

# **Buxton with Lamas Neighbourhood Development Plan 2024-2038**

**A report to Broadland District Council on the Buxton  
with Lamas Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Broadland District Council in June 2024 to carry out the independent examination of the Buxton with Lamas Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 4 July 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on two matters. The first is the proposed designation of a series of Local Green Spaces. The second is the identification of two Areas of Separation.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should be the same area as the designated neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**26 September 2024**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Buxton with Lamas Neighbourhood Development Plan 2024-2038 ('the Plan').
- 1.2 The Plan was submitted to Broadland District Council (BDC) by Buxton with Lamas Parish Council (BwLPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance and that new development is designed in a positive way.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BDC, with the consent of BwLPC, to conduct the examination of the Plan and to prepare this report. I am independent of BDC and BwLPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the five appendices
- the Design Guidance and Codes
- the Open Spaces Assessment
- the Flood Risk Overview
- the SEA screening report
- the HRA screening report
- the representations made to the Plan.
- BwLPC's responses to the clarification note.
- the adopted Joint Core Strategy 2011.
- the Broadland Development Management Development Plan Document 2015.
- the Broadland Site Allocations Development Plan Document 2016.
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 4 July 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) (Amendment) Regulations 2012, BwLPC has prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. They included:
- the Initial surveys (August 2018);
  - targeted business and stakeholder engagement (October 2018);
  - the community drop-in events (November 2018);
  - the Vision and objectives Consultation (September 2019); and
  - the stakeholder engagement (June 2022).

The Statement summarises the comments received from these exercises and how they fed into the pre-submission Plan. This is best practice.

- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to June 2023). The comments received on that version of the Plan are listed in a separate document along with commentary about the way in which it was refined because of this process.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. BDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

### *Consultation Responses*

- 4.6 Consultation on the submitted plan was undertaken by BDC. This exercise generated representations from the following organisations:
- Sport England
  - National Highways
  - Norfolk Rivers Drainage Board
  - Norfolk Wildlife Trust
  - Norfolk Constabulary

- Historic England
- Environment Agency
- Anglian Water
- Broadland District Council
- Natural England
- Norfolk County Council
- National Gas

4.7 Comments were also received from several residents. I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Buxton with Lamas. Its population in 2021 was 1642 persons. It is located approximately eleven miles to the north of Norwich. It comprises the villages of Buxton, Lammas, Little Hautbois, and part of Badgersfield (Barnby Road and Jaguar Drive up to but not including HMP Bure). The communities are described in the Plan and in the Design Code. The parish was designated as a neighbourhood area in April 2019.
- 5.2 The neighbourhood area is both interesting and diverse. Within the context of the four settlements, the parish is generally rural in nature, with extensive farmland, the River Bure and other water courses, meadows and woodland being significant features. The Bure Valley Railway runs through the neighbourhood area and has its own appeal and interest.
- 5.3 The parish falls within the Landscape Character Areas of the Bure River Valley, the Marsham and Hainford Wooded Estate lands, and Coltishall Tributary Farmland (as defined by the 2013 Broadland Landscape Character Assessment Supplementary Planning Document).

### *Development Plan Context*

- 5.4 The Basic Conditions Statement sets out the comprehensive nature of the development plan context for the neighbourhood area. The Joint Core Strategy (JCS) for the Greater Norwich Area (Broadland, Norwich, and South Norfolk) was adopted in 2014. The Broadland Development Management Development Plan Document (BDMDPD) was adopted in 2015. The Broadland Site Allocations Development Plan Document (BSADPD) was adopted in 2016.
- 5.5 Plainly the development plan for the neighbourhood area is comprehensive and has been revised as the Plan was being prepared. For clarity, I have summarised the development plan which was in place whilst the Plan was being prepared, and then updated that context based on the recent adoption of the Greater Norwich Local Plan (GNLP).
- 5.6 The Joint Core Strategy (JCS) for the Greater Norwich Area (Broadland, Norwich, and South Norfolk) was adopted in 2014. Buxton is one of a series of defined Service Villages in the Plan
- 5.7 The Broadland Development Management Development Plan Document (BDMDPD) was adopted in 2015. The Broadland Site Allocations Development Plan Document (BSADPD) was adopted in 2016. It allocates land east of Lion Road for the development of approximately 20 homes (Policy BUX1).
- 5.8 The JCS has now been replaced by the Greater Norwich Local Plan (GNLP) which was adopted in March 2024. That Plan brings the Lion Road site forward and, in addition, proposes land east of Aylsham Road for the development of 40 new homes.



- 5.9 In this broader context, BwLPC has carefully produced a Plan which seeks to complement the existing development plan. In addition, the submitted Plan has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

