

Rackheath Neighbourhood Plan Review (Submission Plan)

As you are aware I have been appointed to conduct the Examination of the Rackheath Neighbourhood Plan Review. In order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments (in one instance I make a specific request).

My purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan meets the obligation to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" (NPPF para 16). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

Where the Qualifying Body has accepted a point made in representations and I have no further query I have not included a reference below but will carry those agreements forward into my Report.

Contents

The Contents page includes "4. The Vision: 2037" but I presume that should now read '2045'?

6.1 Policies: Housing and the built environment

Policy HOU1

As the local authority has noted, "It is impractical to ensure complete privacy with development at density". Particularly with terraced and semi-detached properties the overlooking of neighbouring gardens is inevitable. Developers generally seem adept at locating open spaces and drainage swales etc to 'reassure' the host community, but that can be evidence of the tension between 'integration' and 'distancing'. It is perhaps unfortunate that the new Design document doesn't illustrate local good examples on privacy. Is the reality that development proposals should evidence their measures to address overshadowing and privacy between dwellings and their private open spaces; these can then be seen in context rather than in the abstract?

In element 4 of the Policy it is perhaps unfortunate that the words "centrally locating" have been used when an earlier paragraph explained that the phrase was now less relevant; perhaps it's sufficient to say "away from settlement edges and visually sensitive locations"?

Policy HOU2

No comment.

Policy HOU3

I note that the Policy says: "The mix of housing will be informed by the Rackheath Housing Needs Assessment". However, that document says: "We recommend that the neighbourhood planners should, as a next step, discuss the contents and conclusions with BDC, with a view to agreeing and formulating draft housing policies". Further, the Policy then says: "To meet housing need and enable social diversity, the mix of the housing across the parish should include the following:". It would seem that developers are faced with more confusion than guidance on housing mix?

6.2 Policies: Environment and Landscape

Figures 13, 14, 15 & 16

Whilst the map copyright holder is declared, the data sources here are not and therefore the reader cannot check such matters as how the data was collected, the specific definitions for the key and whether there are updates; ideally a hyperlink will be provided.

Para 6.2.13

“With regard to water supply, the Rackheath area was already over abstracted at the time of the development of the 2017 Neighbourhood Plan”; statements such as this are worthless unless the evidence source is declared.

Policy ENV1

I note the local authority’s general support for the content here. However, I have the following comments:

- I do not agree that it is “entirely appropriate for the NP to contain policy and guidance to ensure that any WWTW is designed, located and built in such a way to ensure that it does not adversely impact on the amenity of adjoining occupiers or residents.” Parliament has decided on other means to achieve this public good.
- “Any fresh water supply or wastewater treatment plant must be completed and connected prior to first occupancy” – apart from the issue of ‘excluded development’, does this not go without saying as these are basic necessities?
- “* Identified in the 2017 Adopted Rackheath Neighbourhood Plan” – the Revised Plan will be a replacement for the earlier Plan; references therefore need to go to the source material not via an old document.
- “The Community Council will not adopt any SuDs, swales or drainage operations”; this is not a land use planning policy but might be included in the pre-amble to the Policy, for information. I wonder whether some confusion has arisen because of the use of the specific term “adopt” – would this actually be open to the Community Council to do?

Policy ENV 2

No comment (other than a repeat of the comments above about swales etc).

Policy ENV 3

I note the proposal to include wording suggested by the Norfolk Wildlife Trust.

The a), b) subdivision of paragraph 2 doesn’t work since the content is all relating to the same point. I suggest the text just runs through as three sentences with an additional full stop immediately before “Optimally”.

Policy ENV4

In the first paragraph, the examples of actions do not all amount to “screening”, therefore the word “screening” might better be replaced with ‘buffer’.

After the heading “Green Infrastructure buffers” there is duplication of “identified” as in “The identified Landscape buffers identified”.

