

INDEPENDENT EXAMINATION OF THE TROWSE WITH NEWTON

NEIGHBOURHOOD DEVELOPMENT PLAN 2019-2038

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Kate Leggett
Clerk to Trowse with Newton Parish Council

Vicky West
South Norfolk Council

Examination Ref: 01/DAS/TwNNP

2 May 2024

Dear Ms Leggett and Ms West

Following the submission of the Trowse with Newton Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Trowse with Newton Parish Council (the Qualifying Body) and South Norfolk Council (the Council), to which I would like to receive a written response(s) by **Friday 31 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 20 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 Parish Council.

I have six 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 31 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 4-6 weeks of submission of the draft Plan. However, as I have raised six questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will 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 Parish Council and Council websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Trowse with Newton Neighbourhood Plan 2019-2038 (Submission Version dated November 2023), the supporting evidence and the representations that have been made to the Plan, I have the following six questions for the Qualifying Body. I have requested the submission of responses **by Friday 31 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 (Page 2)

I understand that the Greater Norwich Local Plan (GNLP) was adopted by the Council on 25 March 2024 (notwithstanding that 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 paragraph 7 but also at some other parts of the Plan, for example at paragraphs 9, 20 and 28.

*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.

The QB has identified the following editorial changes.

Para 7. Trowse is located within South Norfolk. The strategic context for planning is defined through the [Greater Norwich Local Plan 2024 \(GNLP\)](#) ~~Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (2014)~~, the South Norfolk Local Plan (2015) and the Local Plan for the Broads adopted in May 2019. ~~In 2024 it is expected that the emerging Greater Norwich Local Plan (GNLP) will be adopted. When adopted, the GNLP will supersede the current JCS and the Site Allocations Plans in each of the three districts, except for the smaller villages in South Norfolk, with allocations for these being addressed through a new South Norfolk Village Clusters Housing Allocations Local Plan. The GNLP will also be used in conjunction with adopted Area Action Plans, such as for Long Stratton, the existing Development Management Plan for South Norfolk and Neighbourhood Plans, such as that for Trowse once 'made'.~~

Para 9. In the ~~emerging~~ [GNLP](#), Trowse is included as a fringe parish for Norwich.

Para 20. There may also be small windfall developments - the ~~emerging~~ [GNLP](#) does support small windfall sites [adjacent to settlements](#) ~~outside of the settlement boundary~~, of up to ~~five~~ [three new self-build](#) dwellings ~~over the plan period~~.

Para 28. The Policy, however, needs to acknowledge that both recent development in Trowse (under the current Local Plan) and any potential future development as part of the East Norwich Regeneration Area (specifically that on the former May Gurney site), meets a strategic need of Norwich and the urban fringe as well as a local need. For strategic housing developments defined as such ~~on~~ [in](#) the [GNLP](#), ~~which at the time of writing is~~ [namely](#) the former May Gurney site, the housing mix will therefore need to reflect the needs of Norwich and the urban fringe, whilst also taking account of the local parish need.

Para 29. There are wide-ranging design policies in the [GNLP](#) ~~JCS~~, South Norfolk Local Plan and the Local Plan for the Broads.

Para 49. There is a link with the strategic green infrastructure corridors identified in the emerging GNLP (note, this is para 49 on page 30 – it appears there is a formatting issue with para numbering with the document. On page 29, para 68 is followed by para 48, and from then the numbers follow from 48 and so are wrong)

Para 65 (page 29). JCS Policy 1 GNLP Policy 3 supports habitat conservation and creation, as well as open green spaces. Policy DM 1.4 in the South Norfolk Local Plan and DM13 of the Broads Local Plan reflect the NPPF in terms of conservation and enhancement of the natural environment, including ecological gains. The Broads Authority also have a Biodiversity Enhancements Guide to help planning applications in this area. Policy DM 4.4 in the 2016 South Norfolk Local Plan protects nature conservation designated sites, as well as having a requirement for positive ecological gain from development and support for the creation of Green Infrastructure Networks. The emerging GNLP, Policy 4 3 on Environmental Protection and Enhancement, requires that development delivers BNG and demonstrates the gain is a significant enhancement, at least 10% on the existing situation. Additionally, it identifies green infrastructure corridors, including one which passes through Trowse.

