

South Norfolk Council

**Poringland  
Neighbourhood Development  
Plan  
2019-2039**

**Independent Examiner's Report  
into Policy 2 Housing - scale**

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4 November 2020

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## Summary

I have been asked to examine Policy 2 Housing - Scale in the Poringland Neighbourhood Plan, taking account of the alternative modifications proposed by South Norfolk Council and the representations received following a period of consultation.

I have concluded that the Plan should proceed to a referendum, in accordance with the recommendations made in the first examination report of 23 January 2020 subject to the modification proposed on page 19 of the first examiner's report being substituted by the alternative modifications put forward in Appendix 2 of SNC's Decision Statement dated 15 June 2020 subject to my modifications 1 and 2 in this report.

Ann Skippers MRTPI  
Ann Skippers Planning  
4 November 2020



## 1.0 Introduction

The Poringland Neighbourhood Plan (the Plan) was submitted to South Norfolk Council (SNC) in June 2019. The Plan was then published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. This consultation period took place in July and August 2019.

SNC, with the agreement of Poringland Parish Council, appointed **Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD** (the first examiner) to undertake the independent examination of the Plan. The first examiner's report was dated 23 January 2020. The first examiner concluded the Plan could proceed to a referendum subject to a number of proposed modifications.

After receipt of the first examiner's report, SNC considered its findings and resolved on 15 June 2020, to accept all of the first examiner's recommended modifications apart from one. SNC has proposed to take a different view in relation to Policy 2 Housing – scale and proposes alternative modifications to both the policy and its supporting text. These alternative modifications are to be found in Appendix 2 of SNC's Decision Statement.

SNC has consulted on the proposed modification and decided that it is appropriate to put this matter to independent examination.

I have been appointed by SNC, with the agreement of Poringland Parish Council, to examine this matter which is alternative modifications in relation to Policy 2 and its supporting text.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans.

In undertaking this examination, I am not beholden to the previous work of the first examiner in relation to Policy 2. As the first examiner's report has been accepted by SNC in all other respects, it is not within my remit to revisit other aspects of the Plan. However, in dealing with Policy 2 and its supporting text, I will consider if any consequences or other implications arise for any other policies of the Plan.

## 2.0 The scope of this examination

Paragraph 13(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) provides that if:

- the local planning authority propose to make a decision which differs from that recommended by the examiner, and
- the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,

the authority must notify prescribed persons of their proposed decision and the reason for it and invite representations. The authority must notify the qualifying body, anyone who made a representation which was submitted to the first examiner and any consultation body that was previously consulted.<sup>1</sup> Any representations must be submitted within six weeks of the local planning authority first inviting representations.<sup>2</sup>

Paragraph 13(2) of Schedule 4B provides that if the authority considers it appropriate to do so, they may refer the issue to independent examination.

Paragraph 13(3) of Schedule 4B enables regulations to be made about such an examination. However, to date I understand provision has only been made in relation to the timetable for decision-making following examination of an issue and the procedure and circumstances for Secretary of State intervention in the neighbourhood planning process.

There are no further procedural regulations or guidance covering an independent examination under paragraph 13(2) described above as far as I am aware. Therefore, in the absence of further regulations or guidance, my starting point is paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

This requires the examiner to consider whether the neighbourhood plan meets the basic conditions and whether other provisions set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended) have been complied with.

The other provisions referred to above are whether the neighbourhood plan:

- has been prepared and submitted for examination by a qualifying body for an area that has been properly designated for such plan preparation
- specifies the period to which it has effect
- does not include provision about excluded development
- does not relate to more than one neighbourhood area
- policies relate to the development and use of land for a designated neighbourhood area

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<sup>1</sup> PPG para 092 ref id 41-092-20161116

<sup>2</sup> Ibid para 093 ref id 41-093-20161116

- referendum boundary should be extended beyond the designated plan area if the plan proceeds to referendum and
- prescribed matters in the Neighbourhood Planning (General) Regulations 2012 (as amended).

