

# **SPIXWORTH NEIGHBOURHOOD PLAN 2019-2039**

**EXAMINATION VERSION AUGUST 2019**

## **A Report to Broadland District Council of the Examination into the Spixworth Neighbourhood Plan**

by Independent Examiner, Peter Biggers BSc Hons MRTPI

April 2020

Argyle Planning Consultancy Ltd

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## Summary and Overall Recommendation

0.1 Following my examination of the Spixworth Neighbourhood Plan (SNP), including a site visit to the Neighbourhood Area on 19 March 2020 it is my view that, subject to modifications, the SNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not in accordance with one or more of the Basic Conditions. In the main the need for modifications arises from circumstances where the policy does not comply with the National Planning Practice Guidance that:

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”.* (Paragraph: 041 Reference ID: 41-041-20140306)

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the SNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured. The SNP if modified to comply with the basic conditions can proceed to provide a useful policy framework for the future development of Spixworth.

0.5 By its nature the examination has to be rigorous. Any criticism of the plan is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and is as robust as possible and that it can play its part in planning decisions and managing change in Spixworth Parish in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing and numbering that will be needed as a result of making the modifications. It will also be necessary to ensure all references to the plan making procedure are up to date. I have not necessarily highlighted all such minor consequential changes.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- 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 of the authority.

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, 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 plan.

0.8 The SNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the Spixworth Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

0.10 When that referendum takes place I also recommend that the Spixworth Neighbourhood Area, which is synonymous with the administrative boundaries of Spixworth Parish, is taken as the area for the Referendum.

**Peter Biggers BSc MRTPI**  
**17 April 2020**  
**Independent Examiner**

## 1. Introduction

### 1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Spixworth Neighbourhood Plan (referred to as the SNP throughout this report).

1.1.2 The SNP was produced by Spixworth Parish Council (SPC) as the Qualifying Body and in consultation with the Local Planning Authority – Broadland District Council (BDC), and interested parties and local stakeholders.

1.1.3 The Spixworth Neighbourhood Area equates to the administrative area of Spixworth Parish.

1.1.4 Spixworth Parish lies near the centre of Broadland District but on its southern edge adjacent to the City of Norwich about 5 miles from the city centre. The parish covers an area of 1.85 square miles and had a population of 3,718 in 1,579 households at the 2011 census mainly based in Spixworth village. The village has an older settlement to the north around the church and the junction with Church Lane but the majority of the development within the village dates from the 1930s onwards. The area around the village is rural and generally flat countryside in agricultural use with small woodland areas, shelter belts and scattered housing across the landscape. The parish is dissected by the recently completed Northern Distributor Road around the north side of Norwich part of the A1270.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the SNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the SNP would be '**made**' by Broadland District Council. In the event of a successful referendum result the SNP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

### 1.2 Appointment of the Independent Examiner

1.2.1 I was appointed as independent examiner by BDC, with the consent of SPC, following a competitive procurement process through the National Panel of Independent Examiners Referral Service, to conduct the examination and provide this report. I am independent of the qualifying body and the Local Planning Authority. I do not have any interest in any land that may be affected by the SNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 38 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute. I have been an independent examiner for 6 years.

### 1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan

meets the “Basic Conditions.” The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that \*:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- g) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* effective from 28 December 2018) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

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

Regulation 106 (1) of Chapter 8 states that : *“a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.*

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.

*\* NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions b) and c) but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.*

- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the SNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Spixworth Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report in Section 8.

1.3.6 The role of the independent examiner is not to comment on whether the plan is sound or how the plan could be improved generally. The focus in neighbourhood plans is instead on the compliance with the Basic Conditions.

## 2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing i.e. by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 I have considered the representations received at the Regulation 16 publicity stage along with my background reading and research and my site visit and, in the light of this research, I decided that there was not a need for a public hearing on any of the matters and the examination could proceed by written representations only.

2.3 I confirm that **all** representations on the Neighbourhood Plan received at the Regulation 16 stage have been considered and responded to in undertaking this examination. Where appropriate I have made specific reference to the person's or organisation's comments in section 6 of this report.

