



Broadland District Council

Buxton w. Lamas Neighbourhood Plan - Decision Statement

1. Summary

Following an independent examination, Broadland District Council has received the examiner's report relating to the Buxton with Lamas Neighbourhood Plan. The report makes a number of recommendations for making modifications to policies within the Neighbourhood Plan. Broadland District Council has made a decision to approve each of the examiner's recommendations and to allow the Neighbourhood Plan to proceed to a referendum within the neighbourhood area.

2. Background

Following the submission of the Buxton with Lamas Neighbourhood Plan to Broadland District Council in March 2024, the Neighbourhood Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place between 3rd May and 18th June 2024.

Broadland District Council, with the approval of Buxton with Lamas Parish Council, subsequently appointed an independent examiner, Mr Andrew Ashcroft, to conduct an examination of the submitted Neighbourhood Plan and conclude as to whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making certain recommended modifications, the Neighbourhood Plan meets the basic conditions for neighbourhood planning and should proceed to a Neighbourhood Planning referendum within the adopted neighbourhood area.

3. Decision

Having considered the recommendations in the examiner's report and the reasons for them, Broadland District Council has decided to approve each of the examiner's recommended modifications. This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990. The Council considers this decision will ensure that the Neighbourhood Plan meets the basic conditions.

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

Subject to the modifications approved by Broadland District Council, as set out in the table below, the Council is satisfied that the Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in accordance with part 12(4) of Schedule 4B of the Town & Country Planning Act 1990.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Objectives	<i>Modify Objective 1 to read: The focus of sustainable growth will be Buxton Village</i>	The Council agrees that this amendment will ensure that the statement has a more general nature, fitting an objective.	Accept examiner's recommended modifications.
Policy BUX 1: A spatial strategy	<p>In the title delete 'limited and'</p> <p>In the second part of the policy replace 'so long as' with 'where'</p> <p>After the second set of brackets in part 2b of the policy insert '(or the relevant Use Classes in any update of the Order)</p>	The Council agrees that these modifications will help to bring the clarity required by the NPPF.	Accept examiner's recommended modification.
Policy BUX 2: Feoffee Cottages site	<p>Delete the second sentence of the first part of the policy.</p> <p>Incorporate the second part of the policy into the first.</p> <p>Introduce a revised second part of the policy using the deleted sentence from the first part of the policy.</p>	The Council agrees that these modifications will help to bring the clarity required by the NPPF.	Accept examiner's recommended modification.
Policy BUX 3: Affordable homes for local people on rural exception sites	In the second part of the policy replace 'must' with 'should'	The Council agrees that this modification will help to bring the clarity required by the NPPF.	Accept examiner's recommended modification.

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Policy BUX 4: Development and design	<p>In the first part of the policy replace 'will be expected' with 'should'</p> <p>Replace the final sentence of c) with: 'Wherever practicable, north-facing back gardens should be of a length to ensure sunlight is maximised.'</p> <p>Replace d) with: 'Development proposals should follow any consistent building line and set back distances and new buildings should front onto the street.'</p> <p>In e) replace 'massing (scale of neighbouring buildings)' with 'massing and scale of neighbouring buildings'</p> <p>In the final bullet point of g) replace 'wrought iron' with 'traditional or well-designed contemporary iron railings or fencing (including estate railings)'</p>	<p>The Council accepts these modifications and the explanation from the examiner that they will help to bring the clarity to the policy required by the NPPF and will improve the structure of the policy elements.</p>	<p>Accept examiner's recommended modification.</p>
Policy BUX 5: Protecting residential amenity	<p>Replace the opening element of the first part of the policy with: 'As appropriate to their scale, nature and location, development proposals should ensure an acceptable standard of amenity for residential properties in the immediate locality. This means:'</p> <p>Replace the second part of the policy with: 'Development proposals which would have an unacceptable impact on existing neighbouring occupants, the amenity of the area, or a poor level of amenity for future occupiers of the development will not be supported.'</p>	<p>The Council agrees that these amendments are necessary in order that the policy takes a proportionate approach and to aid clarity in the decision making process.</p>	<p>Accept examiner's recommended modification.</p>

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Policy BUX 6: Protecting and enhancing landscape character	<p>Replace the third part of the policy with: ‘Development proposals within Buxton’s settlement boundary should maintain and, where practicable, enhance the open and green character of the village.’</p> <p>Replace the fifth part of the policy with: ‘Where otherwise acceptable, development proposals in Lammas, Little Hautbois and Badersfield should respond positively to existing settlement patterns and the character of the settlement concerned. Development proposals which encroach into the open countryside will not be supported unless landscape appropriate mitigation measures are incorporated that would ensure that the scheme will be successfully assimilated into its countryside surroundings.’</p>	The Council agrees that these modifications will help to achieve consistency and bring the clarity required by the NPPF.	Accept examiner’s recommended modification.
Policy BUX 7: Protecting residential gardens from inappropriate development	Replace the opening element of the policy with: ‘Development proposals on sites that form part of a garden or group of gardens, or that subdivide an existing residential plot will only be supported where:’	The Council agrees that this amendment will help to ensure that the policy is positively worded.	Accept examiner’s recommended modification.

