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Report on the Trowse with Newton Neighbourhood Development Plan 2019-2038

**An Examination undertaken for South Norfolk Council and the Broads
Authority with the support of Trowse with Newton Parish Council on the
submission version of the Plan.**

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Date of Report: 16 July 2024

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Main Findings - Executive Summary

From my examination of the Trowse with Newton Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Trowse with Newton Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Trowse with Newton Neighbourhood Area, as identified on the map at page 4 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2019 to 2038; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Trowse with Newton Neighbourhood Development Plan 2019-2038

- 1.1 The Parish of Trowse with Newton is situated to the south-east of the City of Norwich within South Norfolk district. The Parish had a resident population of 880 at the Census 2021. The principal area of development is Trowse village, which includes a 'model village', situated mainly around Trowse Common, built during the 19th century for employees of the nearby Colman's mustard factory. The history of the Parish since the 19th century has been closely linked to the Colman family who also provided social and community facilities.
- 1.2 The northern part of the Parish, including the water bodies of Whitlingham Great Broad and Whitlingham Little Broad, is within the Broads. The Broads Authority is the local planning authority for this part of the Plan area. The Broads were designated as a special area with a level of protection similar to a national park by the Norfolk and Suffolk Broads Act 1988, with the Broads Authority being established on 1 April 1989.
- 1.3 In the recently adopted Greater Norwich Local Plan (GNLP), Trowse is included as a fringe Parish for the City of Norwich. This reflects its role in

contributing towards meeting housing and other development needs for Norwich. In the GNLP, no new housing allocations are made for Trowse, but there are existing commitments for developments off White Horse Lane and at the former May Gurney site at the south-east of the village. The May Gurney site forms part of the East Norwich Strategic Regeneration Area (ENSRA) which comprises a number of large brownfield sites within the area east of the main Norwich urban area, also including the former Colman's factory site.

- 1.4 Trowse has a good range of community facilities including a primary school, public houses and a restaurant. However, the village lacks any retail facilities. The village has very good access to the wider range of services and facilities that are available in Norwich, and good road access to the regional network within Norfolk via the A47 and the A146.
- 1.5 The Whitlingham Country Park, which encompasses the Great and Little Broads, is a designated Local Nature Reserve (LNR) and has an important role in conservation and biodiversity within the wider River Yare valley. It is also important historically, being part of the larger Crown Point Park, which is a Grade II Registered Park and Garden, including ancient chalk workings and evidence of Palaeolithic and Neolithic flint-knapping. Trowse Common is another important area of open space within the Parish.
- 1.6 There are a number of listed buildings within the Parish, of which the Grade I listed St. Andrew's Church within the village is the most significant. The main part of the historic village is within the designated Trowse Conservation Area which includes further listed buildings and structures.
- 1.7 There are no Natural England statutory designated sites within the Plan area, but there are several important sites within the vicinity of the Parish, including the Broads, the River Wensum and the Norfolk Valley Fens Special Areas of Conservation (SAC), and the Breydon Water and the Broadland Ramsar sites and Special Protection Areas (SPA). The Broads and Hardley Flood are Sites of Special Scientific Interest (SSSI). There are three County Wildlife Sites (CWS) within the Plan area at Trowse Meadows, Trowse Wood and Old Wood.

The Independent Examiner

- 1.8 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by South Norfolk Council (the District Council) and the Broads Authority, with the agreement of the Parish Council.
- 1.9 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of

the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.

- 1.10 I am independent of the Qualifying Body and the local planning authorities and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.11 As the independent examiner, I am required to produce this report and recommend either:

(a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

- 1.12 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.13 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.14 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

1.15 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').²

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of South Norfolk District, not including documents relating to excluded minerals and waste development, consists of the Greater Norwich Local Plan (GNLP) which was adopted on 25 March 2024, the Development Management Policies DPD³ adopted in October 2015 and the Site-Specific Allocations and Policies DPD also adopted in October 2015. The majority of the Site-Specific Allocations and Policies DPD has now been superseded by the adoption of the GNLP, except for the villages, which will be addressed by the emerging South Norfolk Village Clusters Housing Allocations Plan (VCHAP). Regulation 19 pre-submission consultation took place between January and March 2023, and a further Regulation 19 consultation, dealing with focused changes to the

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

³ Development Plan Document (DPD).

version consulted on is scheduled for late summer 2024. However, the Parish of Trowse with Newton does not fall within the scope of the VCHAP. A significant part of the neighbourhood area is within the Broads. The Development Plan for the Broads Authority Executive Area is the Local Plan for the Broads, covering the period from 2015 to 2036, which was adopted by the Broads Authority on 17 May 2019. The Broads Authority is presently reviewing the Local Plan for the Broads. The review Plan will cover the period from 2021 to 2041, and a Regulation 18 Preferred Options consultation was undertaken in March-May 2024. Regulation 19 pre-submission consultation is scheduled for December 2024 - February 2025, with submission to the Secretary of State for examination in May/June 2025.

- 2.2 There are a number of strategic planning policies within the adopted DPDs which affect the Neighbourhood Plan Area. These are fully listed at Figure 3 of the Basic Conditions Statement. Where appropriate, I make reference to the relevant policies and proposed site allocations within the adopted GNLP, the Local Plan for the Broads, and other DPDs as they affect the draft policies and other guidance within this Plan, as part of my detailed assessment contained in Section 4 of this report. Readers should refer to the Basic Conditions Statement and to the adopted GNLP, the Local Plan for the Broads, and other DPDs for further information on all relevant strategic planning policies and other policy guidance that affects the Plan area.
- 2.3 The Basic Conditions Statement (at Sections 3, 4 and 5) provides a comprehensive assessment of how the policies proposed in the draft Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted GNLP, the Local Plan for the Broads, and other DPDs. The DPDs, adopted between 2015 and 2024, provide the necessary strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 December 2023⁴ and all references in this report are to the NPPF (December 2023) and its accompanying PPG. Although the draft Plan and the Basic Conditions Statement were prepared on the basis of the NPPF published in July 2021, I have taken full account of the recently published NPPF in my assessment of the draft Plan, and specifically its draft Policies.

⁴ Further updated on 20 December 2023. Planning policy for traveller sites was also updated on 19 December 2023.

Submitted Documents

2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Trowse with Newton Neighbourhood Development Plan 2019-2038 submission version and its Appendices (undated);
- the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Assessment Report (Collective Community Planning) (March 2022);
- the Basic Conditions Statement (undated);
- the Consultation Statement (undated);
- all the representations that have been made in accordance with the Regulation 16 consultation;⁵ and
- the request for additional clarification sought in my letter of 2 May 2024 to the Parish Council and their response, dated 30 May 2024.⁶

Supporting Documents

2.6 My consideration has also included the following supporting documents to the submission Plan:

- Trowse with Newton Neighbourhood Plan Design Code (AECOM) (May 2022);
- Trowse Neighbourhood Plan Evidence Base (Collective Community Planning) (2023);
- Trowse with Newton Neighbourhood Plan 2022-2038 – Non-Designated Heritage Assessment (April 2023);
- Trowse Neighbourhood Plan – Local Green Spaces (2023);
- Trowse Neighbourhood Plan – Important Views Assessment (undated).