Policy ENV5

As noted early in the Policy, non-designated heritage assets are not completely “protected from loss or significant harm” and therefore those words, within the sentence immediately prior to the list,

ought to be replaced along the following lines: 'The following locally important non-designated Heritage Assets (figure 25) have been identified:'.

I note the additional heritage assets have been helpfully detailed in Appendix 3. However there seems to be very limited value in illustrating buildings with an aerial view since the extent of the site is not marked and the character of the building(s) is not evident. Is it possible to use frontage illustrations as used elsewhere? I will look at each of the new assets now identified when I visit the area. May I presume that each of the property owners has been approached about the identification of their property in the Neighbourhood Plan?

Although it has been helpful for my purposes to know which properties were identified in the 2017 Plan, this notation will have no value to the reader of the new Plan and should therefore now be removed – do you agree?

Policy ENV6

I note that two additional vistas have been identified and illustrated. I will view these when I make my visit to the Area. As with the previous Policy, although it has been helpful for my purposes to know which views were identified in the 2017 Plan, this notation will have no value to the reader of the new Plan and should therefore now be removed.

Policy ENV7

I note that the local authority comments on the first paragraph have been accepted.

The NPPF only provides for green spaces to be named or designated as Local Green Space if specific criteria are met. Therefore, it's not possible to protect any space, current or future, "as if they are Local Green Space". As the local authority has indicated, designation at a later date might be sought. I note that Appendix 4 helpfully tabulates how each space (except that listed as (h)) has been assessed against the NPPF criteria, except that those criteria have been misleadingly truncated. The NPPF says (para 107) that to be designated a local green space must be (inter alia): "demonstrably special to a local community *and* holds a *particular local significance*" (*my emphases added*) but the Appendix 4 table fails to mention this significant part of the overall criterion and fails to identify "particular" – as distinct from general – significance for the spaces listed. Before I visit I would like to receive an explanation of the "particular" significance of each space and, for the new spaces, I will need a larger scale map of each from which it is possible easily to identify their boundary. A yet to exist space cannot be assessed.

I note the several objections of the County Council because "these LGS designations are on highway land and the LGS designations could impede the Highway Authority's ability to fulfil its statutory duties with regard to highway improvements, management and maintenance". It seems improbable that the whole of the green spaces identified are highway land but can the QB or the local authority confirm that is so? It may be that the Highway Authority is offering to map its operational areas onto base maps for possible exclusion from the LGS? Please could the local authority comment whether this is a 'standing' objection from the County Council since, on the face of it, there is nothing in an LGS (or Green Belt) designation that would "impede" statutory duties.

Policy ENV8

No comments.

Policy ENV9

I note this is a new Policy. Figure 28 is very difficult to use because the Parish boundary is not shown and the base settlement names are impossible to read.

The mention of “Norfolk’s Rural Dark Landscapes” has an obscure source referenced to a CPRE website, making a link to the map illustration perhaps? It is most unclear what prospective developers are expected to “take account of” and whether they would be following authoritative guidance?

In the second paragraph it is said that “Development proposals should demonstrate compliance with best practice guidance”; but “guidance” is, by its nature, not something that requires “compliance”. A more appropriate word would probably be ‘application of’?

It would seem that the third paragraph lacks the clarity required for confident application – when does lighting become “prominent lighting”?

6.3 Policies: Community

Policy COM1

No comment.

Policy COM2

Since in the response to the local authority comments it is acknowledged that the Policy wording could be clearer and better related to actual neighbourhood spaces, could the wording better limit, with examples, the scale of spaces where parking provision should be expected?

In relation to paragraph 3, since it has been acknowledged that “Provision [should/] would be in accordance with the Local Plan standards”, and the Design Guidance now exists and is referenced, is the paragraph needed at all?

In the fourth paragraph might it be more appropriate to refer to ‘recreation options’ rather than “play options”?

Policy COM3

No comment.