*Visit to the neighbourhood area*

- 5.10 I visited the neighbourhood area on 4 July 2024. I approached it from the A1270 and Horstead to the south. This helped me to understand its position in general and its accessibility to the strategic road network.
- 5.11 I looked initially at the area around the Buxton Halt on the Bure Valley railway. I saw the attractiveness and popularity of the railway. I also saw the way in which The Bure Valley Way was incorporated into the landscape and provided significant opportunities for recreational uses.
- 5.12 I then looked at the remainder of Buxton village. I saw the significance of the School, the Church, and the Village Hall at the junction of Coltishall Road, Aylsham Road and Mill Street. I walked to Crown Road and saw the shop/post office and the Feoffe Cottages.
- 5.13 I then drove to Lamas along Mill Street. I saw the Mill itself, and the Lock Cottage. I then looked at the Bure Business Centre.
- 5.14 I then drove to Badersfield, the former RAF Coltishall and HMP Bure. I noted that the character and appearance of Badersfield was very different to the other built development in the neighbourhood area.
- 5.15 I then drove to Little Hautbois along Hautbois Road. I saw the opportunities for informal recreational uses around Mayton Bridge.
- 5.16 Throughout the visit, I looked carefully at the proposed Areas of Separation.
- 5.17 I left the neighbourhood area by driving to Aylsham. This highlighted the way in which the neighbourhood area related to other settlements in the local area.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 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. 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;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Buxton with Lamas Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the local plan context in Broadland District (as described in Section 5 of this report);
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a focus on designating local green spaces, identifying two Areas of Separation, and ensuring that new development is designed in a positive way.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for rural businesses (Policy BUX22), and for the Bure Valley Business Centre (Policy BUX23). In the social role, it includes policies on the mix of houses and affordability (Policies BUX2 and 3), on local green spaces (Policy BUX16), and on traffic and connectivity (Policies BUX18 to 20). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy BUX4), on landscape (Policy BUX6), and on Areas of Separation (Policy BUX9). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the Broadland District in Section 5 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

#### *Strategic Environmental Assessment*

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, BDC undertook a screening exercise in November 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

#### *Habitats Regulations Assessment*

- 6.15 BDC prepared a Habitats Regulations Assessment (HRA) of the Plan in March 2023. It assesses the potential impact of the Plan's policies on the following protected sites close to the neighbourhood area:
- Norfolk Valley Fen SAC;
  - Broadland Ramsar;
  - Broadland SPA; and
  - The Broads SAC.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about these matters. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

#### *Human Rights*

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Summary*

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and BwLPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to respond to Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. The Plan includes a series of non-land use Community Projects.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Projects are considered thereafter.
- 7.6 For clarity, this section of the report comments on all the Plan's policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial parts of the Plan (Sections 1 to 4)*

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail and local pride. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction (Section 1) sets the scene for the Plan. It identifies the neighbourhood area and the Plan period. Thereafter it comments about the planning policy context within which the Plan has been prepared and how the community has been engaged. It is a particularly effective introduction to a neighbourhood plan.
- 7.10 Section 2 comments about the neighbourhood area to very good effect
- 7.11 Section 3 identifies a series of key issues which are addressed in the Plan.
- 7.12 Section 4 comments about the Vision, the themes, and the objectives of the Plan. The Vision is as follows:

*'Our parish will be a vibrant, inclusive community, nestled in a tranquil rural setting. Any growth and development will preserve its peace and quiet, respect its heritage, and strengthen its connections within the community and to the wider area. Staying on a small scale, it will be in keeping with the distinctive character and identity of each of the four villages, and will enhance the future life of the community by providing*

*sustainable, high quality and affordable housing with amenities and facilities to meet the needs of all. The parish's green spaces will thrive, providing a haven for people and wildlife alike.'*

- 7.13 A key success of the Plan is the way in which paragraph 4.2 marries up the themes pursued in the Plan with its objectives. Within this wider context I recommend that the wording of the first objective is modified so that it has a more general nature and avoids making a judgement about the scale of development which may come forward in the Plan period.

*Modify Objective 1 to read: The focus of sustainable growth will be Buxton Village*

- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy BUX 1: A spatial strategy

- 7.15 The intent of this policy is to provide a clear spatial strategy for the parish. The heart of the policy is that development proposals will be supported inside Buxton village's settlement boundary (see Map 9), provided they accord with policies in the statutory development plan and are sensitive to Buxton's defining characteristic as a village with a large network of connected gardens. The policy also comments about how proposals outside the settlement boundary will be addressed.
- 7.16 In general terms, the policy sets out clear guidance for new development. The focus on development in the settlement boundary will ensure that it has good accessibility to established community and commercial services.
- 7.17 Within this broader context, I recommend the following modifications (largely as suggested by BDC) to bring the clarity required by the NPPF:
- a revision to the policy title (by the deletion of the reference to limited growth)
  - a revision to the wording used in the second part of the policy
  - In part 2b the insertion of a note to address any revisions which may arise to the Use Classes Order in the Plan period.
- 7.18 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development

**In the title delete 'limited and'**

**In the second part of the policy replace 'so long as' with 'where'**

**After the second set of brackets in part 2b of the policy insert '(or the relevant Use Classes in any update of the Order)**

#### Policy BUX 2: Feoffee Cottages site

- 7.19 The intent of this policy is that BwLPC wishes to acknowledge the importance of this site for providing affordable homes for local people and to acknowledge the suitability

and potential of this site to provide additional affordable homes for households with a connection to the parish.

- 7.20 The policy has two elements. The first is that land shown on Map 10 is safeguarded as a site providing affordable housing for households with a connection to the parish. It also advises that development proposals which lead to a loss of affordable homes for local people will not be supported. The second is that if a redevelopment scheme comes forward during the plan period, a series of development principles will be sought.
- 7.21 I looked at the site carefully during the visit. The approach taken in the policy is both positive and locally distinctive. I am satisfied that it has regards to Section 5 of the NPPF. Within this overall context, I recommend that the order of the policy is recast to bring the clarity required by the NPPF. BwLPC agreed with this approach in its response to the clarification note.
- 7.22 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development

**Delete the second sentence of the first part of the policy.**

**Incorporate the second part of the policy into the first.**

**Introduce a revised second part of the policy using the deleted sentence from the first part of the policy.**

Policy BUX 3: Affordable homes for local people on rural exception sites

- 7.23 The intention of the policy is to provide a mechanism for meeting parish specific affordable housing needs in the event of that need not being met through existing sites or sites in the development pipeline.
- 7.24 The policy advises that proposals for the development of small-scale affordable housing schemes on rural exception sites adjoining Buxton's settlement boundary will be supported where there is a proven local need and provided that the housing meets a series of criteria. The second part of the policy comments about the information that would be needed to support such proposals.
- 7.25 The policy takes a very clear and positive to this important matter. It is also distinctive to the parish. I recommend a modification to the wording used in the second part of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the second part of the policy replace 'must' with 'should'**

Policy BUX 4: Development and design

- 7.26 The intent of the policy is to ensure development that comes forward is sensitively designed and responds positively to the existing character of the built environment. In addition to requiring proposals to be informed by the Design Guidance and Codes,



Policy BUX 4 also identifies specific design principles to be followed. The principles have been informed by the work of the Design Guidance and Codes.

