

INDEPENDENT EXAMINATION OF THE CHET

NEIGHBOURHOOD DEVELOPMENT PLAN 2021-2038

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Emily Curtis
Clerk to Loddon Town Council
(on behalf of Loddon Town Council and Chedgrave Parish Council)

Vicky West
South Norfolk Council

Examination Ref: 01/DAS/CNP

15 April 2024

Dear Ms Curtis and Ms West

Following the submission of the Chet Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Loddon Town Council (the Qualifying Body) and South Norfolk Council (the Council), to which I would like to receive a written response(s) by **Friday 10 May 2024** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment (SEA) Screening Report, the Habitats Regulations Assessment (HRA) Screening Report and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 13 May 2024. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Council and the Town Council.

I have five questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 10 May 2024**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Town Council and Council websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

*From my initial reading of the Chet Neighbourhood Plan 2021-2038 (Submission Version dated September 2023), the supporting evidence and the representations that have been made to the Plan, I have the following five questions for the Qualifying Body and the Council. I have requested the submission of responses **by Friday 10 May 2024**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.*

Question 1: Re. Section 2 – Neighbourhood Planning (Pages 2-4)

I understand that the Greater Norwich Local Plan (GNLP) was adopted by the Council on 25 March 2024, although it is presently subject to a six-week legal challenge period which ends on 7 May 2024.

This will necessitate some amendments to the draft Plan, principally at paragraphs 13, 16 and 17 but also at some other parts of the Plan, for example at paragraphs 43 and 89.

*Can the **Qualifying Body** please review the full text of the Submission Version of the draft Plan, and provide me with a Note setting out the draft amendments (including deletions) that are necessary to take account of the Council's adoption of the GNLP, thereby replacing the Joint Core Strategy (JCS) as the strategic planning context for the draft Plan.*

I shall wish to consider the amendments as a potential consolidated modification to the draft Plan, rather than as a series of modifications.

Para 13: The parishes of Loddon and Chedgrave fall on the boundary between South Norfolk Council and the Broads Authority and so their shared Chet Neighbourhood Plan sits within the context of the Broads Local Plan and South Norfolk Local Plan. The Broads Authority has the adopted 2019 Local Plan and is now reviewing it. The current South Norfolk Local Plan is made up of a number of documents with a timeframe up to 2026³⁸. This includes the **Greater Norwich Local Plan (GNLP) Joint Core Strategy** for Broadland, Norwich, and South Norfolk (2014²⁴), Site Specific Allocations and Policies Document (2015) and Development Management Policies Document (2015). **The GNLP was formerly adopted by South Norfolk Council in March 2024.** South Norfolk Council is also working on an emerging local plan, ~~the Greater Norwich Local Plan (GNLP) and the South Norfolk Village Clusters Housing Allocations Plan~~, both of which have a timeframe up to 2038. ~~The GNLP is currently at Examination.~~

Para 16: Within the **GNLP adopted Joint Core Strategy**, Loddon and Chedgrave together are identified as a Key Service Centre under Policy **7.3 14. Key Service Centres within the GNLP area will provide for a minimum of 3,812 additional homes. Land is allocated to deliver 439 new homes in Loddon/Chedgrave, with this to be delivered between 2018 and 2038. A proportion of this has already been delivered as part of the George Lane development. The policy also sets out that additional sites may be provided in Key Service Centres by development in settlement boundaries, or as affordable rural exception sites.** ~~Land in Key Service Centres will be allocated for residential development, between 100-200 new dwellings, subject to form and character. Also, established retail and service areas will be protected and enhanced where appropriate, and local employment opportunities will be promoted. The policy sets out that settlements in this category may be considered for additional development, if necessary to help deliver smaller sites.~~

Para 17: ~~In the emerging GNLP under the settlement hierarchy Loddon/Chedgrave is identified again as a Key Service Centre. The Key Service Centres are expected to deliver 7% of total housing growth across the Local Plan area up to 2038, which is an increase of 3,679 homes overall. Of the 3,679 new homes, Loddon/Chedgrave will deliver at least 240 across two sites. This is in recognition that Loddon and Chedgrave have a good range of services, good public transport links and are well~~

located between Norwich and Lowestoft to benefit from employment growth. The GNLP sets out that Loddon/Chedgrave will continue to be developed to enhance its function as a place to live alongside providing employment and services for the settlement and hinterland. Figure 1 shows the current settlement boundary and housing allocations in the emerging local plan. The Broads Local Plan (2019) also includes two allocations for residential moorings at Loddon Marina (Policy LOD1) and Greenway Marine (Policy CHE1). Overall, these could result in a maximum of fifteen residential moorings.