The examiner must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>3</sup>

Given that this examination is of a particular issue, that of an alternative modification to Policy 2, I do not consider that all of these requirements are directly relevant. In particular, the overarching requirements of sections 38A and 38B of the 2004 Act where the first examiner will have dealt with the status of the qualifying body, the neighbourhood plan area and the period of effect.

In addition, the referendum area is not a matter that can be considered under Paragraph 13.<sup>4</sup>

However, whether or not the plan includes provision about excluded development and whether or not the policies relate to the development and use of land remain relevant as is the requirement to ensure the issue is compatible with Convention rights.

Matters relating to the preparation and consultation of the Plan will also have been dealt with.

However, I will need to consider whether the local planning authority has complied with the prior consultation requirements outlined in paragraph 13(1).

The basic conditions<sup>5</sup> are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the neighbourhood plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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<sup>3</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

<sup>4</sup> Town and Country Planning Act Schedule 4B para 13(4)

<sup>5</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>6</sup> It states that:

- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I consider all of the basic conditions are potentially relevant to this examination.

I am also required to make a recommendation as to whether the neighbourhood plan can proceed to a referendum, in accordance with the first examiner's recommendations, combined with any modifications I make as a result of this examination.

### 3.0 Examination process

PPG<sup>7</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>8</sup> I considered that a hearing was not necessary as the consultation representations articulated the issues well and I was able to adequately examine the issues without one. No persons indicated that they had not had a fair chance to put their case.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. I extended this to the representations received as part of the second examination issue. The Parish Council made comments and I have taken these into account.

### 4.0 Compliance with matters other than the basic conditions

As explained above, a number of matters have been dealt with by the first examiner and I have no reason to disagree with her conclusions. I set them out here in the interests of completeness.

The first examiner concluded that Poringland Parish Council is the qualifying body, that

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<sup>6</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>7</sup> PPG para 056 ref id 41-056-20180222

<sup>8</sup> Ibid

the Plan area was designated by SNC on 15 November 2017 and that there are no other Plans pertaining to the area and that the time period is 2019 – 2039.

I confirm that the alternative modifications for Policy 2 which I examine only relate to the development and use of land and do not relate to excluded development.

In relation to neighbourhood plan preparation and consultation, the first examiner concluded that the consultation process was “adequate, well conducted and recorded”.<sup>9</sup> Both the time periods for the pre-submission and submission stages of consultation were held in accordance with the Regulations.

I confirm that the alternative modifications that I examine have been subject to a period of consultation from 29 June – 10 August 2020. Eight representations were received; they are from:

- Anglian Water
- Poringland Sand and Gravel Trustees
- Water Management Alliance
- Caistor St Edmund and Bixley Parish Council
- Natural England
- Avison Young on behalf of National Grid
- Gladman Developments Ltd
- Historic England

I have considered all of the eight representations received and taken them into account in preparing my report.

I consider there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## 5.0 Policy 2 and the proposed alternative modifications

The submission version of the Plan sets out Policy 2 as follows:

*“Housing schemes comprising of 20 dwellings or fewer will in principle be supported.*

*Developments of more than 20 dwellings will only be supported where:*

- *they also propose to deliver overriding community benefits, such as improved priority infrastructure\*;*
- *they are of exceptional design and enhance considerably the local area; or*
- *the 20-dwelling cap will adversely affect the viability of development meeting specific demographic needs.*

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<sup>9</sup> The first examiner’s report para 4.6



*Small in-fill proposals will be supported in principle as long as the proposal does not unduly harm the local character in terms of landscape and adjacent buildings, important views and is a gap in an otherwise continuous line of housing or development.*

*\* Priority infrastructure needs are set out in Policy 24."*

The first examiner commented<sup>10</sup>:

*"Whilst I understand that the community supports the inclusion of a 20 unit limit for individual developments, I have not been provided with any additional satisfactory supporting evidence to justify why the figure of 20 was selected. I have received representation from South Norfolk Council expressing concern that the 20-dwelling threshold has not been sufficiently justified by evidence and that this policy could result in the delivery of numerous smaller sites without the necessary associated infrastructure to mitigate the cumulative impact.*

*I am satisfied that the inclusion of the term "small-scale" within the modified policy will meet the community's aspiration to see development within the development boundary of an appropriate size.*

*For clarity and in order to meet the Basic Conditions the policy should be modified as follows:*

*Policy 2: Housing – small scale*

*Proposals for small scale development including in-fill within the development boundary will be supported in principle where the proposal does not unduly harm the local character in terms of landscape and adjacent buildings, important views."*

No changes to the supporting text were recommended.

SNC were concerned that the first examiner's proposed modification "would create a policy which is unclear and ambiguous, particularly in its lack of definition of what 'small scale development' outside of defined development boundaries."<sup>11</sup>

In addition there were concerns about the proposed removal of the 'exceptions' to the originally proposed cap of 20 dwellings, the sub division of sites and how infill development is treated.

As a result, an alternative modification is proposed for Policy 2 and its supporting text.

The alternative modification reads:

***"Individual proposals for housing development within the parish should be located on sites no larger than one hectare.***

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<sup>10</sup> The first examiner's report page 19

<sup>11</sup> SNC's Decision Statement page 12

**Developments on sites larger than one hectare will only be supported where they are in accordance with Policy 14 (Character and Design) of the Neighbourhood Plan, and:**

**1. Where they also propose to deliver overriding community benefits, such as improved priority infrastructure\*.**

**Or**

**2. Where the one hectare cap will adversely affect the viability of development meeting specific identified demographic needs.**

**The artificial subdivision of larger sites in an attempt to circumvent the above requirements will not be acceptable.**

**Where multiple residential developments are likely to occur, consideration will need to be given to the cumulative impact of development and any infrastructure necessary to mitigate it. Development will not be permitted unless any unacceptable cumulative impacts can be appropriately addressed through the use of conditions or planning obligations.**

**Small in-fill proposals inside the development boundary will be supported in principle, provided that the proposal:**

**1. does not unduly harm the local character in terms of landscape, adjacent buildings or important views, and;**

**2. would be located on a site comprising a gap within an otherwise continuous line of housing or other development.**

**\*Priority infrastructure needs are set out in Community Aspiration Statement 2.\_”**

The alternative modification to the supporting text reads:

**“Future development proposals should be small scale i.e. should not exceed one hectare per development site. This size limit applies to sites considered under Policy 2. As stated in the policy, larger sites will be supported where the 1 hectare cap adversely affects the viability of development meeting specific demographic needs (such as sheltered housing or housing with care schemes) or providing important infrastructure for the community.**

**As stated in Section 5 ‘Monitoring & Implementation’, it will be a necessary to monitor and review the Plan (and particularly Policy 2) in light of future Local Plan reviews for the district. As stated in the National Planning Policy Framework, the policies in a made neighbourhood plan take precedence over existing non-strategic policies in a local plan (where they are in conflict), unless they are then superseded by strategic or non-strategic policies that are subsequently adopted in a Local Plan. Whilst regard will be had to the Neighbourhood Plan policies in any local plan review, it remains**

*possible for the local planning authority to promote larger allocations of land for residential development if it considers there are good reasons to do so in order to ensure the need for homes is appropriately met across the local plan area.*

*Where there is an identified need for infrastructure, the policy includes a safeguard against the subdivision of larger sites and requires the specific consideration of cumulative impacts in order to avoid the delivery of such a responsibility.”*

## 6.0 Compliance with the basic conditions

### European Union Obligations

The first examiner considers these matters<sup>12</sup> and explains that SNC carried out a Strategic Environmental Assessment (SEA) screening exercise. This confirmed a SEA would not be required.