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Policy BUX 8: Views to be protected	<p>Replace the policy with:</p> <p>‘Development proposals should respect the Priority Views and Locally Iconic Views as shown on Maps 12 and 13 (and as described in Appendix 1).</p> <p>As appropriate to their scale, nature and location, development proposals should:</p> <ul style="list-style-type: none"> • protect the Priority Views from any changes which would arise from the proposal; and • ensure that any development proposal that impacts on the Locally Iconic Views does not detract from the identified Locally Iconic Views, and, wherever practicable enhances the key features of the relevant views.’ <p>Change the policy title to ‘Identified views’</p>	<p>It is accepted that these recommended changes will help to achieve the clarity required by the NPPF and will ensure a proportionate approach to its application in the development management process.</p>	<p>Accept examiner's recommended modification.</p>

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<p>Policy BUX 9: Lammas, Little Hautbois and Badersfield Areas of Separation</p>	<p>Replace the policy with:</p> <p>‘The Lammas and Badersfield Area of Separation is designated as shown on Map 14. Any development proposals which come forward within this designated area should:</p> <ul style="list-style-type: none"> • ensure that a clear separation between Lamas and Badersfield is maintained; • respect the open and undeveloped nature of the expanse of rising land that separates Lammas from Badersfield; • respect the landscape setting of Lammas; and • avoid any significant detrimental landscape impacts on the smooth, predominantly uninterrupted skyline and wide expansive views contained by the distant wooded horizons. <p>The Little Hautbois and Badersfield Area of Separation is designated as also shown on Map 14. Any development proposals which come forward within this designated area should:</p> <ul style="list-style-type: none"> • ensure that a clear separation between Little Hautbois and Badersfield is maintained. • respect the landscape setting of Little Hautbois.’ <p><i>Delete paragraph 5.9.10</i></p>	<p>The Council agrees that these modifications will ensure the policy becomes positively framed, with a set of criteria that should be met, rather than proposing a restrictive approach to new development.</p>	<p>Accept examiner's recommended modification.</p>
<p>Policy BUX 10: Recognising and protecting our dark skies</p>	<p>Replace the opening element of the first part of the policy with: ‘Development proposals which include external lighting should ensure that the night sky is properly protected from light pollution. This means the proposed lighting:’</p>	<p>The Council agrees that this amendment will help to ensure that the policy is positively worded.</p>	<p>Accept examiner's recommended modification.</p>

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<p>Policy BUX 11: Conserving and enhancing our heritage assets</p>	<p>In the first part of the policy replace 'will be expected to' with 'should'</p> <p>Replace the second part of the policy with: 'The Plan identifies the buildings and assets listed below (and described in Appendix 2) as non-designated heritage assets. Where proposals affect a non-designated heritage asset or its setting, a balanced judgement will be applied having regard to the scale of harm or loss and the significance of the heritage asset.'</p> <p><i>Define the 'centre of Lammas' on a new map.</i></p>	<p>The Council agrees that these modifications will help to bring the clarity required by the NPPF.</p>	<p>Accept examiner's recommended modification.</p>