2.4 I undertook an unaccompanied site visit around the Neighbourhood Area on

19 March 2020 during which I looked at its overall nature, form, character and appearance and at those areas affected by policies and proposals in the Plan in particular. Subsequent to the site visit I asked a number of factual questions arising from the Reg 16 representations and my examination of the documents of both the District Council and Spixworth Parish Council as Qualifying Body. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1 to this report. In the interests of a transparent process these have been uploaded to the Neighbourhood plan webpage on the District Council's website. I am grateful to the two Councils for responding on these matters.

2.5 In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Spixworth Neighbourhood Plan:

- a) National Planning Policy Framework (Feb 2019)
- b) National Planning Practice Guidance 2014 (as amended)
- c) Town and Country Planning Act 1990 (as amended)
- d) The Planning and Compulsory Purchase Act 2004 (as amended)
- e) The Localism Act 2011
- f) The Neighbourhood Planning Act 2017
- g) The Neighbourhood Planning (General) Regulations (2012) (as amended)
- h) The Joint Core Strategy for Broadland, Norwich City and South Norfolk Adopted 2014
- i) The Broadland Local Plan Development Management DPD Adopted 2015
- j) The Broadland Local Plan Site Allocations DPD Adopted 2016
- k) The Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle Area Action Plan Adopted 2016
- l) Spixworth Neighbourhood Plan Basic Conditions Statement
- m) Spixworth Neighbourhood Plan Consultation Statement
- n) Spixworth Neighbourhood Plan Sustainability Appraisal incorporating Strategic Environmental Assessment
- o) Spixworth Habitat Regulations Assessment Screening Opinion and Determination Statement
- p) Spixworth Neighbourhood Area Designation Report
- q) Representations received during the Regulation 16 publicity period post submission 20/12/2019 to 14/02/2020.

### **3. Public Consultation**

#### **3.1 Background**

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 SPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to BDC in November 2019.



3.1.3 Public consultation on the SNP commenced with initial awareness raising, discussions and surveys in 2017. The start-up consultation was followed by various consultation stages, including:

- The pre-submission consultation under Regulation 14 from 23/05/2019 to 05/07/2019.
- The formal, publicity stage, as required by Regulation 16, (the consultation period post submission of the plan) from 20/12/2019 to 14/02/2020

The Regulation 16 stage resulted in 22 consultation responses from 9 respondents. Some of these made no specific comments or were generally in support but a number raised detailed matters in particular the District Council which will be addressed as part of the examination. The responses from the District and Parish Councils in response to my clarifying questions are set out in Appendix 1 and are considered as necessary within my assessment of the plan in Section 6 below.

### 3.2 Spixworth Neighbourhood Plan Consultation

3.2.1 The Spixworth Neighbourhood Plan Group carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved use of the SPC neighbourhood planning website pages, SNP newsletters, Parish news, Facebook page, leaflets and email updates as well as a presence at community events such as summer fetes and questionnaires. Copies of the Pre-Submission Draft and Submission Plan were uploaded to the websites and links provided via email as well as being available locally in hard copy.

3.2.2 During 2017 initial discussions were carried out to determine the issues for the plan. This started at the summer fete in August and via a newsletter in October and drop-in event in November to establish interest in the plan, who might assist in its preparation and to establish what the community liked/disliked about the area and how they wanted to see it change. The results of this consultation were fed back at a second drop-in in February and to present the vision and objectives for the plan along with exploring policy statements. A report was prepared feeding back on the potential policy statements in April 2018 and a policy writing workshop held in June 2018.

3.2.3 The Consultation Statement sets out the form and content of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.4 The Pre-Submission Draft consultation on the plan, as required by Regulation 14, involved a 6 week period from 23/05/2019 to 05/07/2019. A poster and social media campaign advertised the consultation. The Neighbourhood Plan was made available online on the SPC website and links to the plan provided via email. Hard copies of the full plan were made available in the local area and articles were published in the press and local magazines. Statutory consultees and other key stakeholders were consulted by email with a link to the plan or by letter. A drop-in was arranged on 01/06/2019 where the community could see the plan and discuss it with the Steering Group. 36 responses

were made at the pre-submission stage. The responses from the resident community regarding the plan were generally positive.

3.2.5 Following the pre-submission stage and the analysis of results the plan was finalised for submission.

3.2.6 The Neighbourhood Planning Regulations are part and parcel of Basic Condition a) and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices I am satisfied that the consultation statement is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The interest and participation by residents in the plan has been facilitated throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided sufficient opportunity for the community's participation.