Examiner Questions

2.7 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the District Council and the Parish Council on 2 May 2024⁷ seeking further clarification and information on six matters contained in the submission Plan, as follows:

⁵ View the submission documents at:

<https://www.southnorfolkandbroadland.gov.uk/downloads/download/61/trowse-with-newton-neighbourhood-plan>

⁶ View at:

<https://www.southnorfolkandbroadland.gov.uk/downloads/file/7020/examiner-procedural-matters-and-questions-trowse-with-newton-np-020524-qb-responses>

⁷ View at: <https://www.southnorfolkandbroadland.gov.uk/downloads/file/6964/trowse-with-newton-np-examiner-procedural-matters-and-questions>

1. With regard to Section 2 (Neighbourhood Planning) in the draft Plan, I noted that the Greater Norwich Local Plan (GNLP) was adopted by the District Council on 25 March 2024. I further noted that this will necessitate some amendments to the draft Plan, principally at paragraph 7 but also at some other parts of the Plan, for example at paragraphs 9, 20 and 28. I therefore requested that the Qualifying Body review the full text of the submission version of the draft Plan, and provide me with a note setting out the draft amendments (including deletions) that are necessary to take account of the District Council's adoption of the GNLP, thereby replacing the Joint Core Strategy (JCS) as the strategic planning context for the draft Plan. I stated that I shall wish to consider the amendments as a potential consolidated modification to the draft Plan, rather than as a series of modifications.
2. With regard to Policy 2 (Design) in the draft Plan, I stated that I was concerned at the length of this draft Policy, which extends to nearly two full pages of text. As a minimum, I considered that the content of the Policy requires a much clearer structure to its requirements, for the benefit of future users of the Plan. However, overall, I considered that the Policy does need to be significantly shorter in length. To that end, I considered that the material relating to the Design Guidance and Codes (2022) can be referenced within supporting text or to a table that links design features, e.g. building height to the relevant Design Code guidance (D.C.4), with a cross-reference to that material within the text of the Policy. I considered that this would not reduce the efficacy of the Policy. I also noted that the District Council had identified a typographical error in criterion j). I therefore requested that the Qualifying Body review this draft Policy and provide me with a note on how it wishes to re-draft the Policy to take account of the points that I had raised.
3. With regard to Section 5 (Development of the former May Gurney Site) in the draft Plan and to Policy 3 (May Gurney Site), I noted that I was again concerned at the length of this draft Policy. I considered that the Policy needed to be re-drafted in order to improve the clarity of its requirements for users of the Plan, with an initial paragraph setting out what the Policy is seeking to achieve, followed by a series of design and planning criteria (in a bullet point or numbered listing format) that detailed development proposals should seek to meet. I noted that the Deal Ground/May Gurney sites already have the benefit of an Outline Planning Permission, and that I would be considering Policy 3 in the context of providing appropriate guidance that can be considered as part of Reserved Matters applications. I also referred to Question 5 in this context. I therefore requested that the Qualifying Body provide me with a note setting out possible amendments to the Policy text which I may consider as a potential modification to the Plan.

4. With regard to Policy 6 (Strategic Gap) in the draft Plan, I noted that, in my assessment, the Policy fails to provide clear guidance regarding the purpose of the Policy and the nature of development that may be acceptable or will not be acceptable within the proposed Strategic Gap. Paragraph 59 notes that "there remains potential for non-residential development, for example solar panels". This could encompass a wide range of potential developments, and I considered that the Policy does need to give greater clarity regarding the acceptability or otherwise of such 'non-residential developments'. The Policy also states that "Development that detracts from the open countryside and character of this area or reduces the visual separation will not be permitted". As the Parish Council does not have the responsibility to be able to grant or refuse planning permissions, the word "permitted" should be amended to "supported". I therefore invited the Qualifying Body to review Policy 6 and its supporting justification, which is largely at paragraph 59. I requested a note setting out potential amendments to both the Policy text and to its supporting justification that address the need and purpose for this Policy and its policy guidance, or criteria, for the consideration and assessment of any development proposals that may be submitted within the area defined on Figure 17 (at Page 48 in the draft Plan).
5. With regard to Policy 7 (Protection of Important Local Views) in the draft Plan, I noted that I shared the District Council's view that the protection of Key Views 4 and 5 does seem to be inconsistent with certain policy guidance contained in Policy 3, which could lead to some misunderstandings for users of the Plan. I also noted that Section 5 of the draft Plan makes no references to Policy 7. I considered that Policy 3 may need some further revision to provide clearer guidance regarding Policy 7 and Key Views 4 and 5. I therefore requested the Qualifying Body provide me with a note setting out possible amendments to the text of Policy 3 and, if necessary, to its supporting justification, which I may consider as a potential modification to the Plan.
6. With regard to Policy 12 (Traffic Volumes and Speed) in the draft Plan, I considered that, as drafted, this Policy is, at least in part, not a land-use planning policy as compliance with traffic speed limits is the responsibility of other agencies, under other legislation. Furthermore, the control of traffic volumes passing through the village, such as 'rat-running' issues, is more likely to be the responsibility of the Highway Authority through traffic restraint measures and signage on the public highway. I also noted significant duplication between the Policy and Community Action 5 (not a matter to be considered as part of my Examination). I stated that the Policy therefore requires some amendment, including to its title, if it is to constitute an effective planning policy. I commented that, before I give the matter more detailed consideration, the Qualifying Body might prepare a note setting out revisions to the Policy text that focus upon the assessment of development proposals within the Plan area and the related traffic

generation factors that should be assessed, which I may consider as a potential modification to the Plan.

- 2.8 In response to my letter of 2 May 2024, the Parish Council provided me with its responses to the above questions on 30 May 2024.⁸ I have taken full account of the additional information contained in these responses as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.5 and 2.6 above.
- 2.9 To avoid unnecessary repetition in subsequent sections of this report, I refer to the questions and to the responses from the Parish Council by their relevant number, e.g. Question No. 1. Readers should refer to paragraph 2.7 above, and to the response document from the Parish Council for the full text of questions and the responses.

Site Visit

- 2.10 I made an unaccompanied site visit to the Neighbourhood Plan Area on 23 May 2024 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

- 2.11 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.12 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix to this report.

⁸ View at:

<https://www.southnorfolkandbroadland.gov.uk/downloads/download/61/trowse-with-newton-neighbourhood-plan>

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3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Trowse with Newton Parish Council. An application to the District Council and the Broads Authority for the designation of the proposed Neighbourhood Area was submitted on 9 November 2019⁹, and the District Council and the Broads Authority duly designated the whole Parish of Trowse with Newton as a Neighbourhood Area .
- 3.2 The designated Neighbourhood Area is shown on the map (Figure 1) at Page 4 in the submission Plan and at Figure 1 in the Basic Conditions Statement. I am satisfied that the Trowse with Newton Neighbourhood Plan is the only Neighbourhood Development Plan in the designated area.
- 3.3 Trowse with Newton Parish Council forms the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Steering Group, initially comprising eleven people, being a mix of Councillors and residents, which was established in January 2020. The Steering Group was assisted by planning consultants at various stages.

Plan Period

- 3.4 The draft Plan specifies (on the Front Cover) the period to which it is to take effect, which is from 2019 to 2038. The Plan period encompasses the remaining part of the plan period for the current adopted DPDs (up to 2026) and Local Plan for the Broads (up to 2036), and the full period covered by the recently adopted GNLP (2018-2038). I make a recommendation and proposed modification **PM14** (see paragraph 4.26 below) with regard to the future review of the Plan to take account of the emerging review of the Local Plan for the Broads and any future review of the GNLP.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its Appendix sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between January 2020 and Summer 2023. The decision to undertake the preparation of the Neighbourhood Plan was taken by the Parish Council in Autumn 2019.
- 3.6 The preparation of the Plan and the associated community engagement and consultation has involved four main stages, as follows:
- Stage 1: Preliminary work and initial community engagement (Spring 2020 to Spring 2021).

