



Broadland District Council & Broads Authority

Thorpe St Andrew Neighbourhood Plan Examiner's Report - Decision Statement

1. Summary

Following an independent examination, Broadland District Council and the Broads Authority have received the examiner's report relating to the Thorpe St Andrew Neighbourhood Plan. The report makes a number of recommendations for making modifications to policies within the Neighbourhood Plan. Broadland District Council & Broads Authority proposes to accept each of the examiner's recommendations, as set out below.

2. Background

Following the submission of the Thorpe St Andrew Neighbourhood Plan to Broadland District Council & the Broads Authority in June 2023, the Neighbourhood Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place between 10th July and 21st August 2023.

The local planning authority, with the approval of Thorpe St Andrew Town Council, subsequently appointed an independent examiner, Andrew Ashcroft, to conduct an examination of the submitted Neighbourhood Plan and conclude whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making certain recommended modifications, the Neighbourhood Plan meets the Basic Conditions and should proceed to a Neighbourhood Planning referendum.

3. Decision

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

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

Section	Examiner's Recommendation	Consideration of Recommendation	LPA Decision
Policy 1: Protecting and enhancing the natural environment	Replace the policy with: ‘Development proposals should protect and, where practicable, enhance existing environmentally important sites for their openness, their undeveloped character and/or their geodiversity or biodiversity value. Development proposals in the following areas of local importance (which include County Wildlife Sites, Local Nature Reserves, and sites of Geodiversity Value) will only be supported where they are consistent with the relevant designation of the site: • Racecourse Plantation (County Wildlife Site); • Thorpe Island (Broads Authority Executive Area, Open Space in the BLP and Tree Preservation Order); and • Thorpe Marshes/St Andrew Broad (Broads Authority Executive Area and Local Nature Reserve). The Plan designates the following areas as Local Green Spaces: • Belmore Plantation • Brown's Plantation • Cary's Meadow (Broads Authority Area) • River Green (Broads Authority Area) • Sir George Morse Park • Gargle Hill • Woodland Fitzmaurice Park • Laundry Lane Tree Plantation • Chapel Lane Pit/South Avenue Dell (Candidate County Geodiversity Site)	The examiner felt that the policy lacked clarity required by the NPPF and that the policy needed to be clearer when dealing with protecting the natural environment and designating Local Green Space. Based on representation received and evidence of an active history of planning permissions being granted on the parcels of land for the proposed LGGS 11 & 15, the examiner has recommended these are deleted from the plan as Local Green Space designation will rarely be appropriate where the land has planning permission for development. The changes made are reflective of comments that were submitted during the Regulation 16 stage and therefore the Councils agree that these modifications are necessary.	Agree to the recommended modifications.

	Development proposals for local green spaces will only be supported in very special circumstances.' Renumber the various sites in the policy (and on the associated Map) <i>Remove LGSs 11,15 and 16 from the Map</i> <i>In paragraph 7.6 delete the references to footpaths 6 and 7.</i> <i>Replace paragraph 7.8 with: 'River Green is identified as open space within Policy TSA5: River Green Open Space of the Broads Local Plan 2019, and Cary's Meadow is identified as an area to be conserved and enhanced for its contribution to landscape, wildlife, and recreation in Policy TSA1. In addition, Policy GT2 of the Growth Triangle Area Action Plan (GTAAP) identifies the primary Green Infrastructure corridor within the area which includes several of the spaces identified in Policy 1 of this Plan'</i>		
Policy 2: Creating a strong sense of place	Replace the first part of the policy with: 'Development proposals should be well-designed and complement the character of the area of Thorpe St Andrew in which it is to be located and reflect its local distinctiveness as set out in the Thorpe St Andrew character statement.' Replace the first point in the second part of the policy with 'The area to the east of Woodside Road, in which there is a transition from the urban to the rural, and acts as a 'gateway' to the City and to the Broads.'	The examiner's recommendations here relate to bringing greater clarity to the format and structure of the policy as required by the NPPF. The Councils agree that these modifications are necessary to ensure the plan meets the basic conditions.	Agree to the recommended modifications.