#### **4. Preparation of the Plan and Legislative Requirements**

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are:

##### 4.1 Qualifying Body

4.1.1 Spixworth Parish Council, as a duly elected lower tier council, is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

##### 4.2 Plan Area

4.2.1 The Spixworth Neighbourhood Area, as designated, coincides with the administrative boundaries of Spixworth Parish.

4.2.2 An application was made by SPC on 13/09/2017 to designate the Spixworth Neighbourhood Area. This was approved by BDC on 04/10/2017.

##### 4.3 Plan Period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The SNP clearly states on its title page and again in the introduction to the plan that it covers the period from 2019–2039.

4.3.2 The plan period extends beyond the end point of the current development plan

documents which set out the strategic policies for the neighbourhood plan (2026) and is aligned more to the replacement joint local plan which currently is intended to extend to 2038. The time period of the SNP satisfies the requirements of Section 38B of the PCPA as amended.

#### 4.4 Excluded Development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The SNP, as proposed to be modified in section 6 below, relates solely to the neighbourhood area and no other neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

#### 4.5 Development and Use of Land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the SNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

#### 4.6 Plan Publication Following Submission

4.6.1 BDC undertook a final validation check of the SNP following submission and confirmed that although it had detailed comments to make on the plan it was satisfied that the Plan could proceed to the publicity stage and this independent examination. The Council's representations at the Regulation 16 stage have been considered and I refer to them below as necessary in section 6 of this report.

4.6.2 In view of the extent of the BDC representations I offered the Parish Council the opportunity to comment on these and other Regulation 16 representations. The Parish Council decided it was content to allow the examination to consider these representations.

### **5. The Basic Conditions**

#### 5.1 National Policy and Advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF was published on 24 July 2018 with a further version including minor clarifications in February 2019. For continuity purposes and for neighbourhood plans already in the system the NPPF states at paragraph 214 that “*the policies in the previous Framework (dated 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*”. The Spixworth Plan was approved for submission after this date and the Examination version

of the plan and the Basic Conditions Statement have been prepared on the basis of the revised Framework and therefore I have based my consideration of the extent to which the SNP meets Basic Condition a) in section 6 below against the revised NPPF including the 2019 clarifications.

5.1.2 The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Development Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They should not promote less development than that set out in the strategic policies of the Development Plan or undermine those strategic policies.

5.1.4 The NPPF indicates that plans should contain policies that are clearly written and unambiguous so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF and as the submitted plan has taken account of the revised Framework, for the purposes of this examination, I have considered the advice of the PPG as at the time of submission.

## 5.2 Sustainable Development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three overarching objectives to sustainable development - economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However an SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case SPC has submitted a full sustainability appraisal. The appraisal shows that, with the exception of some anticipated minor impacts in policies 3, 7, 8 and 10, overall the plan is positive or neutral with respect to the sustainability objectives and will contribute to achieving sustainable development in the parish.

5.2.4 I consider the sustainability of individual policies further below in Section 6.

### 5.3 General Conformity with the Development Plan

5.3.1 The relevant sources of strategic development plan policy are:

- a) The Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) Adopted 2014
- b) The Broadland Development Management DPD (DMDPD) 2015
- c) The Broadland Site Allocations DPD (SADPD) 2016
- d) The Growth Triangle Area Action Plan (GTAAP) 2016

5.3.2 The JCS and DMDPD set out the main policy elements which the SNP needs to be in general conformity with. The SADPD allocated a site in Spixworth for housing and open space which has now been completed and built out.

5.3.3 The GTAAP sets out the planning approach for the development of a growth triangle to the north of Norwich City and identifies one site for housing development GT14 which sits on the southern edge of the parish and is still to be developed.

5.3.4 I consider in further detail in Section 6 below the matter of general conformity with the strategic policies of the plan.

### 5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the UK's exit from the European Union this Basic Condition remains in place until such time as the Acts of Parliament incorporating it are revoked or amended.

#### Strategic Environmental Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environmental Assessment (SEA) Directive.

Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aims to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended requires either that a SEA is submitted with a Neighbourhood Plan proposal or a determination obtained from the responsible authority (BDC) that the plan is not likely to have 'significant effects.'