- 7.27 The policy advises that a design-led approach should be taken for all proposals. In doing so, applicants should be guided by the Buxton with Lamas Design Guidance and Codes, including the Design Codes specific to the character area in which the proposal is located (see Appendix 5), and accord with a package of design principles based on the following themes/topic areas:
- pattern of development & building layout;
  - built form;
  - agricultural buildings; and
  - contemporary styles.
- 7.28 The policy takes a very positive approach to this matter. It has been impressively underpinned by the Buxton with Lamas Design Guidance and Codes. The various criteria in the policy are locally-distinctive and are grouped under the headings described above. In the round, the approach taken is a first-class local interpretation of Section 12 of the NPPF.
- 7.29 I recommend a series of very specific modifications to the wording used in the policy to bring the clarity required by the NPPF and to ensure that the wider policy flows more naturally from its opening element. The modifications refine rather than change the approach taken in the submitted Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the first part of the policy replace ‘will be expected’ with ‘should’**

**Replace the final sentence of c) with: ‘Wherever practicable, north-facing back gardens should be of a length to ensure sunlight is maximised.’**

**Replace d) with: ‘Development proposals should follow any consistent building line and set back distances and new buildings should front onto the street.’**

**In e) replace ‘massing (scale of neighbouring buildings)’ with ‘massing and scale of neighbouring buildings’**

**In the final bullet point of g) replace ‘wrought iron’ with ‘traditional or well-designed contemporary iron railings or fencing (including estate railings)’**

Policy BUX 5: Protecting residential amenity

- 7.30 The purpose of the policy is to ensure residential amenity is fully considered in the development management process.
- 7.31 The policy advises that development proposals (alterations, extensions, conversions, infill developments, residential and non-residential) are expected to ensure a reasonable standard of amenity for people. It also comments that planning permission will be refused where proposed development would lead to an unreasonable impact

on existing neighbouring occupants, the amenity of the area or a poor level of amenity for future occupiers of the proposed development.

- 7.32 In general terms, the policy takes a positive approach to this issue. Nevertheless, I recommend that the opening element of the first part of the policy is modified so that it takes a proportionate approach which can be applied by BDC through the development management process. I also recommend that the second part of the policy is recast so that it more properly acknowledges the role of a neighbourhood plan in the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**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:’**

**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.’**

Policy BUX 6: Protecting and enhancing landscape character

- 7.33 The intention of the policy is to protect the special qualities of our landscape character and take opportunities to improve that character. It is a comprehensive policy which includes the following elements:
- development proposals will be supported where they recognise, maintain and where possible enhance landscape character in Buxton with Lamas parish;
  - within a development site, proposals will be expected to retain or enhance existing features of landscape value including trees, hedgerows, and water features. Where potential adverse impacts on key features of landscape value are identified, landscape mitigation measures will be required to ensure the scheme successfully assimilates into its surroundings;
  - proposals coming forward within Buxton’s development boundary will be expected to maintain or enhance the prevailing green feel of the village;
  - proposals coming forward on Buxton’s settlement edge will be expected to follow a landscape and urban design strategy which is consistent with the local landscape character and incorporates substantial landscape buffering to avoid harsh settlement edges and maintain rural tranquillity; and
  - where otherwise acceptable, development proposals in Lammas, Little Hautbois and Badersfield should respond to existing settlement patterns and built form character.
- 7.34 In general terms, the policy takes a positive approach to these matters and has regard to Section 15 of the NPPF. The three landscape character areas in the parish are summarised in Appendix 3.

- 7.35 I recommend that the third part of the policy is recast so that it uses the same language about the settlement boundary as the rest of the Plan and acknowledges that the enhancement of the character of the village will not always be practicable. I also recommend that the fifth part of the policy is recast so that it better expresses its intentions and brings the clarity required by the NPPF.
- 7.36 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**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.’**

**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.’**

Policy BUX 7: Protecting residential gardens from inappropriate development

- 7.37 The Plan advises that the intention of the policy is to protect residential gardens from inappropriate development. The policy identifies a series of criteria with which proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot should comply.
- 7.38 In general, the approach taken in the policy to safeguard existing gardens is appropriate and responds positively to the open character of the parish. Nevertheless, the structure of the policy is negative rather than positive. In this context, I recommend that the policy is recast so that it has a positive approach and sets out the requirements for developments in gardens (criteria a-d). In doing so, I have taken account of BwLPC’s response to the clarification note.
- 7.39 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable 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:’**

Policy BUX 8: Views to be protected

- 7.40 The intention of the policy is to protect and strengthen the contribution that locally valued views provide to the sense of place in the parish.
- 7.41 The policy comments that development proposals must respect the Priority Views and Locally Iconic Views, shown on Maps 12 and 13 and as described in Appendix 1. The policy explains that this means protecting the Priority Views from any significantly adverse changes because of proposed development; and ensuring that any

development proposal that impacts on the Locally Iconic Views does not detract from, and seeks, wherever possible, to enhance, the key features of the views. The supporting text explains the distinction between the two sets of views.