	Replace the opening element of the third part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should:’ Replace criterion f) with: ‘Use appropriate boundary treatments including walling, hedging and new tree planting which respect and reinforce the character of the area and ensure that development edges are visually attractive.’ Replace criterion g) with: ‘Incorporate measures which will help to offset or mitigate climate change and which minimise visual impact.’		
Policy 3: Connectivity and ensuring adequate car parking	Replace the policy with: ‘As appropriate to their scale, nature and location, proposals for new housing developments should incorporate: • the development of streets which focus on the quality of place and where street layouts orientate dwellings onto pedestrian routes; • pedestrian and cycle routes which are well-connected, well-designed, safe to use and suitable for a range of users including those with limited mobility; and • off-street parking spaces to the most up to date County Council standards to maintain a pleasant visual environment and avoid streetscapes that are dominated by cars.’	The examiner’s recommendations look to provide clarity in the policy and resolve some conflicts within the submitted policy text. The amendments also seek to ensure that the policy is focussed on new residential development and to be applied on a proportionate basis. The Councils agree that these modifications are necessary in order for the plan to meet the basic conditions.	Agree to the recommended modifications.

	<i>Replace paragraph 9.4 with:</i> <i>‘Policy 3 has a focus on promoting the development of new residential areas which have a high-quality pedestrian environment with layouts which connect with pedestrian and cycling facilities and with parking requirements to County Council standards.’</i>		
Policy 4: Protecting residential amenity	Replace the policy with: ‘Development proposals for new housing should safeguard the amenity of existing housing in the immediate locality by: • ensuring that the height of new residential buildings or extensions is compatible with and respects the surrounding residential area; and • promoting the ‘open feel’ of streets at the front of existing houses and providing new front gardens that are of a similar size to those in the immediate locality.’ <i>At the end of paragraph 10.4 add: ‘Policy 4 addresses these important matters. Developers should address amenity issues at an early stage including light/shadow, odour, dust, vibration, and noise, overlooking, overshadowing. In addition, development proposals should incorporate the provision of satisfactory and useable external amenity space.’</i>	The examiner’s recommendations look to provide some local distinctiveness to the policy. The Councils agree that these recommendations will help the policy achieve the clarity required by the NPPF.	Agree to the recommended modifications.
Policy 5: Residential Mooring	Replace the policy with: ‘Proposals for the development of new moorings for residential boats; alterations to, or replacement of existing residential boat	The examiner has recommended modifications here for the car parking requirements based on moorings as there was no clear evidence of a direct link to number of berths on a boat to the	Agree to the recommended modifications.

	moorings; and the construction of jetties, platforms and sheds associated with residential boat moorings should: • respect the natural or historic environment and be designed to ensure that they do not have an unacceptable impact on those environments; • retain the open character of their immediate environments and maintain the existing wide views across the River Yare; • provide suitable waste disposal facilities; • provide safe and suitable access for emergency service vehicles; and • provide one car parking for each new mooring.'	number of car parking spaces required. In addition, the planning process cannot control the size of boat or boats which uses the mooring provided. The Councils agree that these modifications are necessary to ensure the plan meets the basic conditions.	
Policy 6: Promoting and protecting employment	Replace the policy with: 'The Plan defines the following employment areas (as shown on Map [insert number]): 1) North: Retail service, and hospitality businesses clustered on Thunder Lane, Plumstead Road and South Hill Road 2) South: Smaller business units and hospitality along Yarmouth Road, Bungalow Lane, Gordon Avenue and on St Williams Way 3) East: Sainsbury's supermarket retail area, larger mixed-use units at the St Andrews Business Park, and Griffin Lane	The examiner has recommended modifications to both elements of the policy to bring the clarity required by the NPPF. The examiner has also recommended the deletion of unnecessary supporting text and its relocation into supporting text. The Councils agree that these recommendations will help the policy achieve the clarity required by the NPPF.	Agree to the recommended modifications.