Question 2: Re: Policy 2 (Design) (Pages 16-18)

I am concerned at the length of this draft Policy, which extends to nearly two full pages of text. As a minimum, I consider that the content of the Policy requires a much clearer structure to its requirements, for the benefit of future users of the Plan. However, overall, I consider that the Policy does need to be significantly shorter in length. To that end, I consider that the material relating to the Design Guidance and Codes (2022) can be referenced within supporting text or to a table that links design features, e.g.. building height to the relevant Design Code guidance (D.C.4), with a cross-reference to that material within the text of the Policy. This would not reduce the efficacy of the Policy. I also note that the Council has identified a minor typographical error in criterion j).

*Can the **Qualifying Body** therefore please review this draft Policy and provide me with a Note on how it wishes to re-draft the Policy to take account of the points that I have raised above?*

The QB believes that design is a key policy for the NP. It is also their understanding that, as a point of law, supporting text (or reasoned justification) is not policy and carries no weight, existing simply to provide background or clarification. In R (oao Cherkley Campaign Ltd) v Mole Valley District Council & Anor [2014] EWCA Civ 567 [Document 12] the Court of Appeal set out the correct approach towards a saved Local Plan [LP] policy. The court held that the reasoned justification to a LP policy is relevant to the interpretation of that policy to which it relates but it is not a policy or part of a policy. The reasoned justification cannot operate independently to impose a policy requirement that the policy does not contain. The QB therefore felt it was important to include what it felt was necessary within the policy.

Around half of the policy sets out which aspects of the Design Codes are considered to be especially important and the parish council prefers this to be given the full weight of being in a policy. The PC therefore would be very concerned if key design considerations were to be relegated to the supporting text.

It is agreed that it is quite long, but this is not so unusual with planning policies. They are as long as they need to be. Policy DM3.3 of the SNC 2015 local plan is also two pages long, and this passed the rigorous tests of soundness. The QB doesn't really understand how the length of a policy would fail against the basic conditions.

Having said that, on reflection there are a few aspects of the policy that are a little generic in nature, such as the first paragraph as well as the penultimate paragraph. The QB recognises that these are almost routine in content and to a certain extent are already covered in the South Norfolk design

policy DM 3.8. Perhaps these more generic components present an opportunity to reduce the length of the policy.

Question 3 – Re. Section 5 – Development of the former May Gurney Site and Policy 3 (May Gurney Site) (Pages 20-26)

Again, I am concerned at the length of this draft Policy.

I consider that the Policy does need to be re-drafted in order to improve the clarity of its requirements for users of the Plan, with an initial paragraph setting out what the Policy is seeking to achieve, followed by a series of design and planning criteria (in a bullet point or numbered listing format) that detailed development proposals should seek to meet.

I note that the Deal Ground/May Gurney sites already have the benefit of an Outline Planning Permission, and I shall be considering Policy 3 in the context of providing appropriate guidance that can be considered as part of Reserved Matters applications.

Please see also Question 5.

*Can the **Qualifying Body** please provide me with a Note setting out possible amendments to the Policy text which I may consider as a potential modification to the Plan?*

The QB agrees that a numbered list for the criteria would be an improvement.

As with Policy 2, the QB believes that the length of the policy should not be an issue per se. However, the QB accepts that there are opportunities for reducing the length. There are examples of text that explain the succeeding design criterion. For example, the first part of the following in italics is explanation and could be moved to reasoned justification.

“The site is sensitive in terms of its potential impact on the wider area, and this will need to be reflected in the heights of buildings. Whilst balancing this sensitivity against the need to deliver quite high density development, heights should be a range up to a maximum of four storeys. If possible, this should be in a transition from the south-eastern boundary adjacent to the meadow, with the taller structures being deeper into the site towards the rest of the regeneration area.”

The first paragraph of the policy does not set design criteria and so could be potentially moved to reasoned justification. This first paragraph was intended to set a context for the following criteria.

Question 4 – Re. Policy 6 (Strategic Gap) (Page 47)

As drafted, I consider that Policy 6 (Strategic Gap) fails to provide clear guidance regarding the purpose of the Policy and the nature of development that may be acceptable or will not be acceptable within the proposed Strategic Gap. Paragraph 59 notes that “there remains potential for non-residential development, for example solar panels”. This could encompass a wide range of potential developments, and I consider that the Policy does need to give greater clarity regarding the acceptability or otherwise of such ‘non-residential developments’.

This wording is not supportive of such development, the intention was to point out that not all development is made highly unlikely by the fact it floods. Solar panels for example. The acceptability of any proposal will need to be decided by the LPA, taking into account the other part of the policy (below) regarding open character and visual separation. This will be a matter of judgement and planning balance exercised by the LPA.