⁹ View at: <https://www.southnorfolkandbroadland.gov.uk/downloads/file/122/trowse-with-newton-neighbourhood-area-application>

- Stage 2: Research and survey work, preparation of evidence base documents, alongside reports prepared by AECOM, and preparation of draft Plan for Regulation 14 pre-submission consultation (Spring 2021 to Spring 2023).
 - Stage 3: Pre-submission Regulation 14 consultation between 16 December 2022 and 12 February 2023, followed by review and update of the draft Plan to take account of consultation responses, and preparation of revised draft Plan for submission (Summer 2023).
 - Stage 4: Submission to the District Council (Regulation 15), Regulation 16 consultation and submission for examination under Regulation 17 (Autumn 2023 – Spring 2024).
- 3.7 Stage 1 was focused upon preliminary community engagement activities, including a community engagement survey during October-December 2020 which attracted 146 responses from residents in the Neighbourhood Area, survey work and the identification of the key themes and topics that would be covered by the Plan. A dedicated page on the Parish Council’s website was launched in January 2020 which was regularly updated throughout the preparation of the Plan.
- 3.8 Work was concentrated during Stage 2 on preparing the evidence base studies that underpin the draft Plan’s policies and guidance and the preparation of the draft Plan for pre-submission Regulation 14 consultation, which was undertaken between 16 December 2022 and 12 February 2023. A total of 38 responses from residents and stakeholders were received during that consultation period, which are summarised at pages 6-36 in the Consultation Statement with details of the actions taken in relation to the comments received.
- 3.9 The consultation was accompanied by local publicity across the Plan area, with an article in the Parish Council newsletter which was distributed to every household in the area. Statutory consultees were contacted separately, including the District Council, the Broads Authority, Norwich City Council, Historic England, Natural England, the Environment Agency and National Highways. An example of the consultation with statutory consultees is at Appendix A to the Consultation Statement.
- 3.10 Stage 4 comprised the finalisation of the draft submission Plan and its supporting documents, and approval by the Parish Council of the draft Plan, as amended, for submission to the District Council for examination, with the draft Plan being formally submitted under Regulation 15 to the District Council.
- 3.11 Regulation 16 consultation was then held for a period of six weeks from 9 February to 22 March 2024.¹⁰ A total of 60 duly made responses were received during the consultation period. Based on my assessment,

¹⁰ <https://trowseparishcouncil.norfolkparishes.gov.uk/>

including the Consultation Statement, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

3.12 With the exception of Policy 12 (see paragraph 4.53 and PM11 below), I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.13 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.¹¹ The adopted Norfolk County Council Minerals and Waste Development Framework, containing three minerals and waste planning policy documents and a Policies Map and covering the period 2010-2026, contains the relevant planning policies for minerals and waste planning within Norfolk.

Human Rights

3.14 Neither the District Council, the Broads Authority, nor any other party has raised any issues concerning a breach of, or incompatibility with Convention Rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the Objectives and Policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Parish Council appointed Collective Community Planning to undertake a Strategic Environmental Assessment (SEA) Screening Assessment of the draft Plan and a Habitats Regulations Assessment (HRA) Screening Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') and the Habitats Regulations. These Screening Assessments were prepared on the basis of the emerging policies contained in the draft Plan that was in

¹¹ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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preparation prior to the Regulation 14 consultation undertaken in December 2022 - February 2023. A Screening Assessment Report was prepared in March 2022 and concludes at Section 4 (and within Figure 8) that a Screening Assessment has been undertaken by applying the criteria from the SEA Directive and Schedule 1 of the SEA Regulations to determine whether or not the Trowse with Newton Neighbourhood Development Plan is likely to have significant environmental effects when assessed against the topics listed in the SEA Regulations. The assessment concluded that the draft Plan will not result in likely significant effects on the environment and that SEA is not required.

- 4.2 The SEA Screening Assessment Report was submitted to the District Council and the Broads Authority, who undertook consultation in April/May 2022 with the statutory environmental bodies: the Environment Agency, Natural England and Historic England. Natural England and Historic England agreed with the report's conclusions and that SEA would not be required. No response was received from the Environment Agency.
- 4.3 I have considered the SEA methodology and assessment set out in the Screening Assessment Report (at Sections 3 and 4), by which the draft Plan was screened. I am satisfied that a comprehensive and rigorous approach has been taken and that the draft Plan has been appropriately assessed to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance.
- 4.4 The HRA Screening Assessment notes that no designated European sites fall within the Neighbourhood Plan Area. However, consistent with best practice approach, five European sites within 20 kilometres radius of the Parish boundary were included in the screening assessment, these being, the Broads SAC, the River Wensum SAC, the Norfolk Valley Fens SAC, the Broadland SPA and Ramsar site and the Breydon Water SPA and Ramsar site. The HRA Screening Assessment at Section 6 of the report provides as follows:
- "67. The HRA Screening Assessment concludes that no significant effects are likely to occur with regards to the integrity of European Wildlife Sites within 20km of the CNP area. As such a full HRA and Appropriate Assessment is not required at this point and is screened out."*
- The HRA Screening Determination therefore concluded that a full HRA Appropriate Assessment of the Plan is not required. I have noted that Natural England concur with that conclusion.
- 4.5 Therefore, I consider that, on the basis of the information provided and my independent consideration of the SEA Screening Assessment and the HRA Screening Assessment (both 2022), I am satisfied that the Plan is compatible with EU obligations under retained EU law.

Main Assessment

4.6 The NPPF (December 2023) states (at Paragraph 29) that:

“29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

It also sets out (at Paragraph 11) the presumption in favour of sustainable development, stating that:

“For plan-making this means that:

- all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.”*

It goes on to state (at Paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.

4.7 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.14 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.

Specific Issues of Compliance

4.8 I test the draft Plan against the Basic Conditions by considering specific issues of compliance of the Plan’s 14 policies, which address the following themes: Housing; Development of the Former May Gurney Site; Natural Environment; Community Infrastructure; Transport; and, Heritage. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy 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.¹² I recommend some modifications as a result. It may also be noted that I do comment on the length of some of the policies, albeit I recognise that such an approach can be justified in some instances providing the structure is sufficiently clear.

¹² PPG Reference ID: 41-041-20140306.

Overview

- 4.9 The Plan is addressing the period from 2019 to 2038 and seeks to provide a clear planning framework to ensure that its policies, alongside the adopted GNLP and the Local Plan for the Broads, can be used for the determination of planning applications within the Parish.

Vision and Objectives

- 4.10 Section 1 comprises the Introduction to the draft Plan and describes the broad character of the Parish of Trowse with Newton, including its history, major environmental features and local community facilities.
- 4.11 Section 2 of the draft Plan, entitled 'Neighbourhood Planning' sets out an overview of neighbourhood planning and the rationale for preparing the draft Plan in the context of the GNLP, the Local Plan for the Broads and the NPPF.¹³ It goes on to briefly summarise the process for the Plan's preparation since the designation of the Neighbourhood Area.
- 4.12 With regard to Section 2, I raised Question No. 1 (see paragraph 2.7 above), noting that the Greater Norwich Local Plan (GNLP) was adopted by the District Council on 25 March 2024. I further noted that this will necessitate some amendments to the draft Plan, principally at paragraph 7 but also at some other parts of the Plan, for example at paragraphs 9, 20 and 28. The Parish Council provided me with a comprehensive set of proposed amendments on 30 May 2024, covering paragraphs 7, 9, 20, 28, 29, 49 and 65. I am satisfied that the proposed amendments are all appropriate and necessary for the Plan to be in general conformity with the adopted GNLP. I therefore recommend consolidated modification **PM1** to amend the text of the Plan at the above-listed paragraphs as set out in full in the Parish Council's response to Question No. 1, dated 30 May 2024. This modification will need to take account of errors in the paragraph numbering in the draft Plan, with those errors commencing after paragraph 50 on Page 23 and continuing through the remainder of the Plan.
- 4.13 Section 3 contains the Plan's Vision and Objectives, which are set out in full below:

Vision

"Trowse is a special place which, over the years, has built on its heritage as a 19th century model village. The distinctive nature and character of our village will be preserved, combining heritage and tradition with modern facilities, in order to meet the various needs of residents and visitors, contribute to a high quality of life, and provide opportunity and choice. This will be achieved in ways that make effective use of natural resources, protect, and enhance the environment, promote social

¹³ With regard to the Plan reflecting the latest version of the NPPF, I comment further in paragraph 4.66 below (and PM15).

inclusion, support local businesses, and ensure good and safe access within the village and to the surrounding area.”

Objectives

The draft Plan contains the following Objectives:

- *Maintain the strong village identity and its separation from Norwich.*
- *Safeguard the peacefulness, open spaces, views, and rural feel of the parish.*
- *Protect and celebrate the rich wildlife and landscape, particularly of the Broads.*
- *Support physically active recreational opportunities around Whitlingham.*
- *Enhance sustainable access within Trowse, into Norwich and to Whitlingham Country Park.*
- *Improve community facilities and services in the village.*
- *Influence a mix of housing that meets local needs.*
- *Ensure the design of future development is forward-looking but with due regard to the existing built environment, especially in the conservation area.*
- *Preserve and where possible enhance the integrity, character, and appearance of the historic environment of the parish.*
- *Reduce the level of traffic and impact it has on the village.*
- *Reduce the impact of flooding and ensure surface water flood risk is not worsened through new development.*
- *Create and maintain a safer community and reduce crime and disorder.*

Policies

4.14 The draft Plan contains a suite of 14 draft Policies addressing the Plan’s Objectives listed at paragraph 4.13 above. The following sections of this report consider each of these proposed policies.