	Development proposals which would involve the loss of employment related activities in these areas will not be supported unless: • it can be demonstrated that the existing use is not viable; or • significant environment or community gains arise from the proposed redevelopment or change of use which outweighs the benefits of retaining the existing use Major new residential development should include appropriate provision for retail, employment uses and live-work units to meet the day to day needs of residents and businesses and to ensure the sustainability of new communities. Where practicable, such developments should cluster these uses together to create mixed use areas.' <i>At the end of paragraph 12.1 add: 'These areas are shown on Map [insert number]. The second part of the policy comments about the need for commercial uses to support major new residential developments. This approach will allow the sharing of buildings, and facilities which will help to improve the sustainability of the businesses and create opportunities for building efficiency and energy efficiency.'</i>		
Policy 7: Retaining and creating community facilities	Replace the policy with: 'Proposals for the improvement, enhancement, and extension of existing community facilities will be supported.	The examiner felt that the format of this policy led to some confusion and has recommended it is amended to be in two separate parts relating to existing	Agree to the recommended modifications.

	Proposals that would result in any loss of existing community facilities will not be supported unless: • it can be demonstrated that the facilities are no longer needed or viable; or • it can be demonstrated that suitable alternative provision, with appropriate capacity already exists in an equally accessible location; or • suitable alternative provision will be delivered by new development in an equally accessible location. Proposed new development should be supported by appropriate levels of community infrastructure which meets the needs of the wider community without having a detrimental effect on existing community services. New play areas and public open spaces should be located close to community hubs, and other community buildings such as schools. Such spaces should be easily and safely accessible from residential areas, by pedestrians and cyclists and those with limited mobility. Wherever practicable, new green spaces should link with existing areas of green infrastructure to create ecological networks and biodiversity net gain. Wherever practicable, the construction methods of community buildings should minimise energy and water use and promote the use of alternative energy sources.'	community facilities and land use planning matters. The Councils agree that these modifications are necessary to ensure the plan meets the basic conditions.	
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Policy 8: Protecting the historic environment	Replace the policy with: ‘The Plan identifies a series of non-designated heritage assets (as described in Appendix C). Development proposals affecting the identified non-designated heritage assets should • demonstrate that they have avoided or mitigated harm to the significance of the asset(s) through the design of the development; and • conserve the setting of the asset(s) and any aspect which contributes to their significance; • wherever practicable, enhance enjoyment of the historic environment. <i>In paragraph 13.5 replace the second and third sentences with: ‘They are listed in Appendix C.’</i> <i>In Appendix C delete ‘Indicative’ from the underlined heading for the non-designated heritage assets.’</i>	The examiner has recommended making the focus of this policy more local to add to national and local policies. With the focus on the identification of the non-designated heritage assets listed in Appendix C and the promotion of a policy for their protection having regard to national policy. The recommendation also looks to make the policy more definitive by the deletion of the references to ‘indicative’ in both the supporting text and Appendix C. The Councils agree that these modifications are necessary to ensure the plan meets the basic conditions.	Agree to the recommended modifications.
Other Matters - General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</i>	The examiner has recommended a series of modifications to policies and supporting text which then may require consequential changes to the general text. He also notes that other changes to the general text may be required elsewhere in the Plan because of the	Agree to the recommended modifications.

		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/the BA and TSATC to have the flexibility to make any necessary consequential changes to the general text. The Councils agree that these recommendations will help the policy achieve the clarity required by the NPPF.	
Other Matters – Specific	<i>Modification of general text to update the Plan based on BDC's comments on paragraphs 1.7/1.8/3.6/3.7/3.10.</i> <i>Correct typographical errors throughout the Plan.</i> <i>Revise the page numbering sequence on the Contents Page.</i>	The examiner has recognised that there are some specific typographical errors and updates to the text that need to be made to ensure that the Plan meets the basic conditions. The Councils agree that these recommendations will help the policy achieve the clarity required by the NPPF.	Agree to the recommended modifications.

4. Next Steps

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

- www.southnorfolkandbroadland.gov.uk/neighbourhood-plans

Printed copies of these documents will also be made available at;

- **Thorpe St Andrew Library** – 5 St. Williams Way, Thorpe St Andrew, Norwich, NR7 9NW
- **Thorpe St Andrew Town Council** – Town Hall, Fitzmaurice Park, Pound Lane, Thorpe St Andrew, NR7 0UL

Broadland District Council and the Broads Authority are satisfied that, with the approved modifications as detailed above, the Thorpe St Andrew Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in which the following question will be posed:

'Do you want Broadland District Council and the Broads Authority to use the Neighbourhood Plan for Thorpe St Andrew to help them decide planning applications in the neighbourhood area?'

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