The Policy also states that “Development that detracts from the open countryside and character of this area or reduces the visual separation will not be permitted”. As the Parish Council does not have the responsibility to be able to grant or refuse planning permissions, the word “permitted” should be amended to “supported”.

The NP, once 'made', will be part of the development plan for South Norfolk as well as The Broads Authority. The policies will pertain to their decision making, not the Parish Councils. It was therefore considered appropriate to use the word 'permitted' as the LPAs will apply the policy as part of its decision making. However, the QB is relaxed about the suggested change.

*I invite the **Qualifying Body** to review Policy 6 and its supporting justification, which is largely at paragraph 59, and provide me with a Note that sets out potential amendments to both the Policy text and to its supporting justification that address the need and purpose for this Policy and its policy guidance, or criteria, for the consideration and assessment of any development proposals that may be submitted within the area defined on Figure 17 (at Page 48).*

The aim of the policy is set out in Paragraph 59, to avoid the coalescence of the village and the nearby city of Norwich by keeping the area open and undeveloped. The intention is to retain the physical and visual separation. The need for such a policy is the encroachment of Norwich towards the village, notably through the East Norwich Regeneration area.

Any development proposal within the gap will need to be determined with the above in mind and against the criteria set out in the policy, such that proposals will not be supported if they:

- detract from the open countryside and character of this area; or
- reduce the visual separation of the village and the built up area of Norwich.

The QB does not believe other criteria are necessary, but it is open to suggestions.

Question 5 – Re. Policy 7 (Protection of Important Local Views) (Pages 51 and 52)

I share the Council's view that the protection of Key Views 4 and 5 does seem to be inconsistent with certain policy guidance contained in Policy 3 (see also above), which could lead to some misunderstandings for users of the Plan.

I also note that Section 5 of the draft Plan makes no references to Policy 7.

I consider that Policy 3 may need some further revision to provide clearer guidance regarding Policy 7 and Key Views 4 and 5.

*Can the **Qualifying Body** please provide me with a Note setting out possible amendments to the text of Policy 3 and, if necessary, to its supporting justification. which I may consider as a potential modification to the Plan?*

The QB understands the position of the council and the inspector, but there are key differences between the views and Policy 3, principally around distance, but also the actual focal point of the distant view. Love it or hate it, County Hall is locally an iconic building that is impossible to miss from many viewpoints in the village. It is, however, at some distance from the position of the viewer in viewpoints 4 and 5. With both of these views, they capture proximate small-scale, rural village character and contrast it with the larger scale of Norwich, typified by County Hall, which is nearby but not so close as to be uncomfortable or overbearing. The parishioners of Trowse generally value the proximity of Norwich and its accessibility, but also value being a village, separate and distinct from the city. In contrast, the May Gurney development almost abuts the village and risks being overbearing, potentially eroding the perceived visual separation. This explanation could be added to the reasoned justification as it was felt to be necessary.

Question 6 – Re. Policy 12 (Traffic Volumes and Speed) (Pages 67 and 68)

As drafted, this Policy is, at least in part, not a land-use planning policy as compliance with traffic speed limits is the responsibility of other agencies, under other legislation. Furthermore, the control of traffic volumes passing through the village, such as 'rat-running' issues, is more likely to be the

responsibility of the Highway Authority through traffic restraint measures and signage on the public highway. There is also significant duplication between the Policy and Community Action 5 (which is not a matter that I shall be considering as part of my Examination).

The Policy therefore requires some amendment, including to its title, if it is to constitute an effective planning policy.

Before I give the matter more detailed consideration, I invite the **Qualifying Body** to prepare a Note setting out revisions to the Policy text that focus upon the assessment of development proposals within the Plan area and the related traffic generation factors that should be assessed, which I may consider as a potential modification to the Plan.

The QB accept that 'compliance' was the wrong word. The aim of the policy is to ensure that the traffic impacts of the May Gurney development and wider East Norwich Regeneration Area scheme are made acceptable and so mitigated. This is likely to require some off-site traffic management improvements such as gateway treatments or traffic calming, given the 20mph limit through the village. This would encourage the adoption of appropriate and safe speeds. Regarding the first part of the policy, this aims to minimise the development-generated traffic that might distribute through the village, and it is suggested this can be by means of an appropriately designed junction where the new development accesses Bracondale/ The Street. This could be designed in such a way as to encourage drivers to turn right, towards the county hall roundabout, rather than left, towards the village. The policy tried to avoid being prescriptive as it would be up to the developer to design mitigation measures, and it would be expected that these would be set out in a Transport Statement or Assessment.
