

Wroxham Neighbourhood Plan

2019-2039

The Report by the Independent Examiner

Richard High BA MA MRTPI

1 February 2019

Page deliberately blank

Contents

Summary	5
Introduction	7
Appointment of Independent Examiner	7
The Scope of the Examination	7
The Preparation of the Plan	10
Public Consultation	10
The Basic Conditions Test – The Plan taken as a whole	11
National Policy and Guidance	11
Sustainable Development	12
General Conformity with the strategic policies of the development plan	13
EU obligations	14
Human Rights	16
Vision	16
Objectives	16
Policies	16
Housing and the Built Environment	17
HBE1: Type, size and location of development	17
HBE2: Housing for older people	21
HBE3: High quality design	22
HBE4: Conservation Area and Listed Buildings	23
HBE5: Gaps between settlements	23
Business and Employment	24
BUS1: Retail	24
BUS2: New businesses	25
BUS3: Sustainable tourism	25
Community and Services	26
COM1: Approaches to Wroxham	26
COM2: Community amenities	27
COM3: New public space	27
Transport and Access	27
TRA1: Traffic volume and congestions	27
TRA2: Parking provision	29
TRA3: Walking and cycling	29
Environment and Landscape	29
ENV1: Public access to the river and broads	29
ENV2: Local Green Space	30
ENV3: Biodiversity	31
ENV4: Important local views and vistas	31
ENV5: Dark skies	32
ENV6: Climate change	32
Conclusions and Referendum	33

Page deliberately blank

Summary

I have concluded that, if the modifications that I have recommended are made:

- The Wroxham Neighbourhood Development Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and will be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to **recommend that the Wroxham Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have not received any representations or seen any other evidence to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. **I therefore conclude that there is no need to extend the referendum area.**

Page deliberately blank

Introduction

1. The Localism Act 2011 has provided local communities the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Wroxham Parish Council (WPC) is the qualifying body for the Wroxham Neighbourhood Plan (WNP), which I shall refer to as the WNP or the Plan.
3. Wroxham is a large village on the south bank of the River Bure about 8 miles north-east of the centre of Norwich on the A1151. The village is also served by the railway line running from Norwich to Cromer and Sheringham on the North Norfolk coast. Part of the Parish lies within the Broads Authority Executive Area and the Broads has a status equivalent to a National Park. Together with Hoveton the neighbouring village on the north bank of the River Bure, it is an important centre for boat-hire and related businesses on the Broads. However, away from the busy A1151, the village has a quiet, secluded residential character.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by Broadland District Council (BDC), with the agreement of WPC and the Broads Authority (BA) to carry out the independent examination of the WNP.
6. I confirm that I am independent of both BDC and the BA. I have no interest in any land which is affected by the WNP. I have never had any other professional involvement in Wroxham, but I carried out independent examinations of the neighbourhood plans for the nearby parishes of Salhouse and Rackheath in 2017.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 30 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
 - i. Decide whether the Plan complies with the provisions of Sections 38A and 38B of 7

the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.

- ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
- iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.

10. The Plan meets the basic conditions if:

- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
- ii. The making of the Plan contributes to sustainable development;
- iii. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations.

11. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.

12. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.

13. The main documents to which I have referred in the examination are listed below:

- Wroxham Neighbourhood Plan 2019-2039 Submission Version November 2018
- Wroxham Neighbourhood Plan Consultation Statement November 2018
- Wroxham Neighbourhood Plan Basic Conditions Statement November 2018
- Wroxham Neighbourhood Plan Strategic Environmental Assessment Screening Report July 2018 amended October 2018
- Wroxham Neighbourhood Plan Habitats Regulations Assessment Screening Report November 2018
- Wroxham Neighbourhood Plan Sustainability Appraisal Scoping Report November 2017 amended February 2018
- Wroxham Neighbourhood Plan Sustainability Appraisal July 2018 amended October 2018
- Responses to Regulation 16 publicity on the Submission Plan
- Comments of WNP Steering Group on the responses to regulation 16 publicity

- Joint Core Strategy for Broadland, South Norfolk and Norwich adopted in January 2014 (JCS)
 - Broads Authority Core Strategy Development Plan 2007 (BA CSDP)
 - Broads Authority Development Management Policies Development Plan Document 2011
 - Broads Authority Site Specific Policies Local Plan 2014
 - Emerging Local Plan for the Broads, publication version for pre-submission consultation, November 2017 to January 2018 and proposed modifications submitted to examination (emerging BA LP)¹
 - Broadland District Council Site Allocations Development Plan document 2016
 - Broadland District Council Development Management Development Plan document 2015
 - Emerging Greater Norwich Local Plan Regulation 18 Consultation, Site Proposals and Growth Options (GNLP)
 - Emerging Local Plan for the Broads submission version March 2018
 - The Neighbourhood Planning (General) Regulations 2012 as amended which are referred to as the NPR
 - The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
 - The Conservation of Habitats and Species Regulations 2017 (CHSR)
 - The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
 - The National Planning Policy Framework 2012 which is referred to as the NPPF and the new edition of the Framework issued in July 2018 (NPPF2)
 - National Planning Practice Guidance referred to as PPG
14. The documents submitted include all of those that are required to be submitted under regulation 15 of the NPR. As the Plan was submitted prior to 24 January 2019 it will be examined against the policies in the 2012 NPPF.²
15. I made an unaccompanied visit to Wroxham on 16 January 2019 to familiarise myself with the area. I spent several hours walking round the village and visiting all the key sites referred to in the Plan's policies. I also visited Hoveton to understand the relationship between Wroxham and Hoveton.
16. During the examination I sought clarification on some issues by email. My emails and the response to them have been posted on the BDC website.

¹ Consultation commenced on modifications to the emerging Plan including modifications arising from the examination of the emerging BA LP as I was completing my examination.

² NPPF2 paragraph 214

The Preparation of the Plan

17. WPC made an application for the designation of the parish of Wroxham as a neighbourhood area on 5 May 2017, together with a map of the area to be designated. The designation was confirmed by Broadland District Council and the Broads Authority on 26 May 2017. The Parish Council established a steering group made up of parish councillors and local residents (WNPSG) to manage the preparation of the Plan.
18. The Planning and Compulsory Purchase Act 2004 requires that the Plan clearly states the period to which it relates. The Submission Plan shows clearly that the plan period is 2019-2039.
19. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the Town and Country Planning Act 1990. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
20. I am also satisfied that the Plan does not relate to more than one neighbourhood area.