Housing

4.15 Section 4 of the draft Plan addresses the theme of Housing within the Plan area and contains two policies (Policies 1-2).

4.16 Policy 1 (Housing Type & Mix) states that non-strategic housing proposals will need to provide a mix of housing types and sizes, and these should aim to have due regard to the Parish’s need, using the best available and proportionate evidence. Except for developments comprising just a single dwelling, this should include a minimum of 50% medium sized three-bedroomed homes, unless evidence is provided either showing a lower number is justified or the scheme is made unviable. This requirement would apply to the whole proposal, and so to both market and affordable housing combined. The policy goes on to state that for strategic developments, such as that at the former May Gurney site, the housing

mix will need to be informed by the latest evidence of needs and demands for Norwich and the urban fringe, whilst still having regard to any local evidence of Parish needs.

- 4.17 The District Council are content with the Policy text, but consider that part of the Policy's supporting justification (at paragraph 28) requires amendment to give the Plan more longevity and enable it to be more reactive to changes. I concur with the District Council on that matter. This issues aside, I am satisfied that the Policy is appropriately drafted and provides clear guidance on housing type and mix for proposed residential developments in the Plan area. Recommended modification **PM2** addresses the necessary amendments to paragraph 28 of the Policy's supporting justification.
- 4.18 Policy 2 (Design) is a lengthy policy and states that all new development within Trowse must demonstrate high-quality design. It goes on to state that all new development, including extensions and conversions, which are outside the Broads, should be consistent with the Trowse with Newton Neighbourhood Plan Design Guidance and Codes, prepared to support the Plan by AECOM in 2022. It then sets out a series of eleven design considerations, drawn from the Design Guidance and Codes which are considered to be especially important to the area and so should carry more weight in decision making. The Policy concludes by setting out a further series of clauses addressing, inter alia, development within or adjacent to the Conservation Area, sustainable design, developments within the Broads and conformity with the 'Secured by Design' principles.
- 4.19 Upon my initial assessment of the draft Plan and the representations that have been made concerning the policy, I raised Question No. 2 noting that I was concerned at the length of this draft Policy, which extends to nearly two full pages of text. I further stated that, as a minimum, I considered that the content of the Policy requires a much clearer structure to its requirements, for the benefit of future users of the Plan. Overall, I considered that the Policy does need to be significantly shorter in length. To that end, I considered that the material relating to the Design Guidance and Codes (2022) can be referenced within supporting text or to a table that links design features, e.g. building height to the relevant Design Code guidance (D.C.4), with a cross-reference to that material within text of the Policy. I considered that this would not reduce the efficacy of the Policy. I therefore requested that the Qualifying Body review this draft Policy and provide me with a note on how it wishes to re-draft the Policy to take account of the points that I had raised.
- 4.20 As part of its response to this question, the Parish Council commented that *"Around half of the policy sets out which aspects of the Design Codes are considered to be especially important and the Parish Council prefers this to be given the full weight of being in a policy. The PC therefore would be very concerned if key design considerations were to be relegated to the supporting text."* In my full assessment of the draft Policy and the representations that have been made, I have taken account of the Parish

Council's comments. I conclude that it is principally the structure of this policy, rather than its length, that gives rise to the difficulties that future users of the Plan will face in being able to interpret with clarity the specific requirements of the policy. By way of example, some of the material at the end of the Policy is, in my assessment, of greater importance than preceding material. I therefore conclude that the Policy does require some substantive re-drafting in order to provide clearer guidance, and recommended modification **PM3** addresses the necessary changes.

- 4.21 With recommended modifications PM2 and PM3, I consider that the draft Plan's section on Housing (Policies 1 and 2) is in general conformity with the strategic policies of the adopted Greater Norwich Local Plan (GNLP) and the Local Plan for the Broads, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Development of the former May Gurney Site

- 4.22 Section 5 of the draft Plan addresses the Development of the former May Gurney Site, which is a large brownfield site within the Plan area. This section contains one policy (Policy 3).
- 4.23 Policy 3 (May Gurney Site) is a lengthy policy and is in three parts, addressing overall design principles, green infrastructure and transport. With regard to overall design principles, it states that the development of the site must have high quality design which preserves and respects the natural character of the area. There should be cohesion with both Trowse village and Trowse Millgate but the development should create its own village-feel. The design should be responsive to its river location, the character of Trowse and the immediately adjacent Broads Authority Executive Area. The setting of the Broads should be protected, and opportunities should be taken to enhance the countryside landscape setting. It notes that Trowse is now a thriving village with a distinctive character as a model village built from good quality materials using high standards of craftsmanship and that development of the site should reflect this principle for a model of 21st century sustainable living. It further notes that the former May Gurney offices, which are locally listed as a result of their heritage value, should be retained, helping to create a positive frontage to the development from The Street.
- 4.24 With regard to green infrastructure, it states that a new area of urban open space or village green should be introduced on the site, preferably towards the river edge facing the County Wildlife Site. This should include biodiversity enhancements and the potential for this to include the creation of a wetland/pond habitat will need to be explored, possibly being incorporated into surface water management of the site. Natural boundary treatments and planting are encouraged where the site transitions into the wider countryside. Wherever possible, streets should be tree lined to maximise visual appeal and recreational value of the development and create a more rural character, reflecting the more rural immediate area.

- 4.25 With regard to transport, it states that a bridge designed to carry pedestrians and cycles, as well as vehicles, should be provided across the River Yare connecting the site to the Deal Ground to ensure the site is permeable for active transport modes. Pedestrian and cycle links will need to connect the site, via a remodelled junction, with The Street and National Cycle Route 1, where it passes through Trowse. Cycle parking facilities should be located in a number of places in the site, taking advantage of the National Cycle Network Route 1, and these should be sited in locations that benefit from natural surveillance and should not impede pedestrian mobility or kerbside activities. With regard to car parking, permeable paving should be used to improve aesthetics and allow the area to have a flexible use, not solely for car parking, and to also create greater resilience to flooding.
- 4.26 I have given this Policy very careful consideration, in view of its length. However, I recognise the great importance of this largely brownfield site and, in particular, its extremely sensitive location being bounded by the River Yare on its western side and by the River Tas and Trowse Meadow on its eastern side. Outline planning permission has previously been granted for between 60 and 80 new homes at the site. The site is part of the ENSRA, and the adopted GNLP states (at Policy STR.01) that the regeneration of the area will be guided and informed by an area-wide masterplan and Supplementary Planning Document (SPD), which is still in preparation. In my assessment, it is critical that the future redevelopment of the site takes full account of the site's sensitive location and the character and heritage of Trowse village. Whilst I consider that the Policy is justified and provides clear guidance on the key design principles, green infrastructure requirements and transport issues, including active travel opportunities, that should be addressed by development proposals for the site, a number of focused amendments are necessary to take account of representations made by the District Council. Therefore, subject to those changes recommended in modification **PM4**, I consider that the draft Plan's section on the May Gurney site (Policy 3) is in general conformity with the strategic policies of the adopted Greater Norwich Local Plan (GNLP), has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Natural Environment

- 4.27 Section 6 of the draft Plan addresses the theme of the Natural Environment within the Plan area and contains five policies (Policies 4-8) which address the topics within this theme.
- 4.28 Policy 4 (Biodiversity and Green Corridors) is a lengthy policy and states that the special importance of the area for wildlife will be safeguarded and habitats enhanced through positive action as part of the development process. All new or replacement buildings will need to demonstrate at least a 10% net gain in biodiversity. It goes on to state that the management, enhancement and creation of wildlife habitats within the

green corridors identified in Figure 11 is a key priority. They will be a focal point for local conservation to create a more joined up Green Infrastructure Network and where possible increased public access. It further states that, through effective layout and design, development should recognise the location of existing green and blue infrastructure in the Plan area and support appropriate uses and functions. For example, by using biodiversity toolkits and incorporating swift or bat boxes into the design of developments, by ensuring Sustainable Urban Drainage Systems (SuDS) are being beneficial to wildlife and mitigating flooding and identifying opportunities for new pond creation. It states that proposals which deliver a significant Biodiversity Net Gain (BNG), of 10% to 25%, will be looked upon favourably in the planning balance.