Para 26: There is already in place a policy framework to which planning applicants must have regard to when building in Loddon/Chedgrave. They are the national and local plan policies within the South Norfolk District and Broads Authority area. As previously mentioned, the Broads Authority has the adopted 2019 Local Plan. The current South Norfolk Local Plan is made up of a number of documents with a timeframe up to 2038 including the Greater Norwich Local Plan Joint Core Strategy for Broadland, Norwich, and South Norfolk, Site Specific Allocations and Policies Document and Development Management Policies Document. South Norfolk Council is also working on an emerging local plan, the Greater Norwich Local Plan (GNLP) and the South Norfolk Village Clusters Housing Allocations Plan, both of which have a timeframe up to 2038. The GNLP is currently at Examination. The emerging Local Plan will reflect the changes and updates being made through national and local circumstances such as the needed emphasis on protecting the environment and how we design greener homes.

Para 43: The journey to low carbon technology is also supported in the local plans:

- Policy 1 of the Joint Core Strategy for Greater Norwich addresses climate change, promoting sustainability and appropriate design. Policy 3 addresses sustainable design regarding energy and water.
- Policy DM9 of the Broads Local Plan sets out a climate smart checklist, whereby, development proposals that result in new build, replacement, change of use or an increase in floor space must demonstrate how climate change has been considered. The checklist should be submitted with the application.
- The need for electric vehicle charging points in new developments is required as part of building regulations as of 2022.
- The emerging GNLP Policy 2 does have regard to the provision of electric vehicles as well as promoting safe and suitable access through sustainable travel (active travel, public transport).
- Policy DM14 in the Broads Local Plan requires major developments (10+ homes) to meet or reduce 10% of their energy requirements – and be subject to an energy statement.
- Policy DM15 is supportive of renewable energy schemes, subject to not impacting on the distinctive landscape.
- The South Norfolk Local Plan (DM1.4) encourages onsite communal-scale energy generation measures.

Para 84: As described above the area has an ageing population. This is a challenge for housing policy, and unsuitable housing can have a significant impact on the health and wellbeing, particularly of older people. As well as this, having an ageing population can put pressure on existing healthcare services such as the need for ambulances and their nationally set blue light response times. Ideally, housing should needs to be designed to accommodate people's changing circumstances and needs over their lifetimes, including and of course as people age, they have an increased likelihood of deteriorating health as people age. This needs to be delivered alongside specialist and retirement housing. Policy 7 of the Joint Core Strategy identifies a requirement for additional care and nursing home provision, with a focus on dementia care, with Loddon and/or Poringland identified as a key location for this. Policy DM41 of the Broads Local Plan also supports elderly or specialist needs housing within the development boundary in line with set criteria. Specialist housing for older people is supported in Policy 5. This is considered important to ensure that local people can remain

living independently in Loddon and Chedgrave. The area is also considered a sustainable location for older people to move to, given the mix of local services available.

Para 89: Local policy also requires a high standard of design is achieved through new development:

- Policy 2 of the **Greater Norwich Local Plan (GNLP)** ~~Joint Core Strategy~~ requires development proposals to **create beautiful, well-designed places and buildings. promote good design.** It also requires that development is high quality and respects the local character, considering the landscape/historic character assessments, design guides and codes, etc. Major development applications will need to be accompanied by a sustainability statement demonstrating compliance with Policy 2 and how the scheme has considered the **National Design Guide.**
- In the South Norfolk Local Plan Development Management Policies (2015), DM3.8 has regard to design principles and there is a South Norfolk Design Guide to adhere to.
- In the Broads Local Plan Policy DM43 “*expects all development to be of high-quality design. Development should integrate effectively with its surroundings, reinforce local distinctiveness, and landscape character and preserve or enhance cultural heritage. Innovative designs will be encouraged where appropriate*”. It sets out several matters to consider including layout, density, materials, accessibility, flood risk, biodiversity, and landscaping. The Chet Neighbourhood Plan supports the terms of this policy and expects them to be applied throughout both parishes, even in those areas not falling within the compass of the Broads Local Plan.
- ~~The emerging GNLP Policy 2 – Sustainable Communities, requires that development is high quality and respects the local character, considering the landscape/historic character assessments, design guides and codes etc. Major development applications will need to be accompanied by a sustainability statement demonstrating compliance with Policy 2 and how the scheme has considered the National Design Guide.~~
- The Broads Authority has a number of planning guides¹ which can be used to help with different elements of design such as the Biodiversity Enhancements Guide, Dark Sky Standard and Sustainability Guide. The Authority is also producing a Design Guide which will need to be considered in due course.

