

The budgeted works within the capital programme continue to reduce the existing level of non-decency identified within the stock, as well as addressing the newly arising need going forward.

To further support continuing works, the budget allows for a provision to undertake a further stock condition review which will be used to inform the future budget setting for the stock.

Councillor Williamson moved the following amendment:-

That Council recommend that the annual rent setting for the year be set at the cap of 3% which would also enable the continued investment in the stock to provide accommodation at affordable rents. This would be a great help to our tenants, especially those who were in receipt of Universal Credit, who were struggling with general inflation at a rate of 10.1% and food inflation at a rate of 16%. The increase in rents of 7% would tip our tenants into poverty and many would have to choose between heating and eating to ensure they could pay their rent which was disgraceful.

Proposer: Councillor Williamson.

Seconder: Councillor Fairhead.

His Worship, The Mayor, asked the Finance Director for her view on the proposed amendment. The Finance Director reported that she had not had the opportunity to go through the costings for the alternative proposal made by Councillor Williamson.

The Leader of the Council reported that Councillor Williamson's amendment would not be fully funded and outlined the assistance which had been given to all residents by Central Government to those who were in receipt of benefits and the £400 support to all residents via the Energy Bills Support Scheme. The Leader reported that in Norfolk this totalled £13.39m and he could not support the amendment and would be voting against it.

Councillor Wainwright reported that his party did not need clearance from the Finance Director prior to moving their amendment and the proposed 7% increase would affect 3,600 tenants who paid full rent.

Councillor Talbot reported that this report had made her very angry as she herself was a tenant and with three children to raise, this increase would cost her an extra £300 a year which might result in her being unable to buy Christmas gifts for them.

Councillors Jeal, Myers, B Walker & C Walker spoke in support of the amendment and urged all members to think of their ward constituents and how

this would affect them in these unprecedented, economic times.

Councillor Candon spoke against the amendment as it would not be a prudent use of taxpayers money.

Councillor Williamson summed up the rationale behind his proposed amendment.

Following a vote, the amendment was lost.

All those Members that voted for the minutes requested their vote to be recorded within the minutes as follows :-

For the amendment:-

Councillors Smith- Clare, Martin, Talbot, Borg, Williamson, Thompson, Myers, Jeal, Robinson-Payne, A wright, Fairhead, B Wright, Cordiner-Achenbach, Waters-Bunn, C Walker, B Walker & Wainwright.

Council now considered the recommendations as set out in the agenda report.

Proposer: Councillor Flaxman-Taylor

Secunder: Councillor Grant

That Council:-

- (i) Approve a capped increase to rents of 7%, as set out in the New Direction on the Rent Standard and Policy Statement for 2023/24;
- (ii) Approve the revenue budget for 2023/24, along with the forecast projections for the period up until 2027/28, including the extended borrowing to support the provision of additional HRA homes;
- (iii) Approve the Capital budget for the period 2023/24 to 2027/28;
- (iv) Approve the HRA Service charges for 2023/24;and
- (v) Approve an increase to the Repairs and maintenance budget of £584,000 for immediate Fire Risk Assessment and remedial works in 2022/23.

CARRIED.

All those Members that voted against the proposal requested their vote be recorded within the minutes as follows :-.

Against the proposal:-

Councillors Smith- Clare, Martin, Talbot, Borg, Williamson, Thompson, Myers, Jeal, Robinson-Payne, A wright, Fairhead, B Wright, Cordiner-Achenbach, Waters-Bunn, C Walker, B Walker & Wainwright.

## 15 GENERAL FUND BUDGET REPORT 2023/24

His Worship, The Mayor, reminded Members that in line with Council Procedure Rule 31.15.6, a recorded vote was required to be taken as part of the budget setting.

The Leader of the Council reported that this report presented for approval the revenue and capital budgets for the General Fund for 2023/24.

Councillor Wainwright asked for a point of order, that Standing Orders be suspended for this agenda item only.

Proposer: Councillor Wainwright  
Secunder: Councillor Jeal.

Following a vote, this motion was lost.

The Leader of the Council reported that the budget as presented, is the culmination of a significant amount work at a very challenging time financially, although very exciting in terms of the number of regeneration projects that are ongoing that are critical for the continued growth of the Borough.

This evening, Council was only being asked to approve the budget for 2023/24, the detail in the report does highlight the further financial challenges ahead. As we await the outcome of the fair funding review which we now know will not be before 2024/25, we continue to prioritise work aligned to the key themes of the Councils business strategy to reduce the forecast funding gap, which included:-

- ensuring that we operate in the most effective and efficient manner;
- delivering and facilitating growth be it new homes or business to deliver income from council tax and business rates,
- ensuring that our assets are being utilised in the most efficient way, for example, reviewing opportunities for income generation and also opportunities for disposals where capital receipts can be used to fund the capital programme and deliver ongoing savings to the revenue account and,
- regeneration.

Regeneration is key, not just from projects we continue to deliver as a Borough, but those being delivered by Norfolk County Council, for example the Operations and Maintenance development and the third river crossing which will see a direct benefit to the borough in years to come.

In the current year, we have seen the opening of the Marina Centre on the seafront following the investment by the Council and the continued work on the Marketplace in the town centre.

Council was continuing to deliver the projects for the Town Deal and Future High Street projects, many of which are facing increasing inflationary pressures and challenges and officers and members are continuing to be monitor these and take action as applicable through the governance structure.

The Leader of the Council presented the budget for 2023/24 to Council. The Medium-Term Financial Strategy as reported in November last year, predicted that there would need to be a reliance on reserves in the coming year of just over £1million. This was after allowing for planned savings of £1.35m and forecasts of assumed levels of grants and income, plus assumptions of spending pressures.

Since then, the finance settlement and funding for 2023/24 have been confirmed and the detail of the 2023/24 budgets now produced. This has resulted in a necessary use of reserves in the coming year of £1,143,503 from reserves, an additional £58,503 compared to the position as reported in November last year. The increased spending pressures and funding gap is largely in response to the rising levels of inflation, utilities and the impact of the nationally agreed pay award.

The budget process for 2023/24 has been challenging, the additional cost pressures that the council is facing from rising inflation has had a significant impact on the financial position, for example:-

- increases in utility costs have resulted in additional pressures of £460k for 2023/24;
- the impact of the 2022/23 pay award has had a cumulative impact on the budget for 2023/24, the 2023/24 budget reflects a 5% pay award which would total in the region of £1.2m, this will be subject to national negotiation for which initial claims have been made which are in excess of the level assumed in the budget – we cannot expect this to be confirmed until sometime in 2023/24;
- Other pressures on the revenue budget are from higher interest rates and the impact of financing the capital programmes from borrowing, which has partly been mitigated by an increase in interest receivable;
- Contract inflation on contracts that the council has, for example for provision of software and other services, whilst wherever possible annual increases are negotiated, some have increased by CPI or RPI of 11% to 13% again placing further financial challenge on the council;
- Furthermore the fall in the market for recyclable material has reduced the income from recycling credits by £250,000 in the coming year.

These pressures have meant that in order to present a balanced budget, savings and additional income have had to be put forward. The Policy and Resources Committee approved the new fees and charges for next year last week which will deliver in the region of £250,000 additional income. Other savings and additional income opportunities have been factored into the budget for next year totalling £1.1m increasing to £1.4m by 2024/25.

The savings are detailed within the budget report, and include:-

- Reviewing how we use our assets including a review of office accommodation to ensure we are working in the most efficient manner to make the best use of the space that we occupy and reducing our overhead costs;
- Reviewing establishment posts as they become vacant;
- At a time when increases in electricity costs are in excess of 100%, the budget recommends a saving from the turning off of footway lighting between the hours of 1am and 5am overnight to reduce electricity costs and also working towards carbon zero;

Whilst the revenue budget is recommending a saving in footway lighting costs, the capital budget is recommending continued annual provision in the footway lighting column replacements and upgrades to LED to deliver further efficiency savings. Further capital budgets for approval included:-

- a £735,000 in the capital programme for Hemsby rock provision which includes match funding of £500,000;
- £831,000 investment in outdoor play provision that will see use of S106 monies used over a three year programme of works;
- Seafront improvements in Gorleston.

The report makes recommendations for the setting of the council tax for the Boroughs element which is less than the capping limits for 2023/24 and will see an increase of £5 for a band D per annum, and £3.33 for a band A property.

Despite the current financial challenges, the budget continues to support delivery of vital services to the residents and businesses within the borough including:-

- waste and recycling,
- grounds maintenance,
- housing including support for homelessness
- essential support to households through local council tax support.

In summary, The Leader of the Council reported that he was confident that the budget as presented, continued to support the residents and businesses across the Borough, was achievable and supported the delivery of the corporate plan and I therefore recommend the budget for 2023/24 as detailed in the agenda report.

Councillor Wainwright gave the following speech in response to the proposed budget:-

The Conservative administration had claimed that Labour could gain control at the next election and take the Borough backwards again. Looking at the Conservative budget presented to us tonight, it was this Conservative administration that is taking the Borough backwards.

They also claimed that they were ripping up Labour's poorly thought out contract that led to neighbourhood neglect. Councillor Smith is shown in a photo on an "Intouch" Conservative news letter tearing up this non-existent and fake contract. Nothing like a bit of fake news, especially at election time. Perhaps the News Letter should read "Completely Out of Touch"

Did the Conservatives not realise that they have been in control for the past 8 years, and have had every opportunity to change things. In the same leaflet, the Conservatives take the credit for the new Marina Centre coming in on budget and on time, but they do not talk about the new Market Place being £1.5m over budget and way over time.

During those years, we have had Government Funding from the Future High Street Fund, Town Deal Fund and Levelling Up Fund, amounting to approximately £54m. These are all ring fenced amounts of money, which can only be used for the projects that they are intended for.

According to Councillor Smith, it would appear that none of this "massive" funding would have come to Great Yarmouth without the support of Brandon Lewis MP. Never mind the excellent work done by our officers to write the comprehensive Business Cases to support these bids, and never mind that Great Yarmouth has some of the most deprived wards in the UK.

Never mind, that life expediency is low compared to other areas, and 26% of our young people leave school without any formal qualifications. Never mind that residents are suffering. The highest inflation for 40 years, the highest taxation since the Second World War, the biggest drop in living standards since records began,

wages falling at their fastest rate for two decades, soaring food banks and poverty. A shocking indictment of this Tory Government.

Great Yarmouth deserves the money, but now apparently it's on the whim of Brandon Lewis, and not on its merit or need. All this funding failed to make up for the millions of pounds lost to Great Yarmouth from cuts to its Revenue Support Grant, over the last 12 years. Over these 12 years of Conservative austerity, the Government have ripped the guts out of Local Government. Local Government has endured central Government funding cuts of more than 50% since 2010. Between 2010 and 2020 councils lost 60p out of every pound they received from Central Government.

Council is now presented with a Budget which increases Great Yarmouth's share of Council Tax by £5.00 on a band D Property for 2023/24, raising approximately £150K. Once again asking residents to pay for the mistakes of this Tory administration.

The Budget also shows a deficit position for 2023/24 of £1,144m, 2024/25 of £2.513m and 2025/26 of £3.039 m. To help balance the budget, it proposed amongst other things a partial switch off of GYBC footway lighting, a review of communal bin rounds in residential areas and a review of the pest control service and contributions paid.

His Worship, The Mayor, informed Councillor Wainwright that he had thirty seconds remaining and asked him to sum up.

Councillor Myers reminded Council that it was the hard work of officers that had secured funding for officers, not the ruling party.

Councillor C Walker reported that when Labour had been in charge of the Council there had been no Foodbanks and very few charity shops in the Town.

Councillor Candon highlighted that Labour had opposed the Conservative budget but had not presented an alternative budget for consideration and that Labour had broken the country when they had last been in charge.

Councillor A Wright finished Councillor Wainwright's speech on his behalf as follows:-

This is a budget cobbled together by an administration who seem to know that they will not have control of it after the 4th May. It does nothing to help residents with the Cost of Living Crisis or their quality of life, it's all about cuts and additional income, with no real detail.

Labour will not be presenting an alternative Budget, as looking at the financial mess that the Tories have left us in, and the additional Income and savings proposals, Appendix D, page 133 details that a lot more detailed work is required.

The report states on page 104, at 9.2, provided an overview of the risks that are facing the Council in the short to medium term, whilst the report presented a balanced position for 2023/24, it was reliant on the use of reserves in the year which was not

sustainable. Early decisions on the base budget spend priorities for 2024/25 will need to be taken in the 2023/24 to inform an update to the medium-term financial plan. This work we will instigate on Day 1 of a Labour Administration. Residents of the Borough deserved better than this, and hopefully on May 4th, we would see a new Labour Administration who would put our residents first, and bring a sense of pride back into the Borough.

Councillor Smith-Clare, Cordiner-Achenbach, Williamson, Martin & Jeal spoke against the proposed Conservative budget which filled them all with sadness and anger and reported that they had not been able to prepare an alternative budget as they did not have access to officer time or financial reports to be able to formulate one.

Councillor Talbot asked why Councillors could not work together to produce a budget to benefit all residents of the borough.

Councillor Jeal asked for clarification as to where the £200k saving from the bin collection would come from.

The Leader began his summing up. Councillor B Walker asked a Point of Order as Councillor Jeal's question had not been responded to. Councillor Wells reported that although he was chair of the Environment Committee, he did not have all the details in front of him but the Council did have a very good track record of savings in respect of the bin collections and this was reviewed on an on-going basis.

The Leader reported that all the budget recommendations be moved and voted on en-bloc. Council agreed that proposals 1 to 10 be taken en-bloc.

Councillor B Walker raised a Point of Order that all the recommendations should be voted on individually. His Worship, the Mayor, reported that the question had been asked. Councillor B Walker informed His Worship, that he had had his hand up to indicate that he wished to speak but that he had not been noticed.

His Worship, The Mayor, asked the Monitoring Officer for clarification. The Monitoring Officer reported that the question had been asked and there had been no response. Councillor B Walker responded that this request had not been put to the vote.

The Chief Executive Officer informed Council that the Leader had referred to page 93 of the agenda report and that he would take all the recommendations en-bloc and that the recorded vote had been started as it had been made clear that the voting would be taken en-bloc and therefore, the vote stood.

Proposer: Councillor Smith  
Secunder: Councillor Candon

That Council:-

- 1) The general fund revenue budget as detailed at Appendix A;
- 2) The Council Tax for 2023/24 for the Borough Council tax be £181.48 (for an average Band D);
- 3) That the demand on the Collection Fund for 2023/24 be:-
  - (a) £5,417,359 for the Borough Council purposes;
  - (b) £671,572 for Parish Precepts;

- 4) The new fees and charges as outlined at Appendix D1 and 3.5 be approved;
- 5) The reserves statement and movement on the reserves as detailed at Appendix E and within section 4 of the report;
- 6) The Policy framework for reserves as detailed at Appendix F;
- 7) The updated Capital Programme and financing for 2022/23 to 2023/24 as detailed at Appendix G;
- 8) An additional £328,314 be added to the capital programme for the asset purchase as outlined at 5.7;
- 9) The new capital bid proposals at Appendix H; and
- 10) The Minimum Revenue Provision Statement 2023/24 as included at Appendix I.

CARRIED.

A recorded vote was undertaken.

For the proposal:-

Councillors Candon, Plant, Smith, Stenhouse, Annison, P Carpenter, G Carpenter, Bird, Lawn, Freeman, Hanton, P Hammond, D Hammond, Flaxman-Taylor, Wells, Cameron, Bensly, Galer, Grant & Mogford.

Against the proposal:-

Councillors Smith- Clare, Martin, Talbot, Borg, Williamson, Thompson, Myers, Jeal, Robinson-Payne, A wright, Fairhead, B Wright, Cordiner-Achenbach, Waters-Bunn, C Walker, B Walker & Wainwright.

## **16 COUNCIL TAX SETTING 2023/24**

His Worship, The Mayor, reminded Members that in line with Council Procedure Rule 31.15.6, a recorded vote was required to be taken as part of the budget setting.

Councillor Thompson declared a personal interest in the item as he was Chair of Filby Parish Council which received a parish precept from the Council. Councillor Wainwright declared a personal interest as he was a parish councillor on Bradwell Parish Council which received a parish precept from the Council.

The Finance Director presented for resolution the statutory calculations for the Council Tax Setting for 2023/24 in accordance with the Local Government Finance Act 1992. The report also includes the Chief Finance Officer's report on the

robustness of the estimates and adequacy of reserves. This report should be considered alongside the budget report as presented to Policy and Resources Committee on 7 February 2023 for which the recommendations are included on this agenda.

The recommendations were set out on page 150 of the agenda pack as follows:-

It is recommended that having approved the Budget for 2023/24 as detailed in the earlier agenda item (Policy and Resources Committee Budget Report as outlined at Appendix A) and considered the Chief Financial Officer's report on the robustness of the estimates and the adequacy of reserves, Members resolve to:-

- 1) Undertake the Council Tax and statutory calculations as set out in section 4 of the report and set the Council Tax for 2023/24; and
- 2) Approve the demand on the Collection Fund for 2023/24 be:-
  - (a) £5,417,359 for the Borough Council purposes;
  - (b) £671,572 for Parishes.

The Leader thanked the Finance Director and her team for all their hard work in producing a sound budget. This was seconded by Councillor Wainwright.

Councillor Wainwright highlighted the 329% increase in the parish precept for Somerton Parish Council which was an eye-watering increase. Councillor Wainwright highlighted that parish councils never reduced their parish precept charges.

Councillor P Hammond reported that Caister Parish Council had reduced their parish precept by 2.5%.

Councillor Myers reported that the parish councils maintained the essential services which the Borough Council did not provide.

Councillor Bensly thanked officers for the excellent work which they had provided to assist Hemsby Parish Council which had resulted in only a 2.5% increase in the Hemsby parish precept which had originally been published as an incorrect increase of 10.9%. His Worship, The Mayor, confirmed that the incorrect increase for Hemsby Parish Council had been incorrectly published but had now been amended.

Proposer: Councillor Smith  
Secunder: Councillor Candon.

That Council:-

- 1) Undertake the Council Tax and statutory calculations as set out in section 4 of the report and set the Council Tax for 2023/24; and
- 2) Approve the demand on the Collection Fund for 2023/24 be:-
  - (a) £5,417,359 for the Borough Council purposes; and
  - (b) £671,572 for Parishes.

CARRIED.

A recorded vote was undertaken.

For the proposal:-

Councillors Candon, Plant, Smith, Stenhouse, Annison, P Carpenter, G Carpenter, Bird, Lawn, Freeman, Hanton, P Hammond, D Hammond, Flaxman-Taylor, Wells, Cameron, Bensly, Galer, Grant & Mogford.

Abstained :-

Councillors Smith- Clare, Martin, Talbot, Borg, Williamson, Thompson, Myers, Jeal, Robinson-Payne, A wright, Fairhead, B Wright, Cordiner-Achenbach, Waters-Bunn, C Walker, B Walker & Wainwright.

## **17 MOTION ON NOTICE**

Council is asked to consider the following Motion on Notice from Councillors Smith-Clare; Cordiner-Achenbach, Jeal, Robinson- Payne, Waters-Bunn and T Wright:-

Streetlights across our Borough provide residents safe and visible access to roads, pavements and alleyways. It is therefore essential that all streetlights remain in full working order.

At present too many streetlights remain broken and un-repaired. The Council therefore resolves to:-

- (i) Ensure that all streetlights are regularly checked and maintained; and
- (ii) Work to repair any streetlight within 48 hours of a fault being reported.

Councillor Smith-Clare requested that his motion be withdrawn.

## **18 ANY OTHER BUSINESS**

His Worship, The Mayor, reported that there was no other business being of sufficient urgency to warrant consideration at the meeting.

The meeting ended at: TBC

Service Committee Decision List for the period 9 January 2023 to 13 February 2023

	Details of Decision	Officer Lead
1	<p>Economic Development Committee – 9 January 2023</p> <p><b><u>A47 GREAT YARMOUTH JUNCTIONS UPDATE REPORT</u></b></p> <p>Resolved:</p> <p>That Committee noted the report</p>	Director of Planning and Growth
2	<p>Economic Development Committee – 9 January 2023</p> <p><b><u>MARKET POLICY</u></b></p> <p>Resolved :</p> <p>That Committee</p> <p>(1) Agreed to adopt the updated Market Policy.</p> <p>(2) Agreed that 12.1 within the policy reference to the Market Gates Business Support facility be removed.</p>	Head of Property and asset Management
3	<p>Economic Development Committee – 9 January 2023</p> <p><b><u>SPIRIT 2012 VOLUNTEERING CITIES - CULTURAL CONNECTIONS</u></b></p> <p>RESOLVED :</p> <p>That the Economic Development Committee</p> <p>(1) Noted the successful grant award from Spirit 2012 from its ‘Volunteering Cities’ fund shared between Great Yarmouth Borough Council and East Suffolk Council.</p> <p>(2) Agreed that Great Yarmouth Borough Council and East Suffolk Council will act as Accountable Body for the award which follows on from the joint bid between to become the UK City of Culture.</p>	Community Capacity Manager

	<p>(3) Supported the key aims and deliverables of the Spirit 2012 ‘GY&amp;ES Cultural Connections’ project as set out in this report.</p> <p>(4) Requested that an annual update report be provided on deliverables and outcomes.</p>	
4	<p>Economic Development Committee – 9 January 2023</p> <p><b><u>NATIONAL APPRENTICESHIP WEEK 2023</u></b></p> <p>RESOLVED :</p> <p>That the Committee noted and commented on the National Apprenticeship Week 2023 report.</p>	Economic Growth Manager
5	<p>Economic Development Committee – 9 January 2023</p> <p><b><u>GENERATE - MARKETING AND PROMOTION INTERIM UPDATE</u></b></p> <p>RESOLVED :</p> <p>That the Economic Development Committee</p> <p>(1) Reviewed and commented on the GENERATE Marketing and Promotion Interim Update report.</p> <p>(2) Endorsed the 2023/2024 programme</p>	Renewables Marketing Manager
6	<p>Economic Development Committee – 9 January 2023</p> <p><b><u>ENTERPRISE HUB UPDATE</u></b></p> <p>RESOLVED :</p> <p>That the Economic Development Committee</p> <p style="text-align: center;">Page 22 of 214</p> <p>1) Acknowledged the success of the ‘Enterprise Hub’ pilot as an intervention delivering on-the-ground business support in Great Yarmouth.</p>	Economic Growth Manager

	<p>2) Noted that the final outcome figures presented in the appended Dashboard Report (Annex A).</p> <p>3) Requested officers continue to explore opportunities for collaboration and/or further sources of funding to enable the learning from this successful pilot to be sustained within the borough as outlined in Section 5 of this report.</p>	
7	<p>Environment Committee – 10 January 2023</p> <p><b><u>NORFOLK COAST AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN</u></b></p> <p>RESOLVED :</p> <p>That the Committee adopts the revised Norfolk Coast Area of Outstanding Natural Beauty Management Plan.</p>	Principal Strategic Planner
8	<p>Environment Committee – 10 January 2023</p> <p><b><u>SUSTAINABILITY STRATEGY - ANNUAL ACTION PLAN UPDATE</u></b></p> <p>RESOLVED :</p> <p>That the Committee note the actions taken so far to progress this Action Plan and endorse the planned future actions.</p>	Head of Environment and Sustainability
9	<p>Housing and Neighbourhoods Committee – 26 January 2023</p> <p><b><u>HOUSING REVENUE ACCOUNT BUDGET REPORT 2023-24</u></b></p> <p>RESOLVED :</p> <p>That the Committee agree and recommend to Council:</p> <p>(1) A capped increase to rents of 7%, as set out in the New Direction on the Rent Standard and Policy Statement for 2023/24;</p> <p>(2) The revenue budget for 2023/24, along with the forecast projections for the period up until 2027/28, including the extended borrowing to support the provision of additional GFA homes;</p> <p>(3) The Capital budget for the period 2023/24 to 2027/28;</p>	Senior Accountant

	(4) The HRA Service charges for 2023/24; 5. An increase to the Repairs and maintenance budget of £584,000 for immediate Fire Risk Assessment and remedial works in 2022/23.	
10	<p>Housing and Neighbourhoods Committee – 26 January 2023</p> <p><b><u>HOUSING TENANT INSIGHT UPDATE</u></b></p> <p>RESOLVED :</p> <p>That the Committee note the Tenancy Insight report that provides an overview of the insight surveys Housing Services has undertaken for the period 1st April to 30 September 2022 (Quarter 1 &amp; 2).</p>	Tenancy Services Manager
11	<p>Housing and Neighbourhoods Committee – 26 January 2023</p> <p><b><u>TENANT - LEASEHOLDER ENGAGEMENT UPDATE</u></b></p> <p>RESOLVED:-</p> <p>The Committee note the report that provides an update on tenant/leaseholder engagement and progress towards delivering the Tenant/Leaseholder Engagement Strategy.</p>	Tenancy Services Manager
12	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>OPEN SPACE SUPPLEMENTARY PLANNING DOCUMENT</u></b></p> <p>RESOLVED:-</p> <p>That the Committee adopts the Open Space Supplementary Planning Document.</p>	Principal Strategic Planner
13	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>PEOPLE STRATEGY</u></b></p> <p>RESOLVED :</p> <p>That the Committee reviewed, commented and approved the People Strategy and Action Plan</p>	Head of Organisational Development

14	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>DELEGATION OF AUTHORITY TO AMEND POLLING DISTRICTS AND POLLING PLACES</u></b></p> <p>RESOLVED :</p> <p>That the Committee delegate authority to amend the designation of polling districts and polling places to the Returning Officer of Great Yarmouth Borough Council in the event it is necessary to do so where there would be insufficient time to follow the usual process of undertaking consultation and gaining committee approval.</p>	Elections and Licensing Manager
15	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>GORLESTON CARNEGIE CLOCK</u></b></p> <p>RESOLVED:</p> <p>That the Committee agree the preferred location for the stand-alone column for the clock and that officers to explore funding opportunities and bring a further report back to the committee.</p>	Head of Property and Asset Management
16	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>COMPULSORY PURCHASE ORDER</u></b></p> <p>RESOLVED:</p> <p>That the Committee agree the Compulsory Purchase Order for the property known as 114 Colomb Road, Gorleston and a further report outlining all costs associated with the proposed renovation and adaptation works to the property be brought back to the Committee.</p>	Enabling & Empty Homes Officer
17	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>CAPITAL STRATEGY 2023/24</u></b></p> <p>RESOLVED:</p> <p>That Policy &amp; Resources Committee recommend to Council the 2023-25 Capital Strategy.</p>	Finance Manager

18	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>INVESTMENT STRATEGY 2023-24</u></b></p> <p>RESOLVED:</p> <p>That Policy and Resources Committee recommend to Council the 2023/24 Investment Strategy.</p>	Finance Manager
19	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>TREASURY MANAGEMENT STRATEGY 2023/24</u></b></p> <p>RESOLVED:</p> <p>That the Policy and Resources Committee agree and recommend to Council:-</p> <p style="padding-left: 40px;">(1) The Treasury Management Strategy for 2023/24,  (2) The Treasury Investment Strategy (section 4),  (3) Prudential Indications (section 5); and  (4) Operational Boundary and Authorised Limits (Appendix C).</p>	Finance Manager
20	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>FEES AND CHARGES 2023/24</u></b></p> <p>RESOLVED:</p> <p>That the Committee approve the schedule of fees and charges for 2023/24 as detailed in appendix A of the report as per the Fees &amp; Charges Policy.</p>	Finance Manager

21	<p>Policy and Resources Committee – 13 February 2023</p> <p><b><u>2023/24 GENERAL FUND BUDGET REPORT</u></b></p> <p><u>RESOLVED :</u></p> <p>That the Policy &amp; resources Committee recommend to Full Council:-</p> <ol style="list-style-type: none"> <li>1. The general fund revenue budget as detailed at Appendix A;</li> <li>2. The Council Tax for 2023/24 for the Borough Council tax be £181.48 (for an average Band D);</li> <li>3. That the demand on the Collection Fund for 2023/24 be:- (a) £5,417,359 for the Borough Council purposes; (b)£670,326 for Parish Precepts (subject to two parishes finalising their precepts);</li> <li>4. The new fees and charges as outlined at Appendix D1 and 3.5 be approved;</li> <li>5. The reserves statement and movement on the reserves as detailed at Appendix E and within section 4 of the report;</li> <li>6. The Policy framework for reserves as detailed at Appendix F;</li> <li>7. The updated Capital Programme and financing for 2022/23 to 2023/24 as detailed at Appendix G;</li> <li>8. An additional £328,314 be added to the capital programme for the asset purchase as outlined at 5.7;</li> <li>9. The new capital bid proposals at Appendix H; and</li> <li>10. The Minimum Revenue Provision Statement 2023/24 as included at Appendix I.</li> <li>11. The amendment to the Transfers from Reserves recommendation on page 135 of the agenda report at paragraph 3(b) to read £671,572.</li> </ol>	Finance Director
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**URN:** 32-021  
**Subject:** Hemsby Neighbourhood Plan examination & recommendation  
**Report to:** Full Council – 23 March 2023  
**Report by:** Nick Fountain, Principal Strategic Planner

#### **SUBJECT MATTER**

Hemsby Neighbourhood Plan examiner's report & recommendations

#### **RECOMMENDATION**

That Full Council:

- Approves the recommended modifications to the Hemsby Neighbourhood Plan as set out in the Examiner's Report
- Approves the referendum area as the designated Hemsby Neighbourhood Area as recommended in the Examiner's Report.
- Agree the Hemsby Neighbourhood Plan (as modified) proceeds to referendum.
- Approves the publication of a Decision Statement setting out the Council's and the Broads Authority's response to the Examiner's recommendations and announcing the intention for the Hemsby Neighbourhood Plan to proceed to a referendum.