The first examiner also explained<sup>13</sup> that SNC carried out a Habitats Regulations Assessment (HRA) screening in June 2019 which confirmed “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”.

I can find nothing in the intervening period to invalidate the first examiner’s conclusions on these matters. I consider that the proposed alternative modifications do not change the position in relation to SEA or HRA.

However, it may be prudent for SNC to review the situation in the light of the proposed modifications as national guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>14</sup>

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2019. This is the main document that sets out national planning policy.

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning.

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<sup>12</sup> The first examiner’s report page 15

<sup>13</sup> Ibid

<sup>14</sup> PPG para 031 ref id 11-031-20150209

## **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>15</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>16</sup> The objectives are economic, social and environmental.<sup>17</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>18</sup>

## **General conformity with the strategic policies in the development plan**

The development plan relevant to this examination includes the Joint Core Strategy (JCS) adopted in March 2011 with amendments relating to housing growth in Broadland, adopted in January 2014, the Site Specific Allocations and Policies Document (SSAPD) and the Development Management Policies Document (DMPD), both adopted in October 2015.

### ***Emerging planning policy***

Work on a Greater Norwich Local Plan (GNLP) is progressing which will plan for development across South Norfolk, Broadland and Norwich to 2038. The latest stage, the 'Stage C Regulation 18 Draft Strategy and Site Allocations' document, went out to public consultation that ended on 16 March 2020. During this consultation, sites of between 0.5 and 1 hectare were welcomed.

Concurrent with the GNLP process, the South Norfolk Village Clusters Housing Allocation Plan is being produced by SNC. However, Poringland is not one of the village clusters.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>19</sup> advises that the reasoning and evidence informing the emerging Local Plan may be relevant to the consideration of the basic conditions against which the Plan is tested.

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<sup>15</sup> NPPF para 7

<sup>16</sup> Ibid para 8

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 9

<sup>19</sup> PPG para 009 ref id 41-009-20190509

## **Main issue**

With this context, in my judgment, the main issue in this second examination is whether the proposed alternative modifications have regard to national policy and advice contained in guidance issued by the Secretary of State, are in general conformity with the strategic policies of the development plan for the area and would contribute to the achievement of sustainable development; in other words the other basic conditions not dealt with elsewhere in this report.

## **Discussion**

Considering each aspect of the alternative modification, it firstly proposes that housing development should be located on sites no larger than one hectare. I can find nothing relating to the basic conditions that would in principle oppose a cap on the size of sites for development within the Parish.

The cap has been changed from 20 dwellings in the originally proposed policy to this site size based cap. Both number and size thresholds are commonly used in planning policies to address a variety of issues ranging from affordable housing provision to national requirements for information. The first examiner found there was no “additional satisfactory supporting evidence”<sup>20</sup> for the 20 units. I agree with SNC that the site size threshold now proposed allows for greater flexibility particularly in relation to density and design and I now turn to whether there is a sufficient case to support the cap.

The NPPF offers support for small and medium sized sites indicating that these can make an important contribution to meeting housing requirements.<sup>21</sup> The benefits are regarded as sites being built out relatively quickly.

The NPPF indicates local planning authorities should identify land to accommodate at least 10% of their housing requirements on sites no larger than one hectare. It continues that neighbourhood planning groups should also consider the opportunities for allocating such sites.<sup>22</sup> Whilst the alternative modification does not allocate any such sites, the Plan does not include any allocations in it. I do not regard this as a deficiency given the direction of the emerging Greater Norwich Local Plan which also aims to provide more opportunities for smaller builders in line with current thinking outlined in the NPPF in supporting small and medium sized sites.

I therefore consider that the approach of the policy has regard to the NPPF insofar as small and medium sized sites are recognised as making an important contribution to meeting the housing requirement and the selection of this threshold has regard to, and basis in, the threshold used in the NPPF.