Public Consultation

21. The Consultation Statement sets out in detail the 5 stages of consultation that were undertaken during the preparation of the Plan.
22. The first stage involved two awareness raising events: the Hoveton Summer Fete in August 2017 and the Wroxham Church Christmas fair in December 2017. These events were to make people aware that the Plan was being prepared and to find out what people liked and disliked about Wroxham.
23. Between these two events, a Community Workshop was held to establish key themes for the Plan. The event was very well attended with 84 people attending. Between November 2017 and April 2018, the WNPSG met and corresponded with local groups and stakeholders to gain an understanding of the issues which concerned them. In March 2018 two workshop events were held to check whether ideas on emerging policies were supported. Again, these were well attended with over 100 respondents including those who responded online.
24. Pre-submission consultation in accordance with regulation 14 of the NPR took place from 21 July to 1 September 2018. Copies of the draft Neighbourhood Plan, the Sustainability Appraisal and the consultation response form were available online, at the Library, The Hub, St Mary’s Church and the Church Hall. An event was also held to launch the consultation at The Hub on 21st July. Emails inviting a response were also sent to a long list of statutory consultees, including all those likely to be affected from the list at Schedule 1 to the NPR, and to local organisations.
25. The Consultation Statement sets out the comments received, and the action taken by the qualifying body in response to them. The response to most of the policies was generally very

positive, but some changes were made to both the policies in the Plan and the supporting text to reflect comments made, particularly by BDC and the Broads Authority (BA).

26. I am satisfied that the measures taken to publicise the Plan were very thorough and clearly meet the requirements of regulation 14 of the NPR. The Consultation Statement also clearly sets out the measures taken and meets the requirements of regulation 15(2) of the NPR.

The Basic Conditions Test – The Plan taken as a whole

27. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”

28. National policy is set out in the National Planning Policy Framework (NPPF). The NPPF was first published in 2012. A revised version of the NPPF was issued in July 2018 (NPPF2). However, Annex 1 of NPPF2 indicates that neighbourhood plans submitted in accordance with Regulation 15 of the NPR on or before 24 January 2019 should be examined against the 2012 edition of the NPPF.
29. There are two important points to emphasise in relation to this basic condition. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase *“having regard to”*. This means that I must consider national policy and advice, but it does not mean that each policy should be in absolute conformity with it. PPG explains that *“having regard to national policy”* means that *“a neighbourhood plan must not constrain the delivery of important national policy objectives.”*³ The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
30. Also, relevant to this element of the basic conditions test is *“...guidance issued by the Secretary of State”* as set out in PPG. This contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans⁴ some of which I have already referred to. It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. *“A policy in a neighbourhood plan should be clear and unambiguous.*

³ PPG – what does having regard to national policy mean? Reference ID: 41-069-20140306

⁴ PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared”⁵. Also “Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...”⁶

31. Table (a) in the Basic Conditions Statement sets out for each policy its relationship to both the NPPF and NPPF2. This is very helpful and I have taken these comments into account in my consideration of each policy which is set out later in this report. However, there is one important strategic issue which I need to refer to here and will return to later. One of the important considerations for a neighbourhood plan is that they “...*should not promote less development than set out in the Local Plan or undermine its strategic policies*”.⁷ The Basic Conditions Statement does not refer to that requirement or explain how the Plan relates to it. The Plan itself is also not very explicit on this point.
32. Some of the modifications I have made have been because the policies, or parts of them do not add significantly to national or Local Plan policy and are thus not “*distinct*”. In other cases, there is no clear justification for all or part of the policy, or it is not expressed clearly enough to provide useful guidance to a decision maker. Subject to these modifications and more detailed consideration of the issue of the amount of housing, there is no serious conflict between the policies of the Plan and national policy and guidance.

“The making of the Plan contributes to sustainable development”

33. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that “*the purpose of the planning system is to contribute to the achievement of sustainable development and the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.*”⁸
34. The NPPF then spells out the three dimensions of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the Plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached. Policies which fail to demonstrate that they contribute to sustainable development are likely to require modification or deletion. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.⁹
35. Table (d) of the Basic Conditions Statement identifies the WNP policies that will contribute to

⁵ PPG Reference ID: 41-041-20140306

⁶ PPG:What evidence is needed to support a neighbourhood plan or Order? Reference ID: 41-040-20160211

⁷ NPPF paragraph 184

⁸ NPPF Paragraph 6

⁹ NPPF Paragraph 10

each strand of sustainable development. This is a clear and concise approach which I have found helpful. However, it is somewhat over-simplified as each policy is only referred to in relation to one strand of sustainable development. It is of course possible for a policy to contribute, positively or negatively, to more than one dimension of sustainable development and it would be helpful to identify where this is the case. For instance, Policies HBE3, HBE4, ENV2 and TRA3 all relate to both the social and environmental objectives. However, the Plan is also accompanied by a Sustainability Appraisal (SA) which is intended to assess how the Plan contributes to sustainable development. The SA is based on the framework used for the JCS. A Scoping Report was prepared early in the process and was the subject of consultation with the statutory consultation bodies, Norfolk County Council, Broadland District Council and the Broads Authority. The report identifies sustainability appraisal objectives and considers:

- The compatibility of the sustainability appraisal objectives with the neighbourhood plan objectives;
- The compatibility of the sustainability appraisal objectives and the neighbourhood plan policies;
- The specific effects of policies taking account of short, medium and long-term effects and identifying alternative options.

36. The SA does not identify any conflicts between the sustainability appraisal objectives and WNP objectives and policies and shows that the Plan policies will have positive effects when measured against indicators and targets identified in relation to each SA objective.
37. The contribution of each of the policies of the Plan to sustainable development is considered later in my report. However, taken as a whole and subject to the modifications recommended, I am satisfied that the Plan contributes to sustainable development.

“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”

38. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.¹⁰ It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.
39. The adopted development plan documents for Wroxham are:
 - The Joint Core Strategy for Broadland, South Norfolk and Norwich, January 2014 (JCS)

¹⁰ PPG What is meant by ‘general conformity’? Reference ID 41-074-20140306

- Broads Authority Core Strategy Development Plan 2007 (BA CSDP)¹¹
- Broadland District Council Site Allocations Development Plan Document 2016 (SADP)
- Broadland District Council Development Management Development Plan Document 2015 (DMDP)
- Broads Authority Site Specific Policies Local Plan 2014
- Broads Authority Development Management Policies DPD 2011
- Norfolk County Council Minerals and Waste Core Strategy and Development Management Development Plan Document 2010-2026

40. In addition, the emerging Local Plan for the Broads is at an advanced stage of preparation as it was submitted in March 2018 and was the subject of examination during late 2018. The emerging Greater Norwich Local Plan, which will replace the JCS and extend the planning horizon to 2036 is at an early stage of development. While the Plan is not required to be in general conformity with emerging plans, *“...the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the evidence base against which a neighbourhood plan is tested. For example, up to date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.”*¹²
41. Table (a) of the Basic Conditions Statement describes the relationship of each policy of the Plan to the JCS the BA CSDP and the emerging BA LP. However, it does not refer to either the SADPD or the DMDPD or the BA DMDPD and BA SALP, in which there are several strategic policies of relevance to Wroxham, I have therefore had to explore these relationships myself.
42. With regard to the Minerals and Waste Plan, the parish of Wroxham lies within Mineral Safeguarding Area for sand and gravel. However, as the Plan does not make allocations for new development it does not conflict with this policy. Any future permissions may be subject to requirements regarding site investigation and prior extraction of minerals deposits.