4.29 The District Council has made a representation concerning the part of this Policy regarding BNG, and with which I agree. Norfolk County Council consider that the Policy should more clearly differentiate between biodiversity enhancements in general and the statutory BNG requirements, and I also agree with that point. Accordingly, I recommend some amendments to the Policy text to address those matters. Recommended modification **PM5** sets out the necessary amendments.

4.30 Policy 5 (Local Green Space) proposes the designation of seven Local Green Spaces within the Plan area, which are shown on Figure 16 (Local Green Space Designations) and its accompanying inset maps (LGS1-7). The proposed Local Green Spaces are as follows:

1. Trowse Common
2. Trowse Church Meadow
3. Trowse Meadow
4. Trowse Churchyard
5. Trowse Cemetery, Whitlingham Lane
6. Blockhill Allotments
7. Dell Allotments.

4.31 The Policy states that the proposed Local Green Spaces will be protected from inappropriate development in accordance with Green Belt Policy, with the only exceptions to this being:

- buildings for forestry or agriculture where the Local Green Space is used for commercial woodland or farmland;
- the provision of appropriate facilities in connection with the existing use of land where the facilities preserve the openness of the Local Green Space and do not conflict with the reasons for designation that make it special to the community, such as for recreation or ecology;
- the extension or alteration of a building if it does not impact on the openness or the reasons for designation that make Local Green Space special to the community;
- the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.

It goes on to state that other appropriate development includes:

- engineering operations that are temporary, small-scale and result in full restoration;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;
- material changes in the use of land where it would not undermine the reasons for designation that make it special to the community.

Finally, it states that proposals that are on land adjacent to Local Green Space are required to set out how any impacts on the special qualities of the green space, as identified by its reason for designation, will be mitigated.

4.32 I visited all of the sites listed above during the course of my site visit and I have assessed the proposed designation of each of the seven sites as a Local Green Space against the criteria set out in the NPPF (at Paragraph 106), which states that the Local Green Space designation should only be used where the green space is:

- “a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.”*

I have also given careful consideration to the supporting document ‘Trowse Neighbourhood Plan - Local Green Spaces’, prepared in 2023, which I consider to be a comprehensive assessment of the sites being considered for designation as Local Green Spaces, noting that each site was assessed in relation to the NPPF criteria set out above. I have also taken account of the representations that have been submitted by Norfolk County Council, Anglian Water and Norwich City Council regarding the Policy and its supporting text.

4.33 I am satisfied that each of the above-listed proposed Local Green Spaces meets the criteria set out in the NPPF (at Paragraph 106), and I consider that the sites should be capable of enduring beyond the end of the Plan period (Paragraph 105). Therefore, I conclude that the sites referenced as LGS1-LGS7 should be designated as Local Green Spaces in the Plan.

4.34 I have also given very careful consideration to the draft Policy text which, in my view, is more extensive than that which is necessary for the development management of Local Green Spaces. The justification for the Policy text is set out at Appendix C to the Plan, which at Pages 88 and 89 sets out the rationale for deviations from Green Belt policy. The NPPF (December 2023) states that *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”* (Paragraph 107). This is a clear and precise statement of national policy. After careful consideration of the material that is set out at Appendix C, I

am not persuaded that the rationale set out in Appendix C is sufficiently locally distinctive to this Plan area to warrant a different approach to that set out in national policy and, therefore, I consider that the Policy text requires amendment to have proper regard to Paragraph 107 of the NPPF (and that Appendix C should also be removed from the draft Plan). The necessary amendments in order to meet the Basic Conditions, encompassing all matters concerning the Policy text and Appendix C, are addressed by recommended modification **PM6**.

- 4.35 Policy 6 (Strategic Gap) states that an area of separation between Trowse village and the built-up area of Norwich, as defined in Figure 16, will be maintained. Development that detracts from the open countryside and character of this area or reduces the visual separation will not be permitted.
- 4.36 Upon my initial assessment of the Plan, I noted that the Policy fails to provide clear guidance regarding the purpose of the Policy and the nature of development that may be acceptable or will not be acceptable within the proposed Strategic Gap. I noted that Paragraph 59 states that “there remains potential for non-residential development, for example solar panels”. In my assessment, this could encompass a wide range of potential developments, and I considered that the Policy does need to give greater clarity regarding the acceptability or otherwise of such ‘non-residential developments’. I also noted that the Policy also states that “Development that detracts from the open countryside and character of this area or reduces the visual separation will not be permitted”. As the Parish Council does not have the responsibility to be able to grant or refuse planning permissions, the word “permitted” should be amended to “supported”. Accordingly, as Question No. 4, I invited the Qualifying Body to review Policy 6 and its supporting justification, which is largely at paragraph 59, and provide me with a note to set out potential amendments to both the Policy text and to its supporting justification that address the need and purpose for this Policy and its policy guidance, or criteria, for the consideration and assessment of any development proposals that may be submitted within the area defined on Figure 17. I have taken account of the Parish Council’s response to this question in my detailed assessment of the Policy.
- 4.37 I do consider that some amendments are necessary to the Policy text in order to more clearly define its purpose. Additionally, a correction is necessary, as the Strategic Gap is defined in Figure 17 and not in Figure 16 as stated in the Policy.¹⁴ These matters are addressed by recommended modification **PM7**.
- 4.38 Policy 7 (Protection of Important Local Views) states that Design Code DC1.3 sets out the importance of maintaining and safeguarding the settlements’ distinctive identity. It further states that the six views listed

¹⁴ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

in the policy and identified in Figure 18 are important public local views in the Trowse neighbourhood area. It goes on to state that proposals that would adversely affect these key views will not be supported and also that proposals are expected to demonstrate that they are sited and designed to be of a form and scale that avoids or mitigates any harm to the key views.

- 4.39 Upon my initial assessment of this Policy and the proposed Important Local Views, and my consideration of the District Council's representation, I noted that the protection of Views 4 and 5 does seem to be inconsistent with certain policy guidance contained in Policy 3, which could lead to some misunderstandings for users of the Plan. I also noted that Section 5 of the draft Plan makes no references to Policy 7. I considered that Policy 3 may need some further revision to provide clearer guidance regarding Policy 7 and Views 4 and 5. I therefore requested, as Question No. 5, that the Qualifying Body provide me with a note setting out possible amendments to the text of Policy 3 and, if necessary, to its supporting justification, which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response to this question in my detailed assessment of the Policy.
- 4.40 Taking into account the Parish Council's response, and my own observations during the site visit, I am satisfied that the draft Plan, at Policies 3 and 7, does not contain inconsistent guidance. Views 4 and 5 show the small-scale, more rural character of Trowse. I do not consider that any modifications are necessary to the Policy text, and I am satisfied that the Policy provides sufficiently clear guidance regarding the protection of the six key views. However, I do consider that the notation panel in Figure 18 does require an amendment to indicate that an Important Local View is shown on the map by a splay (which is shown by black lines) rather than just the black dot (which is the viewpoint rather than the view). This matter is addressed by recommended modification **PM8**.
- 4.41 Policy 8 (Surface Water Management) states that development proposals must be designed to manage flood risk effectively and not increase, and wherever possible reduce, the overall level of flood risk both to the site and elsewhere. It goes on to state that proposals specifically to improve surface water drainage, such as works to reinstate an effective drainage scheme, are encouraged. Any new development or significant alteration of an existing building within the Plan area should be accompanied by a proportionate assessment which gives adequate and appropriate consideration to all sources of flooding and proposed surface water drainage. All proposals should incorporate Sustainable Drainage Systems (SuDS) that are appropriate to the scale and nature of the development and designed to be an integral part of the green infrastructure.
- 4.42 In my assessment of this Policy, I have taken account of a representation by the Norfolk Wildlife Trust suggesting some additional text, together with a representation made by Anglian Water. It is my conclusion that the

Policy should be supplemented by additional policy guidance, reflecting the afore-mentioned representations, and recommended modification **PM9** sets out the necessary additions.