5.4.4 The scoping report carried out for the sustainability appraisal identified that there might be some significant effects as a result of the plan and therefore the sustainability

appraisal incorporated a full assessment under the Strategic Environmental Assessment (SEA) Regulations.

5.4.5 Regarding Habitats Regulations Assessment (HRA) the test in the additional Basic Condition now essentially mirrors that in respect of SEA and requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination is obtained from the responsible authority (BDC) that the plan is not likely to have a 'significant effect'.

5.4.6 The SNP was subject to a Habitats Regulations Assessment (HRA) screening and determination report. This determined that the plan did not require Appropriate Assessment under Article 6 or 7 of the Habitats Directive. Although there is a significant development in the south of the parish proposed through the GTAAP this was assessed as part of the HRA for the GTAAP which identified no significant negative effects on European sites. The scale of development likely through the SNP, over and above this site, is likely to be small scale and local. Accordingly, either alone or in combination with other plans and projects the SNP would have no significant adverse effects on the integrity of European habitats or sites.

5.4.7 The statutory consultees agreed with the findings of the HRA screening and with the SEA carried out as part of the Sustainability Appraisal and I have no reason to reach a different view.

#### European Convention on Human Rights (ECHR)

5.4.8 The Human Rights Act 1998 encapsulates the Convention and its articles into UK Law.

5.4.9 An Impact Assessment to assess the potential impacts of the neighbourhood plan against the protected characteristics identified in the equalities Act 2010 which is how some qualifying bodies demonstrate compliance with the ECHR was not carried out for the SNP. Instead the Basic Conditions Statement makes the assertion that the SNP has had regard to the fundamental rights and freedoms guaranteed under the ECHR. This is not evidenced and I therefore consider below whether or not the plan is likely to lead to increased inequalities or discrimination in terms of the most relevant Articles 1, 6 and 14.

5.4.10 In respect of Article 1 of the first protocol of the Convention - the right of everyone to the peaceful enjoyment of possessions; although the SNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.



5.4.11 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the SNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.4.12 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the SNP have been developed in consultation with the community and wider stakeholders and as proposed to be modified constitute a document that seeks to be inclusive.

5.4.13 No concerns or objections on the grounds of human rights or equalities have been raised during the Regulation 16 Publicity Stage of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community nor any protected characteristics are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.4.14 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.4.15 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the SNP is compatible with EU obligations and therefore with Basic Conditions f) and g).

## **6. The Neighbourhood Plan – Assessment**

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions f) (EU obligations) and g) (Other prescribed conditions), this section largely focusses on Basic Conditions a) (Having regard to National Policy), d) (Contributing to the achievement of Sustainable Development) and e) (General conformity with strategic policies of the Development Plan). Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

### **6.0 The General Form and Content of the Plan**

6.0.1 The structure of the SNP is generally logical and clear with early sections setting the background context, issues, vision and objectives, the wider strategic context and then policy sections.

6.0.2 The plan distinguishes between the policies themselves and their justification by boxing and colour coding the policies. Each policy is prefaced by supporting text introducing the evidence and providing a reasoned justification to the policies and each policy is immediately prefaced by a statement of its intent.

6.0.3 However the general form and content of the plan does raise an issue in respect to Basic Condition a) and the legal requirements of neighbourhood plans.

6.0.4 This relates to the fact that neighbourhood plans should not include any matters which are not related to the development and use of land and at the end of each theme in the SNP there is a section setting out Projects and Actions related to the theme. These are community projects and intentions which the qualifying body wishes to see delivered to meet the wishes of the local community and “do not want to be lost”. However, a significant number of these are not directly related to the development and use of land.

6.0.5 It is common practice amongst qualifying bodies to take the concerns of residents raised through the consultation and develop community projects to address these. Where these are not related to development and the use of land it is normally recognised that they cannot form part of the plan and they would typically be dealt with in an appendix to the plan.

6.0.6 Whilst SPC has made it clear at paragraph 7.6 that these are not formally part of the plan I recommend that, to reinforce the message, the lists of these community projects are not part of the Plan and that they are moved to a new Appendix 1. The introductory text at the end of each policy theme could however remain to signpost the Appendix.