<p>Policy BUX 12: Protecting sites of existing biodiversity value</p>	<p>Revise the first part of the policy so that its opening element is: ‘The Plan identifies the following sites or features of biodiversity value.’ Thereafter list the sites as set out in the submitted policy. Then add (as a separate paragraph): ‘Development proposals close to or involving an identified site or feature of biodiversity value should respond positively to its value.’</p> <p>Delete the second part of the policy.</p> <p>Replace the third part with: ‘Where relevant, appropriate mitigation and compensation measures which are incorporated within development proposals should take account of the value of the biodiversity features impacted, including their contribution to an existing ecological network and the extent to which its loss will adversely impact that network.’</p> <p>In the fourth part of the policy after ‘open space’ add ‘wherever practicable’</p> <p>Replace the fifth part of the policy with: ‘Insofar as planning permission is required, new or replacement fences should incorporate wildlife-friendly materials and fence-spacing to ensure free movement along corridors and across the landscape connecting various habitats for both predator and prey.’</p> <p>Replace the sixth part of the policy with: ‘Impermeable surfaces within development proposals should be designed to respond positively to wildlife in the immediate locality and incorporate sustainable drainage systems.’</p> <p><i>Identify the sites listed in the first part of the policy on a map or maps at an appropriate scale</i></p> <p><i>Consolidate the wording used in the identified sites to clarify their status on habitat classification.</i></p>	<p>The Council agrees that these modifications are necessary to bring the clarity required by the NPPF and to ensure that BDC can implement the policy consistently through the development management process.</p>	<p>Accept examiner’s recommended modification.</p>
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	<p><i>Replace paragraph 5.12.5 with: ‘Data obtained from the Norfolk Biodiversity Information Service (NBIS), and local research in preparing the Plan has resulted in the sites shown on Map 17 being identified as also having importance for biodiversity. This includes all local areas of woodland, the Bure Valley Railway, a narrow gauge providing an important ecological corridor connecting to adjacent parishes and the water meadows, a distinctive ecological feature in the parish.</i></p> <p><i>Replace paragraphs 5.12.10 to 5.12.13 with:</i></p> <p><i>5.12.10. The purpose of the policy is to ensure sites and features of biodiversity value are identified, understood, and considered when planning applications are being determined. In specific terms, the first part of the policy requires that development proposals should respond positively to the status and importance of the identified assets/sites. This includes considering impacts from all aspects of a proposed scheme including details such as gully pots provided as part of road drainage. When placed on existing migration routes, these present death traps for small animals and amphibians but can be avoided through appropriate gully pot designs.</i> www.arguk.org/get-involved/projects-surveys/saving-amphibians-in-drains</p> <p><i>5.12.11. Policy BUX12 is specific to the neighbourhood area. However, the national hierarchy of mitigation should be embedded into the design of the development with the following steps implemented in order:</i></p> <ul style="list-style-type: none"> <i>• firstly, avoiding impacts (by retaining habitats of value for enhancement and management and retaining species in situ);</i> <i>• secondly, mitigating unavoidable impacts (by the replacement of lost protected and priority habitats and accommodating displaced species in the site boundary); and</i> <i>• thirdly, through compensation measures where mitigation would be insufficient.</i> 		
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	<p><i>5.12.12. Where adverse impacts on biodiversity features are unavoidable, the impacts should be adequately mitigated and, where necessary, compensated.</i></p> <p><i>5.12.13. Any loss of trees and hedgerows on a development site will require replacement tree and hedgerow planting that is directly linked to habitat value impacted. A tree with a trunk diameter larger than 15 cm, will for example require more than one replacement tree to provide adequate compensation. Hedgerows should be replaced following a 1:3 ratio. To comply with national biodiversity net gain legislation additional measures may also be required.</i></p> <p><i>5.12.14. The fifth part of the policy comments about the way in which impermeable surfaces should be incorporated into development proposals (such as the creation of roads, pavements, and other surfaces). The provision of escape routes is an example of an approach which could be followed. This part of the policy also comments about sustainable drainage facilities. It overlaps with the details in Policy BUX 14.</i></p>		
Policy BUX 13: Delivering Biodiversity Net Gain	<p>Replace the opening element of the first part of the policy with: ‘Appropriate measures for delivering biodiversity enhancements and Biodiversity Net Gain (in line with the Environment Act and any successor legislation) in the parish could include:’</p> <p>In the second part of the policy replace ‘All’ with ‘As appropriate to their scale, nature and location,’</p>	The Council agrees that these changes will allow the authority to apply the policy more readily through the development management process.	Accept examiner's recommended modification.