Policy COM4

In the second paragraph the phrase “and should be protected from changes which dilute its size or change its function as a community asset” would appear to amount to the local planning authority telling itself to protect a building of as-yet undefined size or function. This is not a policy. In the supporting text the Community Council may wish to commit, say, to seeking designation for the hub as an Asset of Community Value (I note such a project is already in hand), but that again would not be a planning policy matter at this juncture. Your comments are invited.

In the third paragraph, “The uses and management of such a building should be determined in consultation with the Community Council” is not a land-use planning matter. In the supporting text the Community Council may wish to note that it is/will be seeking participation in the designing and management of the hub (another Community Project?), but that could not be binding on the local planning authority. Your comments are invited.

Policy COM5

The first paragraph of this Policy includes the phrase “genuinely equally accessible to all groups within the community”; it is unclear what this may imply for the prospective developer (as distinct from the ultimate manager)? The second sentence promotes the particular interests of “young people and older people” but it is unclear (including from the supporting text) whether that is

because 'middle aged' people are already well catered for? Again, it is unclear what message is intended for the prospective developer.

POLICY COM6

It is not possible to bind future planning decisions on eligibility for Local Green Space designation; if the allotments don't prove popular then it certainly wouldn't be possible to meet the 'demonstrably special' criterion. Your comments are invited.

6.4 Policies: Business and Employment

Paragraph 6.4.5

Whilst I agree with the Qualifying Body that the comments here derive from a factual record of consultation, I agree with the County Council that the inclusion of some examples will mislead as to the scope of a Neighbourhood Plan and I believe that the wording can be amended without detriment to the Plan content.

POLICY BUS1

The combining of business and retail policies into a single new policy appears to not have been completely thought through. The first paragraph refers to "light industry" and "offices" and "retail units"; the second paragraph suggests that a collective term for these is "businesses"; the last paragraph changes tack and refers to "commercial premises"; is the apparent distinction being made here of significance? The third paragraph deals with design matters but no reference is made here to the new Design Guide which is where design issues are considered more comprehensively; whether the design guidance singled out in the Policy is readily applicable to the small retail units being sought might be questionable? In the fourth paragraph it surely can't be appropriate for all retail premises to avoid residential areas and "have convenient access onto the Broadland Northway"? It is unclear how the expectation of a maximum height of 14m for all premises has been devised and justified? The final paragraph details with the retention of premises but the title for the Policy remains "New and expanding businesses"?

Your comments are invited.

Policy BUS2

This Policy seems to assume the prospect of industrial developments of the type not apparently supported at BUS1. The first sentence mentions landscape and [unspecified] acoustic buffers but in the last sentence these have expanded to "screening to protect the visual, olfactory, and auditory amenity of residents". It is unclear what distinction is being made between "buffers" and "screening"; a bund can be an effective acoustic buffer?

Footnote 17 suggests that Class E uses are distinguished as "non-polluting industrial processes" but that is not a fair characterisation – the actual wording relates to industrial processes which "can be carried out in a residential area without detriment to its amenity".

Paragraph 6.4.11

It is unclear how this sentence is related to the other content in this paragraph which appears to be about ensuring appropriate retail provision: "The 'agent of change' principle set out in the NPPF (paragraph 200, December 2024) will be applied to all such development [without retail provision?] to ensure that existing businesses do not have in reasonable [sic] restrictions placed on them as a result of development permitted after they were established."

Policy BUS3

Two aspects of this Policy appear to lack clarity. Is the first sentence a statement of fact – the plans for the GT16 area include for a new Local Centre, or is it a Policy statement that the plans for GT16 *should* include a new Local Centre? It is then said that this new Centre should be “centrally located” – is that centrally for Rackheath or centrally for GT16, and if the latter, how is this reconcilable with the content of paragraph 6.4.12?

6.5 Policies: Services

Policy SER1

In response to the local authority query it has been clarified that “It is not the intention to preclude a secondary school development of over 2 storeys in height”. Given that schools must be designed to accommodate expected pupil numbers, would it be reasonable for the Policy to say: ‘School facilities should be designed so as to not dominate their surroundings and should be set within a sufficiently open space to allow their assimilation into the wider landscape’?