6.0.7 There are also a couple of more minor matters to raise in respect of the general form of the plan. The PPG requires the plan to provide a clear and unambiguous guide to developers and, in that respect, if these matters are not addressed there will be conflict with Basic Condition a). First, the SNP has not been updated with respect to the process and the stage it is at. Both sections 1 and 2 of the plan, as well as the Foreword, imply that it is still at the pre-submission consultation stage – this is confusing and misleading for those trying to use the plan. Secondly, some of the mapping which appears to have been imported as snapshots from PDF documents is unclear and the message they are trying to show is lost. This may be a particular problem with the printed version provided to me although the digital copy online appears to have the same problem. In preparing the final document for the referendum the mapping should be enlarged and clarified, particularly wording in keys and legends.

### **Recommendation 1 –**

**1A – Relocate the ‘Projects and Actions’ listed at the end of each policy theme in the plan to a new Appendix 1 at the end of the plan. Adjust the introductory text at the end of each section in 8.56, 9.44 and 10.12 and in paragraph 7.6 to simply signpost the list of community projects and actions in Appendix 1**

**Make consequent changes to the table of contents inserting the new Appendix 1.**

**1B – Update the Foreword and Sections 1 and 2 of the plan in respect of the process and stage reached.**

**1C – Replace and enlarge mapping within the plan ideally ensuring plans are at A4 size.**



## 6.1 Executive Summary

6.1.1 The executive summary is a factual summary and other than the requirement to update it as set out at Recommendation 1 above there is no need for modification to meet the Basic Conditions.

## 6.2 Introduction and Background

6.2.1 This section of the SNP describes the purpose and intent of the neighbourhood plan, the history of Spixworth and the stages and processes the plan has gone through. This is a largely factual introduction but as set out at section 6.0 above there will be a need for updating of the procedural text to reflect the fact that the plan has moved forward as per Recommendation 1 above.

6.2.2 Part of the problem is that section 2.8 to 2.11 sets out the detailed process which is not entirely necessary for the understanding of the plan. The information is already available in the Consultation Statement and the Council might wish to consider summarising it in a very brief statement which would reduce the amount of text to keep updated. However, as the content of this section does not conflict with the Basic Conditions I make no formal recommendation for modification.

## 6.3-4 Vision and Objectives

6.3-4.1 The third and fourth sections of the plan set out the community's vision and objectives for the plan and the basis for the policies.

6.3-4.2 Being able to demonstrate the thread from issues to vision and objectives to policies is an important part of evidencing the neighbourhood plan as required in the PPG. The SNP does not demonstrate this very well leaving the issues to emerge through the supporting justification to the policies later in the plan. It would make the thread and rationale for the policies clearer if there were a summary of the key issues identified before the vision and objectives.

6.3-4.3 The vision itself at section 3 looks to meet the needs of the local community whilst safeguarding the rural setting and village character of the parish and the qualities of its environment. It is evident from the plan preparation process that the SNP has had regard to the PPG advice in respect of neighbourhood planning that it *"provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people."*

The objectives in section 4 also have regard to the policy objectives of the NPPF and in that respect there is no conflict with Basic Condition a).

6.3-4.4 The vision at section 3 and objectives at section 4 also encapsulate and are generally complementary to the vision and objectives set out in the JCS at Sections 4.3

and 4.4 in particular the strategy within the vision for the villages and the rural area. The SNP objectives complement those of the JCS in particular Nos 1, 2, 3, 6, 7, 8 and 9. Moreover, the impact of pursuing the vision and objectives of the SNP would contribute to the achievement of sustainable development and a more sustainable neighbourhood area.

6.3-4.5 The Vision and Objectives of the SNP therefore meet Basic Conditions a), d) and e) and other than a minor typographical correction see Appendix 2 below I have no comments to make on the section.

## 6.5 Sustainable Growth and Development

6.5.1 Section 5 of the plan sets out the plan's commitment to securing sustainable development and manage change in a way that protects the natural and built environment of the neighbourhood area. The section raises no issues with respect to the Basic Conditions.

## 6.6 Wider Spatial Context and Strategic Policy Context

6.6.1 Section 6 of the SNP sets out the strategic context for the neighbourhood plan and makes clear that Spixworth is identified in Policy 15 of the JCS as a service village suitable for small scale housing growth to meet local needs. However it also makes clear that part of Spixworth lies in the growth triangle which is designed to meet the development needs of greater Norwich and subject to the provisions of the Growth Triangle Area Action Plan (GTAAP) which allocates site GT14 for housing development in the parish. The Site Allocations DPD (SADPD) defines a settlement limit to Spixworth and an allocated site SP1 which has since been developed.