## **1. Introduction**

- 1.1. A neighbourhood plan is a plan prepared by a local community (usually led by the parish council), that contains land use policies. The Borough Council formally designated the whole parish area as the Neighbourhood Area for Hemsby in November 2017. This is the point at which the parish council (working with consultants) began preparing the neighbourhood plan. The parish council has engaged with the local community including consultation on a pre-submission draft of the neighbourhood plan.
- 1.2. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council and Broads Authority have provided advice and assistance over the course of the plan being prepared.
- 1.3. The plan was submitted to the Borough Council in July 2021, with the parish council having undertaken early local consultations. The Borough Council published and consulted on the submitted plan in August 2022. An independent Examiner was then appointed to examine the

plan. To aid the examination, the Examiner then asked some clarification questions with responses from the Borough Council, Broads Authority and parish council. The responses were passed to the Examiner for consideration and published on the Borough Council's website.

- 1.4. The appointed Examiner has now examined the Hemsby Neighbourhood Plan and provided a 'fact check' report with their proposed recommendations. The fact check report proved the opportunity to identify any factual errors. The final Examiner's report is expected imminently. The Examiner can only examine the plan in so far as to determine whether it meets the '[basic conditions](#)' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.
- 1.5. In summary, the Examiner has found that subject to some necessary modifications, the neighbourhood plan meets the basic conditions and can proceed to referendum. No extension has been recommended to the referendum area, which would maintain the whole parish of Hemsby as the area over which the referendum would apply.

#### Local Plan Working Party

- 1.6. Throughout plan preparation and formal decision making, the progress of the neighbourhood plan has been presented to members of the Local Plan Working Party. Members have had opportunities to feedback ideas to officers to shape consultation responses, and in providing advice and guidance to the parish council. The Examiner's Report recommendations were endorsed to Full Council from the Local Plan Working Party meeting of 7<sup>th</sup> March 2023.

## **2. Hemsby Neighbourhood Plan**

- 2.1. The plan encompasses visions and aims covering tourism, housing and design, the natural environment, and the historic environment. The plan period runs to 2036 which extends beyond the current Local Plan period (2030).
- 2.2. In summary the policies within the neighbourhood plan seek to:
  - Support affordable housing and low occupancy homes
  - Preserve and enhance the character areas of the village through design measures
  - Protect dark skies
  - Promote sustainable transport
  - Protect tourist accommodation
  - Retain trees and hedgerows
  - Protect 'Green Corridors'
  - Designate Local Green Spaces
  - Identify and protect key views
  - Encourage the use of sustainable urban drainage systems
  - Protect community assets and infrastructure
  - Identify non-designated heritage assets

## **3. Examiner recommendations**

- 3.1. The following paragraphs provide a summary of the Examiner's recommendations following examination of the neighbourhood plan. Subject to modifications the plan meets the basic conditions including:

- Having regard to national policies and advice
- Is in general conformity with the strategic policies of the Development Plan
- Meets the retained European Union Obligations (transposed into UK law):
  - The Environmental Assessment of Plans and Programmes Regulations 2004 (Environmental Assessment Regulations)
  - The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations)
- Does not breach the European Convention on Human Rights

3.2. The Examiner has proposed modifications throughout the plan, though many of these are minor textual changes. The Examiner has addressed the issues raised by the Borough Council at Publication Stage. The following modifications had more significant text added or removed and have been described below in more detail:

- Updating any references to the NPPF as necessary
- Replacement mapping for clarity
- **Policy 1: Affordable Housing** – Affordable housing tenure split consistent with the findings of the Hesmby Housing Needs Assessment, and the First Homes discount to be applied is made consistent with the Borough Council at 50%
- **Policy 3: Design** – Increased flexibility within the policy to have ‘regard to’ the supporting Design Codes (rather than to be consistent with)
- **Policy 4: Support properties at risk from coastal erosion** – The policy has been replaced as a ‘community action’ as it seeks to review the plan should land or funding become available to support relocation, which the Examiner considered not strictly to be a planning policy
- **Policy 7: Public Transport Improvements** – To remove overly restrictive requirements and ensure consistency with national planning policy in respect of planning obligations
- **Policy 8: Residential parking standards** – Removing standards that were not evidenced
- **Policy 13: Surface Water Flooding** – Replaced wording to avoid repetition and contradiction of national planning policy
- **Policy 14: Biodiversity Improvements** – Replaced wording for consistency with national and local planning policy
- **Policy 15: Green Corridors** – To avoid unnecessary prescription where the policy had described types of ‘harm’
- **Policy 16: Local Green Spaces** – Highfield Equestrian Centre local green space removed, boundaries amended, and policy wording amended to be consistent with national policy
- **Policy 17: Protection of important local views** – Views 1 (from Yarmouth Road) and 3 (from Winterton Road) removed, and two views amended to focal points
- **Policy 19: Community facilities** – ‘Kings Head Public House’ provided as its own separate policy
- **Policy 21: Non-Designated Heritage Assets** – Removed sites that failed to meet criteria (Kiah Homebakes, Hemsby Post Office, Richardson’s Holiday Park, Former Pontins Holiday Park, Stone Cottage, Branton House) and amended policy wording consistent to national policy

#### 4. Decision on Examiner’s Recommendations

4.1. Regulation 24A of the Neighbourhood Planning Regulations sets out that the local planning authority needs to make a decision within 5 weeks of the examiner’s report being issued

unless a date is otherwise agreed with the qualifying body (the parish council). A decision must also be made by the Broads Authority.

- 4.2. Local Planning Authorities must consider whether to accept the report recommendations or decline/refuse the plan and set out and publish its reasons in a decision statement. It is possible for the local planning authority to make a decision which differs from that recommended by the Examiner, but this would require a statement of reason, further public consultation, and the possibility of a re-examination.
- 4.3. Such decisions must be made within the framework set out in the Regulations and Schedule 4B to the 1990 Town and Country Planning Act (as amended). Broadly speaking, the reasons to decline or reject the plan are where the plan fails to meet the basic conditions or Human Right Convention as set out in the legislative requirements. Based on the Examiner's findings it is considered unlikely that the plan falls short of the basic conditions or wider legislative requirements with the modifications proposed by the Examiner.

#### General conformity with existing Local Plan

- 4.4. One of the key basic conditions is that the neighbourhood plan is in general conformity with the strategic policies of the adopted local plan. It is important to note that officers have provided advice in respect of the strategic policies over the preparation of the neighbourhood plan. The representations made by the Borough Council at Publication stage (endorsed by LPWP and Full Council) have been considered and satisfactorily addressed by the Examiner.
- 4.5. Where there are elements of policy that may have the potential to conflict with the Local Plan, these will be resolved by favouring the most recently adopted policy. Therefore, the neighbourhood plan policies would take precedence as the document would be formally adopted following a successful referendum, after those of the current Local Plan. Such conflicts should be rare occurrences and would only apply in non-strategic policy matters.
- 4.6. Having carefully reviewed the Examiner's report and recommendations, officers consider that the examination has been carried out correctly in considering the basic conditions and where necessary this has required modifications to the policies and supporting text. Officers, therefore, see no justification to depart from the recommendations contained within the Examiner's report.

#### Joint decision

- 4.7. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council has taken the lead in supporting the parish council preparing the plan by providing advice and assistance, organising and coordinating actions, responses, consultations, and decisions. The Broads Authority will also need to consider the Examiner's recommendations and come to a decision at their Planning Committee (scheduled on 31<sup>st</sup> March 2023). Therefore, a formal joint decision will not be issued until that date.

#### Environmental Assessment & Habitat Regulations

- 4.8. Another important consideration at this stage is compliance with the Environmental Assessment and Habitat Regulations Assessment (HRA) legislative requirements, as the Borough Council (along with the Broads Authority) is the 'competent authority'. The parish

council prepared a screening report which along with the Borough Council's screening assessment was consulted on (with the statutory bodies) and the screening determination published in April 2022. The screening determination confirmed that the plan would not have any likely significant effects on the environment or adverse impacts on nearby habitat sites (National Site Network habitat sites), and therefore the plan did not require a full Sustainability Appraisal or Appropriate Assessment.

- 4.9. Since then, the plan has been subject to relatively minor updates by the parish council following consultation, and those suggested modifications from the Examiner. Having considered these, officers have concluded that the findings of the April 2022 screening determination remain valid and appropriate, meeting the legislative requirements.
- 4.10. It is therefore important to acknowledge that by accepting the Examiner's recommendations, that the Borough Council (and Broads Authority) as competent authority accept the findings of the Screening Determination that the plan would not have any likely significant effects on the environment or any likely significant effects (including the consideration of in-combination effects) on nearby habitat sites (National Site Network habitat sites). The Hemsby Neighbourhood Plan is therefore 'screened out' and does not require a full Sustainability Appraisal or Appropriate Assessment.

#### Neighbourhood Referendum

- 4.11. If the Examiner's recommendations as proposed are accepted, the plan should proceed to a neighbourhood referendum. The referendum asks whether residents would like the neighbourhood plan to help decide on planning applications in their area. Essentially, a successful vote ensures that the local authority will adopt the plan as part of their Development Plan to be used when determining planning applications.
- 4.12. Such a referendum needs to take place within 56 days from the day after the date of the decision on examiner recommendations. A 28 day notice period of the referendum date also needs to be published within that 56 day period (note that the relevant Broads Authority committee is scheduled on 31 March 2023). Having liaised with the Electoral Services team, the referendum could be held on **Thursday 22<sup>nd</sup> June 2023**. The Examiner has recommended that the referendum area is not expanded beyond the designated neighbourhood plan area; and therefore, it would remain as the whole parish area. There appears little justification to disagree with this approach.

#### Decision Statement

- 4.13. In accordance with the Regulations, the Borough Council must publish a decision statement setting out what action is being taken on the Examiner's report and the recommendations contained within it. A draft statement has been prepared and is attached to this report, with a decision based on accepting all of the Examiner's recommendations. As the decision is joint with the Broads Authority, the statement is on behalf of both councils.

## **5. Next Steps**

- 5.1. Subject to the Examiner's recommendations being accepted, a decision statement will be issued and published on the Borough Council's website. A notice will be published proposing the referendum date (ensuring that the 28 days' notice requirement is met). A referendum will be held in the parish. The result will be determined by a majority of over 50% of the votes cast. The result of that referendum will be reported. Upon a 'yes' vote, the plan must be

adopted by the local planning authority within a period of 8 weeks following the referendum date. The plan would then need to be formally adopted by Full Council, forming part of the Development Plan. A decision statement will need to be published on the Borough Council's website.

- 5.2. As discussed above, should Full Council come to a different recommendation to that of the Examiner, a decision statement will still need to be issued and this could require further consultation and potentially re-examination of the plan.

## 6. Financial Implications

- 6.1. The Borough Council has already received £5,000 for the adopted neighbourhood plan area (it has actually received 5 of these through the first 5 adopted areas). This funding will support the payments required to appoint independent examiners.
- 6.2. The Borough Council should receive a further Government grant of £20,000 when a decision statement is issued to send the neighbourhood plan to referendum.
- 6.3. All costs associated with officer resources, the examination and referendum of the Neighbourhood Plans are expected to be covered by this Government funding.

## 7. Conclusion

- 7.1. The first recommendation is that the Full Council accepts the Examiner's proposed modifications to the Hemsby Neighbourhood Plan. This decision accepts that the plan meets the basic conditions. In addition, as the Examiner has advised in the report, it is recommended that the referendum area is maintained as the neighbourhood plan area.
- 7.2. It is then recommended that Full Council agrees that the plan should proceed to referendum. The referendum would be held within the required time limit, and **Thursday 22<sup>nd</sup> June 2023** is the proposed date for this to take place.
- 7.3. Finally, to meet the legislative requirements at this stage, it is recommended that Full Council approves the attached Decision Statement for publication on the Borough Council's website.

## 8. Links

- [Submission version of Hemsby Neighbourhood Plan \(pre-examination therefore excludes modifications\)](#)
- [SEA & HRA Screening Opinion](#)
- [Submitted SEA & HRA Screening Assessment](#)

## 9. Appendix

- Appendix 1 – Examiner's Report on Hemsby Neighbourhood Plan
- Appendix 2 – Hemsby Neighbourhood Plan Examination Decision Statement

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

<b>Area for consideration</b>	<b>Comment</b>
Monitoring Officer Consultation:	Through ELT
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Local Plan Part 1: Core Strategy, Local Plan Part 2
Financial Implications (including VAT and tax):	See Section 6
Legal Implications (including human rights):	See Section 4 (Strategic Environmental Assessment & Habitat Regulations Assessment)
Risk Implications:	See Section 4 (Strategic Environmental Assessment & Habitat Regulations Assessment)
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

# **HEMSBY NEIGHBOURHOOD PLAN**

## **Report to Great Yarmouth Borough Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) Hon FRIBA FRSA**

**Tony Burton**  
**[tony@tonyburton.org.uk](mailto:tony@tonyburton.org.uk)**  
**March 2023**

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# 1. Executive Summary

1. I was appointed by Great Yarmouth Borough Council with the support of Hemsby Parish Council and the involvement of the Broads Authority to carry out the independent examination of the Hemsby Neighbourhood Plan.

2. I undertook the examination by reviewing the submitted Plan, associated documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Hemsby. It is based on an effective programme of public consultation which has informed a Vision to 2036. This is to be achieved through a set of ten objectives and 20 planning policies largely dealing with matters distinct to the locality. The Plan also includes a number of Community Actions through local projects and initiatives. The Plan is supported by a Consultation Statement and Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations Assessment screening reports. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authorities.

4. I have considered the 18 separate representations made on the submitted Plan. These are addressed in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Hemsby Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Hemsby.

## 2. Introduction

7. This report sets out the findings of my independent examination of the Hemsby Neighbourhood Plan. The Plan was submitted to Great Yarmouth Borough Council by Hemsby Parish Council as the Qualifying Body. The neighbourhood area also includes a part of the Broads Authority Executive Area and the Broads Authority has been involved in the Examination.

8. I was appointed as the independent examiner of the Hemsby Neighbourhood Plan by Great Yarmouth Borough Council with the agreement of Hemsby Parish Council and the Broads Authority.

9. I am independent of Hemsby Parish Council, Great Yarmouth Borough Council and Broads Authority. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and

- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Hemsby Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental and Habitats Regulations Assessment screening reports
- the relevant parts of the Great Yarmouth Core Strategy (Part 1) (2015) and the Local Plan Part 2 (2021) and the Local Plan for the Broads (2019)
- representations made on the submitted neighbourhood plan
- relevant material held on the Hemsby Parish Council and Great Yarmouth Borough Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was initiated under an earlier version of the National Planning Policy Framework than that used for my examination but the consultation on the submitted Plan took place after the most recent NPPF's publication in July 2021 and this is addressed by the Basic Conditions Statement.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during January. I visited the main locations addressed in the Plan, including the proposed Local Green Spaces, Important Local Views, Green Corridors, Priority Routes and Non-designated Heritage Assets along with a selection of the community infrastructure and the "Pontins site". My visit included all of the character areas identified in the Hemsby Design Codes.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in "speech marks". Existing wording is in "*italics*". Modifications are also recommended to some parts of the supporting text. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1. Some changes will also be needed to the supporting text and documents consequential to the modifications, including those identified by Great Yarmouth Borough Council through the examination process.

18. Producing the Hemsby Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2017 and is informed by significant community involvement. There is evidence of collaboration with Great Yarmouth Borough Council and continuing this will be important in ensuring implementation of the Plan. Broads Authority has also been involved. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Hemsby Parish Council, Great Yarmouth Borough Council and Broads Authority who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

19. I am required to check compliance of the Plan with a number of matters.

#### Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Hemsby Parish Council – which being a parish council is the only body that can prepare a neighbourhood plan for the area.

#### Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the area of Hemsby and was agreed by Great Yarmouth Borough Council with the involvement of Broads Authority on 10 November 2017.

22. The boundary of the neighbourhood area is shown in Figure 1 on a basic base map. A detailed map of the boundary as used for the designation is available online.

- OM1 – [Provide a link to a map showing the detail of the neighbourhood area boundary]

#### Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues.

#### Plan period

24. The period of the neighbourhood plan runs from 2021 to 2036. This looks beyond the 2030 end date of the consolidated Great Yarmouth Local Plan and is consistent with the time period of the Broads Local Plan. Reviews of both the Great Yarmouth Plan and the Broads Authority Local Plan are at an early stage and both look forward to 2041. The period is shown on the Plan cover.

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

## 4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Hemsby Neighbourhood Plan website and Facebook page. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first raised in 2017. This was guided by a Steering Group comprising both residents and Parish Council members.

27. The public consultation process began in 2020 after designation of the neighbourhood area. The approach has been adequately open and transparent and participation levels have been adequate. A number of different engagement methods have been used, including a website, public meetings, social media, surveys, postcards, open meetings online during lockdown, videos and posters. Information has been delivered to every household on a number of occasions during the Plan's preparation and it has been distributed through local shops and other facilities.

28. The consultation included meetings with local stakeholders, landowners and businesses, including the landowners for each proposed Local Green Space. Public meetings have been attended by up to 40 people and over 300 responses (c10%) were received to a key survey. A poster competition was run for the local primary school.

29. The consultation included a call for sites to accommodate development relocating as a result of coastal erosion. After further consultation the identified site was not taken forward through the Plan given conflicts with other policies and a clear community preference for it to remain undeveloped.

30. Great Yarmouth Borough Council has been involved in the emerging Plan before formal consultation on the draft. Broads Authority has also been involved.

31. The Plan was subject to Regulation 14 consultation between 16 May and 26 June 2022. The consultation included three consultation events, a door drop leaflet/survey, an

online survey, posters and promotion online and via social media. Printed copies of the draft Plan were placed in community venues. There is evidence of the consultation including the required statutory and other consultees. The consultation events attracted 60 participants and 33 responses were received, including 26 from local residents.

32. Details of the response to the survey and to each of the stakeholder representations are provided in the Consultation Statement and there is evidence of changes being made to the Plan.

33. 18 separate representations have been made on the submitted Plan, including from residents, landowners and statutory bodies. All the representations have been considered as part of the examination and are addressed as appropriate in this report.

34. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. The Plan has been subject to appropriate public consultation at different stages in its development. Participation rates have been relatively modest but appropriate opportunities to shape the Plan as it has developed have been provided. Local businesses, landowners and the local planning authorities have been engaged through the process.

## 5. General comments on the Plan's presentation

### Vision and Objectives

35. The Plan includes a Vision for Hemsby. This reflects the feedback received through consultation and is consistent with the objectives and policies in the Plan. The overall approach focuses on sustaining the character of the village through sustainable growth that recognises the dual role for both tourists and residents and also addresses current environmental challenges. The Vision is consistent with sustainable development and this is complemented by the Plan's aims which expand on the opportunities for new development which meets needs and provides necessary infrastructure.

### Other issues

36. The Plan is clearly structured and has a consistent format. The pagination in the later parts of the Plan does not match that of the Contents and, if it is to be retained given my recommended modification, Appendix A is more suited to the Plan's evidence base. There is an inconsistency in how the maps and photographs are identified in the Plan with Figure 4 being the only Figure that relates to photographs. Other photographs are not numbered.

- OM2 – [Remove reference to "Figure 4" on page 36 and renumber the other Figures accordingly]

37. The Policies are generally supported by evidence although there are issues which I address in relation to individual policies. It would be helpful if links were provided as appropriate to documents referenced in the Plan, including in footnotes. The submission documents include one titled as the "Evidence Base" that does not include all relevant documents and it would be helpful if all documents contributing to the evidence base were available in a single location.

- OM3 – [Provide a link to the Plan's complete evidence base]

38. The Plan includes a number of maps which relate to specific policies. They do not provide sufficiently accurate boundaries or locations to provide necessary certainty. This is in part due to their size and also due to the base map which lacks necessary detail to identify boundaries. It would be helpful if larger, high resolution copies using a more appropriate base map were provided, including as links. In some instances this is essential where it is critical to the utility of a policy and this is addressed in relation to these individual policies. It will be helpful to include the boundary of the Broads Authority Executive Area where appropriate in the maps, including where identified by Broads Authority in its representations.

- OM4 – [Provide higher quality, larger scale maps using a more appropriate base map which provides clarity on boundaries and locations, including as links, and include the boundary of the Broads Authority Executive Area where appropriate]

39. The Community Actions are described in paragraph 5.4 as “*policies*” and this is not the case. It is a potential source of confusion. This is also identified as an issue by Broads Authority. The numbering of the Community Actions is not in order, with Community Action 4 coming before Community Action 3.

- M1 – Amend paragraph 5.4 to replace “*policies*” with “*matters addressed*” in the third line

40. Representations from Broads Authority and the Lead Local Flood Authority make a number of practical suggestions for improving legibility and understanding of the Plan which might be considered in finalising the Plan. Broads Authority has also identified a small number of errors, such as the “*Local Plan*” reference in paragraph 6.28. These are not necessary to meet the Basic Conditions.

- OM5 – [Give consideration to practical suggestions for improving legibility and understanding of the Plan made in representations from Broads Authority and the Lead Local Flood Authority]

## 6. Compliance with the Basic Conditions

### National planning policy

41. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates each of the Plan’s policies and objectives to the National Planning Policy Framework (NPPF) (July 2021).

42. The Basic Conditions Statement includes a table that relates each of the Plan’s policies to relevant sections of the NPPF and, where appropriate, to Planning Practice Guidance. This assessment is supported by a brief commentary and no instances of conflict are identified. It concludes that this “*demonstrates how HNP [Hemsby Neighbourhood Plan] has had regard to national policy*”.

43. I address some issues with regard to national planning policy in my consideration of individual policies and recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the NPPF’s principles regarding the clarity of policies, the need for policies to serve a clear purpose and the need to avoid duplication. I also address the requirement expressed in national planning policy and Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

44. Generally, I agree with the Basic Conditions Statement and conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These include the need for some policies to be more clearly expressed and/or evidenced, for policies to serve a clear purpose and for duplication with other planning policies or the NPPF to be avoided.

45. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

#### Sustainable development

46. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions Statement by reference to the evidence of being consistent with the NPPF and an assertion that the Plan is positively prepared. The analysis is limited although my own conclusion based on the Vision, Aims and Plan policies is that the overall contribution of the Plan to sustainable development is positive. I am satisfied that the Plan meets this Basic Condition.

#### Development plan

47. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The Basic Conditions Statement addresses this by relating each of the Plan’s policies to relevant policies in the Great Yarmouth and Broads Authority Local Plans and providing a brief commentary.

48. The assessment identifies a number of instances where a Plan policy goes beyond the strategic policies in the Local Plans in the detail of identifying considerations deemed appropriate to the particular circumstances of Hemsby and supported by relevant evidence. This is a purpose of neighbourhood planning. Great Yarmouth Borough Council has questioned whether the Plan is in general conformity with the strategic policies of the development plan in relation to both the identification of local views and the identification of some non-designated heritage assets. I address this in my examination of these individual policies.

49. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

### Strategic Environmental Assessment

50. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A screening assessment was submitted by Hemsby Parish Council and reviewed by Great Yarmouth Borough Council with the involvement of Broads Authority. The review identified a small number of desirable minor modifications and concluded that the Plan *“is not likely to have significant environmental effects”* and should be *“screened out”*. This is agreed by Historic England, Natural England and Environment Agency and also by Norfolk County Council (including in its role as Lead Local Flood Authority).

51. I conclude that the Plan meets this Basic Condition.

### Habitats Regulations Assessment

52. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A screening assessment was submitted by Hemsby Parish Council and reviewed by Great Yarmouth Borough Council with the involvement of Broads Authority. The Broads Special Area of Conservation and Broadland Special Protection Area are both within the neighbourhood area. Great Yarmouth Borough Council agrees that the impact from residential or recreational disturbance is not additional to that resulting from existing development plans. No likely significant effects in relation to air quality, water quality (including the treatment of wastewater and surface water) or urban impacts are expected. Great Yarmouth Borough Council concludes that *“no ‘appropriate assessment’ or full ‘Habitat Regulations Assessment’ is therefore required”* and this is agreed by Natural England.

53. I conclude that the Plan meets this Basic Condition.

### Other European obligations

54. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement states that the Plan *“is highly likely to be compatible”*. No contrary evidence has been presented and there is evidence of changes being made to the Plan during its preparation. I conclude that there

has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

55. I conclude that the Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

56. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text and headings and supporting documents will need to be amended to take account of the recommended modifications.

### Housing and Design

57. **Policy 1** – This establishes a preferred mix of affordable housing types in new development.

58. The Plan is informed by a Housing Needs Assessment undertaken for Hemsby Parish Council by AECOM. The assessment is based on an approach widely used by AECOM in other neighbourhood plans as part of the technical support provided to neighbourhood planning under a Government funded programme. It recommends a local variation on the affordable housing mix provided as a "*starting point*" in Policy H1 of Great Yarmouth's Local Plan.

59. Planning Practice Guidance recognises not only the role of neighbourhood planning in supporting First Homes but that "*neighbourhood plans may be able to vary the types of affordable housing that will be expected*" (PPG, Paragraph: 017 Reference ID: 70-017-20210524).

60. The affordable housing mix proposed in Policy 1 is of 25% First Homes and 75% affordable rent. This differs from that recommended in the Housing Needs Assessment which is for "*25% first homes, 10% shared ownership and 5% rent to buy, and 60% affordable homes for rent*". The evidence base does not therefore support Policy H1. I recommend that the Policy relates to the categories of affordable housing provided in the Glossary of the National Planning Policy Framework which combines shared ownership and rent to buy. The desired breakdown of 10% shared ownership and 5% rent to buy can be included in the supporting text.

61. Policy H1 additionally proposes First Homes at a discount of *“between 40% and 50%”* drawing on the evidence from the Housing Needs Assessment. Planning Practice Guidance offers *“neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this”* (PPG, Paragraph: 004 Reference ID: 70-004-20210524). The Policy needs to set the discount at either 40% or 50% and I am satisfied with the evidence for a 50% discount. This is supported by Great Yarmouth Council in its representations that *“more recent evidence from the Borough-wide Local Housing Needs Assessment (2022) suggests a 50% discount would be necessary to meet all levels of need”*.

62. As drafted the Policy does not specify the type of site which qualifies and it is written as if it were a policy from the local authority. I note Broads Authority’s preference for a statement that First Homes cannot come forward in the Broads but am satisfied that the Policy H1’s restriction to major development and the absence of site allocations in the Broads Authority Executive Area makes this unnecessary.

63. Policy H1 does not meet the Basic Conditions.

- **M2 – Amend Policy H1 to:**
  - **Replace the first paragraph with “As a starting point the following split in the affordable housing requirement for residential developments of 10 dwellings or more or on sites of 0.5 hectares or more will be sought:**
    - a) 25% first homes**
    - b) 60% affordable homes for rent**
    - c) 15% other affordable homes”**
  - **In the third paragraph delete *“between 40% and”***
- **M3 – Make the following changes to the supporting text:**
  - Paragraph 6.5 – replace the final sentence with “The Housing Needs Assessment provides evidence of a more localised split of 25% First Homes, 10% shared ownership, 5% rent to buy and 60% affordable rent. Policy 1 sets proportions of

affordable housing mix in line with this evidence. It categorises affordable housing in line with the glossary in the National Planning Policy Framework which combines rent to buy with shared ownership.”

- Paragraph 6.6 – replace the final three sentences with “In terms of First Homes, the Housing Needs Assessment provides robust evidence that there is a need to require higher minimum discounts for First Homes at up to 50% because a discount of 30% only narrowly reaches those households on average incomes.”

64. **Policy 2** – This seeks a mix of housing types and sizes that reflect local needs based upon available evidence and a minimum of 60% two-bedroom or fewer dwellings unless there is contrary evidence.

65. The Policy is supported by the Hemsby Housing Needs Assessment which identifies an existing housing stock with a relative abundance of four-bedroom and a relative lack of one-bedroom properties. The evidence supports a future mix of dwellings with over 60% two-bedroom or smaller dwellings.

66. The Policy drafting lacks some clarity and the rationale for the Policy approach in supporting downsizing and younger residents is best addressed in the supporting text. The Policy will apply to all planning applications for housing development regardless of their open-market or affordable components and so the second paragraph is unnecessary.

67. Policy 2 meets the Basic Conditions although I make an optional modification to improve its clarity.

- OM6 – [Amend Policy 2 to:
  - Replace the first sentence with “Residential development proposals should provide a mix of housing types and sizes which reflect local housing needs on the basis of the best available and proportionate evidence.”
  - Delete the third sentence
  - Delete the second paragraph]

68. **Policy 3** – This requires development proposals outside the Broads Authority Executive Area to be consistent with the Hemsby Design Codes and identifies design considerations considered to be especially important.

69. The Policy is supported by the Hemsby Design Codes report prepared by AECOM. This identifies five character areas and provides basic design codes which are applied to relevant character areas and an additional area for new development. This work was included in the wider consultation on the Plan.

70. I share some of Great Yarmouth Borough Council’s concerns about the quality and prescriptiveness of the Design Codes. While they provide relevant, locally specific guidance which can inform development they do not provide a sufficiently robust evidence base to prescribe development outcomes.

71. In addition to referencing the Design Codes, the Policy identifies four specific design considerations to be addressed. The first consideration relating to density is already addressed by considering the Design Codes and there is a lack of clarity over what constitutes a *“particularly sensitive location”*. I was informed that this relates to the circumstances identified in Great Yarmouth Local Plan Policy H3 where *“In limited circumstances, such as where a site location is particularly sensitive owing to its distinct local character, the Borough Council will consider the acceptability of lower housing densities.”* This is addressed by a need to have regard to the Design Codes which provides the means through which sensitivity is identified.

72. The fourth consideration lacks a definition of what constitutes *“major”* housing development and I recommend using that provided in national planning policy – *“development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”* (NPPF, Annex 2, Glossary). It is appropriate to either include this definition or reference the definition in national planning policy which could be subject to change.