“The making of the order does not breach and is otherwise compatible with EU obligations”
Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

43. PPG indicates that *“In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*¹³, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.
44. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include: *“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or*

¹¹ The Basic Conditions Statement incorrectly gives a date of 2017 for this document

¹² PPG Can a neighbourhood plan come forward before an up-to-date Local Plan is in place Reference ID: 41-009-20160214

(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.

45. The submission documents include a SEA Screening Opinion dated July 2018 and amended in October 2018 to take account of changes to the Plan following Regulation 14 consultation. This is consistent with good practice. It contains a Screening Assessment which has been prepared in accordance with regulations 9 and 10 of the EAPPR which concludes that the Plan is unlikely to have significant environmental effects. The draft Screening Assessment, as required by the EAPPR, was subject to consultation with The Environment Agency, Historic England and Natural England. All three bodies replied to confirm that they considered that the Plan would be unlikely to have significant environmental effects.
46. I am satisfied that section 4 of the Screening Report provides the statement of reasons required by the EAPPR to support a conclusion that a SEA is not necessary.
47. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read that:
“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”. Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:
*“(1) Where a land use plan -
is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*
Regulation 106 of the CHSR requires that:
“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”
48. The submitted documents include a Habitats Regulations Assessment Screening Report dated November 2018. The report refers to three European designated sites which border the parish of Wroxham to the east:
- The Broads Special Area of Conservation
 - The Broadland Ramsar Site and
 - The Broads Special Protection Area.
49. The report concludes that the policies of the Plan are unlikely to have any significant environmental effects on these areas and that an Appropriate Assessment under The Habitats

Regulations is therefore not necessary. Natural England have been consulted on this conclusion and their reply makes no comment. I am satisfied that an Appropriate Assessment is not required.

50. Although neither SEA or Appropriate Assessment under the Habitats Regulations are required a Sustainability Appraisal has been submitted with the Plan which I have already referred to in more detail in paragraphs 35-36.

Human Rights

51. Nothing in the Plan suggests that there would be any breach of the European Convention on Human Rights.

Vision

52. Section four of the Plan sets out the vision for Wroxham. While the vision does not carry any weight as it is not a policy, it is intended to help shape the policies by setting out what they are intended to achieve. It is therefore important that it does not point in a direction that may lead to conflict with the basic conditions. The vision for Wroxham is:

“Wroxham parish must remain a unique and beautiful waterside community. It will have a variety of good quality homes, improved community services, effective traffic management, and a range of businesses developed in a way that are sensitive to its iconic location and the Conservation Area.”

53. I find the Vision generally consistent with sustainable development except that it treats Wroxham in isolation and does not acknowledge that it is part of the Greater Norwich Area in terms of the economy and the housing market and cannot be isolated from strategic policies. This is a point that I shall return to later, but while the Plan does not make strategic allocations it must recognise that strategic decisions may be taken in the emerging Greater Norwich Local Plan reflecting the role of Wroxham in the Greater Norwich Area. I therefore recommend an amendment to recognise this point. There is also a grammatical error in the last line.

Recommendation

In the Vision after “...good quality homes” insert “to meet strategic and local needs” and in the last penultimate line change “a way” to “ways” to agree with “are” in the last line.

Objectives

54. Section 5 sets out the objectives of the Plan. There are eight separate objectives, but they are grouped under five headings: “Housing and the Built Environment”, “Business and Employment”, “Community and Services”, “Transport and Access”, “Environment and Landscape”. Some of the objectives may not be capable of delivery through planning policies, notably those under the “Transport and Access” heading, but there may be community actions or projects which are identified in the Plan which could be effective. I am satisfied that the objectives are consistent with the basic conditions.

Policies

55. I have considered all the policies of the Plan against the basic conditions, having regard to the evidence provided to justify them. Where necessary I have recommended modifications. I am only empowered to recommend modifications necessary to meet the basic conditions, to comply with the convention on Human Rights, to comply with the legal requirements in relation to neighbourhood plans or to correct errors.¹³ In some instances I have suggested modifications to suggest that certain forms of development “will be supported”. It is normal practice in development plans that the Plan should be read as a whole and thus the “support” expressed in such policies is subject to compliance with other policies in the Plan. There is therefore no need to state this on each occasion this form of words is used.
56. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan. While I have not referred directly to all the comments made, I have given attention to all of them.
57. The policies in the Plan are presented under the five headings for the objectives.

Housing and the Built Environment

Policy HBE1: Type, size and location of development

58. Policy HBE1 sets out the preferences of the community for development in Wroxham parish. I have several concerns about this policy and the way it is presented.
59. One of the main requirements of the NPPF in relation to neighbourhood plans is that they “*should not promote less development than set out in the Local Plan or undermine its strategic policies*” (NPPF para 184). Wroxham is identified as a Key Service Centre in the JCS and Policy 14 provides for 100-200 dwellings in the period up to 2026. Neither the BA SCDP and BA SSPLP or the emerging BA LP identify any specific housing requirement for Wroxham. While the recent development of 100 dwellings at Wherry Gardens, to the west of Salhouse Road, appears to meet the JCS minimum requirement, there is no explicit assessment in the Plan or the Basic Conditions Statement of the relationship between the Plan and the requirements of the NPPF and JCS. As this is the main policy determining the location of housing development it is important that the justification for it should explain clearly how it meets the requirements of the development plan. Moreover, as the horizon of the WNP is 2039, well beyond the end date for the existing development plan documents, the Plan should make clear its approach to the need for housing development beyond 2026 which is the end date for the JCS, SADPD and DMDPD. Comments from North Norfolk District Council express similar views.
60. I have sought some clarification on these issues from BDC and WPC and the email exchange is posted on the BDC website. In it BDC explains that although the 100 dwellings provided at

¹³ Section 10 paragraphs (a) – (e) of Schedule 4B to the Town and Country Planning Act 1990

Wherry Gardens is at the minimum end of the range identified in Policy 14 of the JCS, in view of the constraints affecting Wroxham, particularly relating to traffic, it is considered to meet the strategic requirements of the JCS. Moreover, there has been some windfall development providing additional housing and there is the potential for more.