- 7.42 The two sets of views helpfully capture the significance of the landscape of the parish. Within this broad context, I recommend that the policy is recast so that it has the clarity required by the NPPF and to:

- clarify the requirements for development proposals;
- incorporate a proportional element so that it can be applied clearly and consistently by BDC; and
- ensure that the policy title better reflects the approach taken.

- 7.43 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**Replace the policy with:**

**‘Development proposals should respect the Priority Views and Locally Iconic Views as shown on Maps 12 and 13 (and as described in Appendix 1).**

**As appropriate to their scale, nature and location, development proposals should:**

- **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.’**

**Change the policy title to ‘Identified views’**

Policy BUX 9: Lammas, Little Hautbois and Badersfield Areas of Separation

- 7.44 The Plan advises that the purpose of the policy is to conserve the rural setting of Lammas and maintain a clear area of separation between Badersfield and Lammas, and to conserve the rural setting of Little Hautbois and maintain a clear area of separation between Little Hautbois and Badersfield.
- 7.45 Two Area of Separation are proposed to be designated by the policy (as shown on Map 14). The policy advises that this means the existing open and undeveloped character must be retained
- 7.46 I looked at the two Areas carefully during the visit. I saw the way in which they related to the relevant settlements and their existing uses.
- 7.47 In its representation BDC comments:

*‘Noting the uncertainty about countryside uses that are intended to be allowed by elements of the policy, the Council is concerned that the Neighbourhood Plan is, to all intents and purposes, seeking to establish a restriction on development equivalent to*

*or exceeding that set out within Green Belt Policy. In this respect the NPPF is clear that new Green Belts should only be established in exceptional circumstances, the establishment of policies with similar purposes and effects to Green Belt should likely be read in this context. It is unclear that such exceptional justification is available for this policy. In the Council's opinion, these issues could be resolved if the policy is amended with a positive wording that sets out the characteristics that new development within the area must preserve.'*

- 7.48 BDC suggests alternative wording to address these issues.
- 7.49 I have considered these issues very carefully, along with BDC's response to the questions in the clarification note about the size of the proposed Areas. On the balance of the evidence, I recommend that the policy is modified so that it follows the approach suggested by BDC whilst avoiding any suggestion that the policy is intended directly to promote development in this part of the parish. In effect, the modification will ensure that the policy takes on a positive format (identifying the elements which any new development needs to achieve) rather than proposing a restrictive and broad-based approach to new development.
- 7.50 On the balance of the evidence, I am satisfied that the two Areas have been appropriately identified (within the context of the modified policy). Nevertheless, I recommend that an appropriate legend should be included on Map 14 that identifies the two Areas shown.
- 7.51 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**Replace the policy with:**

**'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:**

- **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.**

**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:**

- **ensure that a clear separation between Little Hautbois and Badersfield is maintained.**
- **respect the landscape setting of Little Hautbois.'**

*Delete paragraph 5.9.10*

Policy BUX 10: Recognising and protecting our dark skies

- 7.52 The purpose of the policy is to ensure new development proposals preserve the dark skies in the parish.
- 7.53 The policy comments that development proposals which include external lighting will only be permitted if the night sky is protected from light pollution. It also advises that where external lighting is required, proposals should include information about layout and beam orientation, a schedule of the light equipment proposed including luminaire type, mounting height, aiming angles and lumen unit levels.
- 7.54 In general terms, the approach taken in the policy to safeguard existing dark skies is appropriate and responds positively to the character of the parish. Nevertheless, the structure of the policy is negative rather than positive. In this context I recommend that the policy is recast so that it has a positive approach. The modified wording also reflects the role of a neighbourhood plan in the development management process.
- 7.55 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**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:’**

Policy BUX 11: Conserving and enhancing our heritage assets

- 7.56 The Plan advises that the purpose of the policy is to conserve and enhance the historic built environment in the parish, including locally interesting buildings and structures.
- 7.57 The policy has two parts:
- where proposals would 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; and
  - where a development proposal affects a heritage asset (non-designated or designated), the applicant should prepare a statement (proportionate to the asset’s importance and so that the potential impact of a proposal on the significance of the asset can be understood), which describes the significance of the asset affected, including any contribution made by its setting.
- 7.58 BDC’s representation commented that the proposed non-designated heritage asset f) (the centre of The Street, Lamas) is neither clear nor defined on a map base. In its response to the clarification note, BwLPC advised that:

*‘the ‘centre of Lammas’ for the purposes of this policy is a street landscape from The Old Friends Meeting House to Lammas Churchyard. The Parish Council proposes to provide a new map that defines this more clearly.*

*In summary, the key features are frontages that have not been infilled; traditional building materials of red brick, flint, thatch, and pantiles; rubble walls; and generally older buildings whose features and setting should be preserved and where modern dwellings have been erected, they are of a traditional cottage-feel. Together they create a heritage asset for the village of Lamas and the wider parish.'*

- 7.59 These revisions will bring the clarity required by the NPPF and I recommend accordingly.
- 7.60 In general terms, the policy takes a positive approach to heritage issues and has regard to Section 16 of the NPPF. It makes an appropriate distinction between designated and non-designated heritage assets. In addition, I am satisfied that the non-designated heritage assets have been appropriately selected and assessed (in Appendix 2).
- 7.61 Within this context, I recommend the following modifications to bring the clarity required by the NPPF:
- modifications to the wording used in the first part of the policy;
  - recasting the order of the second part of the policy (so that it is immediately clear which buildings are covered by its contents); and
  - the detailed issues in BwLPC's responses to the clarification note.
- 7.62 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**In the first part of the policy replace 'will be expected to' with 'should'**

**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.'**

*Define the 'centre of Lamas' on a new map.*

Policy BUX 12: Protecting sites of existing biodiversity value.