73. The Policy is overly prescriptive and goes beyond the necessary flexibility for planning policy required by stating what “*must*” or “*will need*” to be addressed by development proposals. National planning policy requires neighbourhood plans to be positive in approach and proportionate and for planning policies to avoid being inflexible. This issue recurs in other policies.

74. Policy 3 does not meet the Basic Conditions.

- **M4 – Amend Policy 3 to:**
  - **Replace “*will need to be consistent with*” with “*should have regard to*”**
  - **Delete sub-paragraph a)**
  - **In sub-paragraphs c) and d) replace “*must*” with “*should*”**
  - **For sub-paragraph d) provide a definition of “*major development*” in the supporting text consistent with national planning policy or include a statement that major development is as defined in national planning policy**
- **M5 – Replace the final sentence of paragraph 6.21 with “Policy H3 in the Local Plan sets out that lower densities may be acceptable in sensitive locations, and Policy 3 identifies where this is the case through reference to the design code.”**

75. **Policy 4** – This triggers a focused review of the Plan where defined circumstances in relation to sea defences and the availability of land are met.

76. A significant number of representations from residents relate to the desire for more sea defences at Hemsby. This is understandable but Policy 4 relates to a procedural matter which is not within the scope of planning policy. Planning policies relate to the development of land and are used to inform development management decisions on planning applications. The criteria triggering a Plan review is not a relevant planning policy consideration. The policy intent could be addressed through a Community Action.

77. Policy 4 does not meet the Basic Conditions.

- **M6 – Delete Policy 4**
- OM7 – [Consider addressing the circumstances relating to coastal erosion and sea defences which would result in a review of the Plan as a Community Action]

### Infrastructure

78. **Policy 5** – This supports expansion of Hemsby Medical Centre subject to relevant considerations.

79. While the Plan acknowledges that provision for future medical and health needs is a strategic matter there is evidence of public support for improved access to such facilities. The Policy is positively worded and enabling. The requirement to meet with existing parking standards is addressed by Great Yarmouth Local Plan Policy I1 and it is national planning policy that the wording of development plans should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area*” (NPPF, paragraph 16 f)). The Plan also lacks any reference to the source of the “*county parking standards*” (which could be provided in the supporting text) and the requirement not to “*impede the free flow of traffic*” lacks clarity.

80. Policy 5 does not meet the Basic Conditions.

- **M7 – Amend Policy 5 to delete the second sentence**

### Transport

81. **Policy 6** – This addresses the need to provide access the services and facilities through new development linking to existing active travel networks, with well designed lighting that does not harm dark skies in the Broads and improvements to priority routes to surrounding villages.

82. There is evidence of support for better connections in the public engagement on the Plan and the Policy is supported by a Community Action to improve walking and cycling routes to neighbouring villages.

83. The first part of the Policy relates to *“major development”* while it is unclear whether this extends to the second part other than by the indirect reference to Policy 3 which addresses the need for major housing development to provide street lighting. The Policy lacks a definition of *“major development”*. There is also a need to clarify that the reference to *“Hemsby”* relates to the settlement and not the neighbourhood area. The Policy is overly prescriptive in stating what *“must”* happen and the references to the Community Action and Policy 3 are superfluous. I note that the final part of Community Action 4 addressing the potential impact of street lighting on Green Corridors is not addressed by either Policy 3 or Policy 6.

84. The Plan shows four routes in Figure 2 linking Hemsby to the surrounding area in need of improvement for pedestrians and there is evidence of public support for this approach. Three routes would be adjacent to roads and the fourth would be along an old railway line. This latter route is also recognised in the Great Yarmouth Local Plan.

85. Policy 6 seeks both to take opportunities to support improvements to these priority routes and expect any development adjacent to them to support improvements. The first part of this Policy is more appropriate as a Community Action as it does not directly relate to new development. It is addressed by Community Action 2. It is not appropriate to expect all development adjacent to the routes to support their improvement. Planning obligations and conditions are only appropriate where they are necessary to make a development acceptable (NPPF, paragraphs 55-57) and so the Policy will only be appropriate in these circumstances.

86. Policy 6 does not meet the Basic Conditions.

- **M8 – Amend Policy 6 to:**
  - **Insert *“the built-up area of”* before *“Hemsby”***
  - **Insert *“major”* after *“new”* in the second paragraph**
  - **Delete *“reflecting the priorities in Community Action 2”***

- **Replace “Any lighting must be well designed, as per Policy 3,” with “Any lighting should be well designed”**
- **Provide a definition of “major development” in the supporting text consistent with national planning policy**
- **Replace the third paragraph with “Where appropriate and necessary, development proposals adjacent to any of the priority routes shown in Figure 2 should support their improvement in line with creating safe, accessible, all-weather routes.”**

87. **Policy 7** – This supports improvement to bus facilities and services as a result of major development.

88. The Policy applies to all “major development” or that which “is likely to result in a significant increase in travel demand”. It lacks a definition of “major development” and it is not appropriate to expect all major development to support improved bus services and facilities. Planning obligations and conditions are only appropriate where they are necessary to make a development acceptable (NPPF, paragraphs 55-57) and so the Policy will only be appropriate in these circumstances. The Policy is unduly prescriptive in stating what “will” need to be provided.

89. The location of new bus stops is not a planning matter other than where associated with new development.

90. Policy 7 does not meet the Basic Conditions.

- **M9 – Amend Policy 7 to:**
  - **Delete the first and third paragraphs**
  - **Replace the second paragraph with “New major development likely to result in a significant increase in travel demand should, where appropriate, contribute to more frequent bus services to key destinations and improved bus waiting facilities, including new and upgraded stops and shelters,**

**waiting areas with good quality seating and timetable displays and areas for people to leave mobility scooters and wheelchairs where possible.”**

91. **Policy 8** – This specifies minimum parking standards for different sizes of residential development subject to relevant design and landscaping considerations.

92. The Policy is grounded in a concern that there is *“Evidence in Hemsby that insufficient off-road parking in new developments has led to unplanned on-street parking”* and that Norfolk County Council’s parking standards are now out of date following the revision to national planning policy that maximum parking standards need to be clearly justified (NPPF, paragraph 108). The Plan justifies specific minimum parking standards on the basis of 2011 Census data trends being projected forward to 2041.

93. No substantive evidence of insufficient off-road parking was provided in the submission documents and while it is appropriate to set locally derived parking standards these need to be based on a more robust and recent evidence base than that presented. I also note that Norfolk County Council’s parking standards are not considered out of date elsewhere in the Plan as they are cited in Policy 5. The Policy is unduly prescriptive in stating what *“shall”* be done. The supporting text should be amended in line with the recommended modification.

94. Policy 8 does not meet the Basic Conditions.

- **M10 – Amend Policy 8 to:**
  - **Replace the first paragraph with “New residential development should where practicable and feasible provide sufficient off-road vehicle parking to avoid significant impacts on traffic flows.”**
  - **In the second paragraph replace “Where these standards cannot be met” with “Where sufficient off-road parking cannot be provided”**
  - **In the third paragraph replace “shall” with “should”**

95. **Policy 9** – This supports additional off-road parking in two non-residential locations.

96. The Policy is positively worded and appropriate. It is informed by public feedback on the Plan. The Policy references a street named variously as “Kings Way”, “King’s Way” and “Kingsway” in the Plan.

97. Policy 9 meets the Basic Conditions.

- OM8 – [Provide a consistent and accurate naming of streets throughout the Plan]

### Tourism

98. **Policy 10** – This supports retention of existing tourist accommodation and supports new tourist accommodation which meets the same design standards as residential development.

99. Hemsby is one of the largest coastal resorts in Norfolk and tourism is a very significant land use which makes a major impact on the neighbourhood area.

100. The Policy extends existing protections in Great Yarmouth Local Plan Policy L1 for the Holiday Accommodation Area in the east to the whole neighbourhood area. The drafting of the Policy is negatively worded in stating what will be “*strongly resisted*”. National planning policy is for plans to be “*prepared positively*” (NPPF, paragraph 16) and this would also be more consistent with Local Plan Policy L1. Representations from Broads Authority express concern about the lack of detail on what information needs to be provided and this can be addressed by referencing the information needs required by Local Plan Policy L1.

101. The second part of the Policy is positively worded except in relation to hotels. Hotels are not addressed in the supporting text and there is no justification provided for such a negative approach. I was informed the exclusion related to the identification of hotels as town centre uses in national planning policy. While hotels are an example of a town centre use they are not exclusively so. New hotel development will be subject to the same planning policy considerations that currently exist and need not be cited by the Policy.

102. It is appropriate to require consistent design standards for holiday accommodation although the Policy is unduly prescriptive in stating what “*must*” occur and duplicates Policy 3 by referencing it.

103. Policy 10 does not meet the Basic Conditions

- **M11 – Amend Policy 10 to:**
  - In the first paragraph delete “*be strongly resisted and*”
  - In the second paragraph delete “*This does not apply to hotels*”
  - In the third paragraph replace “*must*” with “*should*”; insert “*of design*” after “*quality*” and end the sentence at “*dwellings*”
  
- M12 – Include reference to the information requirements for demonstrating a current use is unviable being the same as those required by Local Plan Policy L1 in the supporting text

104. **Policy 11** – This seeks to protect existing tourism facilities and establishes criteria against which proposals for loss will be considered and a requirement for evidence of community consultation to be provided.

105. The Policy extends a general protection in Great Yarmouth Local Plan Policy L1 for “*tourism uses*” within the Holiday Accommodation Area to the whole neighbourhood area and introduces criteria for considering proposals for any loss.

106. The Policy introduces three considerations, each of which may support proposals resulting in the loss of an existing tourism facility. These are incorrectly presented as an either/or and this reduces the Policy’s clarity. The Policy is negatively worded in stating what will be “*strongly resisted*”. The clarity of the drafting can also be improved to emphasise its application to tourism facilities.

107. The Policy introduces both feasibility and viability tests but requires evidence relating only to viability. This may not be relevant if the case being made is that an existing development is not feasible.

108. I note Broads Authority's concerns about the clarity of what must be demonstrated when considering a proposal leading to the loss of an existing tourist facility but am content that this can be addressed in the evidence that will be needed to support a relevant planning application.

109. The second part of the Policy relates to the information required to be submitted with a planning application. This is not directly a matter for planning policy and is addressed through the national information requirements (PPG Paragraph: 022 Reference ID: 14-022-20140306) and Great Yarmouth Borough Council's and Broads Authority's local validation checklists. There is no evidence provided as to why these information requirements should be extended.

110. Policy 11 does not meet the Basic Conditions:

- **M13 – Amend Policy 11 to:**
  - **Replace the first sentence with “The retention of existing tourism facilities in the parish will be strongly supported”**
  - **At the end of the third line delete “either”**
  - **In section a. insert “tourism” before “facility”**
  - **In section b. replace “it” with “the tourism facility”**
  - **In section c. replace “will need to be” with “is” and “assessment” with “or feasibility assessment as appropriate”**
  - **Delete the second paragraph**

111. **Policy 12** – This supports a range of specific developments which promote the area as a visitor destination.

112. The Policy is positively worded and enabling. The drafting of the Policy could be improved to provide greater clarity. I note Broads Authority's support for the Policy to include reference to other planning policies needing to be satisfied but this would serve no clear purpose as all relevant planning policies need to be considered in relation to a planning application as a matter of planning law.

113. Policy 12 meets the Basic Conditions.

- OM9 – [Replace the first line with “The following development proposals which promote Hemsby as a visitor destination”]

#### Flood and Water Management

114. **Policy 13** – This establishes requirements for new development which reduce the risk of surface water flooding.

115. Hemsby is recognised as a Critical Drainage Catchment at significant risk from flooding. This is addressed in existing planning policy, including Great Yarmouth Local Plan policies CS13 and E1 and Broads Authority's Local Plan policies SP2 and DM6 and in national planning policy.

116. Managing flood risk is largely a strategic issue and much of Policy 13 duplicates existing planning policy, including the need for relevant information and assessments to be provided, the use of Sustainable Urban Drainage Systems and the need to ensure flood risk is not increased elsewhere. The variation in drafting between the different policies is also a source of potential confusion that reduces certainty for applicants. It is unnecessary and potentially confusing to include suggested wording for a policy in paragraph 10.15 of the supporting text.

117. While there is scope for the Plan to provide a locally specific approach this needs to be supported by appropriate evidence. The two locally specific issues identified are the impact of insensitively designed attenuation ponds and the locations identified in paragraph 10.7 which “*frequently flood*”.

118. The consenting procedures of the Broads Internal Drainage Board addressed in the final paragraph are not matters for planning policy.

119. Policy 13 does not meet the Basic Conditions.

- **M14 – Replace Policy 13 with “New development proposals should have due regard to the risk of surface water flooding within the neighbourhood area, particularly in relation to areas prone to flooding as identified by the Lead Local Flood Authority data. Where attenuation ponds are necessary they should be well designed to minimise risks to public safety, mitigate their visual impact and create additional habitat where possible.”**
- OM10 – [Delete paragraphs 10.10, 10.14 and 10.15]

#### Natural Environment

120. **Policy 14** – This establishes a need for new development to contribute positively to wildlife and habitats, protect trees, woods and hedges and address losses.

121. The Policy is general in its intent and applies to all development, including changes of use, except alterations to individual houses. This is inconsistent as there other minor developments and changes of use which can have a lesser impact on biodiversity than alterations to a dwelling. No explanation for the sole exclusion of “*alterations to a single dwelling house*” is provided.

122. The general nature of the Policy means it duplicates existing planning policy, including Great Yarmouth Local Plan policies CS11 and E4 and Broads Authority’s Local Plan policies SP6 and DM13 and national planning policy. It also anticipates implementation of measures on biodiversity net gain only recently introduced into law but not yet in force and with important details on how it will apply to different levels and types of development still being finalised. I have been informed by both Broads Authority and Hemsby Parish Council that other neighbourhood plans within the Great Yarmouth area do include policies

supporting requirements for 10% biodiversity net gain but these are differently drafted and/or do not apply to all development or relate to a specific level of biodiversity net gain. Much of the Policy does not “*serve a clear purpose*” (NPPF, paragraph 16 f)) and the variation in drafting between the different policies in the neighbourhood and Local Plans is also a source of potential confusion that reduces certainty for applicants. The recommended modification seeks to avoid this risk while recognising the desire of the parish council to include a policy that addresses this issue.

123. It is unclear why the requirements relating to trees relate only to residential development and why, especially given the Plan’s emphasis on climate change, there is a requirement to plant only “*native species*” when replacing trees.

124. Policy 14 does not meet the Basic Conditions.

- **M15 – Replace Policy 14 with “New development proposals should contribute to and enhance the natural and local environment, securing net gains for biodiversity and retaining existing trees, woodlands, hedgerows and copses wherever possible. Residential development making use of soft boundary features will be supported.”**

125. **Policy 15** – This identifies a number of Green Corridors and establishes relevant considerations for development proposals which may impact on them.

126. The Policy is supported by Figure 5 which provides a broad indication of the location of Green Corridors in the neighbourhood area. It also depicts the broad location of “*buffer zones for designated sites*” although these are not addressed in Policy 15. Paragraph 11.8 of the supporting text indicates that these should also be considered as part of the Green Corridors. It is clear that relevant organisations have been engaged in identifying the location of the Green Corridors although only limited evidence is provided. There is evidence of strong public support for their inclusion in the Plan.

127. The geographical definition of the Green Corridors is crudely depicted as a thick line with no clear identification of the boundaries. The supporting text acknowledges the Green

Corridors are “*indicative*” although it is not clear that this relates to their location. Notwithstanding this indicative status the Policy drafting is relatively detailed and prescriptive. No evidence or justification is provided for supporting biodiversity net gain in the Green Corridors over statutory credits. The Policy also includes detail about what may cause harm which is better located in the supporting text. The function of Green Corridors in the supporting text is wider than that in the Policy which focuses on its role in supporting wildlife. The Policy is unduly prescriptive in stating what “*must*” occur.

128. I visited each of the proposed Green Corridors during my visit and am content with their broad location and function while recognising there are other locations which fulfil a similar function. My proposed modifications are to recognise their indicative status and avoid an inappropriately prescriptive approach.

129. Policy 15 does not meet the Basic Conditions.

- **M16 - Amend Policy15 to:**
  - **In the first line replace “*identified*” with “*indicative*” and insert “, including the Buffer Zones for Designated Sites,” after “*Corridors*”**
  - **In the first bullet delete from “*demonstrate*” to end and insert “where it is likely to have a significant impact it should address how it will mitigate any likely harm”**
  - **In the second bullet delete from “*as a result*” to end and insert “this will be supported where it is delivered within an identified Green Corridor”**
  - **Replace “*must*” with “*should*” in both instances**
  
- M17 – Insert “the location of” after “*stage*” in paragraph 11.7

130. **Policy 16** – This designates 11 Local Green Spaces and introduces related development management policies.

131. The importance of green and open spaces to the neighbourhood area is clearly demonstrated in the results of public consultation. The Policy is supported by an

assessment of the case for designating each of the Local Green Spaces in a manner consistent with national planning policy requirements (paragraph 102, NPPF). There is evidence of effective engagement with these landowners. The assessment includes a map of the boundaries of each of the proposed Local Green Spaces and this is also provided in Figure 6. The base map does not enable to detailed boundary of each designated space to be identified.

132. I visited each of the proposed Local Green Spaces. I concur with the assessment provided with the following exceptions or areas for clarification:

1. Water's Lane – the rationale for the western boundary is unclear given the function of the land further west although its location is defined by a bank and tree line. The boundary at the north east corner needs to be cut off to exclude The Pavilion building
2. Pit Road/North Road Junction – this is one of the least tranquil locations proposed for designation and it does not qualify as being “*demonstrably special*” for this purpose. I am, however, satisfied that its character, planting and use is likely to make it special for the purposes of designation
3. Church and burial ground – the boundary should exclude the car park in the north east corner which does not satisfy the designation criteria and which has a clearly defined boundary
4. Highfield Equestrian Centre – it is unclear what special value this location has over other green spaces on the edge of the village, including other adjacent land in equestrian use. There is no evidence provided as to how its use as a commercial equestrian centre is demonstrably special to the whole community. As noted by the owners of the site, who object to the proposed designation, the rationale for the boundary is also unclear

7. Ryelands Green Space – the boundary should include the whole area bounded by the wooden fence and this is unclear from the map provided

10. St Mary's Close – the boundary of each of the three areas proposed is inconsistent. It should be bounded by the perimeter paths and exclude the land immediately in front of each row of dwellings. It is unclear why the wooded triangle of land on St Mary's Close to the north west of the sites proposed is not included in the proposals for designation given it performs the same function.

133. I note the representations from the owner of The Lodge near to the proposed Brick Green Covert Local Green Space and the concerns about promoting public access. Local Green Space designation confers no additional rights of public access and it is appropriate for private land where it meets the criteria set out in national planning policy. These concerns will need to be considered in relation to implementation of Community Action 5, Heritage Wayfinding.

134. Appendix A addresses the implications of the Court of Appeal case relating to a Local Green Space policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259) which has been interpreted as meaning that to be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only be designated by the Plan and it is inappropriate to include any wording that sets out how development proposals should be managed.

135. While I recognise the reasoning for selective justification of how different exceptions to Green Belt policy apply in the context of the Local Green Spaces following on from the Court of Appeal case, the content of Policy 16 is also dependent on the quality of the assessment that has justified its designation. While the assessment is sufficient to support designation it lacks the depth of analysis required to provide a basis against which to assess individual development proposals in relation to the defined exceptions. As one example, the assessment of Pit Road/North Road Junction as tranquil is not one I share although there are other attributes which warrant its designation. A more robust assessment of the quality of each Local Green Space would be required if it is to be the basis of an assessment

of what makes it special to the community that justifies a variation in approach. This could be considered during a future Plan review.

136. Consequently I do not agree that the divergence from Green Belt is sufficiently robustly explained and recommend modifying the Policy to address this.

137. Policy 16 does not meet the Basic Conditions.

- **M18 – Amend Policy 16 to:**
  - **Insert “(Figure 6)” after “Space”**
  - **Delete “4. Part of the Highfield Equestrian Centre”**
  - **Delete from “These will” to the end**
  
- M19 – Amend the boundaries of Local Green Spaces 1, 3, 7 and 10 as indicated
  
- M20 – Provide higher quality, larger scale maps using a more appropriate base map, which enables the detailed boundaries of each Local Green Space to be determined
  
- M21 – Delete Appendix A

#### Important Views

138. **Policy 17** – This identifies and protects six *“important local views”*.

139. The Policy is supported by Figure 7 which locates each of the views and depicts the angle using lines that define its extent and the depth of view. A Views Assessment has been submitted as evidence in support of the views identified by the local community during consultation. This is based on a small number of criteria relating to public access and a clear reason for inclusion.

140. I visited each of the proposed views during my visit. I am content with the descriptions provided in the Views Assessment other than in relation to:

View 2 – This is particularly valued because of the view of Winterton Church and lighthouse. Yet, neither can be seen from the location shown in Figure 7. As shown the view is also largely towards the south east and both features are to the north east. The view described is located further east along Martham Road at the beginning of the built up area and looks north east

View 4 – This is described as being near the Met Station and looking north west. The location shown in Figure 7 is well north of the Met Station and largely looking north and north east. Hemsby Hall and buildings on Hall Road are not visible in the view as depicted which need to be looking north west.

141. I share some of Great Yarmouth Borough Council’s concerns at the extent of the views and the contrasting conclusions of other evidence in the *Landscape Character Assessment* (2008) and the *Settlement Fringe Landscape Sensitivity Study* (2016). There is a risk of the Policy resulting in a major restriction on development and the evidence base supporting the views is relatively light. This is especially the case with Views 1 and 3 which are of a general nature. I share concerns expressed in representations from the owners of Highfield Equestrian Centre that the rationale for the chosen field of View 1 is unclear given that a view of equivalent quality extend outside the field proposed. As identified Views 2 and 4 need amendment and can be more focused and Views 5 and 6 offer distinct views of the Broads and the valley and dunes which warrant recognition. A summary which justifies and describes the four views should be included as an Appendix.

142. The drafting of the Policy lacks clarity as to the type of development which needs to consider the views and the extent of harm that is relevant.

143. Policy 17 does not meet the Basic Conditions.

- **M22 – Amend Policy 17 to:**
  - **Delete Views 1 and 3**
  - **In the first sentence replace “six” with “four” and replace “Hemsby Neighbourhood Plan Views Assessment” with “Appendix ?”**

- **Replace the second sentence with “New development proposals which may impact on these views should be sited and designed to be of a form and scale that avoids or mitigates any significant harm to the view.”**
- M23 – Amend Figure 7 to:
  - Locate View 2 further east along Martham Road at the beginning of the built up area and looking in a narrow corridor north east which includes only Winterton Church and lighthouse and amend the assessment accordingly to recognise this as the significance of the view
  - Amend View 4 to provide a narrow corridor looking north west towards Hemsby Hall and buildings on Hall Road and amend the assessment accordingly to recognise this as the significance of the view

### Services and Facilities

144. **Policy 18** – This supports provision of leisure facilities for young people and requires new residential development to demonstrate consideration of their leisure needs.

145. The Policy is positively worded and enabling. The first part of the Policy lacks a definition of “*young people*” while the second part indicates these are “*under-18*”. There is no definition available in Great Yarmouth or the Broads Authority’s Local Plans and this definition should be provided in the supporting text. The Policy is unduly prescriptive in stating what “*will*” be expected and it would be disproportionate to require other than major new residential development to provide evidence of considering the needs of young people. The reference to considering other policies is unnecessary as development proposals are considered against all relevant development plan policies as a matter of law. The description of leisure services supporting “*youth clubs/service and activities*” is best located in the supporting text.

146. Policy 18 does not meet the Basic Conditions.

- **M24 – Amend Policy 18 to:**

- **Replace “*Subject to other relevant policies applications*” with “Plans for new development”**
- **Delete “; *leisure facilities could support youth clubs/services and activities*” and move it to the supporting text**
- **At the beginning of the second paragraph insert “Major”**
- **In the second paragraph replace “*will be expected to*” with “should”**
- **In the second paragraph replace “*needs of the new resident under-18 population*” with “leisure needs arising from additional young people”**
- **Provide a definition of young people as under-18 in the supporting text**

147. **Policy 19** – This addresses both general support for community facilities and for the development of the King’s Head into a community use.

148. The Policy is positively worded and enabling. I have considered whether the first part duplicates existing planning policy and, while there is an overlap with the Broads Authority Local Plan Policy SP16, I note Great Yarmouth Local Plan Policy C1 addresses only the retention of community facilities. The reference to considering other policies is unnecessary as development proposals are considered against all relevant development plan policies as a matter of law. There is no supporting text for this aspect of the Policy.

149. The King’s Head Public House is recognised as an Asset of Community Value and there is evidence of support for its retention as a community facility even if its function as a public house were to end. This is a focused Policy which should be separated from Policy 19. The examples of appropriate community uses that will be looked on favourably are best provided in the supporting text.

150. Policy 19 does not meet the Basic Conditions.

- **M25 – Amend Policy 19 to:**
  - **Delete “*Subject to other relevant policies*”**
  - **Delete the second part addressing the King’s Head**

- **M26 - Insert a new Policy:**
  - **“Kings Head Public House**  
**Proposals for the development of the Kings Head public house, an Asset of Community Value, into a community use will be supported if the public house closes within the plan period.”**
  
- OM11 – Provide a sub-heading and some supporting text for Policy 19 on Community Facilities
  
- OM12 – Provide examples of community uses for the King’s Head Public House which would be looked upon favourably in the supporting text

#### Historic Environment

151. **Policy 20** – This seeks to protect and enhance historic assets, requires development affecting listed buildings to be consistent with national planning policy and identifies a range of non-designated heritage assets to be considered by development proposals.

152. The treatment of designated heritage assets is addressed in national planning policy and the Local Plans. No clear purpose is served by the Plan addressing these issues without any additional local insight and the variation in drafting between the different policies is also a source of potential confusion that reduces certainty for applicants. Removing this aspect of the Policy also requires a change in its title.

153. The identification of locally important non-designated heritage assets is an important role played by neighbourhood planning. Policy 20 is supported by a Non-Designated Heritage Assessment describing the process through which a large number of assets have been identified. This includes a review of each asset which is said to be based on Historic England’s guidance on local listing and consultation with both Norfolk Historic Environment Service and residents prior to the consultation on the full Plan.

154. I am satisfied with the logic of this approach but the level of detail in the assessment of each asset is limited. Great Yarmouth Borough Council also expresses concerns that

*“some of the proposed non-designated heritage assets are not appropriately evidenced and fail to meet Historic England’s guiding criteria”* and I share this concern.

155. I visited the non-designated heritage assets during my visit and on the basis of this and the information provided do not consider the following proposals meet the evidence threshold for being identified as non-designated heritage assets:

4. Kiah Homebakes – no detail has been provided as to its historic significance

10. Hemsby Post Office – while the site may have historic interest there is no evidence of the current building having historic significance

18. Richardsons Holiday Park – this covers a very extensive area which largely comprises modern caravans. A more targeted assessment of the historic significance of parts of the site may reveal relevant assets but the proposal is too sweeping to merit inclusion

19. Former Pontins Holiday Park - this covers a very extensive area which largely comprises relatively recent buildings associated with the implementation of a recent planning permission. A more targeted assessment of the historic significance of parts of the site may reveal relevant assets but the proposal is too sweeping to merit inclusion

21. Former Railway Line – the entire route of the line is depicted in Figure 8 but the assessment addresses only the demolished bridge and associated mileposts. There is no assessment of where the engineering and earthworks associated with the line remain significant and much of it has been lost as a result of road construction, new development and farming. The proposal lacks sufficient evidence beyond recognising the individual mileposts

26. Stone Cottage – the only evidence provided is an approximate date of construction. This is insufficient to merit inclusion

27. Branton House - the only evidence provided is a very approximate date of construction and basic description. This is insufficient to merit inclusion

156. The Plan's treatment of non-designated heritage assets, including their setting, is not consistent with that in national planning policy (NPPF, paragraph 203) and it is unnecessary for this to be repeated. By recognising specific non-designated heritage assets the Plan will afford them additional protection.

157. A Heritage Statement is already required by both Great Yarmouth Borough Council and Broads Authority in relation to planning applications that affect heritage assets and the information required to be provided with a planning application is not directly a matter for planning policy.

158. There is a mismatch between the assets identified in Figure 8 and those listed on pages 55 and 56. Figure 8 shows 27 assets and the assessment identifies 26 assets (omitting Richardson's Holiday Park).

159. There is an inconsistency in the names used in Figure 8, the list provided on pages 55 and 56 of the Plan and the Non-Designated Heritage Assessment. This includes the use of completely different names (e.g. Pit Road Cottages and School Loke Cottages) as well as differences in detail (e.g. Congregation Chapel and Congregational Church). It would also improve clarity of the Plan if the assets listed in the Plan and included in the Assessment were numbered in the same manner as Figure 8.

160. Figure 8 does not locate the individual assets with sufficient clarity and a larger scale and different base map is required. In some instances the sites overlap, such as the location of WW2 pillboxes in the Holiday Parks, making it impossible to identify the correct location.

161. Policy 20 does not meet the Basic Conditions.

- **M27 – Replace Policy 20 with:**  
**“Non-designated Heritage Assets**  
**The buildings and structures shown in Figure 8 are recognised as non-designated heritage assets with a local historic value and significance which should be addressed by new development proposals.”**
  
- M28 – Amend Figure 8 and the list on pages 55 and 56 to:
  - Delete assets 4, 10, 18, 19, 26 and 27
  - Amend the location and description of asset 21 to address only the milestones associated with the former railway line
  - Be consistent in the naming of the assets
  - Be consistent in the numbering of the assets
  
- M29 - Provide higher quality, larger scale maps using a more appropriate base map, which enables the exact location or boundary of each non-designated heritage asset to be determined

## **8. Recommendation and Referendum Area**

162. I am satisfied the Hemsby Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.



## Great Yarmouth Borough Council & Broads Authority

### Decision Statement on Hemsby Neighbourhood Plan Examiner's Report 23<sup>rd</sup> & 31<sup>st</sup> March 2023

#### 1. Purpose of Statement

The Hemsby Neighbourhood Plan has been examined by an independent Examiner and they have issued the final Examiner's Report. This report makes a number of recommendations for making modifications to policies within the submitted Neighbourhood Plan. In accordance with Regulation 17A and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and paragraph 12 of Schedule 4B to the 1990 Town and Country planning Act (as amended), Great Yarmouth Borough Council and the Broads Authority (as joint responsible authority) propose to accept each of the examiner's recommendations, as set out below.