- 4.43 With recommended modifications PM5-PM9, I consider that the draft Plan's section on the Natural Environment (Policies 4-8) is in general conformity with the strategic policies of the adopted GNLP and the Local Plan for the Broads, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Community Infrastructure

- 4.44 Section 7 of the draft Plan addresses the theme of Community Infrastructure in the Plan area and contains two policies (Policies 9 and 10).

- 4.45 Policy 9 (Community Facilities) states that the following facilities are identified as important community services and facilities that should be protected under DM3.16 of the South Norfolk Local Plan and Policy SP16 of the Local Plan for the Broads:

- Village shop or general store
- Crown Point Tavern public house
- The White Horse public house
- River Green Restaurant
- Manor Rooms
- Trowse Sports Hall
- St Andrew's Church and Copper Dot/Church Hall
- Whitlingham Café
- Norfolk Snow Sports Club.

The Policy goes on to state that proposals which provide community facilities, including a community centre or meeting space, village shop, flexible workspace, health and wellbeing hub, and other community infrastructure will be supported in principle. Where development proposals result in land or buildings being offered for future community use, the Parish Council will consult with the community in order to establish the most appropriate uses for that land or buildings. Proposals that would enable the wider community use of existing buildings will also be supported.

- 4.46 Two focused amendments to the Policy text are necessary, as the village does not presently contain a village shop or general store, and the prospect of a new shop fulfilling that function is therefore at present only an aspiration. These amendments are addressed by recommended modification **PM10**.

- 4.47 Policy 10 (Sports and Leisure Facilities) states that proposals for the expansion of, and the provision of new, active recreation and leisure facilities, along Whitlingham Lane will be supported where they are of a

suitable scale and type for the proposed location. Whitlingham Lane falls almost entirely within the Broads, and I note that the Broads Authority has not raised any concerns regarding this Policy.

- 4.48 With recommended modification PM10, I consider that the draft Plan's section on Community Infrastructure and its accompanying policies (Policies 9 and 10) is in general conformity with the strategic policies of the Local Plan for the Broads and the GNLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Transport

- 4.49 Section 8 of the draft Plan addresses the theme of Transport within the Plan area and contains three policies (Policies 11-13).
- 4.50 Policy 11 (Sustainable Transport) states that developments must demonstrate safe and convenient access links to facilities and services for pedestrians, cyclists, and public transport users. This should include both local and wider facilities. Signage should be used to help promote existing and newly proposed routes to enable all ages and abilities to find their way to the Primary School, play areas and bus stops. It goes on to state that development should provide new or enhanced facilities. This could include improving the physical condition of existing facilities where these are currently inadequate and this is necessary to make the development acceptable in planning terms, such as widening footways that are too narrow or improving a bus stop. Proposals for new built development, excluding household extensions, will need to demonstrate how public transport use, cycling, walking, and wheeling will be promoted, particularly with regard to safety and the use and improvement of the cycle network shown in Figure 22, as well as bus waiting facilities.
- 4.51 Norfolk County Council, as Highways Authority, supports the Policy. I note that Figure 22 identifies a new and enhanced cycle network within the Plan area including links within the Broads. I am satisfied that the Policy aligns with the national policy to promote Active Travel. I also note that there have been no representations concerning either the Policy text or to the proposed new and enhanced network.
- 4.52 Policy 12 (Traffic Volumes and Speed) states that, where appropriate, new strategic development, including at the former May Gurney site, should be designed so as to minimise the traffic that is generated by the development travelling through the village. This can be by means of well-designed highway infrastructure such as junctions as well as signage. To mitigate the impact of any additional traffic that does distribute through the village, a scheme to ensure compliance with the speed limit, especially at the village gateways (with a reference to Community Action 5), will be required. Development proposals that deliver such measures to encourage reduced vehicle speeds will be treated as achieving significant community benefit. Finally, it states that a Construction Management Plan is required

for all major new development to demonstrate how traffic travelling through the village will be minimised during the construction phase of new developments.

- 4.53 Upon my initial assessment of the draft Plan, I noted that, as drafted, this Policy is, at least in part, not a land-use planning policy as compliance with traffic speed limits is the responsibility of other agencies, under other legislation. Furthermore, the control of traffic volumes passing through the village, such as 'rat-running' issues, is more likely to be the responsibility of the Highways Authority through traffic restraint measures and signage on the public highway. There is also significant duplication between the Policy and Community Action 5. Accordingly, I raised Question No. 6 (see paragraph 2.7 above), noting that the Policy requires some amendment, including to its title, if it is to constitute an effective planning policy. I therefore requested that the Qualifying Body prepare a note setting out revisions to the Policy text that focus upon the assessment of development proposals within the Plan area and the related traffic generation factors that should be assessed, which I may consider as a potential modification to the Plan. I have taken full account of the Parish Council's response to this question, dated 30 May 2024, in my detailed assessment of the Policy. I have also taken account of the representations that have been made by the District Council concerning this policy.
- 4.54 It is my assessment that the Policy does require several drafting amendments to meet the Basic Conditions and provide the necessary clarity for users of the Plan. The necessary amendments are addressed by recommended modification **PM11**.
- 4.55 Policy 13 (Residential Parking Standards) states that proposals must consider all appropriate points made under Design Code DC.2.3 Parking, the character areas design codes and Section 10 - Car Parking of the Design Guidance and Codes Checklist in Appendix B. It further states that all parking areas and driveways should be designed to improve impervious surfaces such as through permeable paving and are encouraged to provide opportunities for electric vehicle charging points. Car parking design should be combined with landscaping to soften the presence of vehicles so that the street scene is not car dominated. Where Norfolk County Council's parking standards cannot be met because of design or viability constraints, streets will need to be well designed to safely accommodate some on-street parking, which may include parking facilities such as laybys. It also states that proposals by existing householders to create additional off-road car parking spaces, where a planning consent is required, will be supported as long as it is not to the detriment of the environment or to flood risk.
- 4.56 As drafted, I consider that the Policy does require some amendments to ensure it is clear for users of the Plan. For example, Appendix B does not contain numbered sections and "Section 10" is in fact points 44-51 in that Appendix. The Broads Authority also comment, correctly, on how this

Policy would apply to those parts of the Plan area for which it is responsible as the Design Guides and Codes document (2022) does not cover that area (see Footnote No. 3 to Policy 2). I therefore recommend a series of amendments to ensure that the Policy is clear and effective and covers the entirety of the Plan area. These amendments are addressed by recommended modification **PM12**.

- 4.57 With recommended modifications PM11 and PM12, I consider that the draft Plan's section on Transport and its accompanying policies (Policies 11-13) is in general conformity with the strategic policies of the adopted GNLP and the Local Plan for the Broads, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Heritage

- 4.58 Section 9 of the draft Plan addresses the theme of protecting Trowse with Newton's Heritage and contains one policy (Policy 14).
- 4.59 Policy 14 (Non-designated Heritage Assets) states that the character, integrity and appearance of existing designated and non-designated historic assets will be protected and where possible enhanced. It goes on to state that the non-designated heritage assets identified in Figure 24 (and which are shown in the photographs at paragraph 115) have considerable local significance. Development proposals should avoid harm, seek the re-use and retention of non-designated heritage assets (NDHA's), and have regard to their character, important features, setting and relationship with surrounding buildings or uses. Any development proposals that affect these assets or their setting will need to demonstrate that they do not harm, or have minimised harm, to the significance of the asset, and should make clear the public benefits that the proposal would deliver so that any harm to the asset's significance or setting can be weighed against the benefits. It further states that any planning application for works to a non-designated heritage asset should be supported by a Heritage Statement.
- 4.60 Figure 26 (and not Figure 24) identifies four proposed NDHA's, which I viewed during the course of my site visit. I am satisfied that the designation of each of the proposed NDHA's is justified. I am also satisfied that the proposed Policy text is appropriate and meets the Basic Conditions, subject to two focused amendments for accuracy, which are addressed by recommended modification **PM13**. I have also noted the representation made by Norfolk County Council suggesting that some additional text be added to the supporting justification for this policy concerning archaeological remains in the Plan area. I concur with that suggestion, and this matter is also addressed by recommended modification **PM13**.
- 4.61 With recommended modification PM13, I consider that the draft Plan's section on Heritage and its accompanying policy (Policy 14) is in general

conformity with the strategic policies of the adopted GNLP and the Local Plan for the Broads, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Monitoring, Review and Implementation

4.62 The draft Plan does not include a section on Monitoring, Review and Implementation. I consider this to be an omission, and that the Plan needs to make appropriate reference to the potential future need to review the Plan, if required. Such a review may be necessary, for example, in light of any relevant changes in national policies and to take account of the emerging review of the Local Plan for the Broads and a future review of the GNLP. Accordingly, I recommend modification **PM14**, which sets out the text of an additional section to the Plan, in order to address this matter.