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<sup>20</sup> The first examiner’s report page 19

<sup>21</sup> NPPF para 68

<sup>22</sup> Ibid para 69

The JCS sets out the long-term vision for the area including the delivery of substantial housing and employment growth recognising the need to overcome deficiencies in infrastructure. It seeks to locate development in places that minimise adverse impact on the environment. It explains that larger villages play an important role in the strategy. Poringland/Framingham Earl is identified as one of ten Key Service Centres (KSC). It falls within the Norwich Policy Area (NPA). It should however be noted that Framingham Earl does not fall in the Plan area.

The spatial vision in the JCS<sup>23</sup> explains, amongst other things, that the KSCs will “remain attractive places with a range of enhanced shops, services... and facilities” and “generally accommodate small to moderate new housing allocations (between 50 and 200 dwellings) in accordance with the capabilities of local services...”. It continues that “The vitality of Service and Other Villages will have been enhanced and their form and character maintained by the development of sustainable, small-scale housing, economic development and other local facilities.”<sup>24</sup>

Policy 4 of the JCS relates to housing delivery. Approximately 33,000 dwellings are directed to the NPA distributed in accordance with the policies for places.

JCS Policy 9 provides the strategy for growth in the NPA which is the focus for major growth and development. It directs 1,800 dwellings to South Norfolk smaller sites in the NPA and possible additions to named growth locations.

It explains that the smaller sites allowance is intended to provide a balance between site sizes and locations to encourage flexibility and the shorter term delivery of new housing. Smaller sites are less than 1,000 dwellings identified at strategic growth locations and reflect the scale of development for each level of the settlement hierarchy. The allocations are dependent on the availability and suitability of sites proposed through the Site Specific Policies and Allocations Plan and reflect the form, character and service capabilities of each locality.

JCS Policy 14 deals with KSCs. Poringland/Framingham Earl has land allocations on the scale of 100 - 200 dwellings subject to detailed assessment including impact on form and character. Those KSCs also falling within the NPA (as Poringland does) may be considered for additional development if necessary to help deliver the smaller sites. My reading of this policy is that the allocation is for between 100 – 200 dwellings rather than multiple sites of such a scale. This is reflected in the supporting text for the policy which explains there are significant commitments (at that time) and so an allocation of “only 100 to 200 is proposed”.<sup>25</sup>

The SSAPD confirms that JCS Policy 14 identifies Poringland/Framingham Earl as a KSC in which land will be allocated for small-scale housing growth within the range of 100 – 200 dwellings and if necessary will help to deliver the smaller sites in the NPA

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<sup>23</sup> JCS page 23

<sup>24</sup> Ibid

<sup>25</sup> Ibid page 82

allowance. A number of policies allocated land and those falling within the Plan area have now been delivered.

One of the objectives of the DMPD is to allocate sufficient land for housing including affordable housing in the “most sustainable settlements”.<sup>26</sup> DMPD Policy DM 1.3 indicates this is to be of a scale proportionate to the level of growth and role and function of the settlement.

This leads me to consider that such a threshold would also be in general conformity with the strategic policies in the development plan. There is also support for such an approach in the emerging Greater Norwich Local Plan. Furthermore SNC have not raised any concerns in relation to the policy approach with regard to the strategic policies.

As referred to earlier in this report, the achievement of sustainable development is the purpose of the planning system. It seems to me that the NPPF and the relevant development plan policies all lead to this and the alternative modification would contribute to such an achievement by making provision for suitable sites for the locality.

The alternative modification then cites two circumstances where sites of a larger size will be supported. These are where a scheme would deliver overriding community benefits including priority infrastructure identified in a community aspiration statement and where viability considerations would prevent a proposal meeting specified identified demographic needs.