#### 2. Plan background

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended), the plan was submitted to the Borough Council in August 2022, with the Parish Council having undertaken early local consultations. In accordance with Regulation 16, the Borough Council published and consulted on the submitted plan in September 2022.

An independent examiner was then appointed to examine the plan in accordance with paragraph 7 of Schedule 4B to the 1990 Town and Country planning Act (as amended).

The appointed Examiner has now examined the Hemsby Neighbourhood Plan and published their report with recommendations. The Examiner can only examine the plan in so far as to determine whether it meets the 'basic conditions' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.

Under Regulation 24A of the Neighbourhood Planning (General) Regulations 2012 (as amended), the Borough Council along with the Broads Authority (as part of the neighbourhood plan area falls within the Broads Local Planning Authority Area) have to make a decision on the Examiner's recommendations. The Local Planning Authority must consider whether to decline/refuse the plan or to accept the report recommendations and set out its reasons in a decision statement that must then be published. It is also possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.

### 3. Consideration of Basic Conditions

The Examiner has concluded: *‘Subject to the recommended modifications set out in this report I conclude that the Hemsby Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations...I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Hemsby.’*

This assessment includes consideration of the Environmental Assessment of Plans and Programmes Regulations 2004 (formerly the Strategic Environmental Assessment Directive) and the Conservation of Habitats and Species Regulations 2017 (or ‘Habitat Regulations’). After consultation with the statutory bodies, the published Strategic Environmental Assessment Screening Opinion (dated April 2022) concluded that the Plan is not likely to have significant environmental effects.

Great Yarmouth Borough Council also published a Habitat Regulations Screening Opinion (dated April 2022). This recognised the presence of two relevant Natura 2000 sites in the Neighbourhood Area (The Broads Special Area of Conservation (SAC) and Broadlands Special Protection Area (SPA)) and assessed whether the policies of the Neighbourhood Plan would give rise to the potential for a likely significant effect on any of them.

The Examiner concludes that the plan meets the Basic Condition in respect of Habitat Regulations Assessment, as Great Yarmouth Borough Council identified no likely significant effects, in agreement with Natural England.

### 4. Reason for decision

Having considered each of the recommendations within the examiner’s report and the reasons for them, Great Yarmouth Borough Council and the Broads Authority has decided to approve each of the recommended modifications (required to meet the Basic Conditions) and the majority of the ‘optional modifications’ (not necessary, but generally improve the plan). This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990.

The following table sets out each of the examiner’s recommended modifications to the submitted neighbourhood plan, the Council’s consideration of those recommendations, and the Council’s decision in relation to each recommendation.

### 5. Recommendations

The following recommendations are ordered within the relevant sections in which the Examiner assessed the neighbourhood plan.

#### Section 1: Introduction

##### a) Examiner’s Recommendations:

- [Paragraph 1.2] Provide a link to a map showing the detail of the neighbourhood area boundary
- Provide a link to the Plan’s complete evidence base
- Paragraph 1.7 – Broads Authority suggested text changes

##### b) Councils consideration of modification(s)

Agreed all changes (no comments).

##### c) Councils decision

Accept Examiner's recommended modifications.

## **Section 2: Neighbourhood Planning**

- a) Examiner's Recommendations:**  
No modifications.
- b) Councils consideration of modification(s)**  
Agree
- c) Councils Decision**  
Accept Examiner's recommendation. No modification necessary.

## **Section 3: Consultation and Engagement**

- a) Examiner's Recommendations:**  
No modifications.
- b) Councils consideration of modification(s)**  
Agree
- c) Councils Decision**  
Accept Examiner's recommendation. No modification necessary.

## **Section 4: Vision and aims**

- a) Examiner's Recommendations:**
  - a. Paragraph 4.2, Criterion H – Broads Authority suggested text change
- b) Councils consideration of modification(s)**  
Agree
- c) Councils decision**  
Accept Examiner's recommended modification.

## **Section 5: Policy Context**

- a) Examiner's Recommendations:**  
Paragraph 5.4, line 3 – replace "policies" with "matters addressed"
- b) Councils consideration of modification(s)**  
Agree
- c) Councils decision**  
Accept Examiner's recommended modification.

## **Section 6: Housing and Design**

### *Policy 1: Affordable Housing*

- a) Examiner's Recommendations:**  
Amend Policy H1 to:

- Replace the first paragraph with “As a starting point the following split in the affordable housing requirement for residential developments of 10 dwellings or more or on sites of 0.5 hectares or more will be sought:
  - a) 25% first homes
  - b) 60% affordable homes for rent
  - c) 15% other affordable homes”
- In the third paragraph delete “*between 40% and*”
- Make the following changes to the supporting text:
  - Paragraph 6.5 – replace the final sentence with “The Housing Needs Assessment provides evidence of a more localised split of 25% First Homes, 10% shared ownership, 5% rent to buy and 60% affordable rent. Policy 1 sets proportions of affordable housing mix in line with this evidence. It categorises affordable housing in line with the glossary in the National Planning Policy Framework which combines rent to buy with shared ownership.”
  - Paragraph 6.6 – replace the final three sentences with “In terms of First Homes, the Housing Needs Assessment provides robust evidence that there is a need to require higher minimum discounts for First Homes at up to 50% because a discount of 30% only narrowly reaches those households on average incomes.”

**b) Councils consideration of modification(s)**

Agree

**c) Councils decision**

Accept Examiner’s recommended modification to provide consistency with the findings of the Hemsby Housing Needs Assessment. The First Homes discount will also be consistent with Great Yarmouth Borough Council.

*Policy 2: Housing Type & Mix*

**a) Examiner’s Recommendations:**

- Replace the first sentence with “Residential development proposals should provide a mix of housing types and sizes which reflect local housing needs on the basis of the best available and proportionate evidence.”
- Delete the third sentence
- Delete the second paragraph

**b) Councils consideration of modification(s)**

Agree. This provides necessary clarity.

**c) Councils decision**

Accept Examiner's recommended modifications.

#### *Policy 3: Design*

**a) Examiner's Recommendations:**

- Replace "will need to be consistent with" with "should have regard to"
- Delete sub-paragraph a)
- In sub-paragraphs c) and d) replace "must" with "should"
- For sub-paragraph d) provide a definition of "major development" in the supporting text consistent with national planning policy or include a statement that major development is as defined in national planning policy
- Replace the final sentence of paragraph 6.21 with "Policy H3 in the Local Plan sets out that lower densities may be acceptable in sensitive locations, and Policy 3 identifies where this is the case through reference to the design code."

**b) Councils consideration of modification(s)**

Agree. This reflects the status of the Design Codes as a supporting document. Clarity is also provided as to how density is applied through the neighbourhood plan.

**c) Councils decision**

Accept Examiner's recommended modifications.

#### *Policy 4: Support for properties at risk from coastal erosion*

**a) Examiner's Recommendations:**

- Delete Policy 4
- Consider addressing the circumstances relating to coastal erosion and sea defences which would result in a review of the Plan as a Community Action
- Paragraph 6.28 – Broads suggested amendment to remove 'emerging plan'

**b) Councils consideration of modification(s)**

Agree. This policy will be replaced as a 'Community Action' to ensure that the work and wider intentions of the policy can be acknowledged.

**c) Councils decision**

Accept Examiner's recommended modifications.

### **Section 7: Infrastructure**

#### *Policy 5: Hemsby Medical Centre*

**a) Examiner's Recommendations:**

Amend Policy 5 to delete the second sentence

**b) Councils consideration of modification(s)**

Agree. There is adequate coverage within existing local and national policy to address parking provision.

**c) Councils decision**

Accept Examiner's recommended modification.

**Section 8: Transport**

*Policy 6: Walking and Cycling Improvements*

**a) Examiner's Recommendations:**

Amend Policy 6 to:

- Insert "the built-up area of"" before "Hemsby"
- Insert "major" after "new" in the second paragraph
- Delete "reflecting the priorities in Community Action 2"
- Replace "Any lighting must be well designed, as per Policy 3," with "Any lighting should be well designed"
- Provide a definition of "major development" in the supporting text consistent with national planning policy
- Replace the third paragraph with "Where appropriate and necessary, development proposals adjacent to any of the priority routes shown in Figure 2 should support their improvement in line with creating safe, accessible, all-weather routes."

**b) Councils consideration of modification(s)**

Agree. The modifications ensure consistency with national policy in the use of planning obligations and conditions. They are only appropriate where they are necessary to make a development acceptable.

**c) Councils decision**

Accept Examiner's recommended modifications.

*Policy 7: Public Transport Improvements*

**a) Examiner's Recommendations:**

Amend Policy 7 to:

- Delete the first and third paragraphs
- Replace the second paragraph with "New major development likely to result in a significant increase in travel demand should, where appropriate, contribute to more frequent bus services to key destinations and improved bus waiting facilities, including new and upgraded stops and shelters, waiting areas with good quality seating and timetable displays and areas for people to leave mobility scooters and wheelchairs where possible."
- Paragraph 8.18 – Broads suggested amendment to clarify sentence.
- Paragraph 8.23, final sentence – Broads suggested amendment to remove incomplete sentence.

**b) Councils consideration of modification(s)**

Agree. This provides clarity as to what transport infrastructure new major development can provide.

**c) Councils decision**

Accept Examiner's recommended modifications.

*Policy 8: Residential parking standards*

**a) Examiner's Recommendations:**

Amend Policy 8 to:

- Replace the first paragraph with "New residential development should where practicable and feasible provide sufficient off-road vehicle parking to avoid significant impacts on traffic flows."
- In the second paragraph replace "Where these standards cannot be met" with "Where sufficient off-road parking cannot be provided"
- In the third paragraph replace "shall" with "should"

**b) Councils consideration of modification(s)**

Agree. New standards cannot be applied without adequate evidence. In addition, there is a need to remove the final sentence of paragraph 8.28 which refers to the standards removed by the above Examiner recommendation.

**c) Councils decision**

Accept Examiner's recommended modifications & consequential removal of the final sentence of paragraph 8.28.

*Policy 9: Public car parking*

**a) Examiner's Recommendations:**

Provide a consistent and accurate naming of streets throughout the Plan

**b) Councils consideration of modification(s)**

Agree. In this particular instance the term "Kings Way" will be used to be consistent with that of the Borough Council's street naming records.

**c) Councils decision**

Accept Examiner's recommended modification which applies throughout the plan.

**Section 9: Tourism**

*Policy 10: Tourist Accommodation*

**a) Examiner's Recommendations:**

Amend Policy 10 to:

- In the first paragraph delete "be strongly resisted and"
- In the second paragraph delete "This does not apply to hotels"

- In the third paragraph replace “must” with “should”; insert “of design” after “quality” and end the sentence at “dwellings”
- Include reference to the information requirements for demonstrating a current use is unviable being the same as those required by Local Plan Policy L1 in the supporting text

**b) Councils consideration of modification(s)**

Agree. There modifications provide consistency with local and national policy.

**c) Councils decision**

Accept Examiner’s recommended modifications.

*Policy 11: Loss of Tourism Facilities*

**a) Examiner’s Recommendations:**

Amend Policy 11 to:

- Replace the first sentence with “The retention of existing tourism facilities in the parish will be strongly supported”
- At the end of the third line delete “either”
- In section a. insert “tourism” before “facility”
- In section b. replace “it” with “the tourism facility”
- In section c. replace “will need to be” with “is” and “assessment” with “or feasibility assessment as appropriate”
- Delete the second paragraph

**b) Councils consideration of modification(s)**

Agree. The modifications improve the function and clarity of the policy in accordance with national policy.

**c) Councils decision**

Accept Examiner’s recommended modifications.

*Policy 12: Tourism*

**a) Examiner’s Recommendations:**

- Replace the first line with “The following development proposals which promote Hemsby as a visitor destination”
- Paragraph 9.15 – Broads suggested amendment to clarify second sentence.

**b) Councils consideration of modification(s)**

Agree. This form of wording provides clarity.

**c) Councils decision**

Accept Examiner's recommended modifications.

## Section 10: Flood and Water Management

### *Policy 13: Surface Water Flooding*

#### **a) Examiner's Recommendations:**

- Replace Policy 13 with "New development proposals should have due regard to the risk of surface water flooding within the neighbourhood area, particularly in relation to areas prone to flooding as identified by the Lead Local Flood Authority data. Where attenuation ponds are necessary they should be well designed to minimise risks to public safety, mitigate their visual impact and create additional habitat where possible."
- Delete paragraphs 10.10, 10.14 and 10.15
- Lead Local Flood Authority suggested amendment to paragraph 10.6
- Broads Authority suggested amendment to paragraph 10.12 to refer to "or successor documents"
- Remove reference to "Figure 4" on page 36 and renumber the other Figures accordingly

#### **b) Councils consideration of modification(s)**

Agree. The wording provides consistency with local and national policy to address flood risk in a manageable way.

#### **c) Councils decision**

Accept Examiner's recommended modifications.

## Section 11: Natural Environment

### *Policy 14: Biodiversity Improvements*

#### **a) Examiner's Recommendations:**

- Replace Policy 14 with "New development proposals should contribute to and enhance the natural and local environment, securing net gains for biodiversity and retaining existing trees, woodlands, hedgerows and copses wherever possible. Residential development making use of soft boundary features will be supported."
- Broads Authority suggested amendment to paragraphs 11.2 and 11.3 to address typographical errors

#### **b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity in advance of the national implementation of net gain.

#### **c) Councils decision**

Accept Examiner's recommended modifications.

*Policy 15: Green Corridors*

**a) Examiner's Recommendations:**

Amend Policy 15 to:

- In the first line replace "identified" with "indicative" and insert ", including the Buffer Zones for Designated Sites," after "Corridors"
- In the first bullet delete from "demonstrate" to end and insert "where it is likely to have a significant impact it should address how it will mitigate any likely harm"
- In the second bullet delete from "(as a result" to end and insert "this will be supported where it is delivered within an identified Green Corridor"
- Replace "must" with "should" in both instances
- Insert "the location of" after "stage" in paragraph 11.7
- Broads Authority suggested amendment to paragraph 11.10
- Replace Figure 5 with more detailed mapping

**b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity that the green corridors identified are indicative, it is proportionate to the evidence provided, and removes inappropriate prescription.

**c) Councils decision**

Accept Examiner's recommended modifications.

*Policy 16: Local Green Spaces*

**a) Examiner's Recommendations:**

Amend Policy 16 to:

- Insert "(Figure 6)" after "Space"
- Delete "4. Part of the Highfield Equestrian Centre""
- Delete from "These will" to the end
- Amend the boundaries of Local Green Spaces 1, 3, 7 and 10 as indicated
- Provide higher quality, larger scale maps using a more appropriate base map, which enables the detailed boundaries of each Local Green Space to be determined
- Delete Appendix A [relating to Local Green Space policy interpretation]

**b) Councils consideration of modification(s)**

Agree. The amendments provide consistency to national planning policy which sets out the criteria for assessing Local Green Spaces for designation. Updated mapping can provide clarity on the extent of Local Green Space sites.

In addition, a consequential amendment is required to remove reference to an alternative approach to Local Green Space policy consistent with Green Belts in paragraph 11.15, following the Examiner's recommendations to the policy wording and appendix.

**c) Councils decision**

Accept Examiner's recommended modifications & the consequential amendments to remove wording in paragraph 11.15.

## **Section 12: Important Views**

*Policy 17: Protection of important local views*

**a) Examiner's Recommendations:**

Amend Policy 17 to:

- Delete Views 1 and 3
- In the first sentence replace "six" with "four" and replace "Hemsby Neighbourhood Plan Views Assessment" with "Appendix ?"
- Replace the second sentence with "New development proposals which may impact on these views should be sited and designed to be of a form and scale that avoids or mitigates any significant harm to the view."
- Amend Figure 7 to:
  - Locate View 2 further east along Martham Road at the beginning of the built up area and looking in a narrow corridor north east which includes only Winterton Church and lighthouse and amend the assessment accordingly to recognise this as the significance of the view
  - Amend View 4 to provide a narrow corridor looking north west towards Hemsby Hall and buildings on Hall Road and amend the assessment accordingly to recognise this as the significance of the view

**b) Councils consideration of modification(s)**

Agree. The policy as amended is proportionate to the evidence provided and consistent with the findings of the Borough Council's Landscape Character Assessment (2008) and the Settlement Fringe Landscape Sensitivity Study (2016).

In addition, a consequential amendment is required to amend reference to four views (rather than six) in paragraph 12.3.

**c) Councils decision**

Accept Examiner's recommended modifications & the consequential amendment to paragraph 12.3.

## **Section 13: Services and facilities**

*Policy 18: Provision of leisure facilities for young people*

**a) Examiner's Recommendations:**

Amend Policy 18 to:

- Replace “Subject to other relevant policies applications” with “Plans for new development”
- Delete “; leisure facilities could support youth clubs/services and activities” and move it to the supporting text
- At the beginning of the second paragraph insert “Major”
- In the second paragraph replace “will be expected to” with “should”
- In the second paragraph replace “needs of the new resident under-18 population” with “leisure needs arising from additional young people”
- Provide a definition of young people as under-18 in the supporting text

**b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity and removes unjustified prescription.

**c) Councils decision**

Accept Examiner’s recommended modifications.

*Policy 19: Community facilities*

**a) Examiner’s Recommendations:**

Amend Policy 19 to:

- Delete “Subject to other relevant policies”
- Delete the second part addressing the King’s Head
- Insert a new Policy:
  - “Kings Head Public House  
  
Proposals for the development of the Kings Head public house, an Asset of Community Value, into a community use will be supported if the public house closes within the plan period.”
- Provide a sub-heading and some supporting text for Policy 19 on Community Facilities
- Provide examples of community uses for the King’s Head Public House which would be looked upon favourably in the supporting text

**b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity and the King’s Head Public House proposal warrants its own focused policy.

**c) Councils decision**

Accept Examiner's recommended modifications.

## Section 14: Historic Environment

### *Policy 20: Non-Designated Heritage Assets*

#### **a) Examiner's Recommendations:**

Replace Policy 20 with:

- "Non-designated Heritage Assets

The buildings and structures shown in Figure 8 are recognised as non-designated heritage assets with a local historic value and significance which should be addressed by new development proposals."

- Amend Figure 8 and the list on pages 55 and 56 to:
  - i. Delete assets 4, 10, 18, 19, 26 and 27
  - ii. Amend the location and description of asset 21 to address only the milestones associated with the former railway line
  - iii. Be consistent in the naming of the assets
  - iv. Be consistent in the numbering of the assets
- Provide higher quality, larger scale maps using a more appropriate base map, which enables the exact location or boundary of each non-designated heritage asset to be determined

#### **b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity and consistency with national planning policy in respect of non-designated heritage assets. The sites removed do not meet Historic England's guideline criteria and lack appropriate evidence to be considered as non-designated heritage assets.

In addition, a consequential amendment is required to correct a typographical error in paragraph 14.3.

#### **c) Councils decision**

Accept Examiner's recommended modifications & the consequential amendment to paragraph 14.3.

## Consequential amendments

The following consequential amendments are required to support the Examiner's recommendations:

- Document title (replace submission draft with referendum version)
- Table of contents & page numbering
- Update policy and figure references

## **6. Next steps**

This Decision Statement and the Examiner's Report into the Neighbourhood Plan will be made available at the following online locations:

<https://www.great-yarmouth.gov.uk/hemsby-neighbourhood-plan>

<https://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning>

Hard copies of this are also available for inspection at:

Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

The next stage is for the Hemsby Neighbourhood Plan to proceed to a referendum within the neighbourhood area. Such a referendum needs to take place within 56 days from the day after the date of the decision. Notice will be given 28 days before the referendum takes place.



**URN: 22-192**

**Subject: Renewal of Public Space Protection Order NO.3- Dog Control**

**Report to: Environment Committee – 7<sup>th</sup> March 2023**  
**Council – 23<sup>rd</sup> March 2023**

**Report by: Paul Shucksmith – Environmental Protection and Waste Manager**  
**James Wilson – Head of Environment and Sustainability**

#### **SUBJECT MATTER**

**Public Protection Order No.3 was introduced in 2017 to update legal requirements on dog owners/walkers around dog control and removing waste after their dog has fouled. The Order was extended in 2020 and this extension is due to expire on 31<sup>st</sup> March 2023. This report seeks member approval to extend it by a further three years.**

#### **RECOMMENDATION**

**That Council :**

- **Agree to the Order being extended by a further three years.**

### **1. Introduction**

- 1.1.** The Anti-Social Behaviour (Crime and Policing) Act 2014 provided local authorities with a range of powers to assist in tackling anti- social behaviour (ASB) within the community. One of these powers is the Public Space Protection Order (PSPO)
- 1.2.** PSPO'S are designed to replace and streamline a range of powers such Byelaws and other types of Orders which have historically been available to local authorities. They can be used to prevent or address behaviour carried out in the public space which have had, are having or could have a detrimental effect on other people in the locality.
- 1.3.** Councils may make a PSPO where there is an evidenced need and as part of its implementation must consult with the Police and appropriate community representation.
- 1.4.** PSPO's last for a duration of up to three years after which time they must be reviewed and renewed if they are still required

1.5. Currently the Council has three PSPO's. PSPO No.1 relates to alcohol related anti-social behaviour, PSPO No.2 relates to vehicle related anti-social behaviour and PSPO No.3 related to dog control.

## 2. Background To PSPO No.3

2.1. In 2017 the Borough Council introduced Public Space Protection Order No.3. This PSPO covers the issue of dog control on publicly accessible land including putting legal requirements on dog walkers to clear up after their dog has fouled, designated areas where dogs are banned from and where dogs must be leashed and enabling authorised Council Officers to require a dog be leashed where it is causing a nuisance or danger. For an overview of Public Space Protection Orders and background to dog control in Great Yarmouth please see Appendix 1.

2.2. PSPO No.3 was reviewed in 2020 and following a public consultation was renewed. The extension to the PSPO is due to expire on 31<sup>st</sup> March 2023 and consequently it must review and consider whether its requirements are still appropriate and whether to extend for a further three years.

2.3. As part of this review a public consultation exercise has taken place with partner agencies, charities and other appropriate bodies invited to feed into this. The Police and Crime Commissioner for Norfolk and Norfolk Constabulary have also been invited to take part in the Consultation as they are statutory consultees.

## 3. Requirements of the PSPO

3.1. PSPO No.3 updated existing byelaws bringing a variety of dog related control measures all under a single Order. A copy of the existing PSPO had been provided as Appendix 2. The following is an overview of the requirements:

- **Failing to pick up after a dog has fouled (Boroughwide).** It makes it an offence for a person in charge of a dog to fail to clear up after their dog(s) foul on publicly accessible land.
- **Dogs on lead by request (Boroughwide).** This allows authorised officers to direct an owner to leash their dog if it is considered to be out of control, causing alarm or distress or causing a nuisance. This covers all publicly accessible land the offence is not comply with the Officers direction.
- **Dogs on lead requirement (Select location).** Dogs are required to be leashed upon entering specific locations, in the interest of hygiene, preventing nuisance and/or promoting respect. Locations include Great Yarmouth Old and New

Cemetery, Caister Cemetery and select play areas where residents must walk through them to access their property.

- **Dog ban (Select locations).** In the interest of hygiene, safety and/or promoting respect dog are not permitted in Magdalen Lawn Cemetery and Gorleston Old Cemetery or fenced children's play areas, fitness areas, skate parks and multi-use games areas.
- **Seasonal controls (From 1<sup>st</sup> May to 31<sup>st</sup> September).** To minimise risk of issues between dogs and beach user's, dogs are banned during the tourist season on the beach at Great Yarmouth (between the two piers) and Gorleston (from the Harbour's mouth to The Ravine) plus a dogs on lead requirement on the adjacent section of promenade at the two location during the same period.

**3.2.** Anyone failing to comply with any of the requirements can be issues with a fixed penalty notice (currently set at £80 reduced to £60 if paid within ten days) or prosecuted with a maximum penalty of £1000.

**3.3.** Exemptions are in place for the requirement to clear after a dog has fouled and sites where dogs are banned for assistance dogs.

#### **4. Dog related complaints and enforcement**

**4.1.** The requirements of PSPO No. 3 are very much directed at preventing and addressing detrimental and unreasonable behaviour and providing the necessary powers to Officer's to deal with dogs which are causing a nuisance. It is felt it is proportionate without putting wholesale restrictions on dog walkers e.g., providing areas of the beach where dogs are banned from but also providing other areas where they can still be exercised

**4.2.** Since the implementation of the PSPO several successful prosecutions and other formal actions have been taken against persons breaching it. Anecdotal evidence from the Officers who enforce is that the PSPO has proven to be appropriate to the work they undertake. However, given that it is an emotive subject, complaints are still routinely received regarding dog control and fouling issues and as a result Officers do feel that these control measures are still required and that the PSPO should be renewed.

Year	Prosecutions	FPN's	Cautions	CPW/Formal Warnings
2014	3	8	1	
2015	9	5	1	3
2016	10		1	1
2017	5			1
2018	5			
2019	3	5		
2020	4	3		
2021	Nil	Nil	Nil	Nil
2022		1	1	

**4.3.** You will note figures have reduced since covid mainly due to the fall in complaints and the Rangers, who enforce this legislation being tasked with a lot more project work and focusing on flytipping.

**4.4.** Complaints regarding dog fouling are the second highest type of complaint received by the Environmental Rangers. There does tend to be a seasonal trend with dog fouling with more complaints in the Winter months when nights are darker. Number of complaints over previous years are detail below:

Year	Number of dog fouling complaints
2019/20	130
2020/21	107
2021/22	128
April 2022-Dec 22	88

**4.5.** Dogs bans and dogs on lead requirements are very much preventative measures and complaints regarding breaches are minimal. Where complaints are received the Rangers take a very much educational approach patrolling the area and providing guidance to anyone not adhering to the requirements. In such cases persons thus far have then been found to become compliant either leashing their dog or leaving the ban area and there has been no reason to pursue any further action.

**4.6.** Since the introduction of PSPO No.3 there has been no complaints about the nature of its requirements or any legal challenge to its appropriateness.

## **5. Consultation**

**5.1.** For the implementation or renewal of a PSPO the Council are obliged to seek the views of the Police and relevant community representation. A formal public

consultation was commenced 24<sup>th</sup> October 2022 and was appropriately advertised as is required. Closing date for the consultation was 20<sup>th</sup> November 2022.

- 5.2. In total 82 consultation responses were received and in addition a letter of response was received from The Dogs Trust. Full consultation feedback can be found in Appendix 3 which also provides individual responses. Of the responses received 93% were from residents of the Borough and 3.5% from visitors. There was a single response from a business and two from Parish Councils.
- 5.3. 62.2% of the responses received were persons who identified themselves as being dog owners.
- 5.4. In relation to dog fouling all respondents felt that the Council should continue its requirements under the PSPO that dog walkers should clear up after their dog has fouled.
- 5.5. 81 out of the 82 respondents felt that the Council should continue its requirements under the PSPO that allow Officer to require a dog be leashed upon request where it is causing a nuisance
- 5.6. With regard to dogs on leash requirements the following responses were received that the locations stated should still have requirement on the land:

Location	Agree	Disagree
Caister, Great Yarmouth Old and New Cemeteries	92.7%	7.3%
Playgrounds (access to properties)	87.8%	12.2%

- 5.7. With regard to dog bans the following responses were received that the locations stated should still have dogs banned from them:

Location	Agree	Disagree
Magdalen Lawn and Gorleston Old Cemetery	70.3%	20.7%
Fenced play areas, skate parks, fitness areas and multi games areas	93.9%	6.1%

- 5.8. 85.3% of respondent's agreed that the current seasonal dogs ban on the beaches and dogs on lead requirements on the prom were appropriate and should continue
- 5.9. The Dogs Trust have provided a position statement on PSPO's generally. They are not against PSPO's as long as its take into account the needs and welfare of dogs. They

fully support the requirement to clear up after a dog has fouled and the ability for officers to require that a dog is leashed where it is a nuisance. They agree with dog bans and dogs on leash requirements where there is a clear need for them such as children's play areas. They feel where bans and leash requirements are implemented in other areas they should only be done so where there is adequate alternative provision locally for dog walkers to exercise their dog e.g., not banning dogs from the entire length of beaches.

## **6. Conclusions/Recommendations**

**6.1.** When the PSPO was introduced in 2017 consideration was given to the needs of dog walkers against the health, safety and welfare of the other users. The existing requirements in PSPO No.3 were introduced to prevent nuisance, for hygiene safety reasons and minimising risk between dogs and other users in certain areas. Dog bans and dogs on leash requirements were only implemented in areas where it was necessary to prevent unreasonable behaviour and/or where there were clear alternative areas for dogs to be exercised. With the majority of person's responding to the consultation identifying themselves as residents of the Borough and also as being dog owners those persons most affected by the PSPO would agree that the measures are appropriate and support the renewal of the PSPO in its current form. Based on this it is recommended that the Order is renewed for a further three years from 1<sup>ST</sup> April 2023.

**6.2.** Members are therefore recommended:

- To consider the feedback and comments received from the Public Consultation held around PSPO No.3
- That PSPO No.3 should be renewed for a further three years

## **7. Financial Implications**

**7.1.** There are no current direct financial implications identified

## **8. Legal Implications**

**8.1.** Section 72 of the 2014 Act requires that in deciding whether to extend a PSPO the Council must have regards to the rights of freedom of expression and freedom of assembly and association set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms

**8.2.** Whilst acknowledging that the proposed Order could potentially infringe on an individual's human rights, including the right to respect for private life and potentially the right to freedom of assembly and association, it is considered that these qualified

rights may in the this instance be interfered within the interests of public safety , the prevention of crime and disorder and in accordance with the law.