61. With regard to the requirement for any further housing development over the plan period beyond the JCS, it is envisaged that, if any further allocations are considered necessary, they will be made through the emerging GNLP, which is at quite an early stage of development. While the recent Growth Options consultation identified a need for allocations to accommodate 7,200 additional houses up to 2036 across the Greater Norwich Area, the underlying strategy for the distribution of these houses has yet to be determined. The GNLP will cover the whole of the Districts of Norwich, Broadland and South Norfolk, apart from the Broads Authority Executive Area, and the recent consultation identified options for between 450 and 850 dwellings to be distributed between the 9 Key Service Centres including Wroxham. The emerging BA LP identifies a need for 50 dwellings in the Broadland part of the Broads, but does not identify any sites in Wroxham. It is therefore unclear whether any additional allocations for Wroxham will be necessary. Until this issue has been resolved the WNP needs to be in general conformity with the existing strategic policies. There is no requirement in the BA CSDP or the emerging BA LP for additional housing in Wroxham.
62. Policy GC2 of the DMDPD states that *“New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits new development that does result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.”* It has been clarified to me that this is a strategic policy with which the neighbourhood plan must be in general conformity. The wording of the policy offers the potential for a WNP policy which would provide for development outside the settlement boundary, but the Plan includes no such policy. Thus, it only provides for infill development unless any allocations are made in the emerging Local Plans for the Broads and Greater Norwich. Policy DP22 of the BA DMDPD only supports residential development within settlement boundaries, subject to exceptions relating to the conversion of buildings in the countryside, affordable housing exception sites, replacement dwellings and housing related to agriculture, forestry or other countryside industries. The settlement boundary is drawn quite tightly around the built-up area of the village and thus there is little capacity for additional residential development. However, the Plan does not set a cap on the scale of development.
63. I am satisfied, on the basis of the detailed response received from BDC, that the Plan is in general conformity with existing development plan policies in terms of scale of development envisaged and that the emerging GNLP is at too early a stage of preparation for any additional requirements to be quantified. However, the absence of any clear reasoning to explain this strategic context is an important omission and without it I am not satisfied that the Plan makes it clear that it meets the basic conditions. I have therefore recommended the insertion of two additional paragraphs into the supporting text to rectify this.

64. The wording of the policy provides very limited guidance to a decision maker because by stating what is preferred it gives no indication about how development that does not fall into the preferred categories should be treated. The implication is that it should be refused but the intention is not clear and no explicit justification is given to explain why other development would be harmful. For this reason, it is not in accordance with the requirement for policies to be “drafted with sufficient clarity to allow a decision maker to apply it consistently”, which I referred to in paragraph 30. I have therefore recommended a modification to make the decision-making process clearer and thus meet the basic conditions.
65. Turning to the type of development preferred, part a. indicates “small-scale and infill only”, within the Conservation Area. This is defined as 10 dwellings or less. The Conservation Area includes most of the area within the settlement limit and extends significantly outside it into the Broads Authority Executive Area both to the East and West. The response to my queries from BDC indicates that the preferences listed “*do not preclude other forms or scales of development*”. However, in this case the use of the word “only” does appear to do this. While the potential for development on a larger scale is very limited, no clear reason for precluding it has been given and it would not be consistent with the presumption in favour of sustainable development. I have therefore recommended the deletion of “only”.
66. The second part of the policy requires development to “be of a scale that is appropriate to the scale of the village, its rural and waterside setting and current infrastructure”. However, the areas within the settlement limit but outside the Conservation Area are very limited, just the small area at the southern end of the village including Keys Drive, Preston Close and Wherry Meadows, and an area on either side of Norwich Road on the approach to Wroxham Bridge, which lies mostly within the boundary of the Broads Authority. This part of the Policy taken with Policy GC2 of the DMDPD and Policy DP22 of the BA DMDPD would therefore provide very limited opportunities for significant development other than the redevelopment of existing developed sites.
67. Part c. of the policy expresses a preference for homes for residents rather than purpose-built holiday dwellings. Planning permission is not required for a change of use from a permanent dwelling to a holiday dwelling or the reverse, unless there are restrictive conditions attached to a permission for holiday homes. The Plan does not identify any obvious design differences between houses built as permanent dwellings and those built as holiday dwellings. It is therefore difficult to see how this element of the policy could be applied effectively. It is true that there are now several examples of made neighbourhood plans which include policies to require new dwellings to be permanently occupied, following the introduction of such a policy at St Ives in Cornwall.¹⁴ However, these policies contain clear criteria to achieve the enforcement of the policy and are based on clear evidence of the harmful effects of the existing number of second homes. In this instance no such evidence is provided and the policy

¹⁴ St Ives Area Neighbourhood Development Plan 2015-2030 <https://www.cornwall.gov.uk/media/23576572/final-st-ives-area-ndp-proposal-with-examination-and-cc-amendments-clean-final.pdf>

is only expressed as a preference. However the preference is in conflict with the support given in policies DP14, DP18 and DP 21 of the BA DPD for holiday homes. This support is carried forward in the emerging BALP.

68. The supporting text for Policy HBE1 suggests that any large development that may occur should be south of the current Wherry Gardens development, because that reflects public opinion. While this is not stated in the policy it is expressed in policy terms and Salhouse Parish Council have questioned this conclusion, drawing attention to potential conflict with Policy HBE5, which aims to safeguard the gap between Wroxham and Salhouse. No clear planning rationale for this preference has been given, other than that it could be *“in keeping with the character of that part of the Parish”*. This assertion is not explained and has no regard to other factors which would affect the sustainability of any new development, such as the impact on the landscape, the accessibility of the new development to the services of the village or the compatibility with Policy HBE5. It also does not provide evidence or justification for the policy itself.
69. For all these reasons, I recommend the following modifications to the policy and the supporting text to meet the basic conditions.

Recommendations

In the supporting text to Policy HBE1: insert the following a new paragraphs after the highlighted section starting “objective 1”: “Policy 14 of the Joint Core Strategy (JCS) requires the provision of 100-200 dwellings in Wroxham in the period 2008-2026. 100 dwellings have been completed in the Wherry Gardens development between Salhouse Road and Norwich Road. Although this only meets the minimum requirement, Broadland District Council considers that, in view of the specific circumstances of Wroxham and traffic issues in particular, there is no strategic requirement for any further allocations under the Joint Core Strategy. The period for the Neighbourhood Plan extends to 2039, 13 years beyond the timescale for the JCS and 3 years beyond the timescale for the emerging GNLP, which will replace the JCS. This Plan is still at an early stage, and it is unclear whether it will identify a need for any additional allocations for housing. If such a need is identified, new allocations will be made by the GNLP and it has been agreed with BDC that there is no requirement for the WNP to identify additional land for housing. However further windfall development in accordance with the policies of the JCS, DMDPD and this Plan will be accommodated.”