Para 122: ~~The spatial vision for Loddon and Chedgrave in the local plan (Joint Core Strategy) is to form limited but strong employment and tourism related links with the Norfolk Broads.~~ Policy **6** of the Greater Norwich Local Plan (GNLP) ~~19~~ identifies Loddon as a larger village / district centre, where development of new retailing, services, offices, and other town centre uses will be encouraged at an appropriate scale. The town/village centre is also defined in the South Norfolk Local Plan. More generally, Policy **6 of the GNLP** ~~5~~ supports sustainable growth of the local economy and promotes jobs in tourism, leisure, environmental and cultural industries. Also, the rural economy and diversification are supported (e.g., promotion of farmers markets, etc.).

Para 165: Access and transport are important considerations in planning decisions. National and local plan policy requires development to be located where the need to travel will be minimized and for the use of sustainable transport to be maximized. This includes, but not limited to, Chapter 9 of the NPPF and in the local plans, Policies **2 and 4 of the Greater Norwich Local Plan**, ~~1, 2 and 6 of the Joint Core Strategy~~, DM3.10 of the South Norfolk Local Plan and SP8 and DM23 of the Broads Local Plan. Highway safety is also a key consideration, with development proposals required to ensure that highway safety and the satisfactory functioning of the highway network is maintained.

¹ [Broads planning guides \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)

Para 171: Improvements to public services are largely dealt with as part of more strategic planning policy and are most likely to occur in relation to the largest developments. For example, a new primary school could be justified for a development of 700+ new homes. The NPPF states that local plans should make sufficient provision for infrastructure requirements. Planning however cannot address historic infrastructure capacity issues, but only the impacts associated with additional development. Policies 2 and 4 of the Greater Norwich Local Plan 7 of the Joint Core Strategy requires appropriate and accessible health facilities and services are provided, with Health Impact Assessments required for large scale housing proposals. In the South Norfolk Local Plan Policy DM1.2 seeks to secure specific site planning obligations for the delivery of essential infrastructure on or adjoining a site.

Para 188: NPPF chapter 16 covers the conservation of the historic environment comprehensively, including the planning balance to be applied to different levels of protection, such as non-designated heritage assets. Also, legislation provides protection for certain assets such as listed buildings. In terms of local plan policy:

- In the Greater Norwich Local Plan (2024), Policy 3 Joint Core Strategy (2011) Policy 1 protects and enhances the built environment, heritage assets and the wider historic environment.
- In the South Norfolk Local Plan Development Management Policies (2015) Policy DM4.10 sets out how all development proposals must have regard to the historic environment and take account of the heritage assets in the area.
- Broads Local Plan Policy SP5 seeks to protect and enhance key buildings, structures and features which contribute to the Broads character and distinctiveness.

Question 2: Re. Policy 1 – Sustainable Design and Building Practices (Pages 15 and 16)

The Broads Authority has raised an objection to the text of this Policy, and specifically to its lack of clarity regarding self-build development proposals within the Broads Authority Area.

*I consider this to be an omission, and I invite the **Qualifying Body** to review the representations submitted by The Broads Authority and to provide me with a Note setting out draft amendments to the text of Policy 1, which I may consider as a potential modification to the Plan. The **Qualifying Body** should also take account of comments that have been made by the Council regarding the content of this Policy.*

The Broads Authority response:

“Policy 1 - is contrary to our policy SP15 as Policy 1 proposes dwellings outside of the development boundary. Also, DM42 of the Local Plan for the Broads says that ‘custom/self-build dwelling proposals will be considered in accordance with other policies in the Local Plan on the location of new dwellings’. This part of Policy 1 could also be contrary to NPPF para 80. We feel this needs to be removed as there does not seem to be justification for a policy stance contrary to local and national policy.

You responded saying you will amend the policy to say it specifically refers to outside of the Broads. The policy now says:

Non-major (less than 10 units) self-build proposals for net zero carbon homes will be supported in principle where they:

- a) Are within or adjacent to the settlement boundary in the South Norfolk Planning Authority area; and
- b) Meet or contribute to the meeting of an identified and demonstrable local need.

But I am not sure this addresses the issue. By not saying the Broads, it is not clear what the policy stance for the Broads is. I assume that a lack of reference to the Broads means that part of the policy does not apply to the Broads and therefore defer to the Local Plan for such development in Loddon and Chedgrave. But it does not say this.