- 8.3.** As required under section 72 of the 2014 Act the Council has carried out the necessary consultation and notification before deciding whether to extend and amend the PSPO or not. If the extension is agreed a notice will be published identifying that the Order has been extended.

**9. Risk Implications**

- 9.1.** Should the PSPO not be renewed its requirements would no longer be enforceable. Where a PSPO does expire any pre-existing Byelaws within the Borough would automatically become re-enacted. This would mean that there would be some dog control coverage including a requirement to clear up after a dog has fouled albeit there would not be the breadth of land that the requirement would cover within the Borough as there would be under the PSPO. However, it should be remembered that the reasons for originally introducing the PSPO was because these byelaws which were made at various times during 1980’s and 90’s were fragmented, inconsistent and did not cover many sites where controls measures were needed.

<b>Area for consideration</b>	<b>Comment</b>
Monitoring Officer Consultation:	No
Section 151 Officer Consultation:	No
Existing Council Policies:	No
Financial Implications (including VAT and tax):	No
Legal Implications (including human rights):	Yes
Risk Implications:	No
Equality Issues/EQIA assessment:	No
Crime & Disorder:	Yes
Every Child Matters:	No

## Appendix 1



# Overview of Public Space Protection Orders

## What Are Public Space Protection Orders?

Public Space Protection Orders (PSPO's) were introduced as part of the reforms made under the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to replace and streamline a range of powers such as byelaws and Dog Control Orders which have historically been available to local authorities to deal with anti-social behaviour.

PSPO's are designed to target a range of anti-social behaviour that adversely affects other people using the same public space including dog control. Historically Byelaws and more recently Dog Control Orders were made to cover a number of offences including dog fouling, banning dogs from sites and requiring dogs to be kept leashed.

In 2005 The Clean Neighbourhoods Act was enacted which included Dog Control Orders and as a result no new Byelaws relating to these offences could be made – although any existing Byelaws could still be enforced.

Unlike a Byelaw which had to be confirmed by the Secretary of State, Public Space Protection Orders can be made locally but consultation must be carried out with appropriate community representation. Unlike Dog Control Orders which could also be implemented by secondary authorities PSPO's can only be implemented by primary authorities. PSPO's last for duration of three years at which time they must be reviewed and renewed if they are still required.

## Background To Dog Control In the Borough

The Borough Council carried out an in-depth review of its dog control measures in 2016/17 and introduced PSPO No.3 following a public consultation and this PSPO was then renewed in 2019/20. Prior to this the last review of dog law within the

Borough took place in 1996 and most of the Byelaws regarding dogs pre-dated this. These Byelaws were made over a period of many years and as a result there was inconsistency between them, for example the maximum penalty taking a dog onto a site covered by a dog ban ranged from £50 through to £500 dependent on the location and when the Byelaw covering the site was made. As a review had not taken place for a number of years, many sites requiring some form of dog control on it were not covered and other sites had control measures no longer appropriate or needed.

## **Public Space Protection Order Types and Offences**

Public Space Protection Orders are designed to address a range of anti-social behaviour that affect people whilst in the public domain. The test for the local authority to make a PSPO is that it must be satisfied on reasonable grounds that two conditions are met:-

1. Activities carried out in the public place are having, have had or will have a detrimental effect on the quality of life of those in the locality

and

2. Activities are or are likely to be persistent, unreasonable and justify the restrictions imposed by the order

PSPO's can only apply to public place i.e any place to which the public, with or without payment, have access to as of right or by permission.

Specifically relating to dog control individual measures available to Local Authorities under PSPO's are the similar restrictions as what could previously be made as Dog Control Orders.

Theses are:-

- Failing to Remove Dog Faeces – Similar to the designation order made under The Dogs (Fouling of Land Act) 1996 which historically covered the Great Yarmouth Borough. An offence is committed where the person responsible for a dog fails to clear up forthwith after a dog has fouled on most public land and private land to which the public have access and is open to the air. Land types previously exempt from being designated under a designation order can be covered under a PSPO– including agricultural land, woodland, marshland,

moorland, common and heath land and roads with a speed limit of 50mph or above.

- Dogs on Lead Requirement – Makes it a requirement that when using a location with such an order on that all dogs must be kept leashed.
- Dogs on Lead Request – Enables authorised officers, on land which such an Order covers, to require that a dog is leashed and kept leashed. This is designed to be used where a dog is causing a nuisance or a hazard to itself or other users.
- Dog Bans – Bans dogs from entering a site covered by such an Order. This is most likely to be used in connection with children’s playgrounds.
- Specifying Maximum Number of Dogs – Puts a limit on how many dogs can be walked by one person on land covered by the Order. This was mainly introduced for inner city parks where professional dog walkers are more prevalent. DEFRA suggest that when considering such an Order expert advice is that the maximum number of dogs that a person can control is six.

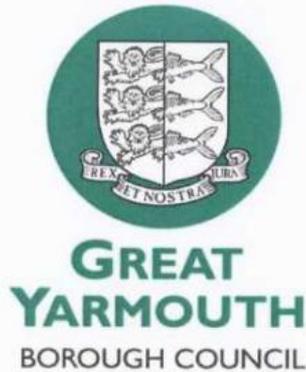
Additionally as PSPO’s are more flexible than the previous Dog Control Orders a PSPO can also be used-

- To put in place other restrictions or requirements to prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the area or locality, or is likely to have such an effect.

This does mean that other dog control restrictions can be introduced which are outside of the usual prescribed measures such as bans or leash requirements. However, any other restrictions which are introduced must be reasonable and not arbitrary.

There are exemptions that should be considered when making a PSPO such as those people with disabilities who make use of trained assistance dogs. Guidance would suggest that anyone using any type of assistance dog is not subject to a Banning Order in respect of their assistance dog, and anyone other than a registered deaf person (whose disability will not prevent him or her from being aware of and removing dog foul) is exempt from any Dog Fouling Control Order. Additionally PSPO’s should not restrict the normal activities of working dogs.

Penalties for a breach of a PSPO IS a fine of up to £1000 upon prosecution or, as an option, a Fixed Penalty Notice can be offered – for Great Yarmouth this is currently set as £80 or reduced to £60 if paid within ten days.



## **THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

### **GREAT YARMOUTH BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER No.3**

1. This Order is made by Great Yarmouth Borough Council ("the Council") under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and this order may be cited as the Great Yarmouth Borough Council Public Spaces Protection Order No.3
2. The Council is satisfied that:
  - (a) Activities being the fouling of land by dogs, failure to control dogs and/or the presence of dogs carried on in the restricted areas as described below in Article 5 and Schedules 1 and 2 have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the restricted areas and they will have such an effect.
  - (b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and is, or likely to be, such as to make the activities unreasonable and justifies the restrictions imposed by this Order.
  - (c) The restricted areas in respect of Articles 5(1) and 5(2) of this Order for the avoidance of doubt include but are not limited to all public highway including footway, verge and footpath, all public parks, pleasure grounds, sports grounds, recreation grounds, playing fields, cemeteries, beaches, foreshores, promenades and play areas where these are open to the public as of right or by virtue of express or implied permission.
3. Under section 67 of the Act it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person does not commit an offence under S67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have the power to include in the public spaces protection order.
4. This Order comes into force at midnight on 1<sup>st</sup> April 2017 for a period of 3 years unless extended under section 60 of the Act.

## **5. REQUIREMENTS AND PROHIBITIONS**

### **5(1) FOULING - FAILURE TO REMOVE DOG FAECES**

Subject to article 7 below if within the administrative area of the Council a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

### **5(2) DOGS ON LEADS BY ORDER**

A person in charge of a dog present on land within the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission shall comply forthwith with a direction given to him by a Police Officer, Community Support Officer or an authorised Officer of the Council to put and keep the dog on a lead.

### **5(3) LEAD REQUIREMENTS**

A person in charge of a dog shall keep the dog leashed at all times, (or during the period specified in respect of that land in Schedule 1 if a period is stated), when present on any land detailed in Schedule 1 of this Order being land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission which land is more specifically marked in blue on the plans attached to this Order.

### **5(4) EXCLUSION - DOG BAN**

Subject to article 7 below a person in charge of a dog shall not at any time (or during the period specified in respect of that land in Schedule 2 if a period is stated) take the dog onto, or permit the dog to enter or remain on, any land detailed in Schedule 2 of this Order being land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission which land is more specifically marked in green on the plans attached to this Order (With the exception of the Council owned or managed fenced playareas, multi use games areas, skate parks and fitness areas. A list of these sites is available upon request from the Council and is also published on the Council's website).

## **6. OFFENCE**

A person failing to comply with a requirement or prohibition set out in articles 5(1),5(2),5(3) or 5(4) of this Order shall be guilty of an offence unless:-

- (a) he or she has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her failing to do so.

## 7. EXEMPTIONS

Nothing in part articles 5(1) and 5(4) of this Order shall apply to a person who:-

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance.

## 8. FOR THE PURPOSE OF THIS ORDER

- 8(1) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- 8(2) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land to satisfy the requirement of article 5(1).
- 8(3) The Council does not consider being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces is a reasonable excuse for failing to remove the faeces as required by article 5(1).
- 8(4) For article 5(2) of this Order an "authorised Officer of the Council" means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under this Order.
- 8(5) In respect of article 5(2) of this Order a Police Officer, Community Support Officer or an authorised Officer of the council may only give a direction under this Order if in their opinion such restraint is reasonably necessary to prevent a nuisance or to prevent behaviour by the dog that is likely to cause annoyance or disturbance to any person, or to a bird or another animal.

## 9. PENALTY

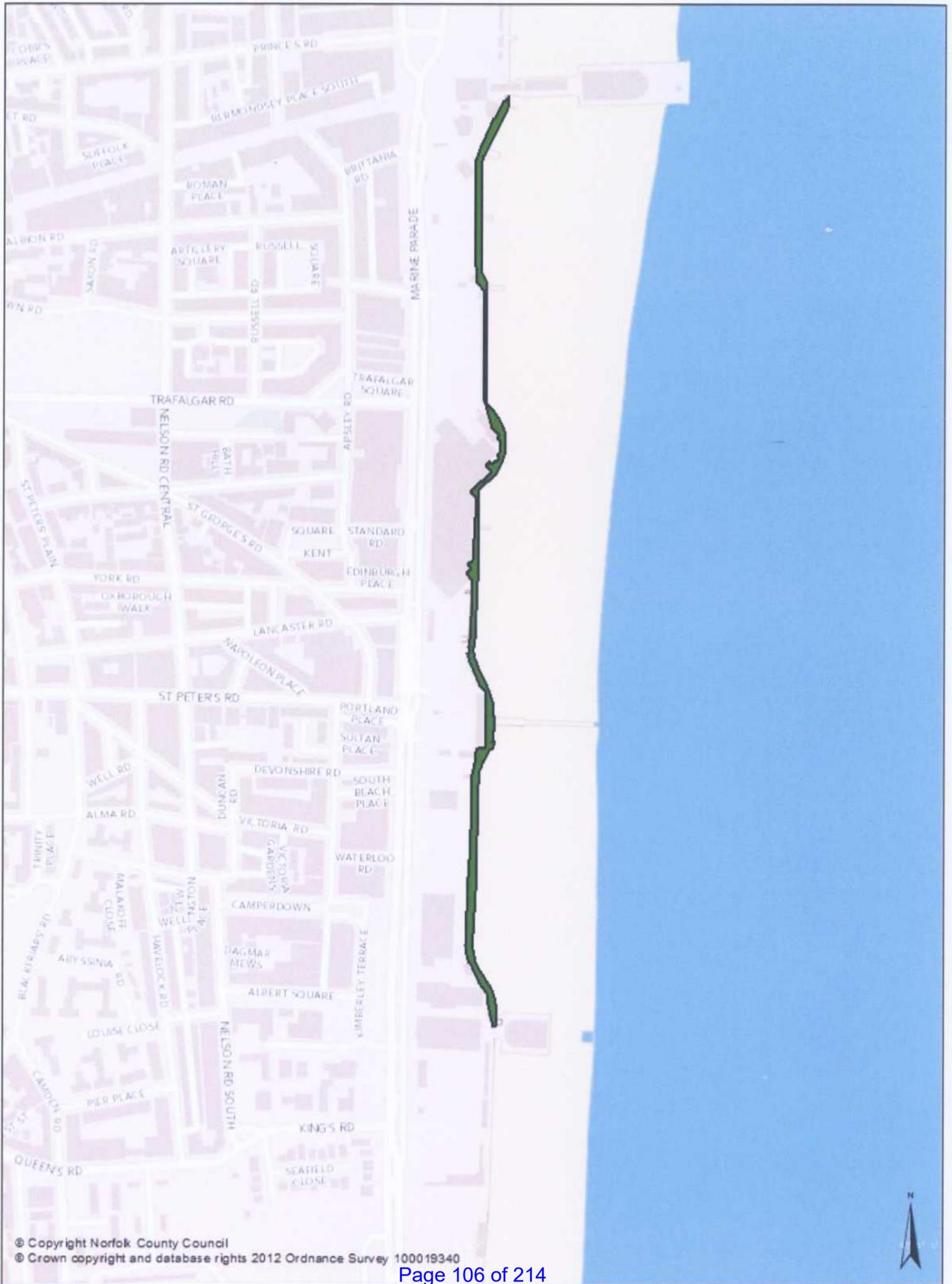
A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

# GREAT YARMOUTH BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER No.3

## SCHEDULE 1

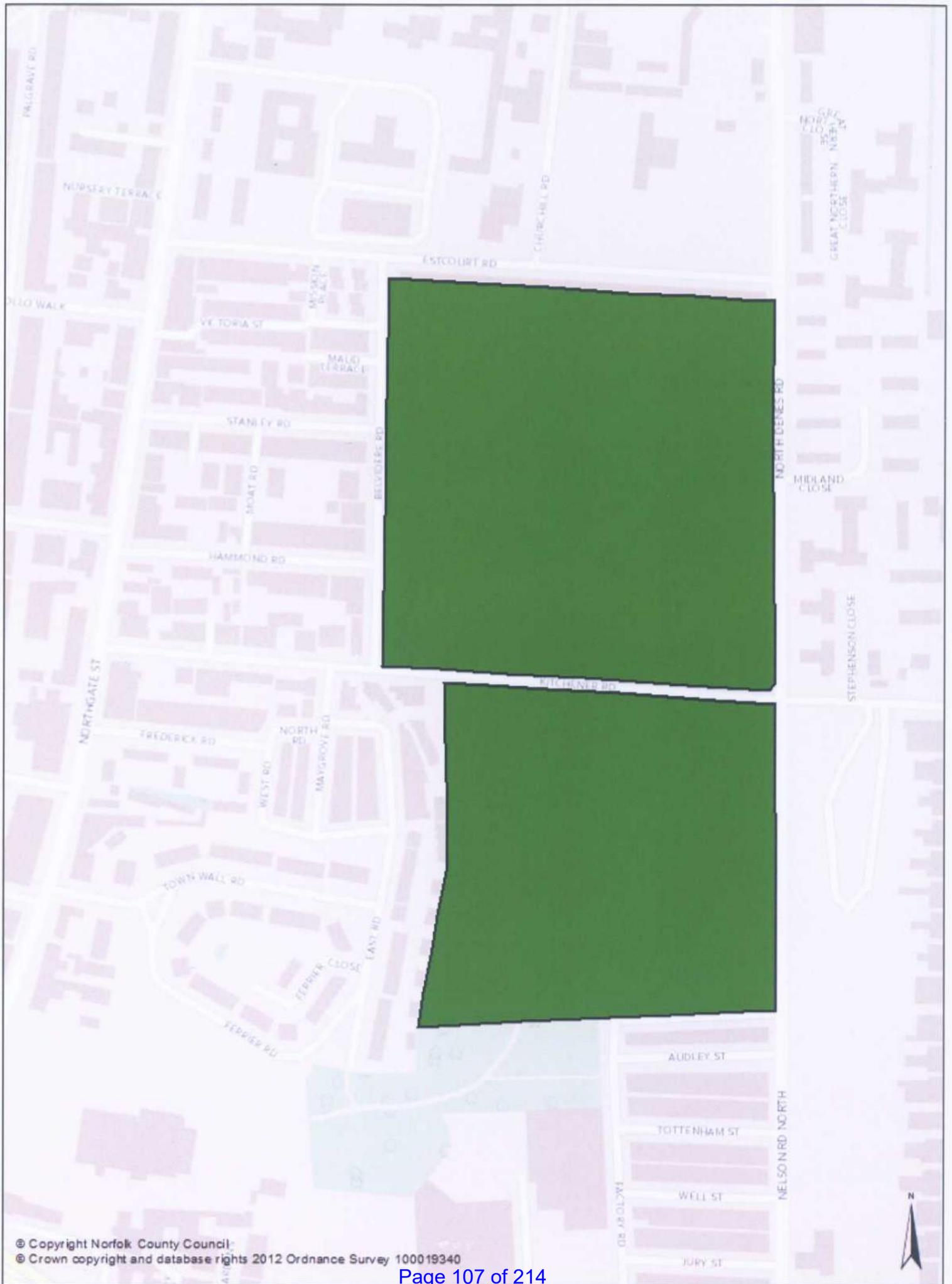
### LAND TO WHICH THE DOGS ON LEAD REQUIREMENT SHALL APPLY

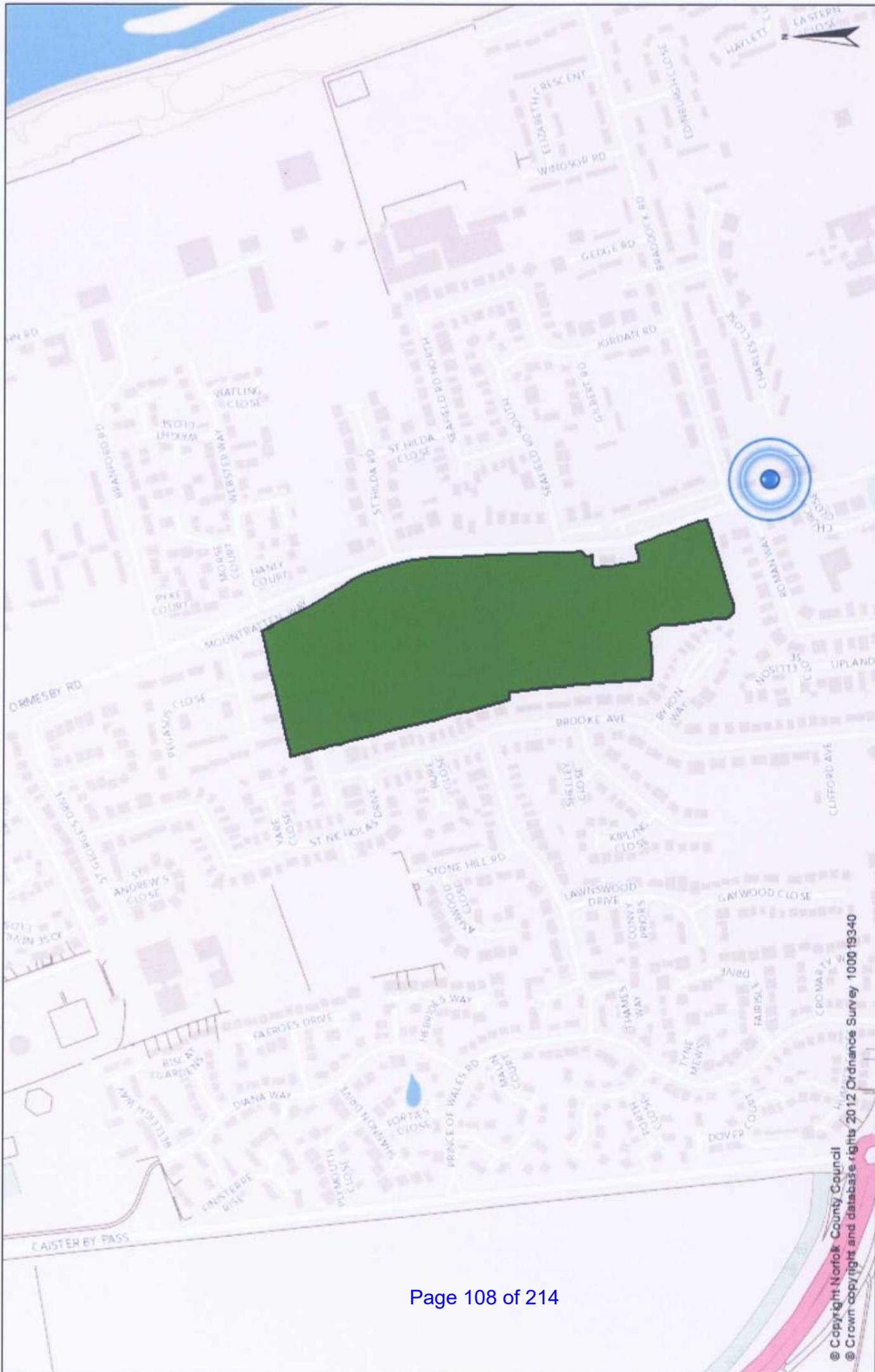
- Promenade adjacent to the beach between Wellington Pier and Britannia Pier, Great Yarmouth - To operate from 1<sup>st</sup> May to 30<sup>th</sup> September each year
- Great Yarmouth (New) Cemetery North, Kitchener Road, Great Yarmouth
- Great Yarmouth (Old) Cemetery South, Kitchener Road, Great Yarmouth
- Great Yarmouth (Caister) Cemetery, Ormesby Road, Caister on Sea
- Promenade adjacent to the beach between the breakwater and Ravine, Gorleston - To operate from 1<sup>st</sup> May to 30<sup>th</sup> September each year
- Elder Green Playarea, Elder Green, Gorleston
- Hertford Way Playarea, Hertford Way, Gorleston
- Pine Green Playarea, Pine Green, Gorleston
- Clarendon Close (North) Playarea, Clarendon Close, Great Yarmouth
- Clarendon Close (South) Playarea, Clarendon Close, Great Yarmouth
- Dorset Close Playarea, Dorset Close, Great Yarmouth
- Howard Street South Playarea, Howard Street South, Great Yarmouth
- King Street Multi Use Games Area (MUGA), King Street, Great Yarmouth
- Sidney Close Playarea, Sidney Close, Great Yarmouth



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Dogs on Lead Requirement - Great Yarmouth (Caister) Cemetery

1:5,000

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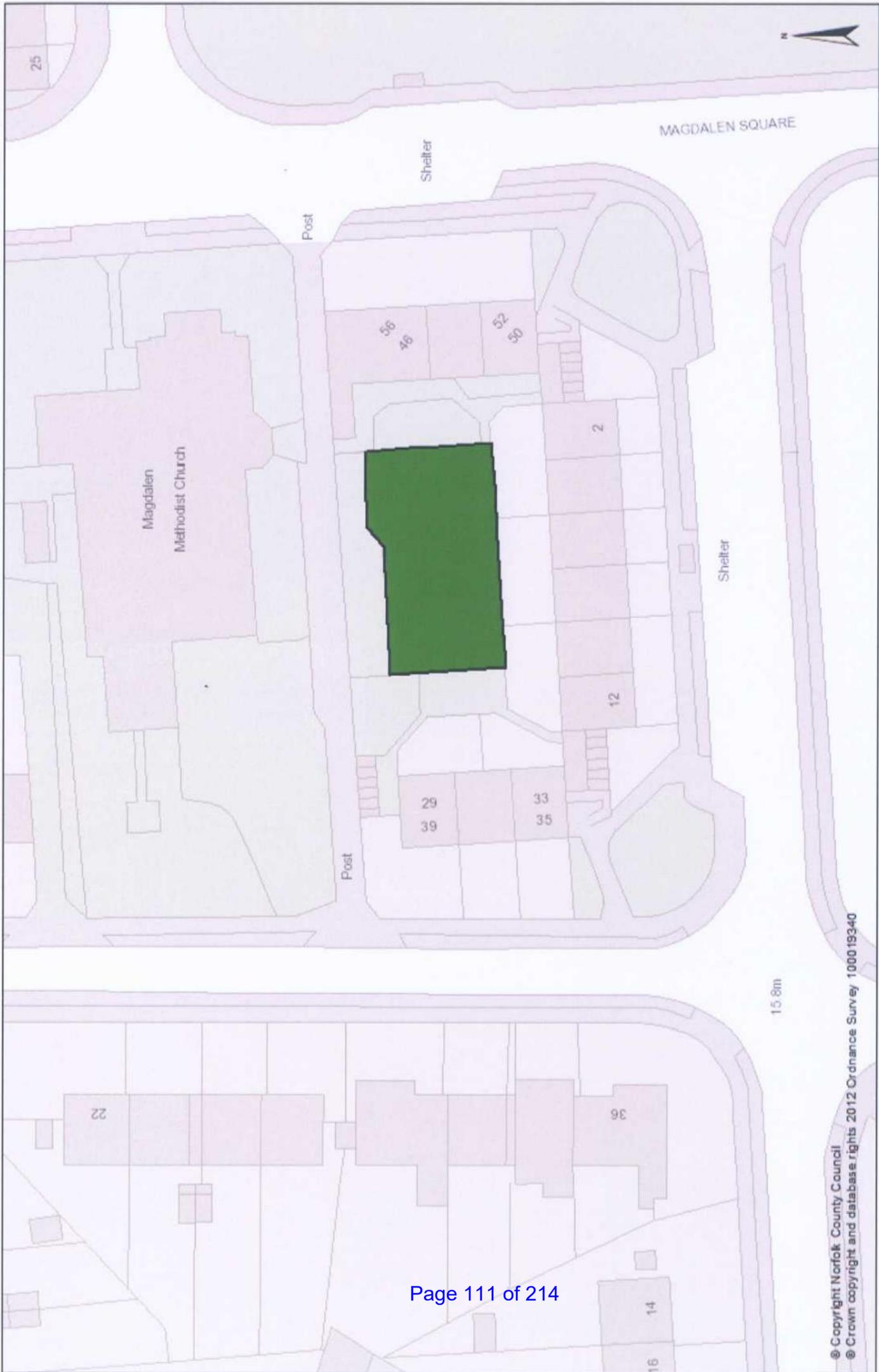




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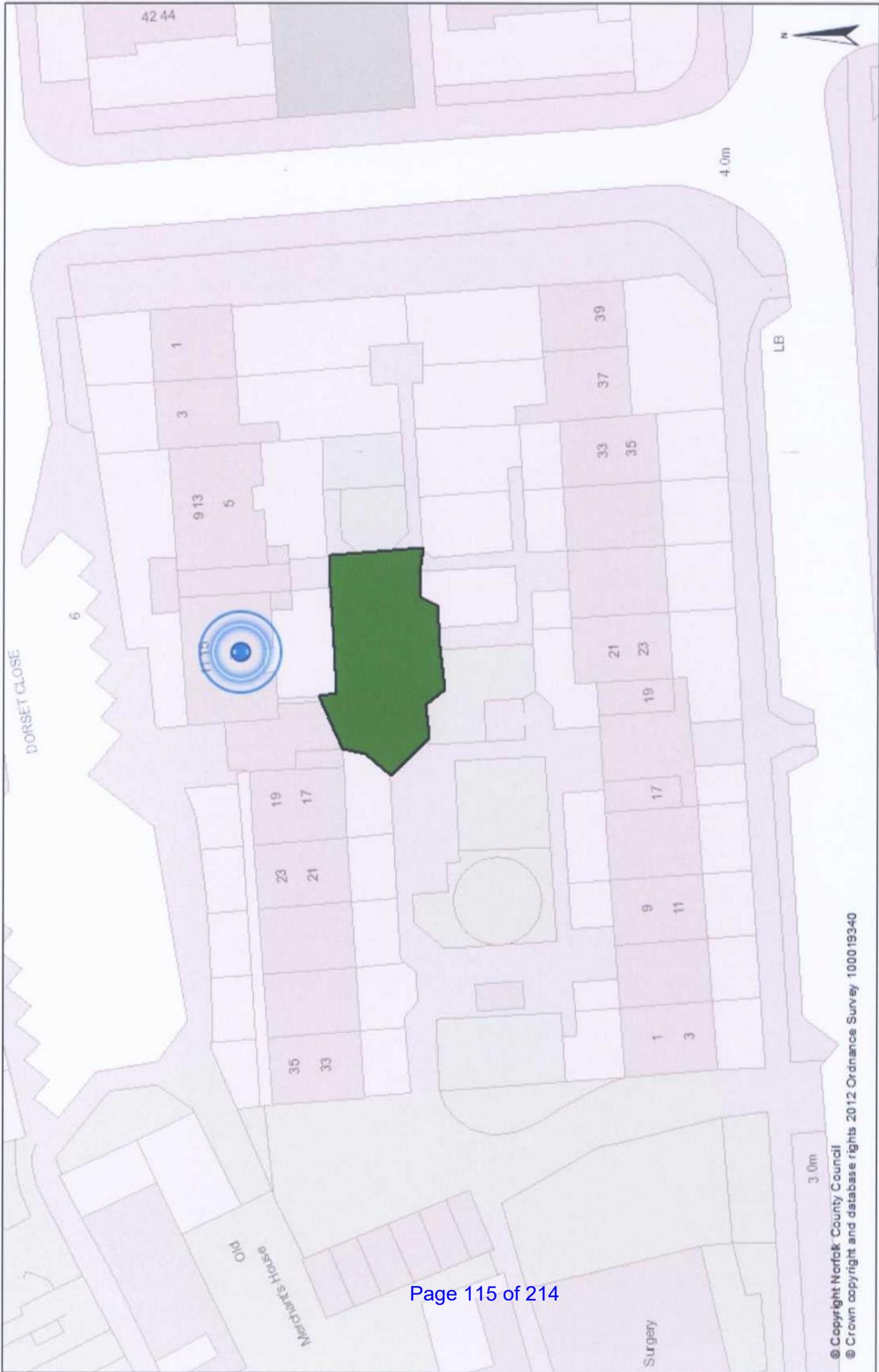