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Policy BUX 14: Protecting water quality and managing surface water responsibly	<p>Replace the second part of the policy with: 'Where relevant, development proposals should be nutrient neutral, or show a net improvement of water quality in the River Bure valley.'</p> <p>Delete the third and fourth parts of the policy.</p> <p>Replace the sixth part of the policy with: 'As appropriate to their scale, nature and location, other development proposals involving new build should accommodate surface water run-off within the site using appropriate water drainage arrangements, including sustainable drainage systems wherever practicable.'</p> <p>In the seventh part of the policy replace 'Detention' with 'The detention' and 'are not likely to be appropriate' with 'will not be supported'</p> <p><i>At the end of paragraph 5.14.8 add: 'The use of sustainable drainage systems (SuDS) will be required for all new major development as set out in the NPPF (December 2023).'</i></p> <p><i>At the end of 5.14.10 add: 'Where relevant, the interactive PDF accompanying the Buxton with Lamas 2024 Flood Risk overview report should be referenced in information submitted with in order to understand how risk from all sources of flooding may impact proposed schemes.'</i></p>	It is accepted that these modifications will bring the clarity required by the NPPF and will allow the Council to apply its provisions through the development management process.	Accept examiner's recommended modification.
Policy BUX 15: Protecting and enhancing our valued water meadows landscape	<p>Replace the second sentence of the first part of the policy with: 'The areas will be protected and kept free from development, other than:'</p> <p>Replace the fourth part of the policy with: 'Development proposals which would result in the weakening of flood resilience features or detract from visual appearance and amenity of these assets will not be supported.'</p>	It is accepted that these modifications will bring the clarity required by the NPPF and will allow the Council to apply its provisions through the development management process.	Accept examiner's recommended modification.

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Policy BUX 16: Local Green Spaces	Replace the second part of the policy with: 'Development proposals on the identified Local Green Spaces will only be supported in very special circumstances.'	The Council agrees that this amendment will bring the clarity required by the NPPF.	Accept examiner's recommended modification.
Policy BUX 17: Delivering sustainable design	<p>Replace the first part of the policy with: 'As appropriate to their scale, nature and location, development proposals should incorporate the principles of climate change mitigation and adaptation. This means adopting design and construction approaches that deliver low or zero carbon homes and buildings that demonstrate sustainable use of resources and high energy efficiency levels.'</p> <p>In the second part of the policy replace 'All proposals will be expected to be accompanied by a Sustainability Statement' with 'Development proposals should be accompanied by a proportionate Sustainability Statement'</p> <p>Delete the third part of the policy.</p> <p><i>At the end of paragraph 5.17.13 add the deleted third part of the policy</i></p>	The Council agrees with these modifications which will bring the clarity required by the NPPF and achieve an appropriate balance between a land use policy and its supporting text.	Accept examiner's recommended modification.

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<p>Policy BUX 18: Protecting and enhancing the provision of rural routes for non-motorised users in the parish</p>	<p>Replace the policy with:</p> <p>‘The Public Rights of Way network (PROW), shown on Map 20, is valued in providing important outdoor recreational opportunities. Development proposals should safeguard and, where practicable, enhance the network. Where opportunities arise, development proposals should create links into the existing PROW network and to the community-identified potential new footpaths as shown on Map 20.</p> <p>The design and layout of development proposals that will be visible from a PROW should be arranged so that visual amenity from the PROW is maintained and, where practicable, enhanced.</p> <p>Development proposals which would unacceptably detract from the amenity value of the PROW network either through their interruption to the network, or through proposals which impact on its public enjoyment, will not be supported.’</p>	<p>The Council agrees that these changes will help to reduce the repetition of policy elements and will achieve the clarity required by the NPPF.</p>	<p>Accept examiner's recommended modification.</p>
<p>Policy BUX 19: Rural lanes</p>	<p>Replace the second part of the policy with: ‘Development proposals which impact on these rural lanes should maintain or enhance their rural character and biodiversity value and the conditions for non-motorised users.’</p>	<p>It is accepted that this amendment will help the Council to apply the policy through the development management process.</p>	<p>Accept examiner's recommended modification.</p>

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Policy BUX 20: Maintaining and creating well-connected neighbourhoods	<p>Replace the policy with</p> <p>‘As appropriate to their scale, nature and location, the design and layout of development proposals should incorporate direct, safe, and attractive walking and cycling routes (including adequate pavement or footpath provision) within the scheme and utilise opportunities to link directly with neighbouring areas and village shops and services.</p> <p>Where a development scheme involves the creation of new streets or roads, those routes should be laid out in a permeable pattern. Cul-de-sac development will only be supported where it is short and, wherever practicable, provides pedestrian links that are overlooked with an active frontage.</p> <p>Development proposals which would result in a poor pedestrian connectivity to neighbouring areas, shops, services, and schools will not be supported.’</p>	It is accepted that these recommended changes will help to achieve the clarity required by the NPPF and will ensure a proportionate approach to its application in the development management process.	Accept examiner's recommended modification.
Policy BUX 21: Managing and mitigating adverse impacts of increased traffic movements on the parish environment	<p>Replace the policy with:</p> <p>‘Development proposals should be designed to respond positively to road safety for all users, especially non-motorised users such as pedestrians, users of mobility scooters, cyclists, and horse-riders.</p> <p>Development proposals which would have an unacceptable impact on road safety and residential amenity through traffic generation, and which cannot be appropriately mitigated, will not be supported.’</p> <p><i>Replace paragraph 5.21.4 with: ‘Any development proposals which would result in an inappropriate traffic burden along the rural roads and/or through the various settlements will not be supported.’</i></p>	The Council agrees that these modifications will help to re-cast the policy in a manner that plans positively for the area.	Accept examiner's recommended modification.