Community Actions

4.63 A series of seven Community Actions proposed by the Parish Council, for example encouraging the provision of electric vehicle charging points in public places in the Plan area, are set out within the Plan. I have read all of the Community Actions that are set out in the draft Plan, which appear to constitute appropriate aspirations of the Parish Council, reflecting some of the outcomes of the community engagement that was undertaken during the preparation of the draft Plan. I do not make any further comments on the proposed Community Actions, which are not the subject of proposed land-use planning policies.¹⁵

Other Matters

4.64 The Plan contains three Appendices. Appendix A is the Policies Map containing the Policy notations for the relevant policies in this Plan. Appendix B provides a checklist of points related to the content of the AECOM Design Guidance & Codes document (2022) that should be considered in relation to development proposals within the Plan area. Appendix C sets out the justification for the text of Policy 5 (Local Green Space) and contains a schedule of the purposes of national Green Belt policy and of Local Green Space policy in the draft Plan. It sets out the rationale for the proposed departures from national Green Belt policy, as contained within the text of draft Policy 5. I recommend the deletion of Appendix C, which is addressed by recommended modification **PM6** (see also paragraph 4.34 above).

4.65 As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc. Minor amendments to the text and numbering (sections, paragraphs etc.)

¹⁵ See PPG Reference ID: 41-004-20190509.

can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between the Parish Council, the District Council and the Broads Authority. Such examples include the District Council's comments on the description of Whitlingham Country Park at paragraph 59, and Norwich City Council's points about some of the planning data across the Plan (to be updated to reflect the latest position with regard to the GNLP and its recent examination).¹⁶

- 4.66 As noted in paragraph 2.4 above, a revised version of the NPPF was published in December 2023. As the Plan was drafted in the context of the NPPF that was published in July 2021, references in the Plan should now be changed to the most recent December 2023 version. Whilst the changes to the NPPF (as they relate to the Plan) were minimal, it is nevertheless important that the Plan reflects the contents of the most recent edition, including updated references to the NPPF's revised paragraph numbers. For example, the references to NPPF paragraphs 108 and 109 on page 67 of the Plan should read paragraphs 112 and 113. I therefore recommend that all references to the NPPF in the Plan relate to the latest December 2023 version in modification **PM15**.

Concluding Remarks

- 4.67 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Trowse with Newton Neighbourhood Development Plan 2019-2038 meets the Basic Conditions for neighbourhood plans.

5. Conclusions

Summary

- 5.1 The Trowse with Newton Neighbourhood Development Plan 2019-2038 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Parish Council responses to my questions.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

¹⁶ PPG Reference ID: 41-106-20190509.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Trowse with Newton Neighbourhood Development Plan 2019-2038, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Development Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Area.

Overview

- 5.4 It is clear that the Trowse with Newton Neighbourhood Development Plan 2019-2038 is the product of much hard work undertaken since 2020 by the Trowse with Newton Parish Council and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. I commend particularly the swift production of the Plan, demonstrating the focus and determination of all those involved. In my assessment, the Plan reflects the land use aspirations and Objectives of the Trowse with Newton community for the future planning of their area up to 2038. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by South Norfolk Council and the Broads Authority

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Paragraphs 9, 20, 28, 29, 49 and 65.	<p><u>Amendments to reflect the adoption of the Greater Norwich Local Plan by South Norfolk Council on 25 March 2024</u></p> <p>Amend paragraphs 9, 20, 28, 29, 49 and 65 as set out in the Parish Council’s response to Question No 1, dated 30 May 2024. This modification should also take account of errors in the paragraph numbering in the draft Plan, with those errors commencing <u>after paragraph 50</u> on Page 23 and continuing through the remainder of the Plan leading, for example, to three paragraphs being numbered 48 on Pages 23 (twice) and Page 29.</p>
PM2	Page 10	<p><u>Paragraph 28</u></p> <p>Delete the second sentence in full, and replace with:</p> <p>“For housing sites that meet a strategic need, such as those identified through South Norfolk Council’s Local Plan, the housing mix will therefore need to reflect the needs of Norwich and the urban fringe, whilst also taking account of the local Parish need.”</p>
PM3	Pages 17-19	<p><u>Policy 2 – Design</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p>“Proposals for new development within the Plan area must demonstrate high-quality design. Proposals which fail to have regard to local context and do not preserve, complement, or enhance the character and quality of their immediate area will not be supported.</p> <p>In those parts of the Plan area that fall within the Broads Authority Executive Area, proposals for new development must take account of the policies and guidance contained in the adopted Local Plan for The Broads and other guidance published by the Broads Authority.</p> <p>In those parts of the Plan area that are outside the Broads Authority Executive Area, all development proposals, including extensions and conversions, should take account of the Trowse and Newton Neighbourhood Plan Design Guidance and Codes</p>