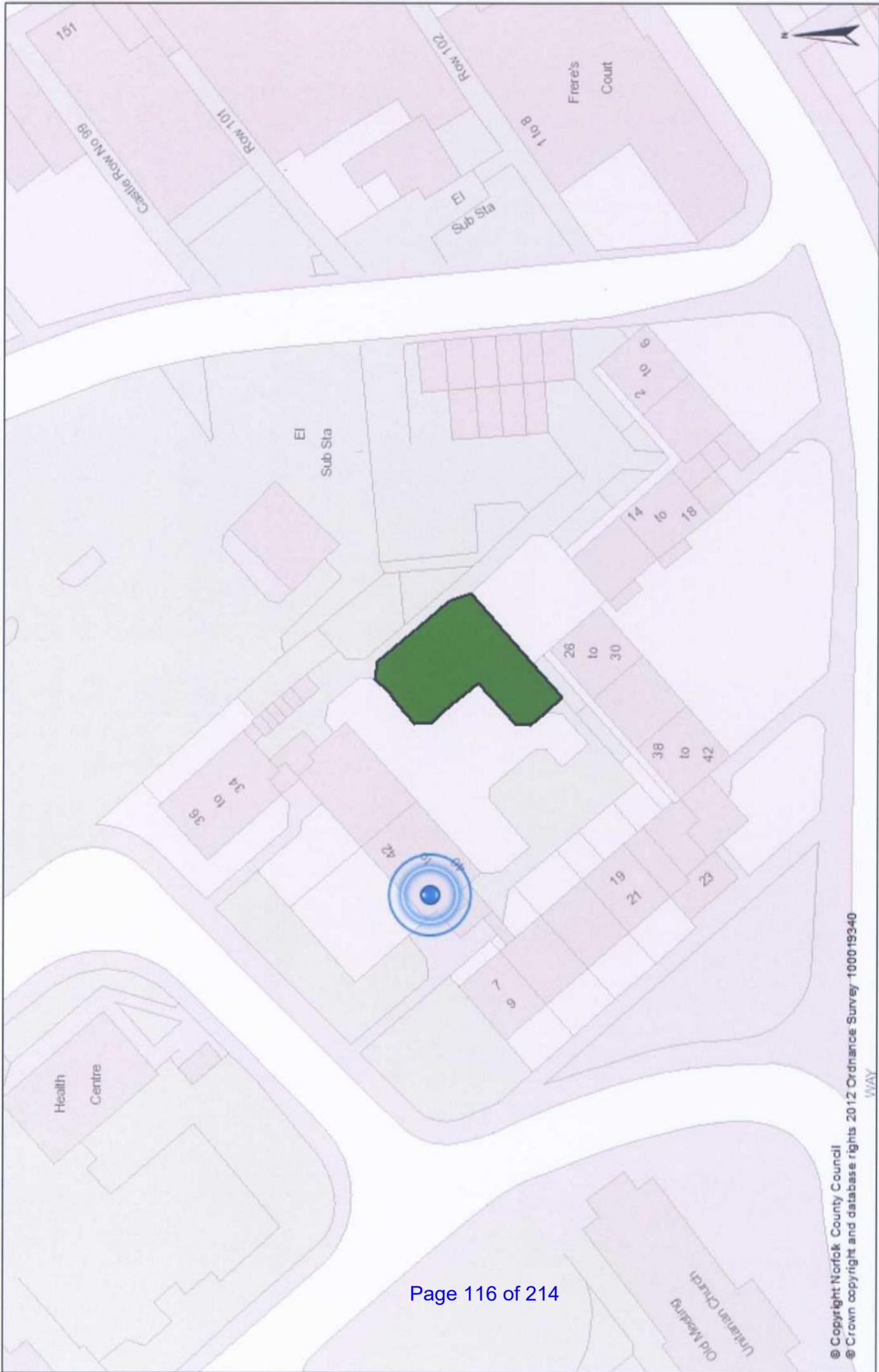




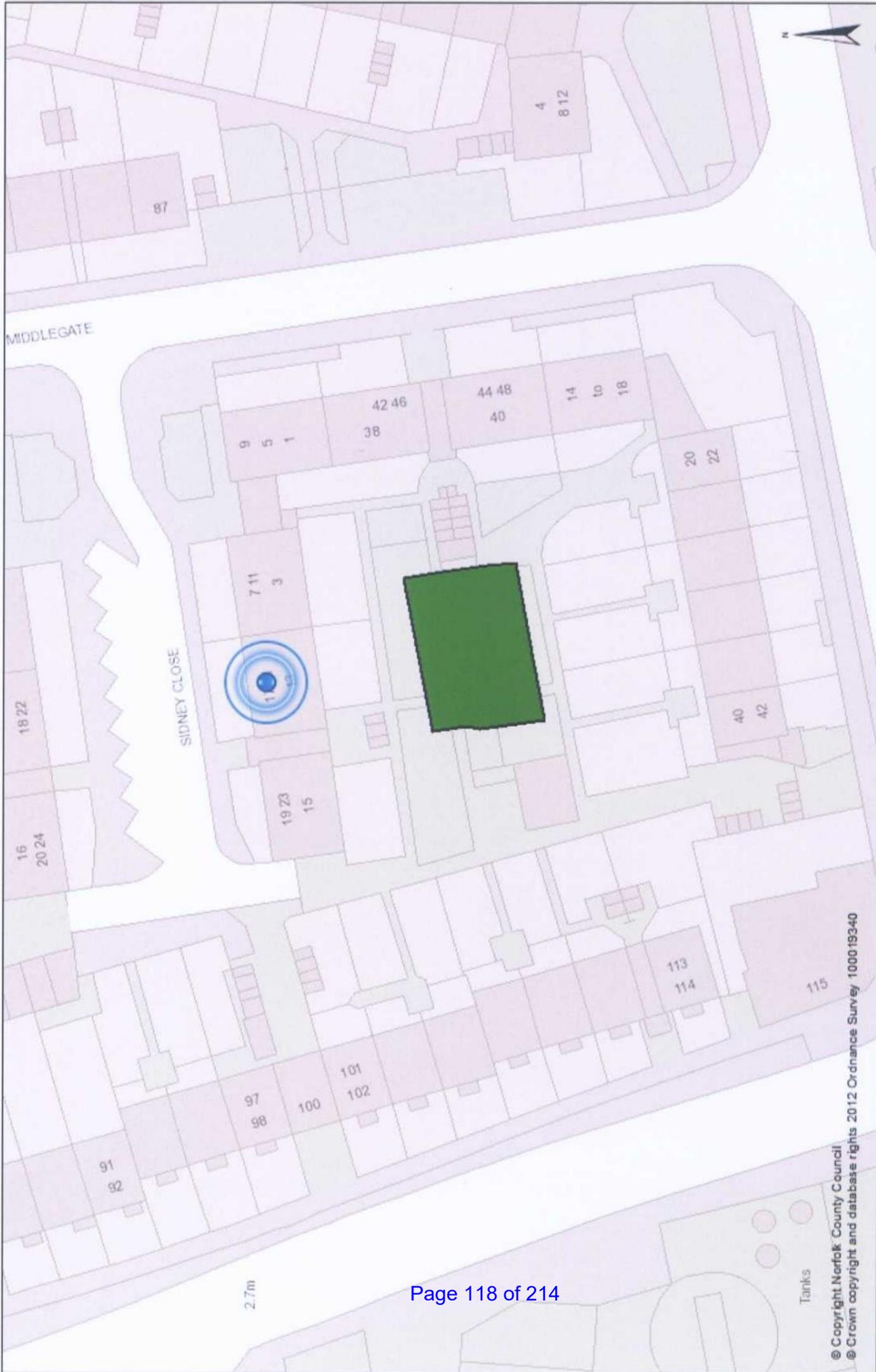


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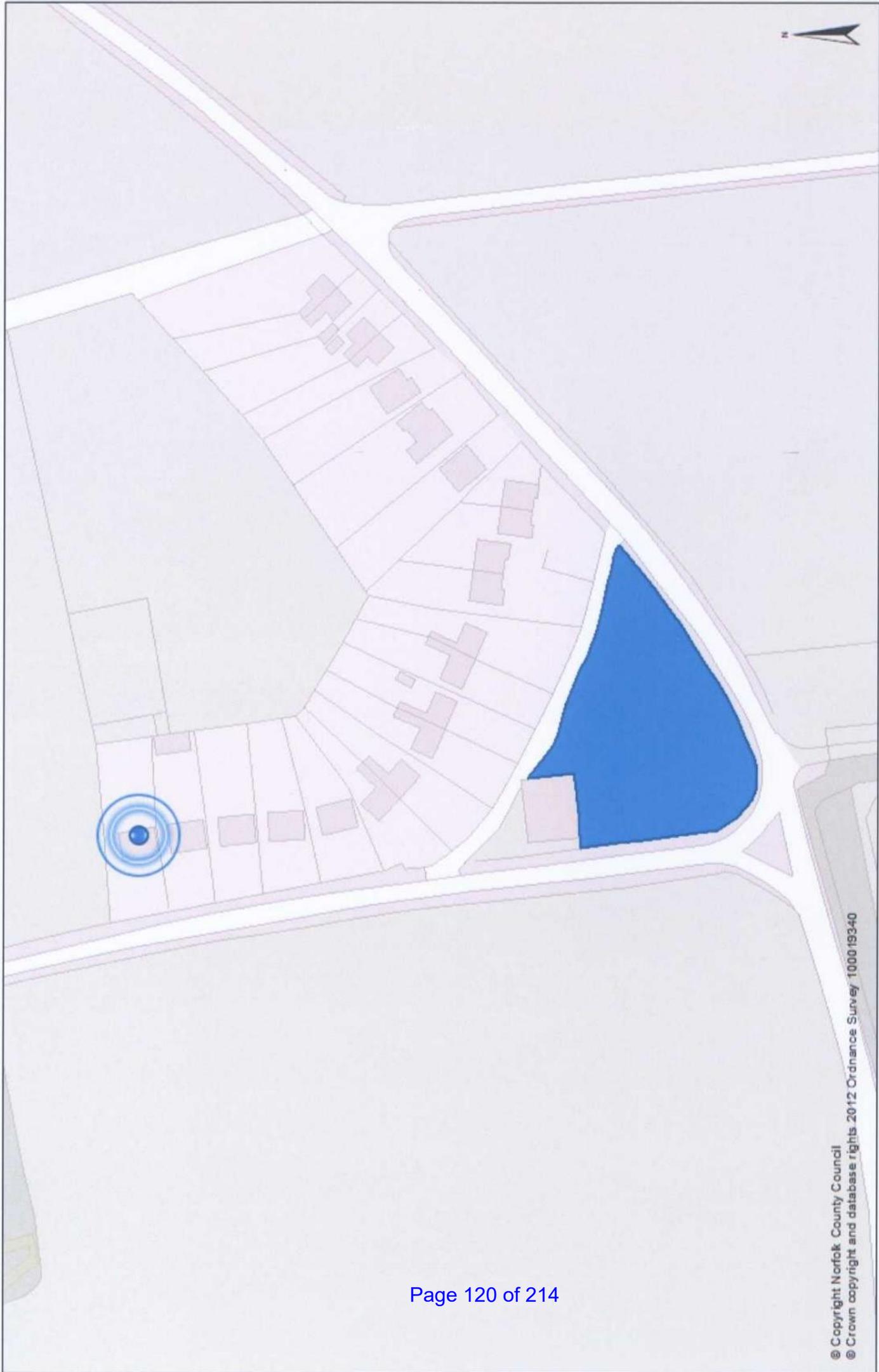


# GREAT YARMOUTH BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER No.3

## SCHEDULE 2

### LAND TO WHICH THE DOG EXCLUSION/BAN SHALL APPLY

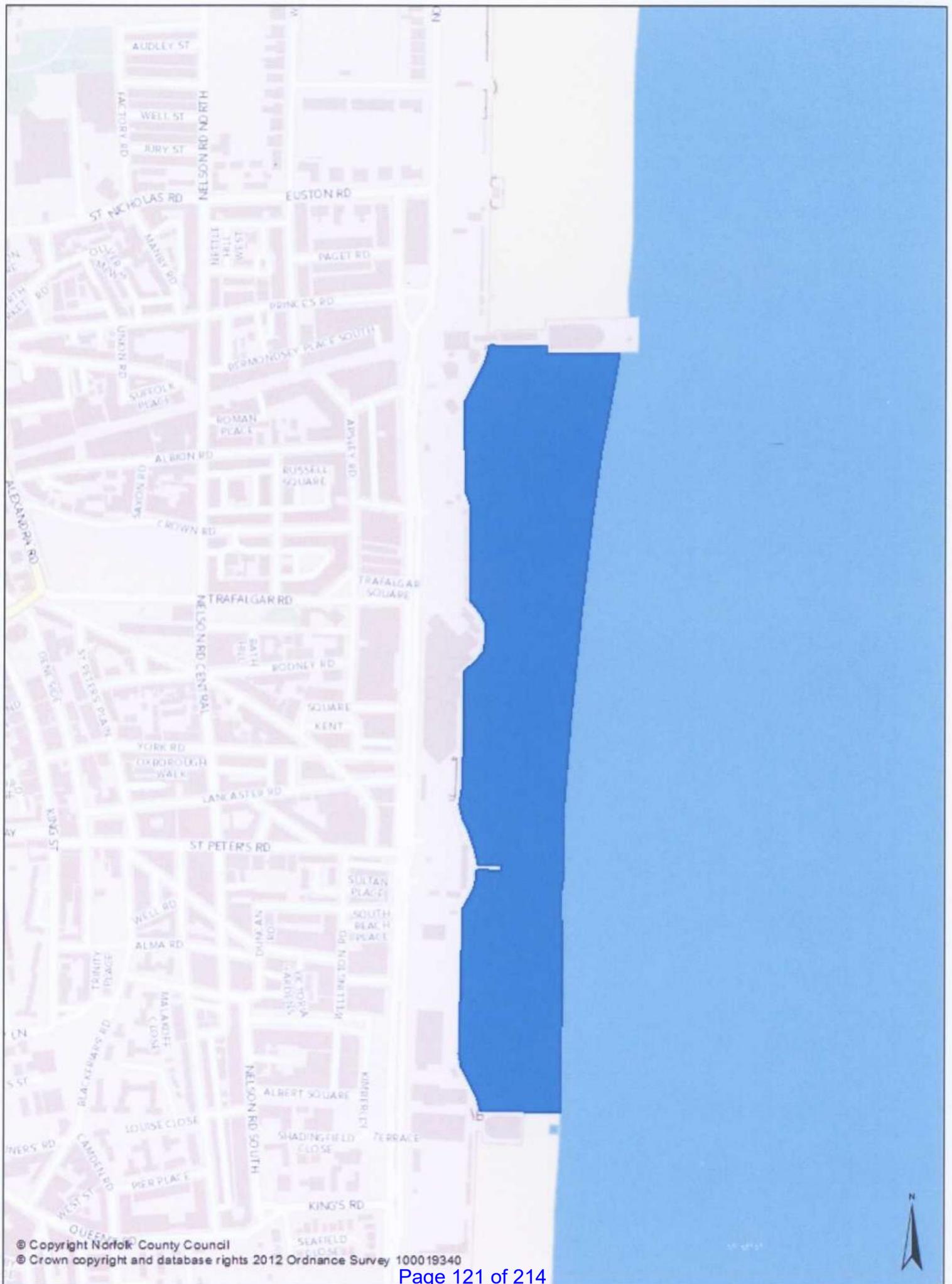
- All Council owned or managed fenced play areas
- All Council owned or managed fenced fitness areas
- All Council owned or managed fenced skate parks
- All Council owned or managed Multi Use Games Areas (MUGA) with the exception of King Street, Great Yarmouth
- Runham Playarea, Thrigby Road, Runham
- The beach between Wellington Pier and Britannia Pier, Great Yarmouth - To operate from 1<sup>st</sup> May to 30<sup>th</sup> September each year
- The beach between the breakwater and Ravine, Gorleston - To operate from 1<sup>st</sup> May to 30<sup>th</sup> September each year
- Magdalen Lawn Cemetery, Oriel Avenue, Gorleston
- Gorleston Old Cemetery, Magdalen Way, Gorleston



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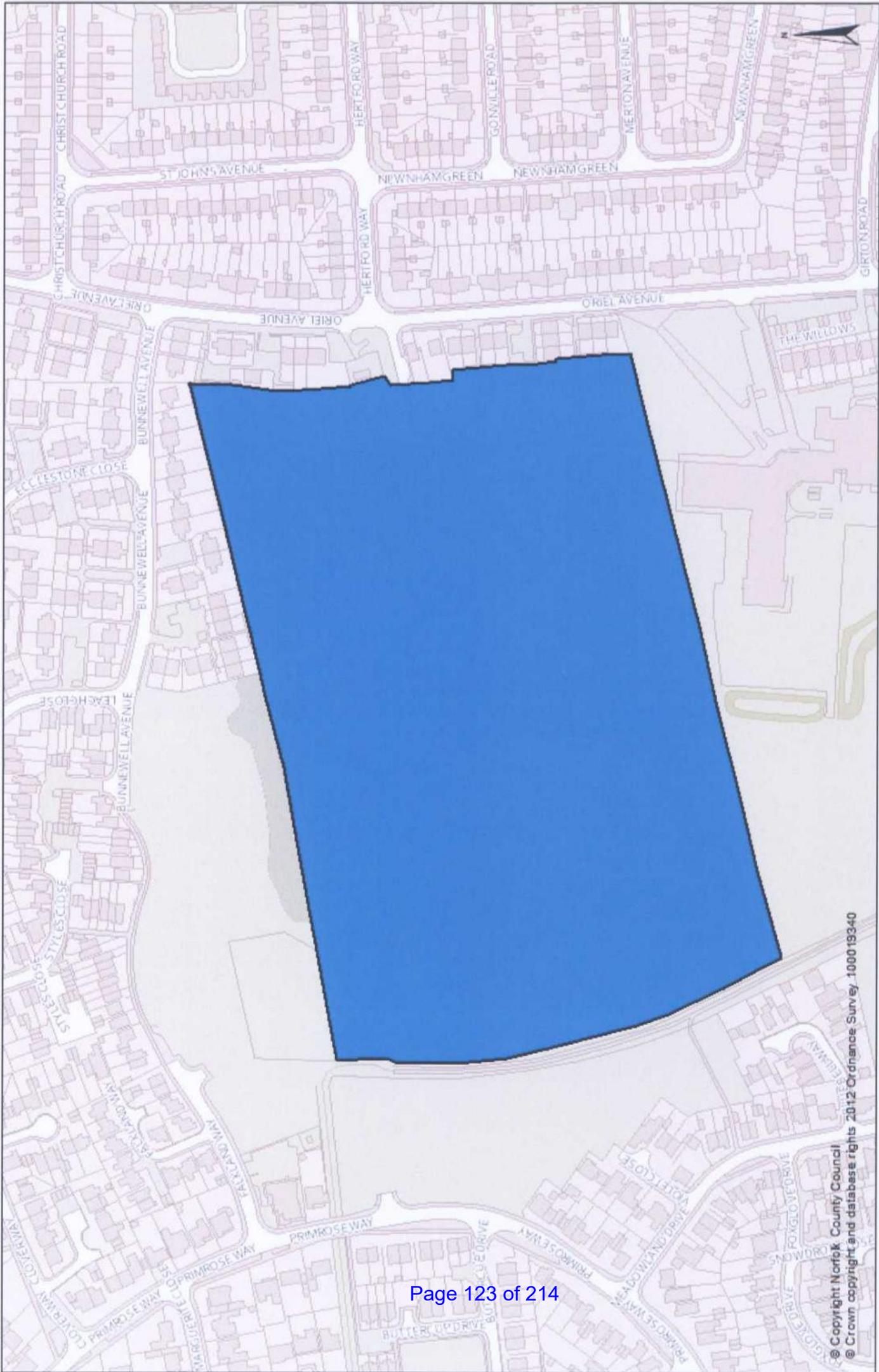
Dog Ban - Runham Playground, Thrigby Road  
1:1,250

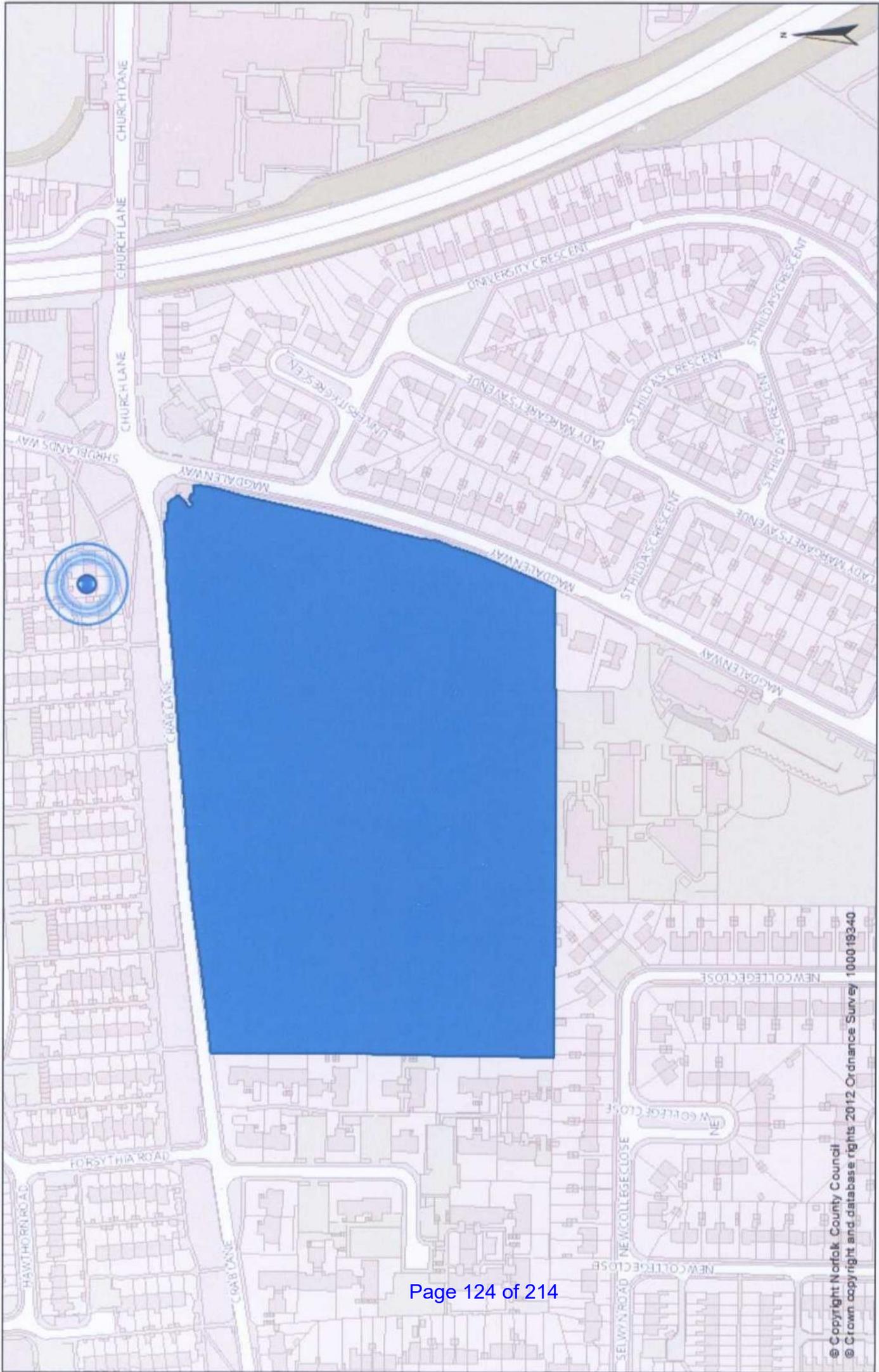






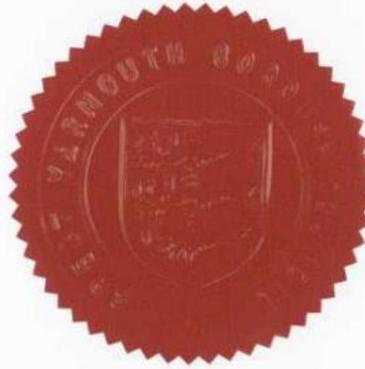
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**Dated:** ...23 March 2017.....

The common seal of Great Yarmouth  
Borough Council was affixed in the presence  
of



**Signature:** ..........

Authorised Officer – Jane Beck,  
Director of Customer Services, Great Yarmouth Borough Council

**CHALLENGING THE VALIDITY OF ORDERS**

An interested person may apply to the High Court to question the validity of:-

- a. This Order, or
- b. A future variation of this Order.

“interested person” means an individual who lives in the restricted area or who regularly works or visits that area.

An interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

- a. The Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b. A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.



type	createdby	createdon	comments
FORM_PS PO3SURVE Y2022	ANONYMOUS	18-11-2022 16:48:35	
FORM_PS PO3SURVE Y2022	ANONYMOUS	18-11-2022 10:42:43	<p>The renewal of existing PSPOs in Belton refers to: Public Spaces Protection Order No 3: dog ban sites Belton:</p> <ul style="list-style-type: none"> <li>Bell Lane play area</li> <li>Bell Lane Multi Use Games Area</li> <li>Nursery Close play area</li> </ul> <p>Public Spaces Protection Order No 3: dog ban sites - Great Yarmouth Borough Council (<a href="http://great-yarmouth.gov.uk">great-yarmouth.gov.uk</a>)</p> <p>Also Schedule 2: land to which the dog exclusion/ban shall apply:</p> <ul style="list-style-type: none"> <li>all Council owned or managed fenced play areas</li> <li>all Council owned or managed fenced fitness areas</li> <li>all Council owned or managed fenced skate parks</li> <li>all Council owned or managed Multi Use Games Areas (MUGAs)</li> </ul> <p><a href="https://www.great-yarmouth.gov.uk/article/9021/Public-Spaces-Protection-Order-No-3-dog-control-2017">https://www.great-yarmouth.gov.uk/article/9021/Public-Spaces-Protection-Order-No-3-dog-control-2017</a></p>
FORM_PS PO3SURVE Y2022	ANONYMOUS	17-11-2022 21:01:17	Gorleston on seas beach, you have put dog can be not on a lead from certain dates. A dog came up to mine aggressive whilst my dog was on a lead therefore what is the saftey for dog owners who correctly put their dog on a lead. It should be all year round on the promenade.
FORM_PS PO3SURVE Y2022	ANONYMOUS	16-11-2022 15:18:15	Its just the same old outlawing of normal, legal and harmless behaviour that causes no problems due to the behaviour of a minority who will ignore the restrictions you seek to apply to everyone (with a dog) anyway.

FORM_PS ANONYMOUS PO3SURVE Y2022	15-11-2022 11:22:10	
FORM_PS ANONYMOUS PO3SURVE Y2022	15-11-2022 11:06:27	
FORM_PS ANONYMOUS PO3SURVE Y2022	12-11-2022 20:26:33	Council should empty bins around playing fields more often as always full and spilling out.
FORM_PS ANONYMOUS PO3SURVE Y2022	09-11-2022 12:42:50	
FORM_PS ANONYMOUS PO3SURVE Y2022	08-11-2022 07:48:25	
FORM_PS ANONYMOUS PO3SURVE Y2022	07-11-2022 14:03:43	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 21:28:33	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 20:44:05	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 19:40:44	It would be great if something could be done to enforce dogs with no recall to be kept on leads... my dog is plagued by other dogs approaching him and is terrified. He's big and seen as aggressive (when in fact it is fear) where I am responsible ... they are not!

FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 15:34:23	The area on Gorleston beach between Harbours Mouth and the Ravine should be dog free all year round not just from May to September. Small children should be allocated a clean, safe area to play without dogs mess and unruly dogs.
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 15:06:42	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 14:04:44	Other open fields should require dogs to have a lead on. For example Mill and Green Lane. Too many people and dogs have been attacked to uncontrolled dogs. Furthermore, when you go down to the beach and walk along the prom in the morning, dogs are on the beach when they are not meant to be. However, there is no one to enforce this so one could argue, what is the point of this survey?
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 13:56:20	I believe that dogs should require a lead when on mill lane playing field. So many dog owners with their dogs being allowed to run up to you. They may well know their dog is friendly however my 2 year old is petrified of them. Walking through there 2 weeks after a c section a woman who clearly had no control of her ***** couldn't get it to come back. It was jumping at my then 1 year old. I had a newborn in the pram, instructed my then 2 year old daughter to get in the pram and picked my then 1 year old son up. The dog then jumped at me! This woman, like others had zero control and either needs the dogs to stay leashes on mill lane fields or find elsewhere to let dogs loose
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 13:31:43	Dogs are better controlled than some humans ...we pick after our dogs but also on the beaches pick up after irresponsible people..food packages, drinks bottles, toy packages, cans, bottles ...you can't blame dogs for this ....
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 13:02:48	Please do not penalize or tar all dog owners for the lack of responsibility of others.

FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 12:54:30	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 12:51:10	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 12:42:18	All these points need to still be adhered too, we know through the media the problems which can occur when dogs are allowed to run free, children and people must continue to be protected from the few which are not friendly. Like humans there are dogs which are totally out of control, with no recall at all. Dog owners should not just let dogs off lead while they stand and chat and are not watching them. Walk with them to give the dogs and dog owners much needed exercise instead. Nothing is more frightening to some people than have a dog at speed running towards them. Any rules must be kept to protect everybody!!
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 12:41:50	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 12:13:47	More bins for owners can disguard of filled dog bags please..fed up of finding them thrown over our back garden fence, which backs onto cornfields play area :o(
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 12:00:56	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 11:54:27	

FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 11:40:12	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 11:32:02	
FORM_PS ANONYMOUS PO3SURVE Y2022	06-11-2022 10:30:45	
FORM_PS ANONYMOUS PO3SURVE Y2022	04-11-2022 12:01:16	
FORM_PS ANONYMOUS PO3SURVE Y2022	02-11-2022 23:12:49	As a dog owner it is the responsibility of that person to keep their dog under control and pick up when it fouls.
FORM_PS ANONYMOUS PO3SURVE Y2022	01-11-2022 19:21:29	
FORM_PS ANONYMOUS PO3SURVE Y2022	01-11-2022 11:25:18	
FORM_PS ANONYMOUS PO3SURVE Y2022	01-11-2022 11:19:08	It would be great to have easier enforcement of owners not picking up their dog mess
FORM_PS ANONYMOUS PO3SURVE Y2022	31-10-2022 12:22:02	All dog owners must pick up after their dogs however many do not. It is not unusual to see dog pooh in public places. I would like to see this problem highlighted and dog rangers more visible in the borough.

FORM_PS ANONYMOUS PO3SURVE Y2022	28-10-2022 13:35:24	I would like to see an all year ban on the part of Gorleston beach where there is currently a partial ban. There is plenty of beach space available for dogs to be walked without this area; not everyone likes dogs rushing around them. Also, not all dog owners clear up after their dogs, so that mess is left where children play in the sand - it never gets washed away as the sea very rarely washes the beach now. Please can we have one space kept dog free?
FORM_PS ANONYMOUS PO3SURVE Y2022	28-10-2022 09:42:33	Please patrol Harper's Lane in Bradwell, this is a well known spot for dog fouling. It is constantly a problem there, always heavy dog fouling.
FORM_PS ANONYMOUS PO3SURVE Y2022	27-10-2022 21:32:32	
FORM_PS ANONYMOUS PO3SURVE Y2022	27-10-2022 14:37:59	
FORM_PS ANONYMOUS PO3SURVE Y2022	27-10-2022 14:28:51	

FORM_PS ANONYMOUS PO3SURVE Y2022	27-10-2022 08:20:20	<p>The measures for dog control are perfect but the only problem is that nobody controls that these rules are kept. Gorleston promenade - dogs must be kept on leads but they are running free . Summer time dogs must be banned from the beaches but nobody controls so Gorleston and Great Yarmouth beaches are full of dogs and dogs mess left on the beautiful beaches . Owners do not clean after dogs and very often I could find dogs poo on my door step as I live on very busy Bells road. Unlike British parks, where the primary purpose for most visitors is to have a place to let your dog run wild and free like a lunatic, Australian parks are much more people orientated (possibly something to do with all the picnics, sports and general activity that the good weather allows). There are strict rules on which parks you can and can't let your dog off the lead, and some have on and off leash zones and even time periods.</p> <p>One dog owner told me their local park ranger is an ex-police officer who hides in the bushes to catch people breaking the rules and fine them! She once jumped out at her and accused her of not picking up her dog's poo, even though she was already pulling out a plastic bag!</p>
FORM_PS ANONYMOUS PO3SURVE Y2022	27-10-2022 06:34:41	
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 21:11:58	
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 17:59:35	

FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 16:54:00	<p>I believe that further measures are required, such as extending the area for dogs to be leashed throughout the all beach areas and open spaces such as Beaconsfield Park due to amount of public in the vicinity. I also believe that the current order restrictions should be extended to a full year, rather than just for the holiday season.</p> <p>There is endless amounts of dog faeces along North Drive beach, which I believe is mainly due to two reasons. One is motor homes / day trippers parking up and letting their dogs run off the lead on the beach while they stay on the promenade, which I have personally witnessed. Secondly, the fact that people let their dogs of the lead, they cannot keep observing what their dog does when it runs over a dune etc, so that dog has no-one in control of what they are doing. They then call the dog back to them after the dog has done something with no attempt to check to see if the dog has fouled. I believe that in future cameras should be installed in these areas along the promenade and the majority of people who fail to clean after can be therefore identified and dealt with accordingly.</p>
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 15:47:06	
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 14:09:56	
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 11:40:33	Dogs should be kept under control at all times and not left off a leash if they bother people and other dogs
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 11:31:04	Should be permanently upheld due to the large increase in dogs and incompetent owners.

FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 11:04:22	this box doesnt work! There is a growing arrogance in dog owners, and they should be aware that dogs are large predators and disrupt the wildlife and can upset/scare humans. Dogs should be on leads at all times if the owner does not have perfect control
FORM_PS ANONYMOUS PO3SURVE Y2022	26-10-2022 10:52:04	
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 22:41:54	The order is not being enforced. Lots of dog mess everywhere. Why not provide free dog poo bags attached to posts in worst areas. Have seen this practice elsewhere.
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 22:34:53	Please consider a dog ban on Winterton beach for part of the year. And that dogs should only be allowed on the Winterton Dunes SSSI on a leash.
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 21:10:39	we have to live here all year round and need somewhere you can let a dog off lead maybe between certain times in summer and any time in winter
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 20:18:29	
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 18:56:25	
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 18:15:32	People are not pick up near the beach in the Night and also people let dog off lead in the night in Caister-On-Sea
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 17:29:24	More monitoring as many owners ignoring signs . Dog owner in gorleston beach hut totally irresponsible throwing ball onto beach for dog from deckchair
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 17:10:12	

FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 16:49:54	There needs to be more dog wardens monitoring dog fouling
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 15:46:32	Dog owners should behave responsibly whether or not enforcement is in place - most do though
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 13:15:43	
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 12:34:55	the need enforcing across the borough rather than just Great Yarmouth. Gorleston has poo on paths and alley ways but nothing gets done.
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 11:00:06	Mag playing field covered in dog mess dangerous to children playing football each week. The walk to schools on mag is covered in dog mess kids regularly stand it in.
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 08:35:44	I believe the section of Gorleston beach which bans dogs in the summer should be dog free all year ,as small children use this area all year.
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 07:06:21	More signs to make clear to all. Not fair that some do comply and others don't. Good signage will ensure clarity.
FORM_PS ANONYMOUS PO3SURVE Y2022	25-10-2022 06:25:17	I work at a business on the promenade every day. I see NO enforcement of any of the current rules. Unless there is some visible presence of community marshalls or other council staff with the power to enforce these rules, they are meaningless.
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 21:44:19	

FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 16:24:48	
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 16:24:20	
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 16:09:13	
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 15:50:37	Somebodys dog is fouling the pavement outside our house in Dorothy Avenue, but it is late at night so can't see them. A fresh "deposit" is left every couple of days. Do you have signs that we could purchase to put on our wall please?
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 15:42:01	Responsible caring dog owners will be in full agreement. It is the minority who create problems for the rest of us with their thoughtless and irresponsible behaviour to dog ownership.
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 15:36:53	Need environmental wardens and fines imposed for not picking up dogs poo. Publicise widely so that people understand they will be fined. At the moment few irresponsible owners don't care because chances of fitting caught are minimal. Even
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 15:28:57	Can we have dogs leashed on Emerald Park please instead of running wild. Feel sorry for the poor children playing football in dog poo.
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 15:17:39	As a dog owner for most of my life I would like to see ALL dogs kept on a lead in any public place. There are now several secure facilities ( some may charge) in the area to allow dogs to run in a safe and enclosed field off the lead.
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 15:01:19	Dogs should be on a lead in all public spaces. I have a nervous dog after being attacked when she was a puppy, she's never off lead and has a 100ft training lead for open spaces, beaches etc. Please consider this

FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 14:02:53	
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 13:40:57	More bins for dog excrement, fines for dog fouling, dogs permanently on a lead along promenade.
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 13:34:22	
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 13:00:39	
FORM_PS ANONYMOUS PO3SURVE Y2022	24-10-2022 11:12:18	

Received Dogtrust  
via Mail

1st November  
2022

As the UK's largest dog welfare charity, we would like to make some comments for consideration.

#### Dogs Trust's Comments

##### 1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

##### 2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are

dogbancemeteries	dogbanplayareas	dogfoulingboroughwi de	dogowner
Agree	Agree	Agree	No
Agree	Agree	Agree	No

Disagree	Agree	Agree	Yes
Disagree	Disagree	Agree	Yes

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dogsonleadbo roughwide	dogsonleadscemeteries	dogsonleadsplaygrounds
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	Belton with Browston Parish Council	NR31 6EF

		NR33 9LA
		NR31 0DF

Parish Council

NR29 3ES

NR31 8HJ

NR318QB

NR31 8HG

NR31 8HT

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NR14 6PW

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NR31 8SD

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NR31 8BQ

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NR29 3JT

NR31 7AQ

NR30 4LT

NR31 8LQ

NR305HF

NR319PL

NR29 3SP

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NR120SF

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A resident of the Borough of Great Yarmouth	Agree
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A resident of the Borough of Great Yarmouth	Agree
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A business owner in the Borough of Great Yarmouth	Agree
A resident of the Borough of Great Yarmouth	Agree

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## CONFIDENTIALITY

The contents of the appendix to this report qualifies as exempt information under section 100(A)(4) and paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as it is “*information relating to the financial or business affairs of any particular person (including the authority holding that information)*”

and

2) In relation to the “exempt” information, it has been determined that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would adversely affect the authority’s ability to manage its commercial financial and business affairs. Accordingly, it is proposed that the appendix shall remain exempt.

**URN: 22-297**

**Subject: Council Homes Programme Update**

<b>Report to: ELT</b>	<b>8 March 2023</b>
<b>Housing and Neighbourhoods Committee</b>	<b>16 March 2023</b>
<b>Full Council</b>	<b>23 March 2023</b>

**Report by: Claire Wilkins, Housing Delivery Manager  
Chris Furlong, Director of Housing Assets**

## SUBJECT MATTER

This report provides an update on the work being undertaken to increase the Council’s portfolio of housing stock held within the Housing Revenue Account. The report and attached confidential appendix detail two further opportunities and seek Committee recommendations to Full Council as detailed below.

## RECOMMENDATIONS

### That Council:

- 1. Approve, subject to the Council’s conditional offer set out in the Confidential Appendix being accepted, the drawdown of the expenditure required to acquire the eight new homes at East Wood from Equinox Enterprises Ltd.**
- 2. Approve the increased budget as set out in the confidential appendix to complete the conversion works to the Charter House Boiler House to form one new wheelchair accessible home.**
- 3. Delegate decisions and total expenditure of £1,643,614 in relation to recommendations above and in accordance with the Property Acquisitions and Disposals Policy to an Executive Director and Section 151 Officer.**

## **1. Introduction**

- 1.1 The Council's Housing Strategy 2018-2023 sets out the Council's intentions to take a proactive approach in housing delivery and setting strategic objectives in relation to provisions of new, quality homes of different tenures, improving the quality of the Council's own housing stock and meeting the needs of vulnerable households. In addition to acquisitions of open market properties purchased using Right to Buy receipts and the building of new homes, the Council is open to acquiring affordable homes which are designed and constructed to the Council's requirements through Section 106 Agreements.
- 1.2 Following a report to Housing and Neighbourhoods Committee in November 2019 outlining the intentions to implement a 'Council Homes Programme', Full Council, upon submission of the HRA Budget Report 2021-2022, approved the use of £500,000 from the year on year reduction in spend on responsive day to day repairs and maintenance budget, to support borrowing in 2020/21 and the following two financial years to fund the acquisition and development of new Council homes. This 'Council Homes Programme' was to include the acquisition of Section 106 homes from developers and additional homes where they meet the Council's standards and need. To date this budget has not been utilised and has rolled forwards accordingly.

## **2. East Wood, Beacon Park, Gorleston**

- 2.1 East Wood is a new housing development located at Beacon Park, Gorleston. Phase one comprising 66 homes has been successfully completed by the Council's wholly owned development company Equinox Enterprises Limited. Planning permission for a further 61 homes has been approved, 44 to be delivered in Phase 2A and a further 17 in Phase 2B, of which 7 are allocated as affordable homes under the Section 106 agreement.
- 2.2 A conditional offer has been made to purchase eight homes in total, the affordable housing requirement of six homes for affordable rent, one for shared ownership, plus an additional 'open market' home that will then become an additional home for shared ownership. The properties comprise 6 two bedroomed homes and 2 homes with three bedrooms. The properties are all semi-detached houses.
- 2.3 The offer was made as the design of the scheme and information on the specification of the homes reflected the Council's requirements for new build homes within the HRA. The Council's offer reflects the fact there should be no public grant used to acquire the homes.
- 2.4 Six of the homes are estimated to be completed in Summer 2024 with the remaining two from Phase 2B estimated for completion in Summer 2025. All homes will comply with Nationally Described Space Standards and have a projected energy efficiency rating of A.
- 2.5 Plans and elevation drawings can be found at Appendix A.

## **3. Charter Close Boiler House, Gorleston**

- 3.1 In July 2021, Housing and Neighbourhoods Committee recommended approval of a budget to convert a disused boiler house at Charter Close to a one bedroomed accessible bungalow.
- 3.2 The original plans included incorporating space currently used as a communal laundry facility as part of the new home and provision of a new laundry room adjacent. The approval to proceed was subject to the overall scheme being viable. When taking into account cost rises within the

construction industry and the additional expenditure relating to the new laundry room, an element that could not be funded by Homes England or Right to Buy Retained Receipts, the scheme became unviable to deliver.

- 3.3 A review of Sheltered Housing carried out by Tenancy Services and presented to Committee in May 2022 included consultation with tenants regarding facilities provided and highlighted the under-use of communal laundry rooms. It was considered that the benefit of a new home outweighed the minimal use of the existing laundry room and the costs to provide a new one for such low usage. All affected tenants have been visited and written to regarding the closure of the laundry room.
- 3.4 Amendments to the existing planning permission were required and have now been approved.
- 3.5 The Council have been successful in an application to the Brownfield Land Release Fund to cover costs of demolition of the large redundant chimney stack and asbestos removal. As this funding is time bound, this work will be instructed upon and completed ahead of the main conversion works.
- 3.6 A photo of the building can be found at Appendix B.
- 3.7 Due to industry wide cost increases, the estimated costs to deliver the remainder of the scheme are higher than previous estimates. The expenditure for which recommendation for approval is now sought can be found within the Confidential Appendix.

#### **4 Evidence of Need**

- 4.1 On 11 January 2023 there were 262 applicants who required a two bedroomed home in the Borough of which over half (145) had been registered for over a year. For three bedroomed homes there were less at 219 however 70% of these applicants (154) had been waiting for over a year.
- 4.2 Homebuy data on 21 February 2023 shows 160 applicants registered for shared ownership homes within the Borough, 61 of whom meet the local connection criteria. Marketing of shared ownership homes alongside open market homes is likely to generate additional applicants, subject to confirmation of eligibility.
- 4.3 Housing Options data shows that whilst only 10 applicants are waiting for a wheelchair accessible one bedroom home, half have been waiting over one year with one applicant waiting for four years due to the low availability and turnover of accessible homes.

#### **5 Other opportunities**

- 5.1 Works to deliver the 18 new homes at Jubilee Court on disused land at Beach Coach Station is progressing well with construction on time and within budget. Completion is expected in June.
- 5.2 Photos of the development can be found at Appendix C.
- 5.3 Work to progress other infill sites is ongoing with a small number ready to progress to more detailed feasibility works. A shared framework of consultants between the Council and Equinox

is in the process of being formed to create added value for money and allow the development of these sites to move forwards.

- 5.4 Further consultation and approvals from members will be sought in the coming months to determine a more structured approach to The Council Homes Programme and avoid the need to return for authority to proceed with each individual opportunity. This work will set out the parameters including agreed levels of expenditure, number and type of homes to be acquired or built and the delegation of authority to allow individual schemes within these agreed parameters to proceed.

## **6 Financial Implications**

- 6.1 The Government lifted the HRA debt cap in October 2018, removing the constraint on borrowing within the HRA to allow local authorities to use their rights under Section 9 of the Housing Act 1985 to provide homes through acquisition, conversion or new build based on a prudential approach to borrowing.
- 6.2 The expenditure required for the acquisition of the new homes and conversion of the Boiler House has been financially modelled using industry standard development appraisal software. This calculates the rental income alongside the projected expenditure, taking into account costs of managing and maintaining the homes, both responsive and programmed repairs, bad debt, void periods and interest accrued from borrowing. The income generated from the new homes can support all projected expenditure and repay the capital expenditure within 40 years.
- 6.3 It is noted that the offer for the seven Section 106 Agreement homes does not include any use of Retained Right to Buy Receipts or Homes England funding as these homes must be delivered with no public subsidy. It is possible to bid for funding or utilise Right to Buy Retained Receipts for the eighth open market home as additionality of provision above the Section 106 Agreement requirements.
- 6.4 The Confidential Appendix sets out the expected costs as well as the value of the Council's proposed conditional offer for the new homes.
- 6.5 The level of expenditure for Charter Close set out within the Confidential Appendix will be funded from a mixture of borrowing, Brownfield Land Release Funding and Retained Right to Buy receipts or Homes England grant funding. Changes to the use of Right to Buy Receipts in April 2021 will enable the use to fund up to 40% of new development costs, an increase from 30% where this supports scheme viability. It is likely that any Homes England grant, subject to application, would be at a similar level.
- 6.6 Abortive costs for schemes for where external and internal fees and charges have been incurred as part of pre-development investigations will be met from a specific revenue reserve. The project team will use appropriate procurement to ensure all costs in relation to both abortive schemes and schemes which are built are value for money and costs are only incurred when required to progress a development scheme.

## **7 Risk Implications**

- 7.1 The offer to acquire the affordable homes set out above, includes the acquisition of one shared ownership home and an additional 'open market' home that will be offered for shared ownership. Whilst it is possible to hold Shared Ownership homes within the HRA, this is not a

tenure that the Council has previously owned. There would need to be procedures and changes made to accommodate this from an IT system, rent collection, management and resource perspective. The model of Shared Ownership is changing and the Council's conditional offer for the Shared Ownership home reflects the new requirements for repairs and maintenance to ensure that its offer is affordable and does not put a burden on the HRA. As the development is yet to start on site, there will be approximately one year to implement any procedures or changes.

- 7.2 The new model shared ownership homes allow for up to a 50% initial share to be sold however the share could be as low as 10% if it is considered as unaffordable for the buyer to pay more. If this is the case the Council's income from the sale of the share will decrease and the level of borrowing would need to increase. As a comparison, a nearby Gorleston site recently reported selling the shared ownership homes onsite within projected timescales, all at 40% initial share and to applicants who either already lived or worked within Gorleston.
- 7.3 The requirement for adequate staffing remains an ongoing risk and the need for additional staff will be closely monitored to ensure there is appropriate staff resources to deliver the Council Home Programme.

## **8 Legal Implications**

- 8.1 The Council is able to provide homes through acquisition, conversion or new build in accordance with Section 9 of the Housing Act 1985 and the eight properties to be purchased will be acquired in accordance with the requirements of the Property Acquisitions and Disposal Policy.
- 8.2 The Section 106 Agreement sets the purchase conditions of the shared ownership homes and requires the properties be sold only to 'eligible households with a local connection criteria' for the first 24 weeks. Should Homes England funding be sought for the additional unit the local connection criteria cannot apply.
- 8.3 The homes for Shared Ownership will be leasehold therefore suitable lease terms will need to be agreed by the Council's legal advisors. It is possible to adopt the Homes England standard lease, irrespective of whether there is any Homes England funding.

## **9 Conclusion**

- 9.1 This report provides an update to ongoing works to deliver new homes and seeks a recommendation to Full Council to approve drawdown of expenditure totalling £1,643,614 in relation to two further opportunities, the detailed costs of which are contained within the Confidential Appendix;
  - to acquire, subject to the Council's conditional offer being accepted, six new homes for affordable rent and two new homes for shared ownership at the East Wood Development, from Equinox Enterprises Ltd.
  - to convert, subject to affordable, viable and within budget tender returns, the disused boiler house at Charter Close to a one bedroomed wheelchair accessible bungalow.

## 8 Background Papers

- GYBC Housing Strategy 2018 - 2023
- HRA Borrowing report - Housing and Neighbourhoods - November 2019
- HRA Budget Report 2021-2022 – Council – February 2021
- Property Acquisitions and Disposals Policy - Council - February 2021
- Council Homes Programme Update – Housing and Neighbourhoods - July 2021
- Sheltered Housing Review – Housing and Neighbourhoods – May 2022

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

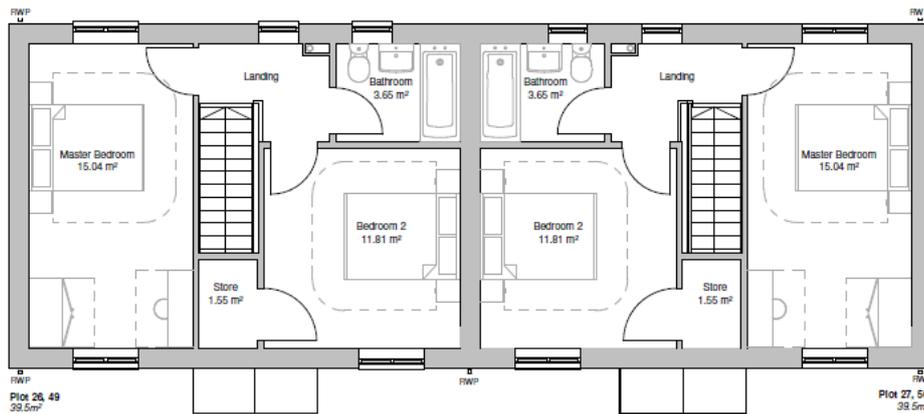
Area for consideration	Comment
Monitoring Officer Consultation:	Through ELT
Section 151 Officer Consultation:	Through ELT
Existing Council Policies:	N/A
Financial Implications (including VAT and tax):	At section 6 and in the Confidential Appendix
Legal Implications (including human rights):	Included in section 8
Risk Implications:	Included in section 7 and the confidential appendix
Equality Issues/EQIA assessment:	The new homes provided will be designed to meet housing need and address particular shortages in supply which may currently have a negative impact on the likelihood of some households with protected characteristics from being able to have their needs met in a timely way. This recognises that households in higher levels of need will have more opportunity to be accommodated in the Council's housing stock (and that of Registered Providers) than those with low needs.
Crime & Disorder:	New housing schemes will be designed and built to minimise properties vulnerability to crime.
Every Child Matters:	The eight homes are either two or three bedroom providing adequate space for families and therefore the needs of children.

APPENDIX A – East Wood



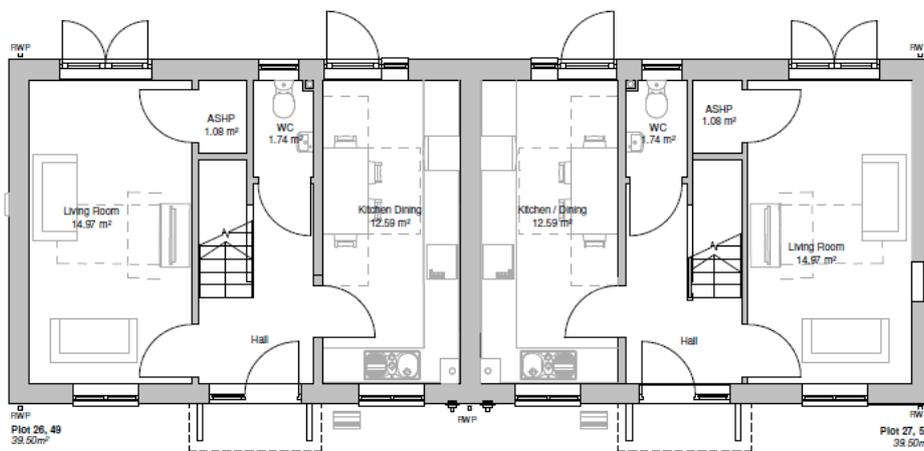
GA Elevation - Front

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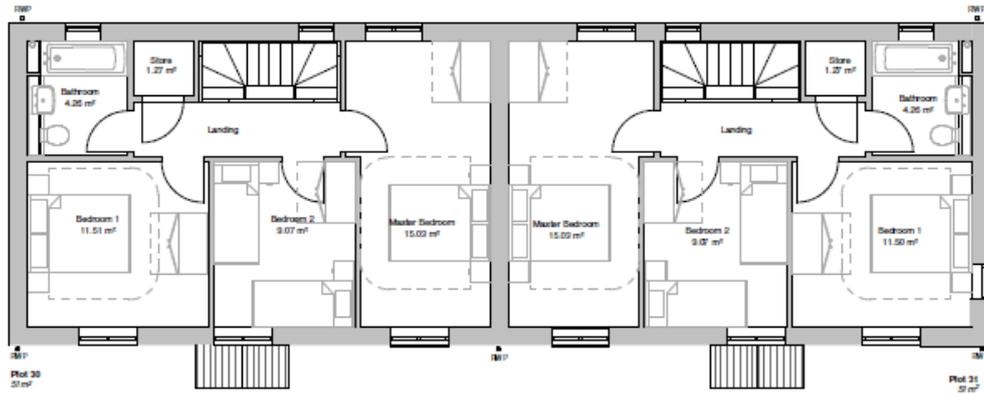
GA Plan - Level 01

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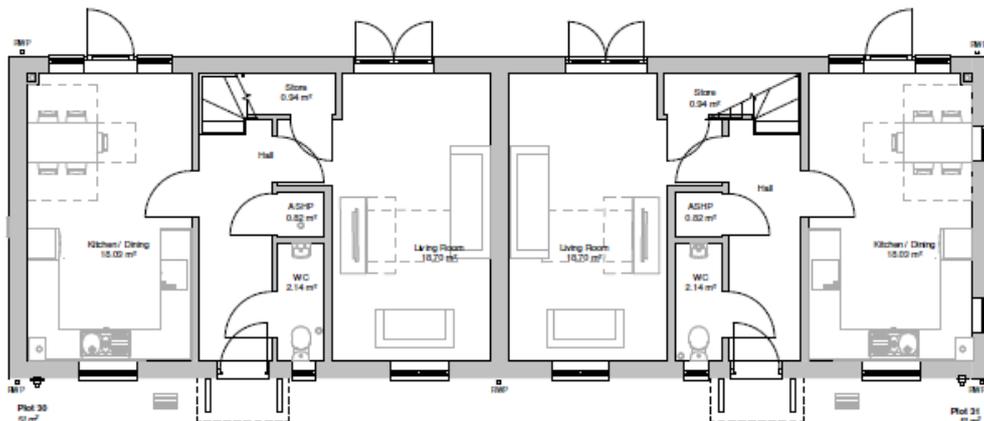


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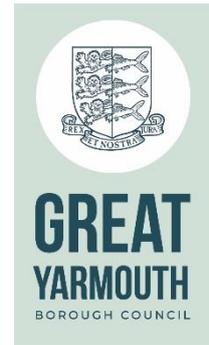
GA Plan - Level 00  
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**APPENDIX B – Charter Close Boiler House**



**APPENDIX C – Jubilee Court**





**Subject:** Sustainable Warmth Update

**Report to:** ELT

8 March 2023

Housing and Neighbourhoods Committee

16 March 2023

Council

23 March 2023

**Report by:** Nicola Turner, Housing Director

#### **SUBJECT MATTER/RECOMMENDATIONS**

This report provides an update on the Sustainable Warmth grant funding for 2022/23 to improve the energy efficiency of the worst performing homes of all tenures across the borough and details the bid for further Homes Upgrade Grant funding in 2023/25.

**Recommendations:**

**That Council :**

- 1. Agree to acceptance of the Homes Upgrade Grant 2 (HUG2) funding for 2023-24 and 2024-25 should the Council's bid be successful.**
- 2. Note the prior completion of the Memorandum of Understanding in relation to the potential HUG2 funding in 2023-25 and the completion of any variations to the Memorandum of Understandings and contracts in relation to the extension of timescale for delivery of the existing funding programmes.**
- 3. Agree to the Delegation of all decisions on the use of and spend of the HUG 2 funding in accordance with the requirements of the Memorandum of Understanding to the Director of Housing Assets.**
- 4. Agree to update the 2023-4 and 2024-5 General Fund capital budgets, should the bid be successful to reflect the HUG2 funding and Housing Revenue Account 2022-23 and 2023-4 as set out in this report.**

#### **1. Introduction**

- 1.1 In March 2022, committee received a report which detailed the £5,870,456 of Department for Energy Security and Net Zero<sup>1</sup> grant money secured by the Council to improve the energy efficiency of homes, relating to successful bids from three separate funding streams. This funding was available in 2023-23 and was expected to result in 408 homes across the borough benefiting from the installation of energy efficiency measures.
- 1.2 The £5.8m awarded to the Council for energy efficiency grants was made of three separate programmes:
- Local Authority Delivery 3 (LAD3) – to deliver works to improve the energy efficiency of the least efficient homes which are **on** the gas grid network occupied by low-income households. £1,654,670 of funding was awarded to undertake works to 153 homes, although some homes will receive more than one type of energy improvement work.
  - Home Upgrade Grant (HUG) – to deliver works to improve the energy efficiency of the least efficient homes which are **off** the gas grid<sup>2</sup> occupied by low-income households. £2,576,621 of funding was awarded to undertake works to 170 homes, although some homes will receive more than one type of energy improvement work. This programme is now called HUG1.
  - Social Housing Decarbonisation Fund (SHDF) – to improve the energy efficiency of the least efficient social housing homes. Under Wave 1, the Council also bid on behalf of two other Registered Providers in relation to their homes outside of the borough. In total £1,639,165.65 was awarded, of which £1,169,165 was for spend in the borough. The total number of homes to be improved was 131 of which 46 homes are outside the borough.
- 1.3 All three programmes LAD3, HUG1 and the SHDF are targeted at properties which have an Energy Performance Certificate (EPC) rating of E,F or G, although in some circumstances properties with a rating of D are able to be included. The LAD3 and HUG1 programmes require that the households occupying homes have low incomes to ensure the funds are targeted at those who are most impacted on by living in a property which is not energy efficient. For tenanted properties a landlord contribution of a third of the cost of works is required.
- 1.4 This report also provides information on the bid for more Home Upgrade Grant funding in 2023-4 and 2024-5 to improve energy efficiency

## 2. Current position

- 2.1 A framework was used to procure E.ON Energy Solutions Ltd to provide project management of the LAD3, HUG1 and SHDF grant programmes as well as deliver the required works using their own accredited suppliers. Delivery has been overseen by the Housing Assets Team. The Team have also been responsible for liaising with the Department for Energy Security and Net Zero and completing all required monitoring and returns. Originally the funding required

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<sup>1</sup> Formerly called the Department of Business, Energy and Industrial Strategy (BEIS)

<sup>2</sup> Includes properties in areas with gas supplied as relates to properties which currently have no form of gas heating.

that all spend was completed by 31 March 2023, however, reflecting some delays nationwide in programme delivery all grant recipients are being asked to submit closure reports which identify the timescales for completion of the programmes, which can extend into the 2023/4 financial year. The Council has submitted closure reports which seek to extend the completion date for LAD3, HUG1 and SHDF to the 30 September 2023, although the LAD3 and HUG1 programmes are expected to complete in the summer. It is expected that should the extension be approved, that the Council will be asked to complete a Variation to the existing Memorandum of Understandings with the Department of Energy Security and Net Zero to reflect revised delivery deadlines.