I note from my reading of the development plan documents that infrastructure keeping abreast of the growth throughout the local authority area and beyond is a particular concern. The emerging Greater Norwich Local Plan also recognises the environmental and infrastructure constraints which might limit the potential for additional housing growth in this KSC.

Reference is made to priority infrastructure. In the submitted draft plan this formed part of draft Policy 24 in the Plan. The first examiner recommended that the policy be deleted, but that the Community Infrastructure Levy (CIL) priority list could be included in the “body” of the Plan or as part of a community aspiration/project section.<sup>27</sup> The priorities include a variety of items from improvements to education or car parking to the generation of renewable energy for the community.

By referring to the list in the alternative modification, it brings the list back into the realm of policy. However, planning obligations only meet the statutory tests and the policy tests if they are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development. Many of the items on the currently presented priority infrastructure list would potentially not meet these tests.

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<sup>26</sup> DMPD page 11

<sup>27</sup> The first examiner’s report page 41

The second exception refers to viability. Usually, policy requirements should be set at a level that takes account of housing need, local market conditions and viability.

In principle, I consider including an exception or exceptions to the site size threshold is useful to increase flexibility and to ensure that housing growth can continue to be delivered alongside infrastructure. However, the two circumstances outlined are not acceptable in their current format; they are too ambiguous and will not necessarily contribute to the achievement of sustainable development.

Mindful that the NPPF,<sup>28</sup> supports development that makes the efficient use of land and that this should take into account viability amongst other things, a modification can be made to ensure that the policy is flexible and will allow larger schemes, more likely perhaps to impact infrastructure, and to provide infrastructure, as well as providing for identified housing needs, to occur. This would mean that the policy would positively seek to meet the development needs of the area and be sufficiently flexible in line with the NPPF.<sup>29</sup>

There is a further modification to make to this part of the policy. It refers to the larger “exception” sites needing to accord with draft Plan Policy 14 which covers character and design. The first examiner proposed some changes to the draft policy<sup>30</sup> which have been accepted and both versions would apply to all development. Therefore there is no need for larger sites to comply with draft Policy 14; it applies to all development.

The next element of the policy seeks to prevent the artificial subdivision of larger sites in an attempt to circumvent the above requirements. I am conscious that the NPPF<sup>31</sup> in promoting small and medium sized sites advocates working with developers to encourage the subdivision of large sites where this could speed up the delivery of homes. On the face of it, this element seems at odds with the NPPF. However, it is of concern to the Parish Council and SNC that larger sites could be artificially subdivided to avoid the provision of necessary infrastructure; a concern I share given the infrastructure issues well documented for this region. The obvious consequence of artificial subdivision is to fall under a relevant policy threshold for the provision of affordable housing for example. The key here then is the inclusion of the word “artificial”. I consider this could be explained further in the supporting text in order to provide additional clarity.

The next paragraph of the alternative modification on the policy deals with the concern that numerous small or medium sized developments might circumvent the need for infrastructure through a cumulative impact. The cumulative impact of multiple development is a familiar concept in planning circles. This element is clear and will help to ensure that sustainable development is achieved in particular.

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<sup>28</sup> NPPF para 122

<sup>29</sup> Ibid para 11

<sup>30</sup> The first examiner’s report page 32 and following

<sup>31</sup> NPPF para 68



The last element of the proposed policy supports infill development within the development boundary subject to two criteria; the impact on local character and being a genuine infill site which is helpfully defined in the policy. This is a common approach and will help to ensure that the locality retains its character and local distinctiveness whilst allowing appropriate sites to be developed.

The alternative modification to the supporting text will need some revision to reflect the modifications I put forward to the draft policy and unnecessary text has also been recommended for deletion.

I consider that, with the modifications I suggest below, the alternative modifications to the policy and its supporting text will meet the basic conditions. In particular the policy does not promote less development than is set out in the strategic policies for the area or undermine them. Rather it chimes with the more recent stance taken by national policy and guidance on small and medium sites and different site sizes alongside the theme running through the development plan documents and national policy to promote good design and respect local distinctiveness. It does not stifle development but sets a positive vision for how the area should develop sustainably with flexibility and a desire to address infrastructure provision and enhancement.