Delete the second paragraph on page 23.

Modify Policy HBE1: Type, size and location of development to read

“New housing development within Wroxham will be:

- a. Within the Conservation Area small-scale (retain footnote) infill development or**
- b. Outside the Conservation Area, of a scale that is appropriate to the location within the village, its rural and waterside setting, and current infrastructure.**

Larger scale development within the Conservation Area may be permitted where it clearly demonstrates that it is not harmful to the character and appearance of the Conservation Area.”

Policy HBE2: Housing for older people

70. This policy requires that new housing developments should include a significant proportion of housing for older people and specifies several types of housing which could fall under this heading. This is supported by evidence of the relatively elderly age-structure of the population and the evidence of the aspiration of some people to downsize within Wroxham. It is also consistent with national policy to *“plan for a mix of housing based on current and future demographic trends”*¹⁵. While there is good reason to support such provision even in small-scale developments, I agree with the comment of BDC that it would be unreasonable and inconsistent with the presumption in favour of sustainable development, to make this a requirement for all small housing developments, particularly as most housing developments are expected to be “small-scale”. The policy does not indicate what “a significant proportion” might be. There is no evidence other than the age structure on which to base this and any figure would need to be applied with some flexibility to reflect the location and characteristics of the site. I have therefore recommended a modification to indicate this.
71. The Broads Authority has commented that it is not clear how the design guide for housing for the retirement living is to be applied. It is evident that this guidance is only applicable to relatively large developments of managed accommodation and thus will not be relevant to several other forms of housing to meet the needs of the elderly. It is useful guidance where it is applicable, but the phrase “deemed essential” implies that it is a policy requirement. This is not appropriate in supporting text and Appendix B does not use this term. I have therefore recommended a modification to the supporting text, but no change to the policy is necessary to meet the basic conditions.
72. I have noted the comments of the BA regarding the possible application of the discretionary design standards to mitigate the risk of cramped design, but the government has made it clear that these standards can only be introduced through local plans on the basis of clearly evidenced need and not through neighbourhood plans¹⁶

Recommendation

In policy HBE2 modify the first sentence to read: “New housing developments designed to meet the needs of older people will be supported and developments of 5 or more dwellings will be required to include some housing to meet the needs of the elderly, unless it can be demonstrated to be unviable or impractical having regard to the location and characteristics of the site. The proportion of such housing will be flexible having regard to location and design considerations.”

At the end of the third paragraph of the supporting text insert “Any figure guiding the level of provision would need to be applied with some flexibility to reflect the location and characteristics of the site. The proportion of dwelling is would need to be determined

¹⁵ NPPF paragraph 50

¹⁶ Planning Update March 2015 Written Statement to Parliament by Eric Pickles Secretary of State for Communities and Local Government

having regard to such factors as access to services, the nature of the site and the proposals as a whole.”

In the final paragraph of the supporting text, delete “that are deemed essential to the success of retirement accommodation for older people in the UK” and insert “that are desirable for retirement living complexes.”

Policy HBE3: High quality design

73. This policy sets out design criteria which are intended to retain the distinct character of Wroxham. The introduction to the policy provides a clear statement requiring design to have regard to its local context and to preserve or enhance the quality of Wroxham. This provides clear guidance to a decision maker and the aim to reinforce local distinctiveness is consistent with national policy¹⁷.
74. The individual criteria a.-m. are, for the most part, clear in their intentions and relate closely to the distinct character of Wroxham. Although some are of a more generic nature, they meet the basic conditions. The cross reference to the Character Appraisal in Appendix C ensures that these are applied in relation to the distinctive character of the part of Wroxham in which the proposal is located. While I note the comment that the Character Appraisal is largely descriptive and could have gone further in defining those elements that need to be reinforced and those that are less desirable, it is a useful tool in its present form. However, I need to recommend minor modifications to meet the basic conditions in two cases.
75. In criterion e., although extensive tree cover is an important characteristic of Wroxham, it may well not be appropriate for all new development to have substantial tree planting. In some cases, the size of the site, or the relationship with existing or proposed buildings, or roads, may make it undesirable and I have recommended a modification to reflect this.
76. In criterion j. the meaning of “contribute to further drainage issues” is not clear and I have recommended a modification.
77. In the final section I have recommended a modification to make it clear that a Design and Access Statement is not required in all circumstances

Recommendations

In Policy HBE3:

in criterion e. delete “throughout” and after “...to the area” delete the full stop and insert “, where it is appropriate.”

In criterion j. delete “Not contribute to further drainage issues” and replace it with “provide adequate surface and foul water drainage”

In the final paragraph modify the first part to read “Where a Design and Access Statement is required proposals must demonstrate how the proposed development...”

¹⁷ NPPF paragraph 60

Policy HBE4: Conservation Area and Listed Buildings

78. The policy requires new development within or adjacent to the Conservation Area to enhance the character or appearance of the area and to produce a statement which outlines how this will be achieved. The policy cross refers to the Character Assessment at Appendix C. It does not, however refer to the Conservation Area Character Statement which provides more detail on the historic significance of different parts of the Conservation Area. The supporting text on page 28 suggests that all applications should refer to the Conservation Area Appraisal regardless of scale and location within the parish. I have established that this is intended to refer to the Conservation Area Character Statement, but this requirement uses wording appropriate to a policy, not supporting text, which is inappropriate. There is also no justification for requiring all applications to do this there are some locations where development would not have any effect on the Conservation Area. I have recommended a modification to the policy to require proposals within or adjacent to the Conservation Area and Listed Buildings to have regard to the Conservation Area Character Statement

Recommendation

At the end of the first paragraph on page 28 delete “The Conservation Area Appraisal should be referred to within all planning applications regardless of scale and location within Wroxham parish.”

In Policy HBE4 after “...character of the parish” insert “taking account of the Wroxham Conservation Area Character Statement”.