		<p>(2022) in general, and specifically as they apply to the New Newton (NN), Millgate Meadow (MM), Trowse Common (TC) and Upper Trowse (UT) Character Areas (CAs), as defined on Figures 4 and 6.</p> <p>Development proposals within those parts of the Plan area that are outside the Broads Authority Executive Area should therefore:</p> <ul style="list-style-type: none"> i) be of an appropriate density, height, scale, and layout to the immediate area, unless it can be clearly demonstrated that the proposed development would not harm local character; ii) be designed and laid out so that people will find it easy to orientate and navigate, such as through appropriate uses of vistas and memorable features which will complement the public realm areas; iii) conform to the 'Secured by Design' principles in order to improve community safety; (and retain Footnote 4) iv) seek to achieve high levels of sustainable design, taking account of Design Codes DC1.4 and DC.6 where possible; v) within or adjacent to the Conservation Area, development must be sympathetic in scale, type, and design to the existing traditional character of the area; vi) within residential developments integrate affordable housing and open-market housing into the design and layout of developments such that the tenure of new homes is not distinguishable from their external appearance and design features. <p>The Design Codes and the Checklist set out at Appendix B in this Plan will be used to assess all planning applications to determine their acceptability. The following design considerations from the Design Codes are especially important to the Plan area:</p> <ul style="list-style-type: none"> a) Proposed development in Trowse Common should reflect the alignment of existing residential roads, and for Upper Trowse existing perimeter block arrangements should be retained. b) Building heights should reflect Design Code DC.4 and predominantly be two storeys or lower in the character areas. However, the Upper Trowse CA has
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		<p>potential for some taller landmark and gateway buildings not exceeding three storeys in height.</p> <p>c) Building lines and boundary treatments must consider Design Code DC4.3 and respect typical features in the specific Character Areas including low brick or flint walls, hedgerows, specimen trees, metal railings or open frontage such as at Newton Close.</p> <p>d) For all types of building, scale and form including household extensions, plot infills, corner buildings and building proportions, should be considered with reference to Design Code DC.4.</p> <p>e) The rooflines of new or replacement developments must respect typical uses in the specific Character Areas, including hipped and pitched roofs with the opportunity for feature gable ends on landmark properties where appropriate.</p> <p>f) Building materials and architectural detail must reflect Design Code DC.5 and should ensure that local materials are used, such as red brick, knapped flint, pale/pastel coloured render and pantile or slate roofs.</p> <p>g) Front and back gardens should follow the sizes appropriate to the Character Areas.</p> <p>h) Additional tree planting should be incorporated as part of street design in future developments to help improve biodiversity and visual amenity.</p> <p>i) Parking design should incorporate the design guidance given by Design Code DC2.3 and must be appropriate to the relevant Character Areas such as on-plot parking. On-street parking will be discouraged in new developments particularly in the Conservation Area.</p> <p>j) The need to retain views of those landmarks identified in the Design Codes, which includes St Andrew’s Church, should be considered at the outset of development proposals.</p> <p>k) Where appropriate obvious and unambiguous features should be designed in new development to promote sensitive orientation and help create wayfinding within the Parish (DC.3.3).</p>
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PM4	Pages 21-26	<p><u>Policy 3 – May Gurney Site</u></p> <p>References in Section 5 to the 'East Norwich Regeneration Area (ENRA)', for example at paragraph 49 (Page 24) and elsewhere in the Plan, should be to the 'East Norwich Strategic Regeneration Area (ENSRA)'.</p> <p>Paragraph 53 – 4th line: "south-easter" should read "south-eastern".</p> <p><u>Amendments to the Policy text</u></p> <p><u>Overall design principles</u></p> <p>Delete the word "countryside" in the final line of the first paragraph of text.</p> <p><u>Green infrastructure</u></p> <p>Delete the word "towards" in the second line of the first paragraph of text and replace with "linked to".</p> <p>Delete the second sentence of the third paragraph of text in full, and replace with:</p> <p>"In addition to their visual appeal, recreational value and reflection of the more immediate rural area, trees can be part of sustainable drainage schemes, create beneficial shading and contribute to biodiversity."</p>
PM5	Page 27	<p><u>Policy 4 – Biodiversity and Green Corridors</u></p> <p>Add new opening paragraph of text to read as follows:</p> <p>"The Plan seeks to protect and enhance the green infrastructure in the Plan area, by safeguarding wildlife habitats, promoting biodiversity enhancements and creating new areas of green space.</p> <p>Delete first sentence of the current first paragraph of text.</p> <p>Delete the word "as" in the second line of text in the second paragraph and replace with the word "is".</p> <p>Delete the first sentence of text in full in the fifth paragraph, and replace with:</p> <p>"Proposals should deliver at least 10% BNG. Significant weight will be given to the benefit of proposals that meaningfully exceed that minimum requirement."</p>

PM6	Page 33	<p><u>Policy 5 – Local Green Space</u></p> <p>Amend the Policy title to read “Local Green Spaces”.</p> <p>Amend the first sentence of Policy text to read as follows: “The areas listed below and shown on Figure 16 and on the accompanying Inset Maps (LGS1-LGS7), are designated as Local Green Spaces:”</p> <p>Delete second, third, fourth and fifth paragraphs of Policy text in full.</p> <p>Add new second paragraph of Policy text to read as follows: “Development proposals in the seven designated Local Green Spaces listed above and defined on the accompanying maps to this policy will be managed in accordance with national policy for Green Belts.”</p> <p>Appendix C – delete in full.</p> <p>Delete references to Appendix C in paragraph 57 and at the Table of Contents.</p> <p>Amend the words “Figure 6” in paragraph 57 to read “Figure 16”.</p>
PM7	Page 47	<p><u>Policy 6 – Strategic Gap</u></p> <p>Add the following text to the first sentence of the Policy text: “In order to maintain the character and setting of Trowse village,” to be followed by the existing text commencing “an area of separation, etc. ”</p> <p>Delete the words “Figure 16” in the Policy text and replace with “Figure 17”.</p> <p>Delete the word “permitted” in the final line of text and replace with “supported”.</p>
PM8	Page 53	<p><u>Figure 18 – Important Local Views</u></p> <p>Amend the notation panel by showing the symbol (a splay) that corresponds to those shown on the map to indicate the arc and direction of the Important Local Views.</p>
PM9	Pages 57 and	<p><u>Policy 8 – Surface Water Management</u></p> <p>Add new second and third sentences of text to the second paragraph of Policy text, to read as follows: “In the drainage hierarchy, a surface water connection to the sewer network is the last resort.</p>

		<p>For major development proposals in the Plan area seeking such a connection, Anglian Water will require modelling of the drainage network to support a surface water connection, with any necessary capacity enhancements and upgrades being at the developer's expense."</p> <p>Add new fourth paragraph of text to read as follows:</p> <p>"SuDS within new development schemes must protect the water quality of the River Yare and maximise opportunities to improve existing and valuable riparian habitat to enhance local biodiversity."</p>
PM10	Pages 60 and 61	<p><u>Policy 9 – Community Facilities</u></p> <p>Amend the words "Broads Authority Local Plan" to read "Local Plan for the Broads".</p> <p>Delete the "Village Shop or general store" from the listing of community services and facilities within the Policy.</p>
PM11	Pages 67 and 68	<p><u>Policy 12 – Traffic Volumes and Speed</u></p> <p>Amend Policy title to read "Traffic Generation from New Developments".</p> <p>Amend the first sentence of the first paragraph of Policy text to read as follows:</p> <p>"Should it be demonstrated that the projected traffic generation arising from new developments in the Plan area, including the redevelopment of the former May Gurney site, will have a significant effect on traffic volumes within Trowse village, then appropriate mitigation measures should be designed and implemented to ensure that highway safety is maintained."</p> <p>Amend the word "infrastructure" in the second sentence of the first paragraph of Policy text to read "infrastructure".</p> <p>Add the word "also" before the words "Community Action" in the third sentence of the first paragraph of Policy text.</p>
PM12	Page 69	<p><u>Policy 13 – Residential Parking Standards</u></p> <p>Delete the first paragraph of Policy text in full, and replace with:</p> <p>"Proposals for new residential development in the Plan area should seek to provide car parking</p>

		<p>provision in accordance with the adopted Parking Standards of Norfolk County Council.”</p> <p>Add new final paragraph of Policy text to read as follows:</p> <p>“Within those parts of the Plan area where the Design Guidance and Codes document (2022) provides additional guidance on the design of new developments, proposals should take account of point nos. 44-51 listed in the Design Checklist at Appendix B to this Plan. Within those parts of the Plan area falling within the Broads Authority Executive Area, proposals should take full account of all relevant policies and guidance of the Broads Authority.”</p>
PM13	Pages 78 and 79	<p><u>Policy 14 – Non-designated Heritage Assets</u></p> <p>Delete the word “historic” in the second line of the first paragraph of text and replace with “heritage”.</p> <p>Amend “Figure 24” in the Policy text to read “Figure 26”.</p> <p>Add new paragraph 116 to the supporting justification for this Policy, to read as follows:</p> <p>“The Norfolk County Council Historic Environment Strategy and Advice Team offers advice on historic environment issues associated with proposed planning applications, ensuring that any potential harm to archaeological remains is minimised, or that archaeological remains are fully recorded before development takes place. There are some significant buried archaeological remains within the Parish, and development proposals may require archaeological mitigation measures to be identified and included as part of the proposals.”</p>
PM14	Page 79	<p><u>Section 10: Monitoring, Review and Implementation</u></p> <p>Add new Section 10 to the Plan entitled ‘Monitoring, Review and Implementation’ to read as follows:</p> <p>“116. The Plan will be reviewed should the emerging review of the Local Plan for the Broads and/or any future review of the Greater Norwich Local Plan contain policies and proposals that necessitate such a review, in order that the Plan remains in general conformity with the relevant strategic policies of the Local Plans. Similarly, the Plan will be reviewed should any changes in national policies necessitate revisions to the Plan’s policies.</p>

		117. Trowse with Newton Parish Council will take responsibility for monitoring the effectiveness of this Neighbourhood Development Plan. This will be undertaken by monitoring the outcome of planning applications determined by South Norfolk District Council and the Broads Authority concerning development proposals within the Plan area. The monitoring of policies will be considered on an annual basis and a decision can be made if a review is needed from this action."
PM15	Throughout the document	Refer to the December 2023 version of the NPPF and update paragraph references where they have changed.