- 7.63 The Plan advises that the intention of the policy is to ensure sites and features of biodiversity value are identified, understood, and addressed when planning applications are determined.
- 7.64 It is a comprehensive policy which includes the following elements:
- development proposals close to or involving a site or feature of biodiversity value, must take full account of that value;
  - appropriate mitigation and compensation measures will take account of the value of the biodiversity features impacted, taking into account its contribution to an existing ecological network and the extent to which its loss will adversely impact that network. In this respect, the loss of a feature located in the Greater



Norwich Green Infrastructure Network, or identified grassland, woodland, or wetland corridors, may require greater mitigation than in other locations;

- where new hedgerows are planted as part of required mitigation or compensation, these should be located as part of public open space to future proof their maintenance;
- where planning permission is needed, and new fences are erected or replaced, then wildlife friendly materials and fence spacing need to be used that ensures free movement along corridors and across the landscape connecting various habitats for both predator and prey; and
- where proposals involve changing permeable surfaces to impermeable surfaces (e.g. creation of roads, pavements, and other surfaces), these should be designed to be wildlife friendly (for example providing escape routes) and incorporate Sustainable Drainage Systems.

7.65 BDC query the extent to which BwLPC had collected appropriate evidence to justify the approach taken in the policy. NWT suggests that the policy is not sufficiently robust to safeguard sites of value. In its response to the question in the clarification note, BwLPC advised that:

*'It has gone to great lengths to obtain accurate information and the policy, together with its supporting text and maps identifies sites of biodiversity value. However, here we recognise the following:*

- *the sites listed in Clause 1 a) to m) are not readily easily to location on Maps 16 and 17. This is a drafting error and we wish to correct this. We are creating improved maps.*
- *the wording in a) to m) can be amended to clarify their status with respect to habitat classification such as type of priority habitat (e.g. "deciduous woodland")*
- *there is a drafting error at paragraph 5.12.5 that omits to refer to the fact that Map 17 combines both data layers obtained from the Norfolk Biodiversity Information Service (NBIS) and parish level knowledge. In this context it proposes a modification to paragraph 5.12.5*

7.66 I have considered these issues very carefully. On the balance of the evidence, I am satisfied that the sites/assets have been appropriately defined. In addition, the first part of the policy is clear that development proposals should take account of the value of the asset/site concerned. As such, BDC will be able to make a balanced judgement based on the development proposed, its impact on identified resources and the importance of the resource. In this context I recommend that the supporting text is expanded to make this clear. I also recommend the package of updates and amendments to the supporting text as suggested by BwLPC in its response to the clarification note. They will bring the clarity required by the NPPF.

7.67 In the round, the submitted policy addresses a range of matters. It has a positive focus, including appropriate references to mitigation measures. It has regard to Section 15 of the NPPF.



7.68 In this broader context, I recommend the following modifications to bring the clarity required by the NPPF and to ensure that BDC can implement the policy consistently through the development management process:

- the deletion of the second element of the policy (on the hierarchy of mitigation) and its relocation into the supporting text. This recognises that it is general advice rather than a land use policy with specific effect in the neighbourhood area;
- the simplification of the third part of the policy and the relocation of the element about the Greater Norwich Green Network into the supporting text;
- an acknowledgement that the delivery of the fourth part of the policy may not always be as anticipated as in the submitted Plan;
- a simplification of the wording used in the fifth part of the policy;
- a simplification of the wording used in the sixth part of the policy and the relocation of the examples used into the supporting text; and
- associated modifications to the supporting text.

7.69 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**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.’**

**Delete the second part of the policy.**

**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.’**

**In the fourth part of the policy after ‘open space’ add ‘wherever practicable’**

**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.’**

**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.’**

*Identify the sites listed in the first part of the policy on a map or maps at an appropriate scale*

*Consolidate the wording used in the identified sites to clarify their status on habitat classification.*

*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.'*

*Replace paragraphs 5.12.10 to 5.12.13 with:*

*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. [www.arguk.org/get-involved/projects-surveys/saving-amphibians-in-drains](http://www.arguk.org/get-involved/projects-surveys/saving-amphibians-in-drains)*

*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:*

- firstly, avoiding impacts (by retaining habitats of value for enhancement and management and retaining species in situ);*
- secondly, mitigating unavoidable impacts (by the replacement of lost protected and priority habitats and accommodating displaced species in the site boundary); and*
- thirdly, through compensation measures where mitigation would be insufficient.*

*5.12.12. Where adverse impacts on biodiversity features are unavoidable, the impacts should be adequately mitigated and, where necessary, compensated.*

*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.*

*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.*

Policy BUX 13: Delivering Biodiversity Net Gain.

- 7.70 The purpose of this policy is to ensure biodiversity net gain is delivered as part of development proposals in the parish and that the unique opportunities to integrate biodiversity or wildlife friendly measures as part of a building and site are taken.
- 7.71 The policy has two elements as follows:
- development proposals will be required to demonstrate a minimum of 10% net gain for biodiversity, or more in line with the Environment Act or successor legislation. It identifies appropriate measures for delivering Biodiversity Net Gain in the parish; and
  - all development proposals should take opportunities to integrate biodiversity measures within a building and site through the provision of integrated bird (1 bird box per building) and bat (integrated self-cleaning bat boxes) or insect boxes and ponds to be targeted at increasing local biodiversity (such as locally valued species, declining and protected species and vulnerable and threatened species).
- 7.72 In general terms, the policy takes a positive approach to these important matters and has regards to Section 15 of the NPPF. It recognises the rich biodiversity in the parish. Within this context, I recommend two modifications to bring the clarity required by the NPPF. The first removes the requirement in the first part of the policy for development proposals to deliver biodiversity net gain as this matter is now delivered through national policy. The second introduces a proportionate element into the second part of the policy. This acknowledges that individual proposals will have different abilities to achieve the ambitions of the policy. The revised wording will also allow BDC to apply the policy more readily through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.
- 7.73 The Norfolk Wildlife Trust suggests the inclusion of an additional element into the policy, and that suggestion has been agreed by BwLPC. Whilst it would extend the scope of the policy, I do not recommend that it is incorporated into the Plan as it is not necessary to ensure that the Plan meets the basic conditions. To do so would be beyond my remit as the examiner