Policy HBE5: Gaps Between Settlements

79. This policy aims to ensure the physical and visual separation between Wroxham and the settlements of Salhouse and Rackheath is maintained. The southern edge of the recently completed Wherry Gardens development to the west of Salhouse Road is about 2.3km from the northern edge of the village of Salhouse and 1.3km from the northern edge of the large-scale development proposed in the Growth Triangle relating to the parishes of Rackheath, Sprowston, Old Catton and Thorpe St Andrew¹⁸. Proposals for the Growth Triangle include an area of public open space extending north of the proposed development to within about 600m of the southern end of Wherry Gardens. While this will help to maintain the physical separation between the settlements it will bring the sense of being part of an urban extension quite close to Wroxham. The supporting text also refers to proposed development at Salhouse, but, although several sites north of Salhouse have been put forward for consideration in response to the call for sites for the emerging GNLP, Salhouse Parish is not part of the Growth Triangle and there are no firm proposals there at this stage.
80. The policy is supported by Salhouse Parish Council which has suggested that there would be a conflict between this policy and development to the south of Wherry Gardens, which is referred to in the supporting text to policy HBE1 as the preferred location for any larger scale

¹⁸ Broadland District Council: Growth Triangle Area Action Plan adopted July 2016

development. WPC state there would be no conflict, but if this is the case it is difficult to see what sort of development the policy is designed to prevent as the southern end of Wroxham Gardens is only about 300m from the boundary with Salhouse and the policy cannot apply to development proposed outside the parish boundary. I have already recommended the deletion of the reference to development south of Wherry Gardens in the supporting text, partly for this reason, and I am satisfied that there is a clear case in terms of the distinctive character of Wroxham and Hoveton for maintaining their separate identity from the Greater Norwich urban area.

81. I am satisfied that the policy meets the basic conditions but recommend a small modification to the supporting text to correct the reference to Salhouse as part of the growth triangle.

Recommendation

In the supporting text on page 29 delete “...those neighbouring villages are likely to grow substantially, namely Rackheath and Salhouse” And insert “substantial growth is envisaged in nearby Rackheath”

Business and Employment

Policy BUS1: Retail

82. This policy encourages the establishment of small new retail units in Wroxham, where they serve the resident community and respect the character of the area. However, the policy does not support the establishment of hot food takeaway establishments. The policy is expressed in very general terms and provides no guidance on any appropriate locations for retail development, which leaves the decision maker to determine whether the criteria are met by any proposal.
83. The BA has suggested that the policy should refer to the NPPF requirements for a sequential test on retail to be applied in some circumstances. However, this is not necessary as the NPPF would be applied where it is relevant and, as the sequential test would not be applied to small-scale rural development, I find no conflict with the basic conditions in the first part of the policy.
84. With regard to hot food takeaway establishments, BDC has also commented that planning policies should not preclude a particular use unless there is a clear justification. Salhouse Parish Council and the BA have also commented that it would be difficult to argue that a single hot food takeaway establishment would be harmful. I agree with both of these comments, though I accept that Wroxham has a very different character from Hoveton where there is a much bigger concentration of town centre uses, including many hot food takeaway establishments. No clear justification has been given for totally precluding a use that is not unusual in a residential environment and to meet the basic conditions I recommend the addition of the modification proposed by BDC.

Recommendation

In the second part of Policy BUS1 add “unless it can be demonstrated that the proposal will not have a significant harmful effect on the character of Wroxham”.

Policy BUS 2: New Businesses

85. The policy supports development proposals for six specified types of new business, providing they respect their surroundings, are appropriate to the character of Wroxham and do not add to issues of traffic volume and congestion. It also states that the development of holiday dwellings will not be supported.
86. The policy is generally consistent with national policy to promote economic growth and with strategic development plan policy. However, the NPPF at paragraph 28 explicitly supports “the development of all types of business and enterprise” and “sustainable rural tourism and leisure developments that benefit businesses in rural areas”. It is appropriate to require new business development to respect the character of the area, and to identify business sectors that will be particularly supported.
87. The reference to traffic volume and congestion is repeated in similar terms in both policy BUS3 and TRA1. It is not helpful to decision makers to repeat the same policy in different places and in slightly different words. I have recommended that it should be dealt with under Policy TRA1.
88. As already stated in relation to Policy HBE1, and by BDC, there are several reasons why a policy to resist holiday homes is not consistent with the basic conditions, unless there is clear evidence to justify it. It is also not clear what the policy means for a decision maker as Policy BUS3 supports holiday homes in certain circumstances. There is no information on the number of holiday homes in Wroxham, or explicit evidence on the harm that they cause to the character of Wroxham.
89. The BA rightly comment on the use of the word “encouraged” in planning policies. Encouragement is generally associated with support from the sidelines rather than involvement in decision making and I agree that “supported” is more appropriate.

Recommendations

In Policy BUS2:

in the second line delete “encouraged” and insert “supported”

In the paragraph following the list of appropriate business types replace the comma after Wroxham with a full-stop and delete “and do not add to the issues of traffic volume and congestion”.

Delete “Proposals by businesses for the development of holiday dwellings will not be encouraged (see HBE1).”

BUS3: Sustainable tourism

90. This policy supports small scale tourism development including holiday homes, subject to a list of criteria. The positive approach to tourism development is consistent with national and

strategic development plan policy, but modifications are necessary to some of the criteria to meet the basic conditions. I acknowledge the BA's comment that small-scale is an imprecise term, but, because the nature and context of tourism related uses varies greatly, I accept that it is not easy to define this without being arbitrary.

91. No justification is presented for criterion b. As it refers to a potential residential or business use, there may very well be sites where any of these uses would be acceptable and there is no reasoning to explain why a tourism related use, which is likely to be a business use, should be regarded as a third choice if it meets other sustainability criteria.
92. Criterion c. is very broad. Any visual environmental impact is already covered by a., and f. covers residential amenity. I have therefore recommended a modification to refer to other specific environmental effects.
93. Criterion d. is different in nature from the others as it is worded as something to be achieved rather than avoided. The wording of the policy is such that, departure from any of the criteria may be a reason for the refusal of planning permission. However, it is not reasonable to expect all proposals to improve public access and amenity value as this will depend on whether the location offers the opportunity to do so. I have recommended a modification to reflect this more discretionary nature.
94. In criterion g., as with BUS2, this repeats part of Policy TRA1 and it is best considered there. In criterion h., where there is access to public car parking, it may not be essential to provide on-site parking, indeed to do so may not be consistent with sustainable development as it could create new locations with turning movements which could have an impact on highway safety and congestion. I have recommended modifications to reflect these points.

Recommendations

In Policy BUS3:

delete criterion b.

reword criterion c. to read "do not have an adverse impact on the landscape or biodiversity"

In criterion d. insert at the beginning "respond positively to any opportunity to..."

delete criterion g.

renumber h. as g. and after "...on site" insert "unless there is adequate public parking within easy walking distance".