Given that different parts of national policy need to be balanced, alongside the delivery of significant housing growth in the wider area, the role of Poringland as a KSC and the desire of the community to plan positively, to integrate new development with the existing village, in my view the modifications I recommend below will mean that the basic conditions are met.

## **7.0 Conclusions and recommendations**

This examination has assessed whether the matters dealt with in Policy 2 and its supporting text meet the basic conditions and other legal requirements. I have taken into account all the responses made during the consultation on the alternative modifications proposed for Policy 2 and referred to other evidence documents.

I am recommending that some changes be made to the alternative modifications. With these modifications, I consider that Policy 2 will meet the basic conditions and other legal requirements.

I recommend that the Plan should proceed to referendum in accordance with the recommendations made by the first examiner in her report of 23 January 2020 subject to the modification proposed on page 19 of the first examiner's report being replaced by the alternative modifications put forward in Appendix 2 of SNC's Decision Statement and subject to the modifications shown below:

### ***Modification 1***

**Change the policy to read as follows:**

**“Individual proposals for housing development within the parish should be located on sites no larger than one hectare.**

**Developments on sites larger than one hectare will only be supported where:**

- 1. they would meet an identified housing need and**
- 2. they would provide and deliver the supporting community facilities and infrastructure needed.**

**The artificial subdivision of larger sites in an attempt to circumvent the above requirements will not be acceptable.**

**Where multiple residential developments are likely to occur, consideration will need to be given to the cumulative impact of development and any infrastructure necessary to mitigate it. Development will not be permitted unless any unacceptable cumulative impacts can be appropriately addressed through the use of conditions or planning obligations.**

**Small in-fill proposals inside the development boundary will be supported in principle, provided that the proposal:**

- 1. does not unduly harm the local character in terms of landscape, adjacent buildings or important views, and;**
- 2. would be located on a site comprising a gap within an otherwise continuous line of housing or other development.”**

### ***Modification 2***

**Change the supporting text as follows:**

**“Future development proposals should be small scale i.e. should not exceed one hectare per development site. As stated in the policy, larger sites will be supported where the 1 hectare cap would hamper the ability of a development to meet identified housing needs (such as sheltered housing or housing with care schemes) and provide and deliver the supporting community facilities and infrastructure needed.**

**As stated in Section 5 ‘Monitoring & Implementation’, it will be necessary to monitor and review the Plan (and particularly Policy 2) in light of future Local Plan reviews for the district. As stated in the National Planning Policy Framework, the policies in a made neighbourhood plan take precedence over existing non-strategic policies in a local plan (where they are in conflict), unless they are then superseded by strategic or non-strategic policies that are subsequently adopted in a Local Plan. Whilst regard**

will be had to the Neighbourhood Plan policies in any local plan review, it remains possible for the local planning authority to promote larger allocations of land for residential development if it considers there are good reasons to do so in order to ensure the need for homes is appropriately met across the local plan area.

Where there is an identified need for infrastructure, the policy includes a safeguard against the subdivision of larger sites and requires the specific consideration of cumulative impacts in order to avoid the delivery of such a responsibility. The artificial subdivision of sites which have a functional link and/or are in the same ownership to circumvent the requirements of the policy will not be acceptable.”

*Ann Skippers*

Independent Examiner

4 November 2020

## **Appendix 1 List of key documents specific to this examination**

I have considered all policy, guidance and other documents where relevant to this examination including those submitted to me which are:

Poringland Neighbourhood Plan Regulation 15 Submission Version 1.3 May 2019

Independent Examiner’s Report dated 23 January 2020

Decision Statement

Summary of consultation responses on modifications examination

Comments on the responses from the Parish Council

**List ends**