**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:’**

**In the second part of the policy replace ‘All’ with ‘As appropriate to their scale, nature and location,’**

Policy BUX 14: Protecting water quality and managing surface water responsibly

- 7.74 To purpose of the policy is to ensure that land use planning in the parish plays a role in protecting the quality of the waterways in the parish.

7.75 It is a comprehensive policy which includes the following elements:

- where relevant, development proposals are required to be nutrient neutral, or show a net improvement within the boundaries of this plan or within the wastewater treatment catchment affecting the River Bure valley;
- identifying criteria for major development proposals or other development proposals that introduce a more vulnerable use or intensify vulnerable use in those areas of the parish at risk from surface water flooding, groundwater flooding, and from the River Bure; and
- all other development proposals involving new build will be required to demonstrate all surface water run-off is accommodated within the site using appropriate water drainage arrangements with a strong preference for Sustainable Drainage Systems.

7.76 In the round, I am satisfied that the policy takes a positive approach to the water profile in the parish and takes account of the significance of the River Bure. As such it has regard to Section 15 of the NPPF.

7.77 In this broader context, I recommend a series of modifications to bring the clarity required by the NPPF and to allow BDC to apply its provisions through the development management process. The first modifies the wording used in the second part of the policy to acknowledge that a neighbourhood plan policy can only apply in the neighbourhood area. The second deletes the third part of the policy as it repeats the relevant approach in the NPPF. The third repositions the fourth part of the policy in to the supporting text. This acknowledges that it explains how the policy will be implemented rather than being a land use policy. In reaching this conclusion I have considered carefully BwLPC's response to the clarification note. The fourth involves detailed modifications to the wording used in the seventh part of the policy. I also recommended consequential modifications to the supporting text.

7.78 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

7.79 The Norfolk Wildlife Trust has suggested the inclusion of an additional elements into the policy, and it has been agreed by BwLPC. Whilst it would extend the scope of the policy, I do not recommend that it is incorporated into the Plan as it is not necessary to ensure that the Plan meets the basic conditions. To do so would be beyond my remit as the examiner

**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.'**

**Delete the third and fourth parts of the policy.**

**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.**

**In the seventh part of the policy replace ‘Detention’ with ‘The detention’ and ‘are not likely to be appropriate’ with ‘will not be supported’**

*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).*

*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.’*

Policy BUX 15: Protecting and enhancing our valued water meadows landscape

- 7.80 The Plan advises that the purpose of the policy is to keep the water meadows free from development.
- 7.81 It is a comprehensive policy which has the following elements:
- identifying the exceptional development which will be supported in the identified meadows;
  - where planning permission is required, proposals designed to deliver improved defences and an improved water management environment, for example by storing water or slowing the flow by re-wiggling drains, will be supported where they are consistent with strategic aims for the River Bure catchment area;
  - where planning permission is required, proposals designed to achieve nutrient neutrality will be supported where they are consistent with strategic aims for the River Bure catchment area, such as an artificial wetland treatment site, e.g. River Ingol in West Norfolk; and
  - proposals (requiring planning permission) will not be supported if they would result in weakening the flood resilience of the villages or the parish, or detract from visual amenity because of harm to these essential flood management assets.
- 7.82 BwLPC should be congratulated on including this very distinctive policy in its Plan. It has been carefully prepared, and I am satisfied that it has regard to Section 15 of the NPPF. In this context I recommend two modifications to bring the clarity required by the NPPF and to allow BDC to be able to apply its provisions. The first consolidates the wording of the first part of the policy as suggested by Norfolk Wildlife Trust and as agreed by BwLPC. The second simplifies the wording of the fourth part of the policy.
- 7.83 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the second sentence of the first part of the policy with: ‘The areas will be protected and kept free from development, other than:’**

**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.’**

Policy BUX 16: Local Green Spaces

- 7.84 The purpose of the policy is designate Local Green Space (LGSs) in accordance with the NPPF. The policy proposes the designation of ten LGSs. The approach taken is underpinned by Open Spaces Assessment.
- 7.85 I looked carefully at the proposed LGSs during the visit. I saw that they ranged from the Buxton Recreation Ground (LGSa) to a range of incidental open spaces throughout the parish.
- 7.86 Based on all the available evidence, I am satisfied that the proposed LGSs meet the criteria in paragraph 106 of the NPPF. In coming to this overall judgement, I note that the proposed designations have not attracted objections from their owners.
- 7.87 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.88 The policy itself seeks to take the matter-of-fact approach as set out in paragraph 107 of the NPPF. Nevertheless, I recommend a modification to the wording used to bring the clarity required by the NPPF. Otherwise, I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and economic dimensions of sustainable development.