Community and Services

Policy COM1: Approaches to Wroxham

95. This policy aims to improve the appearance of the approaches to Wroxham. It sets out a list of measures which may achieve this. This is consistent with the NPPF requirement that developments should "establish a strong sense of place"¹⁹ and relates closely to the reference

¹⁹ NPPF paragraph 50

in JCS Policy 2 to “...promoting good design, in particular the landscape setting of settlements including the urban/rural transition and the treatment of ‘gateways’. I am satisfied that it is consistent with the basic conditions subject to a minor modification to make it clear that not all of these measures will necessarily be required.

Recommendation

In Policy COM1:

In the first paragraph after “...through the provision” insert “, where appropriate”

Policy COM2: Community amenities

96. Policy COM2 supports the improvement of community facilities and resists the loss of such facilities unless it can be demonstrated that they are no longer needed, or appropriate alternative provision is available or will be provided by the development. It helpfully identifies locations of existing community facilities where redevelopment, refurbishment or criteria may be appropriate. I have noted the suggested wording put forward by the Broads Authority but do not consider that a modification is necessary to meet the basic conditions.

Policy COM3: New public space

97. This policy aims to support the creation of new public open spaces, particularly with riverside access, and suggests that they should work with the natural environment, contribute to a network of green spaces and improve biodiversity. There is considerable overlap between the aims of this policy and the last part of Policy ENV2, where it is not relevant to Local Green Spaces, which is the subject of that policy. I have therefore recommended a minor amendment to include open spaces created as part of housing developments. While this policy is generally consistent with the basic conditions, I note the concerns made in a representation regarding the future maintenance of such spaces. This is an important aspect of sustainability and I have therefore recommended a modification to reflect this.

Recommendation

In Policy COM3:

In the first line after “...Broad access” insert “or in association with new housing developments”

In the second line replace “is actively encouraged” with “will be supported where clear arrangements for their ongoing maintenance are in place”.

Transport and Access

Policy TRA1: Traffic volume and congestions

98. This policy is in three parts. The first part has a general statement encouraging reductions in traffic volume through Wroxham and repeats the requirements in BUS2 and 3 that new development should not add significantly to traffic volume, and applying to residential as well as business and tourism development. The first general statement, using “encouraged” does

not provide guidance to decision makers and I have recommended a modification to remedy this. As I have already commented in relation to Policies BUS2 and BUS3 it is not helpful to decision makers to repeat policies and policy relating to increase in traffic is best dealt with under this policy as it avoids the need to repeat it for different uses.

99. It could be argued that almost any business development would “add to issues of traffic volume”. Increase in traffic volume is not in itself a reason for resisting development, it is the consequences of any increase in terms of congestion, highway safety, noise and air quality that need to be considered. The NPPF makes it clear that *“Development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe”*.²⁰ It is clear that there are already issues of traffic volume and congestion on the A1151, and therefore it is the cumulative effect of any new development that is important. I have recommended a modification to reflect national policy and the local situation.
100. The second part of the policy lists four requirements that all new developments are expected to demonstrate. A large proportion of planning applications relate to very small-scale development such as extensions, single dwellings or minor modifications to business premises. It would be disproportionate to expect very small developments to comply with a. c. and d. For example, only quite large developments could realistically influence the use of public transport and cycleways. The NPPF makes it clear that all information requirements should be necessary and relevant²¹. I have therefore recommended a modification to separate b, which can reasonably be required from all development from a. c. and d.
101. The last section supports the delivery of an appropriate relief road. This provides no useful guidance to decision making. As the BA point out no evidence is presented to demonstrate that a relief road is a deliverable or sustainable possibility. It is therefore no more than an aspiration and the in principle support referred to in the supporting text is the most that can be justified.

Recommendations

Modify the first part of the policy to read:

“Development proposals which include measures to reduce traffic volume and congestion through Wroxham will be supported”. “New development which would add significantly to existing levels of congestion or risks to highway safety, that cannot be effectively mitigated, will not be supported”.

Modify the second part of the policy to read: “All developments will be required to demonstrate that they can provide safe access onto the adjacent highway network. New developments of 10 or more dwellings and for new or expanded business premises will be required to:

- a. Quantify the level of traffic movements they are likely to generate;**
- b. Include measures to mitigate any negative impacts on congestion and safety, parking and**

²⁰ NPPF Paragraph 32

²¹ NPPF paragraph 193

air pollution.

c. Demonstrate how they will facilitate the use of sustainable transport options (public transport options and access to cycle ways)."

Delete the final line of the policy.

Policy TRA2: Parking provision

102. This policy sets out requirements for the provision of parking in association with new development to add to those in the Broadland District Council Parking Standards Supplementary Planning Document 2007. The policy aims to prevent harmful effects in terms of pedestrian and highway safety and visual impact as a result of parking provision. It lists specific requirements for provision and requires that garages and car ports should be large enough to accommodate modern cars.
103. I am satisfied that the first and last parts of the policy meet the basic conditions. In some cases, the intention of the specific criteria in the second part of the policy is not clear. It has been clarified to me that the intention of a. is that parking provision for new dwellings should be allocated to each dwelling and I have recommended a modification to clarify that. In c. it is not clear whether "electric car charging points" means that all new dwellings should provide one, or whether they should be provided within new developments. It has been clarified that the level of provision is intended to be flexible and I have recommended a modification to clarify that.

Recommendations:

In the second part of Policy TRA2:

modify a. to read "private car parking spaces allocated to each dwelling..."

in c. add "wherever it is practical and viable to do so"

Policy TRA3: Walking and Cycling

104. Policy TRA3 aims to ensure that new developments are designed to meet the needs of pedestrians and cyclists. This is consistent with national policy and guidance. As in the case of Policy TRA1, it may not be possible or appropriate for many small-scale developments to provide new opportunities in this way and I have recommended a modification to reflect this. Subject to this, the policy meets the basic conditions.

Recommendation

In Policy TRA3:

At the beginning insert "Wherever possible"

Environment and Landscape

Policy ENV1: Public access to the river and broads

105. This policy requires new waterside development to provide access to the River Bure,

Wroxham Broad or Bridge Broad where possible and precludes development that detracts from the landscape and ecological value of the river or Broads. This policy is clearly in accordance with national and strategic development plan policy and reflects the particular concerns and opportunities of Wroxham. It meets the basic conditions.