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Policy BUX 22: Support for rural businesses	<p>In the first part of the policy replace 'viewed favourably' with 'supported'</p> <p>In part 1b of the policy delete the second sentence.</p> <p>Delete the second and third parts of the policy.</p> <p><i>At the end of paragraph 5.22.2 add:</i></p> <p><i>'Policy BUX 22 offers support to new businesses subject to a series of criteria. Proposals could include new office accommodation including serviced offices, that is suitable for micro-businesses; research and development of products or processes or any industrial process; services (such as professional or financial) open to visiting members of the public; and training in traditional and rural crafts. Where development proposals are located outside the Buxton settlement boundary, Policy BUX 1 will apply.'</i></p>	It is accepted that the examiner's recommended modifications will help to bring the clarity required by the NPPF.	Accept examiner's recommended modification.

<p>Policy BUX 23: Bure Valley Business Centre</p>	<p>Replace the first part of the policy with: ‘The Bure Valley Business Centre (as shown on Map 22) is retained for employment uses. Development proposals for other or alternative uses that are compatible with neighbouring residential uses will be supported where they are consistent with other development plan policies, including Policies BUX 18-21 of this Plan. Other uses could include:’</p> <p>Delete the second part of the policy.</p> <p>In the third part of the policy replace ‘Any scheme’ with ‘Any redevelopment scheme for the Business Centre’</p> <p>In the fourth part of the policy replace ‘may be allowed’ with ‘will be supported’ and delete ‘any community consultation’</p> <p>Delete the fifth part of the policy.</p> <p>Replace the sixth and seventh parts of the policy with: ‘Development proposals at the Business Centre should be accompanied by a proportionate site investigation and risk assessment. Development proposals which would lead to the future contamination of the site or elsewhere will not be supported.’</p> <p><i>At the end of paragraph 5.23.6 add:</i></p> <p><i>‘Due to the sensitivity of this site, the Parish Council suggests that comprehensive redevelopment schemes or schemes that include residential development should be informed by meaningful pre-application community engagement. This approach should be demonstrated through the submission of a community engagement statement, detailing the pre-application engagement activity with the community and wider stakeholders. In addition, due to possibility of the land being contaminated by historic activity on the site the [insert details] part of the policy advises about the need for site investigation works. The site investigation information (as described in the Glossary) should follow the NPPF 2023 requirements. The purpose of this approach will be to identify any risks to human health, the natural environment and water quality.</i></p>	<p>The Council agrees that these modifications will bring the clarity and precision required by the NPPF and will allow the Council to apply the principles of the policy through the Development Management process.</p>	<p>Accept examiner’s recommended modification.</p>
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	<i>Where contamination is found that could pose an unacceptable risk to people's health, the natural environment or water quality, planning conditions will be imposed to ensure the necessary remediation measures take place and to ensure the site is suitable for the proposed use and the development can proceed safely.</i>		
Policy BUX 24: Buxton with Lamas community infrastructure priorities	Delete the second part of the policy	The Council agrees that this part of the policy should be removed, as it does not provide a land use policy function.	Accept examiner's recommended modification.
General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</i>	Broadland District Council will liaise with the Parish Council to identify any further minor, factual amendments to general text that are required, in advance of the referendum.	Make any further minor, factual amendments to general text that are required, as necessary.

4. Next Steps

This Decision Statement and the examiner's report into the Buxton with Lamas Neighbourhood Plan will be made available at:

- www.southnorfolkandbroadland.gov.uk/neighbourhood-plans
- **Aylsham Library**, 7 Hungate Street, Aylsham, NR11 6AA (open during week 10am-7pm, apart from Weds – open 2-7pm; open Sat – 10am-4pm)
- **Broadland District Council & South Norfolk Council offices** – The Horizon Centre, Broadland Business Park, Peachman Way, Norwich, NR7 0WF (Please call to make a prior appointment – 01603 431133)

Broadland District Council is satisfied that with the modifications it has approved, as detailed above, the Buxton with Lamas Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in which the following question will be posed:

‘Do you want Broadland District Council to use the Neighbourhood Plan for Buxton with Lamas to help it decide planning applications in the neighbourhood area?’

Further information relating to the referendum will be published by Broadland District Council in due course.