**Replace the second part of the policy with: ‘Development proposals on the identified Local Green Spaces will only be supported in very special circumstances.’**

Policy BUX 17: Delivering sustainable design

- 7.89 The Plan advises that the policy expects new development proposals in the parish to make a meaningful contribution to decreasing the carbon footprint of the built environment.
- 7.90 The policy comments that development proposals will be expected to embed the principles of climate change mitigation and adaptation in line with national policy. It clarifies that 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, for example through construction to the Passivhaus



standard or through applying the Net Zero Carbon Homes toolkit. The policy also advises that all proposals will be expected to be accompanied by a Sustainability Statement.

- 7.91 In general terms, the policy takes a positive approach to this matter and has regard to Section 14 of the NPPF. The supporting text includes a range of local information and intelligence. In this overall context I recommend a series of modifications to bring the clarity required by the NPPF and to achieve an appropriate balance between a land use policy and its supporting text. Firstly, I recommend the inclusion of a proportionate element into the first and second parts of the policy. This acknowledges that the ability of development proposals to achieve the ambitions of the policy will vary significantly. The second is the deletion of the examples in the first part of the policy. They are directly or indirectly referenced in the various links in the supporting text. The third is the deletion of the third part of the policy and its repositioning into the supporting text. In reaching this conclusion I have considered carefully BwLPC's responses to the clarification note

- 7.92 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**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.'**

**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'**

**Delete the third part of the policy.**

*At the end of paragraph 5.17.13 add the deleted third part of the policy*

Policy BUX 18: Protecting and enhancing the provision of rural routes for non-motorised users in the parish

- 7.93 The intention of the policy is to protect and enhance the provision and quality of rural routes for non-motorised users in the parish.

- 7.94 It is a comprehensive policy which has the following elements:

- the Public Rights of Way network (PROW), shown on Map 20, is valued in providing important outdoor recreational opportunities and will be protected or enhanced;
- where opportunities arise to create new links into the existing PROW network, development proposals will be expected to do so. In this regard Map 20 shows existing routes alongside aspirations for new routes to address gaps; and

- where a development proposal comes forward that will be visible from a PROW, consideration should be given to the design and layout so that visual amenity from the PROW is maintained, and where possible enhanced.

7.95 In general terms, the policy takes a positive approach to these issues and has regard to Sections 8 and 9 of the NPPF. However, it has overlapping elements which results in repetition. I recommend modification to address these matters and to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘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.**

**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.**

**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.’**

**Policy BUX 19: Rural lanes**

7.96 The Plan advises that the purpose of this policy is to preserve the tranquillity and amenity value of four rural lanes. The identified rural lanes are recognised for their tranquil character and amenity value which they provide for non-motorised users and should be maintained or strengthened.

7.97 I looked carefully at the four lanes during the visit. Their tranquillity and amenity value were self-evident.

7.98 I recommend that the second part of the policy is modified so that it can be applied by BDC through the development management process. The recommended wording follows that proposed by BDC. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**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.’**



Policy BUX 20: Maintaining and creating well-connected neighbourhoods

- 7.99 The intention of the policy is to ensure the needs of pedestrians and non-motorised users are prioritised over motorised users when new development comes forward.
- 7.100 The policy comments that the design and layout of all development proposals will be expected to provide, wherever applicable, for 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. It also advises that where a development scheme involves the creation of new streets or roads, the routes should be laid out in a permeable pattern. Finally, it comments that cul-de-sac development will only be acceptable where it is short and, wherever possible, provides onward safe pedestrian links that are well overlooked with an active frontage.
- 7.101 In general terms, the policy takes a positive approach to this matter. Its implementation will assist the wider sustainability of the parish and help to reduce the reliance on the use of private cars. Nevertheless, within this broader context I recommend that the policy is recast to bring the clarity required by the NPPF and to address the following matters:
- the introduction of a proportionate element to acknowledge that individual schemes will have different abilities to achieve the objectives of the policy;
  - the incorporation of the third element into the first element; and
  - a simplification of the fourth element of the policy.
- 7.102 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**Replace the policy with**

**‘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.**

**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.**

**Development proposals which would result in a poor pedestrian connectivity to neighbouring areas, shops, services, and schools will not be supported.’**

Policy BUX 21: Managing and mitigating adverse impacts of increased traffic movements on the parish environment

- 7.103 The Plan advises that the intention of the policy is to ensure that any proposals coming forward are assessed for traffic impacts and to ensure proposals do not have unacceptable road safety or residential amenity impacts.
- 7.104 The policy advises that development proposals will be considered against their impact on road safety for all users, especially non-motorised users such as pedestrians, users of mobility scooters, cyclists, and horse riders. It also comments that where proposals will have an unacceptable impact on road safety, or are likely to have a significant impact on residential amenity, they will be expected to be assessed and to address and mitigate their impact by providing or contributing to road safety or street scene enhancement measures. Finally, it advises that any such measures must directly address the adverse impacts.
- 7.105 The policy addresses both land use and highways issues. In addition, it repeats elements of Section 9 (Sustainable Transport) of the NPPF. I have considered BDC's representation on the policy and BwLPC's response to the clarification note. Taking account of all the information and evidence, I recommend that the policy is recast so that it requires that development proposals are 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. I also recommend a modification to the wording of the supporting text.
- 7.106 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**Replace the policy with:**

**'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.**

**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.'**

*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.'*

Policy BUX 22: Support for rural businesses

- 7.107 The intention of the policy is to support rural businesses in the parish and provide clarity on requirements for new proposals
- 7.108 The policy comments that development proposals for commercial, business and services use that help to encourage and support small business in the parish, and are of a scale proportionate to meeting the local business or commercial needs of the parish, will be viewed favourably where they meet a series of criteria.