Policy ENV2: Local Green Space

106. This policy designates 8 areas as Local Green Spaces in accordance with the criteria set out in paragraph 77 of the NPPF. I visited all these spaces on my site visit and am satisfied that they all in their different ways meet the requirements for designation. This would also be in accordance with strategic development plan policies. Local Green Space 7 is a small area at the south-west corner of Local Green Space 1. The demarcation between the two spaces is not visible to me in a printed copy of the Plan, though it is when enlarged online. This is in effect one green space and I have recommended that the two spaces are treated as one.
107. The second section sets out the policy that is to be applied to the Local Green Spaces. The first part precludes development that result in the loss of Local Green Spaces or would be harmful to their character, setting, accessibility or appearance. The second part does not make grammatical sense in its submitted form but appears to relate to possible replacement of the space with alternative provision.
108. Paragraph 78 of the NPPF says that the policy for Local Green Spaces should be consistent with Green Belts. Green Belt policy does not preclude any development that would result in the loss of Green Belt. It sets out categories of development that would not be inappropriate²². Development outside these categories would not be permitted except in “very special circumstances”. It is not appropriate to simply apply the development categories in Green Belts to Local Green Spaces because the scale of Green Belts is so much larger, but the same principle can be applied. Local Green Spaces vary greatly in character and some forms of development would not be inappropriate such as play equipment in a play area, a shelter in a park or a changing room with a sports pitch. I have therefore recommended a modification to the policy to reflect this point.
109. The reference in the second sentence of the middle section of the policy to the possible replacement of a Local Green Space is not appropriate. The designation of a Local Green Space is expected to extend beyond the life of the Plan. It is the space itself and not just its function that should be “demonstrably special” and thus if a use could be satisfactorily relocated the area it occupies is unlikely to be suitable for Local Green Space designation.
110. The third part of the policy refers to open space in association with residential development. This is quite different from the designation of Local Green Spaces as the BA has pointed out. There is considerable overlap between this policy and Policy COM3 and I have already recommended a minor modification to Policy COM3 to include reference to open spaces and

²² NPPF Paragraph 89

cover the intention of this part of the policy.

Recommendations

In Figure 31 remove the number 7 and remove the boundary between areas 1 and 7.

in Policy ENV2:

after “Caen Meadow” add “/Trafford memorial ground and public staithe” and delete “ 7. Trafford memorial ground and public staithe.”

Modify the second section to read: “Development within a Local Green Space will only be permitted where it is consistent with its function and character except in very special circumstances.”

Delete the last section of the policy and see the modification recommended to Policy COM3.

Policy ENV3: Bio-diversity

111. The policy encourages development that will lead to a net gain in biodiversity. The policy is consistent with national and development plan policy but adds nothing local to it. It does not indicate the types of gain that may be relevant in Wroxham or provide any guidance to a decision maker on the extent to which the net gains which would be encouraged are a requirement.

Recommendation

Delete Policy ENV3

Policy ENV4: Important local views and vistas

112. This policy identifies ten local views and vistas and would prevent development that would be overly intrusive, unsightly or prominent. The supporting text makes it clear that the policy is not designed to prevent development but to retain the character of the village. The policy also refers to views identified in the Wroxham Conservation Area Character Statement. Several views are described in this Statement on page 8 and some of them overlap with the views identified here. However, there is no policy recommendation associated with them in the Statement and they are not defined either on a map or photographically. If the views are to be used for policy, they need to be clearly defined.
113. The specific views mentioned in the policy are defined on Fig 32 and there are small photographs of them on Fig 33. It would have been helpful for there to be some written statement of why the views are important. In the absence of this I have had to make my own judgement of their significance. The identification of views of particular significance is a very useful way of protecting local distinctiveness, but it is important that this process is not used to cover views over open countryside which are not clearly special.
114. I visited all these viewpoints on my visit and it is clear to me that views 1,2,3,4 and 6 capture essential characteristics of Wroxham, particularly the relationship between the village and the River and Broads. Views 5 and 7 are less distinctive and appeared to me typical views across open countryside from the edge of a settlement, without any clearly distinguishing features. It

is difficult to escape the view that they are identified more to discourage development near existing housing than to protect views of particular significance and I have recommended that they should be deleted.

115. The final part of the policy requires new developments to take any opportunities to create new views and vistas and it consistent with the basic conditions.

Recommendation

In Policy ENV4:

Delete “(in addition to those identified in the Wroxham Conservation Area Character Statement)

Delete views 5 and 7 and delete these views from Figures 32 and 33.

Policy ENV5: Dark skies

116. This policy requires all street lighting and the lighting of residential buildings to minimise their impact on dark skies. The NPPF encourages the use of design policies to achieve this, and the emerging BALP contains a strong policy to protect the dark skies which are an important characteristic of the Broads. I have some concerns about the ability to enforce the policy as in many circumstances street lighting and domestic lighting are permitted development. However, it is appropriate to encourage developers to use lighting designed to minimise light pollution and, where it is possible to use planning control it is appropriate to do so. I have recommended modifications to reflect these points.

Recommendations

In Policy ENV5:

Modify the first sentence to read: “Developers are strongly encouraged to ensure that all external lighting is designed to minimise the impact on dark skies.”

Modify the second sentence to read “Where planning permission is required, all street lighting and the lighting of residential buildings or businesses in Wroxham will be required to be environmentally efficient,river.”

Policy ENV6: Climate change

117. This policy includes several measures relating to climate change. The meaning of the first sentence was not clear to me as I do not understand how designing a building to be adaptable can minimise the resources used in construction. It is also not clear to me what is entailed in designing a building to be adaptable as it is not easy to anticipate the type of adaptation which may be necessary or possible. Although my request for clarification has generated a suggested modified wording I am not satisfied that it can be meaningfully applied. I have therefore recommended deleting the first paragraph. In the last paragraph I believe BHE3 should read HBE3.

Recommendations

In Policy ENV6:

delete the first paragraph and in the last paragraph change “BHE3” to “HBE3”.

Conclusions and Referendum

118. The Wroxham Neighbourhood Plan has been carefully prepared to respond to planning issues which relate specifically to Wroxham, recognising the location of a substantial part of the parish within the Broads, and the distinctive character of the parish.
119. In carrying out my examination I have found it necessary to recommend several modifications to meet the basic conditions. Many of these are minor in nature and are designed to clarify the intentions of the policy and give clearer guidance to decision makers. In some cases, I have found it necessary to delete policies or parts of policies because they are not clearly justified or because they do not add to national policy. Unusually, I have also recommended a significant addition to the supporting text to clarify the strategic context for the Plan.
120. Subject to the modifications that I have recommended, being made, I am satisfied that:
- The Wroxham Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
 - The making of the Plan would contribute to the achievement of sustainable development;
 - The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
 - The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.
121. I am therefore pleased to **recommend that the Wroxham Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**
122. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.²³ **I therefore conclude that there is no need to extend the referendum area.**

Richard High

²³ PPG Reference ID: 41-059-20140306