The actual paragraph and bullet points does not really work. It seems that the reason for this policy is to allow self-build schemes of less than 10 to be outside development boundaries if they are net zero and there is a need. But the bullet points confuse things. I wonder if the following better reflects what you mean:

“In the South Norfolk Planning area, schemes for non-major (less than 10 units) self-build proposals adjacent to the settlement boundary will be supported in principle where they are net zero carbon homes and meet or contribute to the meeting of an identified and demonstrable local need”.

Steering Group Response:

A central aim of the Chet Neighbourhood Plan is to promote development that is environmentally sensitive and low carbon; it is ambitious in this regard. It is understood that it is not possible to require particular carbon related targets within Neighbourhood Plans, but we would really like the area to become an exemplar for zero carbon and thus the plan aims to encourage this and support this kind of development where it can.

The wording used in the Reg 15 version of the Plan accords with what was recommended by South Norfolk Council. We do not feel that this is contrary to para 80 of the NPPF (pre Nov 23 version). This sets out that planning policies and decisions should avoid the development of isolated homes in the countryside. Policy 1 allows for net-zero developments where they are within or adjacent to the settlement boundary. This location criterion is unlikely to result in isolated homes in the countryside. Indeed the GNLP policy 7.5 includes provision for additional (up to 3) self- or custom-built dwellings that are adjacent settlements – either with or without a defined settlement boundary.

In terms of a modification, the criteria could be amended slightly so that they reflect those within the adopted GNLP Policy 7.5 –

Non-major (less than 10 units) self-build proposals for net zero carbon homes will be supported in principle where they:

- a) Are within or adjacent to the settlement boundary in the South Norfolk Planning Authority area; and**
- b) Meet or contribute to the meeting of an identified and demonstrable local need.**
- c) For all development covered by this policy the scheme will need to respect the form and character of the settlement including;**
 - i. Housing density that reflects the density in the settlement and surrounding built-up area; and**
 - ii. The ratio of the building footprint to the plot area is consistent with neighbouring properties which characterise the settlement; and**
 - iii. The proposal would result in no significant adverse impact on the landscape and natural environment; and**
 - iv. The proposal accords with other relevant policies within the development plan.**

Question 3: Re. Policy 4 – Affordable Housing (Page 25)

I have noted the Council's concerns regarding this Policy.

*Can the **Council** please confirm that the proposed tenure mix for Affordable Housing shown in the Policy and in Figure 7 is acceptable in the context of the Council's policies and strategies for Affordable Housing provision.*

South Norfolk Council Response:

On reflection, the Council does have concerns with the methodology used to justify the 30% affordable rented/70% affordable ownership tenure split, as shown in Policy 4/Figure 7.

For the Affordable Rented Housing, the stated need relies heavily on a snapshot of the South Norfolk Housing Register (34 applicants). This counts only residents of Loddon and Chedgrave. There does not appear to be any consideration for residents of other villages who might wish to live in Loddon or Chedgrave. As there is no data available for others in neighbouring parishes who need affordable housing within Loddon or Chedgrave, and as the Housing Register is based on expressed demand, the calculation does not result in a full reflection of need for affordable rented housing. Whilst the analysis stresses the various caveats about assumptions of future need and the ability of vacancies to meet that need, without up-to-date evidence regarding the wider demand, it is the Council's view that the calculation of need for affordable rented housing is an under-estimate which has resulted in an incorrect tenure split requirement.

The Council has similar concerns regarding the calculations used to determine affordable ownership.

Question 4: Re. Policy 7 – Biodiversity and Blue/Green Corridors and Figure 11 – Blue and Green Corridors (Pages 39-41)

The Council has raised some significant points of concern with regard to the text of Policy 7 and to Figure 11. From my initial assessment, I consider that both will require amendment.

*Can the **Qualifying Body** please review the representations made by the Council and provide me with a Note on how it wishes to amend or re-draft the Policy to take account of the Council's comments and also to provide a revised copy of Figure 11 that includes the sites that are identified as being missing from the current version, which I may consider as a potential modification to the Plan.*

SNC responded:

"The Council is aware that, since the publication of additional Planning Practice Guidance (PPG) and regulations in relation to Biodiversity Net Gain (BNG), in November 2023, there are likely to be implications for the operation of certain elements of Policy 7, particularly once BNG becomes mandatory (expected January 2024). Where there is a conflict, national legislation will override the conflicting element of the Neighbourhood Plan policy. The Council therefore suggests certain amendments to the policy, as detailed below, in order to ensure that any conflicts with emerging BNG legislation are kept to a minimum.