2.2 Paragraphs 2.3 to 2.5 below provide a summary of delivery against each of the LAD3, HUG1 and SHDF programmes and sets out where there have been some operational differences to the tenure and number of homes able to be supported by the grant funding. The SHDF programme has had the most challenges to face due to the consortium approach and the challenges of developing an External Wall Insulation programme.

### 2.3 Local Authority Delivery

Originally this funding was expected to improve 153 homes of which 140 would be owner occupied homes and 13 social housing homes, but the funding will now deliver works to 149 homes, of which 136 are owner occupied homes and 13 are social housing homes, with works to 134 homes expected to be completed by 31 March 2023.

The measures being delivered to homes are:

- External Wall Insulation
- Hybrid Air Source Heat Pump
- Smart Heating Controls
- Solar PV
- Loft Insulation
- Under floor Insulation.

Overall, the works will increase the average EPC of properties from a D to a C.

Properties in the following wards have received/will receive works:

- Bradwell South and Hopton
- Caister North
- Caister South
- Central and Northgate
- Claydon
- Gorleston
- Lothingland
- St Andrews
- Yarmouth North.

### 2.4 Home Upgrade Grant

Originally this funding was expected to improve 170 homes, but the funding will now deliver works to 156 owner occupied homes, of which the works to 136 homes are expected to be completed by 31 March 2023.

The measures being delivered to homes are:

- External Wall Insulation
- Air Source Heat Pump
- Solar PV
- Loft Insulation
- Under floor Insulation.

Overall, the works will increase the average EPC of properties from an E to a C.

Properties in the following wards have received/will receive works:

- Bradwell North
- East Flegg
- Ormesby
- Lothingland
- Southtown and Cobholm
- St Andrews
- West Flegg

#### 2.5 Social Housing Decarbonisation Fund

Originally this funding was expected to improve 11 private homes and 74 council homes within the borough and 46 social housing homes outside of the borough in other parts of Norfolk. The funding will now deliver works to 127 homes within the borough of which 10 will be private homes. Private homes within the programme adjoin Council owned homes. Due to the delays incurred, works to 17 homes will be complete by 31 March 2023. The works to the remaining 110 properties will be complete by 30 September 2023 at the latest.

The SHDF will be used carry out External Wall Insulation works or install Solar PV to improve homes in the following wards:

- Caister South
- East Flegg
- Fleggburgh
- Ormesby
- West Flegg

Overall, the works will increase the average EPC of properties from an E to a C.

#### 2.6 E.ON Energy Surveys have undertaken random surveys of residents following completion of works, whilst to date only 29 responses have been received (LAD3 and HUG1) 79% of responses were positive. The following comments on the scheme and installations were provided.

*“The installation was completed with no inconvenience to us. The whole process was excellent and we were kept informed throughout the process.”*

*“Good, nice work and everything hunky dory. We feel privileged to receive such help.”*

*“They were incredibly efficient, knowledgeable and we’re able to answer all my queries.”*

*“From start to finish the whole process was extremely efficient.”*

Where negative scores were received, E.ON Energy Solutions Ltd contacted the residents to rectify any issues being experienced.

### **3. New Funding**

- 3.1 In September 2022, a further opportunity to bid for Homes Upgrade Grant was announced to cover the period 1 April 2023 to 31 March 2025. This funding is called Homes Upgrade Grant Phase 2 or HUG2. Whilst this funding was welcomed, there was no further funding announced to support energy improvements to properties which have gas heating.
- 3.2 The Council submitted a bid for HUG2 funding to support works to improve 317 homes across the borough over the next two financial years, delivery will again focus on private sector homes. Tenanted properties will be eligible subject to a landlord contribution, however, in relation to private rented properties, the grant is only available for landlords with 4 or less properties and larger landlords are excluded.
- 3.3 HUG2 has a different approach in that bids are made based on indicative grant requirements which provides an overall envelope of funding. As properties and residents are assessed as eligible for grant works, a batch of properties is submitted for formal grant approval. One of the benefits of HUG2 over the existing programme is the removal of the financial means test where a household lives in a property which as an Energy Performance Certificate rating of D or less (E, F or G) and that property is in a Lower Layer Super Output Area ranked between 1-3 of the Income Decile classification of the Indices of Multiple Deprivation. This means that across the borough properties which do not have gas heating in 1,282 post code areas will be eligible with no financial test. Further work will be done, should the bid be successful to further target delivery of the HUG2 funding.
- 3.4 Should the Council's bid for HUG2 funding be successful, the Council will not be able to complete works to any properties using HUG2 funding, until the installation of works to properties funded by HUG1 are complete. The Council, can however, still start the implementation process, in terms of publicising the availability of grant funding and carrying out assessments of property and occupier eligibility allowing works to start at the earliest opportunity once HUG1 delivery has finished.

### **4. Financial Implications**

- 4.1 There is no cost to the General Fund of delivering the LAD3, HUG1 and SHDF programmes reflecting the grant funding awarded which includes an element for administrative and ancillary costs. Budget provision has been made in the capital programme for both 2022-3 and 2023-4 relating to the landlord contribution required of the SHDF for works to Council homes. The HRA match funding has increased on that originally required as the Council has increased the number of Council homes which will benefit from energy efficiency works.
- 4.2 The Council element of administration and ancillary costs allowance within the LAD3, HUG1 and SHDF grants, has been used to fund a dedicated full time project manager and additional staff resource to support them. The Council's staff are responsible for providing assurance of programme delivery and outcomes for the Council across all three programmes. The HUG2 bid includes an element of administration and ancillary costs allowance which will fund the ongoing internal staff resource required to oversee the delivery of the HUG2 programme, should the bid be successful.
- 4.4 The funding for HUG2 will, unlike the current programmes be paid in a number of payments relating to an initial grant to establish the delivery of the grant programme and then as

“batch” payments relating to the submission of details of properties which have been assessed as complying with the scheme requirements and which are ready for the installation of energy efficiency works. This does remove any risk of repayment of grant, should programme outcomes in terms of the number of properties be unable to be met, but does mean more active monitoring of spend on administration and ancillary costs will be required, as these remain capped at 15% of total grant spend. Should the bid be successful, the Council’s General Fund capital programmes for 2023-4 and 2024-5 will be updated to reflect the grant available in each financial year.

## **5. Risk Implications**

- 5.1 Previous reports have set out the risks associated with the Council’s delivery of the LAD3, HUG1 and SHDF programmes. These risks equally relate to the current bid for HUG2. As part of grant delivery, the Council will regularly undertake a review of risks, including risks associated with fraud. Two of the main risks of supply chain management and ensuring compliance with retrofit standards are mitigated by the use of one contractor, who has confirmed their ability to deliver the required outcomes of the grant.

## **6. Legal Implications**

- 6.1 The Council has been requested to complete a Memorandum of Understanding in relation to the HUG2 funding bid. Reflecting the positive delivery of LAD3, HUG1 and SHDF programmes and the need to ensure that the use of grant complies with procurement rules, the Council intends to use the Fusion 21 Framework to appoint E.ON Energy Solutions Ltd to deliver HUG2.
- 6.2 The HUG2 Memorandum of Understanding requires that landlords who receive grant complete a subsidy control form to ensure that any grant they receive does not exceed applicable limits. This will be controlled through the property and landlord eligibility rules for the HUG2 programme via the delivery partner.
- 6.3 A formal variation to the contracts with E.On Energy Solutions Ltd will be made to reflect the expected extension to the completion dates for the LAD3, HUG1 and SHDF programmes.

## **7. Conclusion**

This report provides an update on the delivery of LAD3, HUG1 and SHDF grant programmes which will by the end of these programmes have resulted in the increase in the energy efficiency of a total of 432 homes across the borough. It also seeks approvals to deliver HUG2 across 2023-4 and 2024-5 should the Council’s bid for funding be successful.

## **8. Background Papers**

Sustainable Warmth Competition Update – Policy and Resources Committee, 30 November 2021

Sustainable Warmth and Decarbonisation – Housing and Neighbourhoods Committee, 10 March 2022

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Via ELT
Section 151 Officer Consultation:	Via ELT
Existing Council Policies:	Corporate Plan
Financial Implications (including VAT and tax):	Discussed in report
Legal Implications (including human rights):	Discussed in report
Risk Implications:	Discussed in report
Equality Issues/EQIA assessment:	The LAD3, HUG1 and HUG2 programmes are targeted at low-income household living in the most inefficient homes. Many of these households will have protected characteristics and the works will improve their health and wellbeing by providing a more energy efficient home.
Crime & Disorder:	Not applicable
Every Child Matters:	Not applicable

#### **CONFIDENTIALITY**

The content of this report qualifies as exempt information under section 100(A)(4) and paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 as it is “*information relating to the financial or business affairs of any particular person (including the authority holding that information)*” and

2) In relation to the “exempt” information, it has been determined that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would adversely affect the authority’s ability to manage its commercial financial and business affairs.

Accordingly, it is proposed that the Appendix 4 should remain exempt.

**URN: 23-032**  
**Subject: New Hospital Development**  
**Report to: Executive Leadership Team – 15<sup>th</sup> March 2023**  
**Council – 23<sup>rd</sup> March 2023**  
**Report by: Head of Property & Asset Management**



**The James Paget University Hospital (JPUH) structure continues to suffer from the Reinforced Autoclaved Aerated Concrete (RAAC) system utilised for the original build in the 1980’s. The building structure has now been confirmed as being life expired as of 2035 and therefore prioritisation has been given by the Government New Hospital Programme (NHP) for the development of a new JPUH on the adjoining site.**

**This report details the proposal to utilise Council land for the build and identify an alternative site to provide a new and improved Childrens play facilities**

#### **RECOMMENDATIONS**

**That Council:**

- 1. Agrees the disposal of land identified on appendix 1 as site 1A, 1B and 5 for the development of a new hospital building as part of the HIP2 (2025-2030) Programme.**
- 2. Recognise and agree the necessity in the approval of point 1 the relocation of the Children’s Playground currently located on the Beacon Park, Woodfarm Lane site.**

## **1. BACKGROUND**

1.1 At the meeting of the Policy and Resources Committee in February 2021 approval was given for Property and Asset Management to enter into an option agreement on Council owned land at Woodfarm Lane Gorleston for the purpose of the development of a new hospital.

1.2 The JPUH incorporates a RAAC system of building which due to the type and method of construction will become life expired in 2035, as a result the JPUH is included in the Government New Hospital Programme.

- 1.3 The Property and Asset Team (PAM) and JPUH have been working together whilst the Strategic Outline Case for the new development is under development.
- 1.4 As reported in February 2021 the hospital has a requirement for a minimum increase of 30% due to patient demand for the coming years. At present the new hospital build is planned on a footprint of 118 m<sup>2</sup> requiring approximately 29 acres of additional land.
- 1.5 The final funding announcement for the JPUH is anticipated in March 2023.
- 1.6 The option agreement proposed in February 2021 identified the commitment of land located at Beacon Park and identified on the attached plan A as sites 1, 2, 3 and 5. This original agreement incorporated two allotment plots, one operational site at Woodfarm Lane and an allocated plot at Potters Field.
- 1.7 As reported to Policy and Resources Committee a collaboration with the Great Yarmouth and Gorleston Allotment Association (GYGAA) was required to provide the overall requirement for the new hospital site. This would incorporate the council facilitating a land swap with existing council land at East Anglian Way and Queen Annes Road, Gorleston in exchange for the allotment sites.
- 1.8 The original land swap proposal has proved difficult to progress, although the GYGAA are fully understanding of the requirement for a new hospital there is reluctance within the membership to move and due to the new for old proposal costs to provide the alternative site to the standard required by GYGAA continue to escalate.
- 1.9 Work to identify alternative solutions and consider other options has been undertaken to enable JPUH to confirm the overall availability of land for the new hospital build. It should be noted at this stage that without certainty of land the Borough could be at risk of no hospital provision in by 2035.

## **2. CURRENT POSITION**

- 2.1 The original design concept identified that areas 1 – 3 would be required as a minimum for a new hospital facility with some additional areas of land being retained as options by JPUH should further independent facilities be required.
- 2.2 With the difficulty of identifying a suitable solution for plots 2 and 3 (Allotment Land) with all parties JPUH have reconsidered land availability to identify an alternative solution for the overall land requirement. The proposal for Council to consider now relates to sites 1A, 1B and site 5 together with the GYGAA considering the sale of site 2 plot, Appendix 2 outlines.
- 2.3 The new hospital footprint will be developed to the optimum size with the total number of floors to be confirmed once the funding package is available. The floorplate of the building will remain as planned and therefore not impact the overall land requirement, but the height of the development will be adjusted when total funding is confirmed.

2.4 The overall area of land now proposed for development of the new build JPUH is as identified below:

Plan reference	Owner	Indicative areas (acres)	Comment
1A & 1B	GYBC	15.9	<p>1A - The site comprises the Flight Approach and Take Off (FATO) strip which would become redundant through this development.</p> <p>This land is on long-term lease to JPUH and linked to hospital delivery on the current site.</p> <p>The FATO for the helicopters was at the time of the current hospital build and essential requirement enabling helicopters to be able to land and take off at the site. The new hospital will incorporate a Helipad on the roof of the hospital negating the need for a FATO and releasing that land back to the Council for utilisation as new hospital space. The installation of a helipad on the roof of the new building would have benefits for transportation and land utilisation.</p> <p>This plot also incorporated the Children's Playground site located off Woodfarm Lane, Gorleston. The Playground has a skatepark, MUGA and Junior Play facilities all included on the one site. This element will be considered under section 3 of the report.</p> <p>1B – Long term leased to JPUH for staff car parking purposes.</p>
2	GYGAA	4.7	<p>Known as Potters Field, this area is currently a disused former Nursery site which remains outside the current use of the GYGAA.</p> <p>Potters Field freehold was transferred to GYGAA as part of the overall allotment transfer in 1992. The site although previously the location of the Edinburgh Avenue Council Nurseries GYGAA has not utilised this plot for allotments yet due to the costs of bringing the plot into use. The plot benefits from a building utilised by the old Nursery which GYGAA have recently reroofed and have intended to develop to use as a meeting space.</p>
5	GYBC	7 (maximum)	<p>Originally identified as site 5 for JPUH purposes but now incorporating all of site 23 of Beacon Park.</p> <p>Vacant Beacon Park land allocated through the local plan as part of the Neighbourhood Development site.</p>
	<b>Total</b>	<b>27.6</b>	

- 2.5 As part of the Strategic Outline Case JPUH considered a range of land and refurbishment options. Evaluation of sites and the redevelopment option of the existing hospital were all considered but discounted, other sites were found to be undeliverable, and the build system of the existing hospital precludes any refurbishment. The availability of the land adjacent to the existing hospital is therefore the only opportunity for JPUH to develop a new hospital for the Borough.
- 2.6 Initial conversations with GYGAA secured their understanding of the requirement but agreement to the release of the operational allotment land and the value of the Potters Field building have proved problematic. As a result, JPUH have reviewed how land can be utilised and the PAM team have recommended the expanded area of site 23 be included to facilitate this work.
- 2.7 JPUH anticipate the use of site 23 will likely accommodate the administration centre of the hospital and parking for both staff and visitors although final designs for the site are still to be completed.
- 2.8 The operational allotment in Gorleston is a well-used community facility and the Woodfarm Lane site has been an operational allotment for over 30 years. The alternative site was some 2.7 miles from the existing site and difficult to access for some plot holders and this was delaying progression to the next phase for the NHP.

### **3. CHILDREN'S PLAYGROUND**

- 3.1 Site 1A currently accommodates a Children's Play Area incorporating infant and junior play together with a MUGA and Skatepark. The site is located to the south of the existing James Paget University Hospital and identified on appendix 3 – identified site A.
- 3.2 The proposal to enable to development of the new hospital build will be to provide new resources at Crow Hall Green for infant and junior play while improved teen, skate provision and a MUGA would be included within the existing Magdalen Recreation Ground site. The plan at appendix 2 identifies these locations as site B and C on the plan.
- 3.3 Initial investigations into these sites has been favourable with the ability to both improve the provision and create safe areas of play individual to the needs of the age groups.
- 3.4 A capital budget allocated from the land receipt will be required for these relocations and a further report will be brought to the Council to consider the types of equipment, opportunities for enhancement and overall provision in the coming months.
- 3.5 Costs of the new playgrounds will be borne out of the proceeds from the sale.

## 4. FINANCIAL IMPLICATIONS

4.1 This section is considered within the attached confidential appendix 4

## 5. RISK IMPLICATIONS

- 5.1 The JPUH has received confirmation in the New Hospital Build for funding to provide a new build hospital in Gorleston. It has not yet been confirmed the level of funding to be released however the overall area of land required is clear. The JPUH require certainty of land and early access to the site with vacant position required by April 2024 at the latest. The relocation of the Children's Playground will form the main requirement for the Council in terms of relocating a service any delay in relation to the agreement of alternative land and capital provision may be a risk to the project.
- 5.2 The purchase of the GYGAA Potters Field site will now be progressed by JPUH directly with the Allotment Association as no land swap is required. The GYGAA have indicated that they are extremely happy with this new proposal and that members of the Allotment Association will be pleased to agree terms with the JPUH however any delay in relation to this sale may result in a risk to the build of the new hospital facility and the capital receipt for the Council.
- 5.3 Vehicular access to site 5 will need to be considered along with access requirement for the neighbourhood centre located on the opposite side of Hodds Lane. Highway consultants to be engaged to consider traffic movement for both the new hospital development and the neighbourhood centre to ensure road layout are suitable in all circumstances.
- 5.4 The sale of site 5 will reduce the ability to develop further retail, leisure facilities on the site however it should be recognised the future development of a new hospital on the site potential outweighs any loss with opportunities being taken on site 24 of Beacon Park for the neighbourhood centre. Sale of site 5 will secure a capital receipt for the Council and confirm the development of the new hospital benefiting jobs, local economy and housing.
- 5.5 Contamination will need to be treated as an abnormal cost to the Council and will reduce the capital value of the land at this stage details and costs in relation to this are unknown.

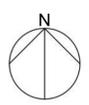
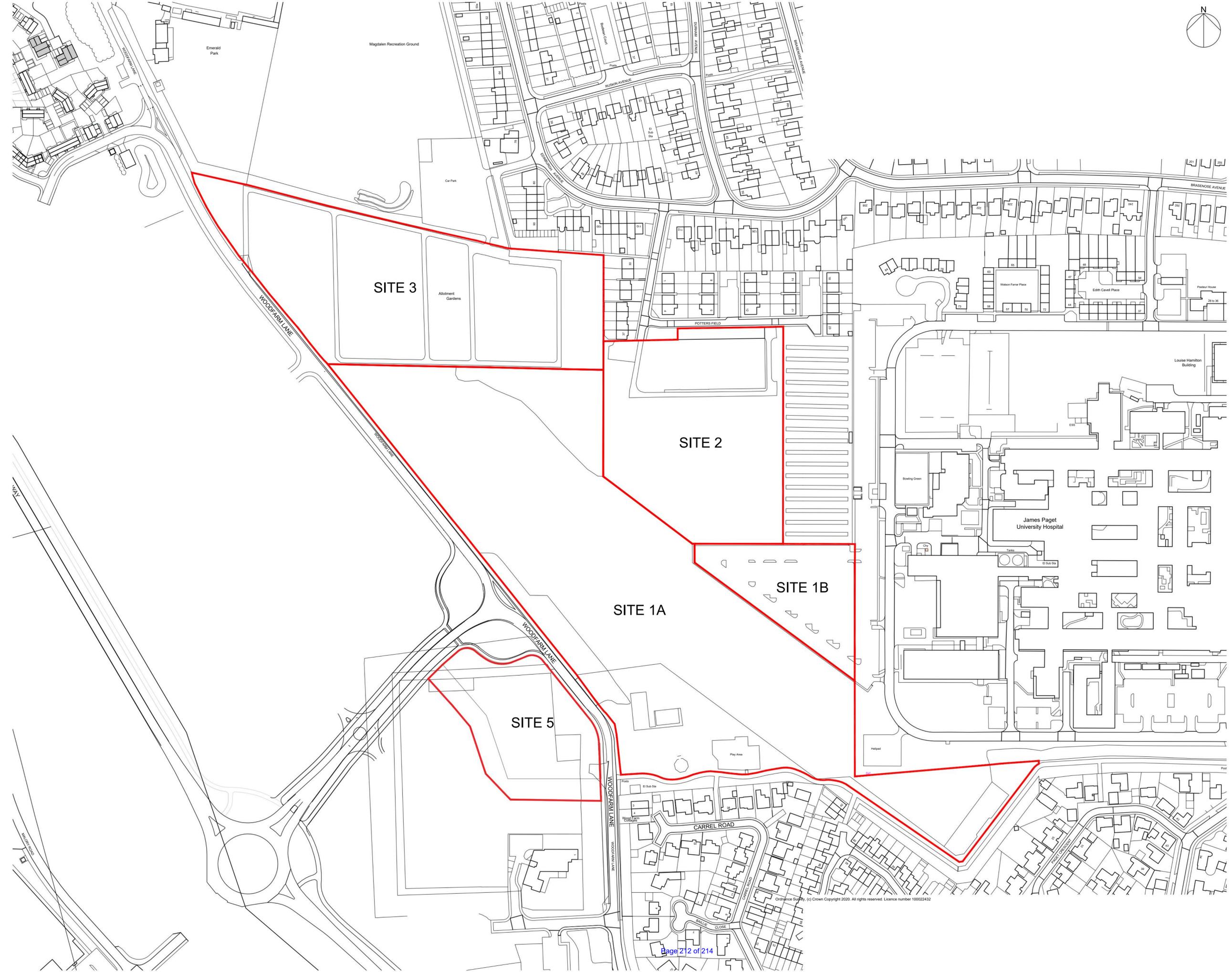
## 6. CONCLUSIONS

- 6.1 The sites identified within appendix 1 numbered 1A, 1B and 5 are proposed as freehold sale to JPUH for the purposes of the New Hospital Programme (NHP).
- 6.2 In order to secure the funding for the NHP early completion of the sale of these sites is seen as essential and vacant possession would be required at the earliest opportunity but certainly no later than end March 2024. Vacant possession of site 1A will require the relocation of the existing Children's Playground and although the details of these facilities will be considered at a later meeting the principle of the relocation is required to enable the land sale.

6.3 Site 5 in its entirety is proposed for sale to the JPUH to mitigate the loss of the operational allotment site (site 3 on the plan). The operational allotment site will now remain at Woodfarm Lane, no land swap will be undertaken to accommodate the NHP, and allotment holders will be able to continue on their existing sites.

6.4 East Anglian Way will no longer be utilised for the allotment swap and alternative for this site can be brought forward to a future meeting.

<b>Area for consideration</b>	<b>Comment</b>
Monitoring Officer Consultation	via ELT
Section 151 Officer Consultation	via ELT
Existing Council Policies See background papers	Great Yarmouth Local Plan Core Strategy and The Corporate Plan
Financial Implications Within existing budgets	Considered
Legal Implications (including human rights)	Yes
Risk Implications	Yes
Equality Issues/EQIA assessment	Yes – to be considered in relation to the relocation of the Playground facilities
Details contained in strategy	N/A
Crime & Disorder	N/A
Every Child Matters	Yes



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Drawing based on Ordnance Survey data and new link road setting out information.

P5	Scale adjusted. Issued for comment	24/01/23	ALH	ALH	
P4	Issued for comment	21/12/22	ALH	ALH	
P3	Issued for comment	19/11/20	ALH	ALH	
P2	Issued for comment	19/11/20	ALH	ALH	
P1	Issued for comment	19/11/20	ALH	ALH	
Rev	Description	Date	CHK	Appr	
Project No:	304742	Scale @ A1:	1:1250	Drawn By:	ALH

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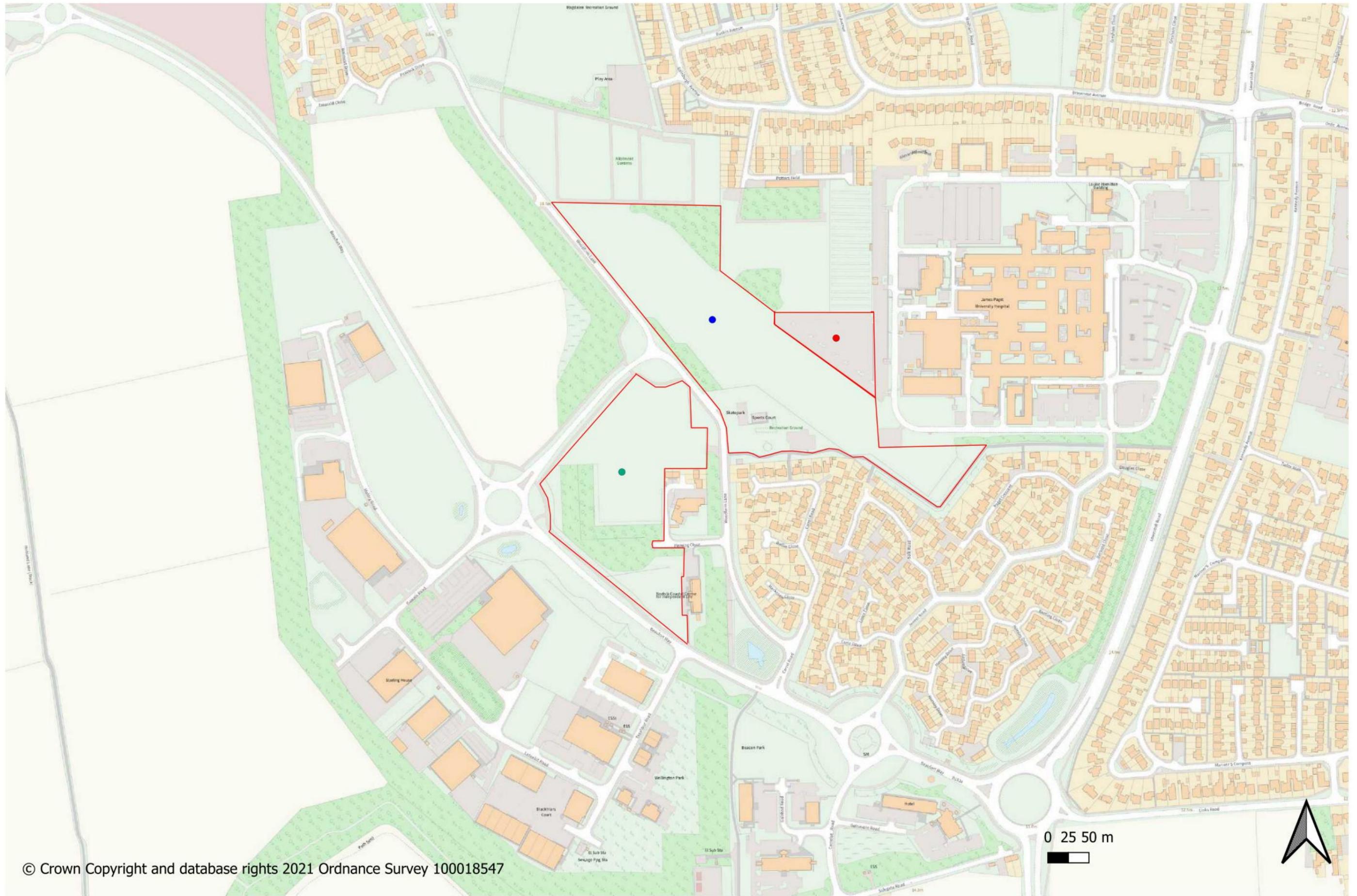
Client:  
**Great Yarmouth Borough Council**

Title:  
**Sites For Consideration For Proposed**  
**JPH Relocation - Numbered**

Drawing Number:  
**304742-IWD-XX-XX-DR-A-1002**

Status: Purpose of Issue:  
**S2 Information P05**

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Great Yarmouth Borough Council  
 Town Hall Hall Plain Great  
 Yarmouth NR30 2QF

**BEACON PARK**  
 BLUE DOT - SITE 1A  
 RED DOT - SITE 1B  
 GREEN DOT - SITE 5

**Appendix 3**

**Site A** – Remove Beacon Park Playground, Skate and MUGA

**Site B** – Magdalen Recreation Ground - New and improved Teen/ MUGA / Skate

**Site C** – New Playground Infant and Junior on Crow Hall Green