Policy SER2

Since the Policy says that any new facility should be “centrally located” [for the Parish] is a distinction being made between expanding the existing Medical Centre and another location for a new facility?

Policy SER3

The first paragraph seeks to give an indication of what “utilities” are being referred to. Is there any indication that the existing community will *not* benefit, directly or indirectly, from the new installations for electricity, water and drainage and broadband since cables and pipes surely cannot be entirely independent?

It is unclear what “utilities structures” [*sic*] might be? Given the expectation that any such structures should be “shielded with shrubs to maintain a rural feel” it is unclear why that couldn’t readily be achieved within open spaces?

6.6 Policies: Transport and Access

Policy TRA1

I am not sure that the rewording of this Policy has improved it. By their nature, Neighbourhood Plans can only seek to influence planning within the Neighbourhood Area. The additional location references are outside of that boundary. The original Policy was clear that developers of new estates should [collectively?] direct their attention toward achieving improved accessibility for Salhouse station; the new Policy does not indicate how it is deliverable. Policy wordings should not use “must” unless it is evident that there is a method to *require* Policy compliance.

Policy TRA2

It is unclear why the Policy says: “All major development proposals should be located where there is access to public transport services”. Arguably the railway station at Salhouse is accessible to all in the Parish, but clearly that is of limited journey value (and out of the Parish). If there is demand it is possible that bus routes could be diverted to serve new areas, so existing accessibility need not be an expectation. Would it be more reasonable to say: ‘For all major development proposals, public transport arrangements linking to the main community facilities should be included in the transport plan’, or similar?

Policy TRA3

The opening paragraph suggests that developers will each be responsible for the cumulative impacts from developments, current and historical. This is evidently a matter for the District Council and its masterplanning for the Triangle rather than a matter limited to any one Parish.

Where the Policy says “Allowance should be made for any necessary future widening of the A road along the full length of the shared perimeter with the highway by including a verge of no less than 3m width”, does the adoption standard require this? If not, who will acquire, own and maintain the additional strip of land?

I note the objection of the Highway Authority to the double access expectation for large-scale residential and industrial developments; I read this as noting that the Highway Authority will not be bound by the expectation. The Community Council might therefore make it a Project to persuade the Highway Authority to amend their standard whilst looking to goodwill from developers to adopt the Neighbourhood Plan preference. Or the Plan could be amended to raise the threshold for a double access to accord with current local Highway Authority policy.

Policy TRA4

Paragraphs one and four appear to duplicate each other? In relation to the first version, how is it envisaged that indiscriminate parking or any obstruction of footpaths, cycleways and pavements at all times could be “prevented”? In relation to the second version, how is it envisaged that the capacity (“the level of provision”) for on-street parking of any given road might be increased?

Project updates

No comment.

Appendices

Appendix 1

No comment.

Appendix 2

Figure 32, page 30

Perhaps intentionally this figure is omitted from the on-line version of the document I accessed; are there copyright issues? There seems to be no explanation as to how the “suggested” road widths have been derived?

Lighting (p33)

I note that the point queried by the local authority is “guidance”.

Adoptable standard (p34)

It would be helpful if a hyperlink to the source of the highway standard was provided.

Appendix 3

As noted earlier, the Revised Plan will supersede the ‘made’ Plan and therefore the details of the already identified non-designated heritage assets ought to be included here so that the reader can understand the features that are valued and the nature of what is being protected.

I agree with Historic England that the Plan wording should not mislead as the degree of ‘support’ offered to proposals.

Appendix 4

As noted earlier, the tabulation is deficient is not presenting evidence against the full set of NPPF criteria for designation. This needs to be corrected before I visit. As noted by the County Council, for the purposes of absolute clarity, a map illustrating the boundary of each area should be added.

Appendix 5

Whilst a Glossary is helpful, the version here may be over-extensive, explaining terms that are not actually included in the Plan?