Criterion (a) suggests an 'either or' option – i.e. requiring developments to deliver measurable net gain or deliver qualitative improvements. Once BNG becomes mandatory, there will not be an option to provide qualitative improvement -it must be quantitative (demonstrated using the BNG metric). In addition, as currently worded, the policy is not proportionate. For example, householder applications and s73 variations are exempt from BNG, but part (a) of the policy simply refers to 'built development'. Other elements of the policy refer to 'proposals' and 'new development proposals'.

The Council considers that further clarification needs to be made, ensuring that the various requirements are proportionate.”

Recommend changes:

- a. **All built development within the extent of a Blue or Green Corridor are encouraged to deliver measurable net gains in biodiversity, which if appropriate exceed national or local policy requirements or deliver qualitative improvement on site or to the corridor. This should relate to quality of habitat or its ability to facilitate movement of fauna.**

“It is positive for the policy to provide guidance on where off-site net gains should be directed. It should be noted that, under BNG legislation, such off-site locations will need to be included on a national register. However, the Council also notes that there could be potential for conflict in the way that criterion (d) has been drafted -

Under criterion (d), if a development requires off-site gains and there would be a greater benefit in these being located as close as possible to the site (for example to replace an asset that has been lost), will developers still be expected to locate the gain(s) within the Green/Blue Corridors, in the first instance, even if these corridors are located further away from the site? This criterion suggests a hierarchy which has the potential to make certain areas less valuable and could lead to detrimental effects, as written.”

Reccomended changes

- a. **In the parish, if a development, following through the metric related to biodiversity net gain as required by the Environment Act 2021, needs to deliver the net gain off site, then the first preference will be to deliver this net gain in or adjacent to the site, then the extent of the blue or green corridors, working with local landowners and second preference to be within a reasonable proximity to the development.**

“Figure 11 appears to be missing some key areas of public open space, such as the land between the A146 and the housing at Gunton Road and Cannell Road. This space also constitutes a green corridor. In addition, not all of the open spaces owned by South Norfolk Council, which contribute to the green network, have been included in the map. This includes Pyes Mill, the land off Bridge Street, and the open space at Filbert Road.

Whilst not an objection to the proposed policy, the Council also notes that Figure 11 does not include aspirational GI corridors, particularly within the south-western area of Loddon which is currently poorly served by green infrastructure that connects habitats.”

Update the figure to include those areas suggested by the council.

“The Council considers that these amendments are necessary in order that the policy achieves the clarity required by paragraph 16 of the NPPF, as well as contributing to sustainable development.”

Question 5: Re. Policy 8 – Local Green Space (Page 54)

The descriptor for the two proposed Local Green Spaces (LGSs) described as “Small green areas in the 20th and 21st century estates, Loddon” is too imprecise.

*Can the **Qualifying Body** please provide me with a more accurate description for the two proposed LGSs, similar for example to that on Figure 13(6), which I may consider as a potential modification to the Plan.*

Could the title be changed to: Small green spaces between George Lane, Kitten’s Lane and the Loddon and Chedgrave Playing Field.

*I have also noted the Council's objection to the proposed designation of 'Green Space behind Grebe Drive, Chedgrave' (LGS10) as a LGS, and also other representations regarding this site. I invite the **Qualifying Body** to review the Council's objection and indicate whether it still wishes to propose its designation as a LGS in light of the Council's comments.*

The Council's response was:

"The Council raised concerns during the Regulation 14 Consultation regarding the allocation of 'Green Space behind Grebe Drive, Chedgrave' as a Local Green Space. As stated previously, the site does not appear to meet the criteria set out in NPPF paragraph 102. The site, at over 6ha, could be argued to be an extensive area of land as defined by the NPPF. Also, whilst not ultimately allocated, this site was identified as suitable for development through the GNLP site assessment process. Should a further need for development be identified it may be that this could be considered a candidate site and as such the LGS designation may not be capable of enduring beyond the plan period. The Council objects to the inclusion of this site as a proposed LGS on the basis that it does not meet the criteria specified in paragraph 102 of the NPPF."

Steering Group Response

This green space is demonstrably special to the local community. It is used by many local residents as somewhere to walk. For those that live in the adjacent housing it is the only accessible greenspace, especially for older people, for people to access nature. It offers beauty and tranquility and is an important area for wildlife. It is adjacent the woodland and there is a line of trees running along the edge of the greenspace, many of which have TPOs.

At the present time the adopted development plan runs to 2038 and the site has not been allocated for development, and therefore designating it is consistent with the local planning of sustainable development.

The opening title of Figure 13 refers to "Designated Local Green Spaces 1-17". Can the **Qualifying Body** please confirm that this is an error and should read "1-16".

Confirm that this should read 1-16.

I confirm that I shall visit all of the proposed LGSs during the course of my site visit.