- 7.109 In general terms the policy takes a positive approach to business development and has regard to Section 6 of the NPPF.
- 7.110 In the first part of the policy I recommend a modification to the wording used so that it has the clarity required by the NPPF. As submitted 'viewed favourably' would have limited weight in the development management system. I also recommend that the second sentence (addressing on-street parking) in part 1b of the policy is deleted given that the development management process cannot directly control on-street parking.
- 7.111 I also recommend that the second and third parts of the policy are deleted. They explain the way in which the policy will apply. In all the circumstances I recommend that the deleted elements of the policy are repositioned into the supporting text.
- 7.112 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**In the first part of the policy replace 'viewed favourably' with 'supported'**

**In part 1b of the policy delete the second sentence.**

**Delete the second and third parts of the policy.**

*At the end of paragraph 5.22.2 add:*

*'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.'*

Policy BUX 23: Bure Valley Business Centre

- 7.113 The intention of the policy is to support the continued use of the site for employment uses while also protecting residential amenity and addressing existing residential amenity issues arising from this site.
- 7.114 It is a comprehensive policy which addresses the following issues:
- the site of the Bure Valley Business Centre (see Map 22) should be primarily retained for employment uses;
  - any new employment uses will be conditioned to remove permitted development rights that could allow change of use to residential without needing to apply for planning permission;
  - any new development should be design-led and deliver a sensitive scheme which respects the existing surroundings and positive features;
  - subject to any new residential development undertaking the necessary impact assessments and community consultation and not prejudicing the primary function of the site for the purpose of employment, a limited number of

residential units (including live work units and building conversions), may be allowed where a series of criteria are met;

- schemes that include residential development should be informed by meaningful pre-application community engagement, demonstrated through the submission of a community engagement statement, detailing the pre-application engagement activity with the community and wider stakeholders; and
- detailed comments on potential site contamination issues.

7.115 I looked carefully at the Business Centre during the visit. I saw the range of commercial uses and the relationship of the site with adjacent residential uses.

7.116 In general terms, the policy takes a positive approach to the future of the site and has regard to Section 6 of the NPPF. On the one hand, it recognises the importance of the existing business uses on the site. On the other hand, it sets the scene for potential replacement uses which may be more compatible with the adjacent residential uses.

7.117 In this broader context I recommend the following package of modifications to bring the clarity required by the NPPF and to allow BDC to apply its principles through the development management process:

- a refinement of the wording used in the first part of the policy;
- the deletion of the second part of the policy given that it is not the role of a neighbourhood plan to remove national permitted development rights. BDC will be able to come to any such decision based on the details of any proposals which come forward at the Centre in the Plan period;
- specific modifications to the wording used in the third and fourth part of the policy;
- the deletion of the fifth part of the policy and its repositioning into the supporting text. Community consultation is a process rather than a land use planning matter. In reaching this conclusion, I have carefully considered BwLPC's response to the clarification note; and
- the combination of the sixth and seventh parts of the policy and the relocation of the explanatory text in the policy into the supporting text.

7.118 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**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:'**

**Delete the second part of the policy.**

**In the third part of the policy replace 'Any scheme' with 'Any redevelopment scheme for the Business Centre'**

**In the fourth part of the policy replace ‘may be allowed’ with ‘will be supported’ and delete ‘any community consultation’**

**Delete the fifth part of the policy.**

**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.’**

*At the end of paragraph 5.23.6 add:*

*‘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. 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.*

**Policy BUX 24: Buxton with Lamas community infrastructure priorities**

7.119 The purpose of the policy is to highlight the community infrastructure priorities in the parish and ensure that they are considered in the decision-making process.

7.120 It is a comprehensive policy which includes the following elements:

- development proposals which help to deliver new and improved community infrastructure in the parish will be supported; and
- developers may be required to contribute to community infrastructure improvements, where this is necessary to make a development acceptable and where fairly and reasonably related in scale and kind to the proposal.

7.121 I am satisfied that the first part of the policy meets the basic conditions. It will facilitate the development of important community infrastructure. The second part of the policy describes a process rather than being a land use policy. As such I recommend its deletion. Section 5.24 of the Plan already comprehensively describes the local process for developer contributions.

7.122 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

**Delete the second part of the policy**

## Community Projects

7.123 Section 6 of the Plan includes a series of community projects. They are non-land use issues which have naturally come forward as the Plan was being prepared. The approach taken follows national policy advises that community projects should be included in a separate part of the Plan to distinguish them from the land use policies.

7.124 I am satisfied that the proposed Projects are distinctive to the parish. The following are specifically noteworthy:

- Community (6.2);
- Private Vehicle Traffic (6.5);
- Quiet Lanes (6.7);
- Public footpaths (6.8); and
- Water Management Infrastructure (6.11).

## Monitoring and Review

7.125 The Plan addresses the monitoring and review process for the Plan in a positive way. This is best practice. It acknowledges that circumstances will change in the Plan period and that national and local planning policies will continue to evolve.

## Other Matters - General

7.126 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for BDC and BwLPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.*

7.127 Several organisations have made suggestions about the policies and the supporting text could be consolidated and/or expanded. They have been made in a spirit of improving the Plan, and in most cases, they would add value to its content. In addition, BwLPC has agreed to several of the suggested changes in its responses to the clarification note. Nonetheless, I have not recommended modifications to the Plan on these matters as the incorporation of the issues raised is not needed to ensure that the Plan meets the basic conditions. Moreover, to do so would be beyond my remit as the independent examiner

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area, to designate a series of Local Green Spaces and to identify two Areas of Separation.
- 8.2 Following the independent examination of the Plan, I have concluded that the Buxton with Lamas Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood development plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report, I recommend to Broadland District Council that subject to the incorporation of the modifications set out in this report the Buxton with Lamas Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved in April 2019.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

**Andrew Ashcroft**  
**Independent Examiner**  
**26 September 2024**