6.6.2 The section completes with an indication of what the emerging Greater Norwich Local Plan intends for the area.

6.6.3 The SNP in this section is not clear and unambiguous as required by the NPPF and PPG in three respects.

First, the statement at paragraph 6.20 regarding the emerging Greater Norwich Local Plan is ambiguous. If the SNP is going to mention site GNLP0467 at all, it needs to make clear that the site is in Crostwick Parish adjacent to Spixworth village.

Secondly, although the table on page 27-28 sets out how the SNP intends to respond to the JCS objectives, the text at paragraph 6.22 reads as a continuation of the section on the emerging Local Plan when in fact it is not. It needs to make clear that paragraph 6.22 and the table following are designed to demonstrate how the SNP responds to the spatial objectives of the JCS.

Lastly, Map 5 on page 24 is not the same version as Map 1 in the adopted GTAAP which defines a slighter larger area for the allocation GT14 than Map 5 in the SNP. Map 5 needs to be updated to reflect the adopted GTAAP.

## **Recommendation 2**

**2A – Update SNP Map 5 on page 24 to be the same version as that used in Map 1 of**

the GTAAP.

**2B – Amend paragraph 6.20 after the words ‘put forward’ to read “*which is in Crostwick Parish but adjoins Spixworth village. See Map 7*”**

**2B - Make new subheading to follow Map 7 “6.22 Spatial Vision” as for other subheadings in the section.**

**2C – Delete the last 2 lines of current paragraph 6.22 which will become 6.23 and replace with the following:**

***“the intended response of the Spixworth Neighbourhood Plan to each JCS objective is set out in green”***

**2D- For the table text to provide a clear statement of the SNP intent there are a number of typographical/grammatical corrections that need to be made – see Appendix 2 below.**

## 6.7 Neighbourhood Plan Policies

6.7.1 The seventh section of the plan is simply an introduction to the policies and how they have been prepared and presented. The section is purely factual and other than the point raised in Recommendation 1 regarding the relocation of the community projects and actions to a new Appendix 1 there is no need for any modification to meet the Basic Conditions.

### **Recommendation 3**

**Reword the last sentence of paragraph 7.6 to read:**

***“These potential projects are set out in Appendix 1 at the end of the plan to prevent the ideas.....funding becomes available”***

## 6.8 – Infrastructure and Transport - (Policies 1-3)

### **6.8.1 Traffic Impact - (Policy 1)**

i) Policy 1 seeks to respond to the concerns regarding the impact of traffic in Spixworth ensuring that it is properly assessed. In this respect the principle of the Policy has regard to the NPPF at section 9 in particular paragraphs 108-111.

ii) Policy TS2 of the DMDPD requires major developments to assess transport impacts and in that respect although Policy 1 of the SNP has a similar aim it does not merely replicate Policy TS2 but is complementary to it adding local detail to the policy control. Thus the Policy is in general conformity with Policy TS2.

iii) However, the detail of Policy 1 is not clear and unambiguous when set against the strategic policy. The wording of Policy 1 is confused as to where it applies. The intention appears to be that it should relate to ‘Major Development’ as is the case with Policy TS2. However, the first clause chooses 11 or more dwellings and all commercial development which is not the definition of ‘Major Development’. In respect of commercial developments it is wholly unreasonable that this requirement should extend to all commercial development. The trigger points should be 10 or more dwellings and over 1000m<sup>2</sup>

commercial floorspace.

#### **Recommendation 4**

##### **4A – Reword start of Policy 1 to state:**

***“Major development proposals (10 or more dwellings and commercial floorspace in excess of 1000m<sup>2</sup>) will be expected to....”***

##### **4B – Amend the start of paragraph 2 of Policy 1 to state:**

***“Major development proposals will also....”***

iv) With these minor modifications the Policy is consistent with Policy TS2 and does not seek to apply a higher test than the DMDPD which would result in confusion and lack of clarity to developers. The Policy was found to have a positive or neutral outcome in the SA and the modifications proposed would not change the ability of the policy to contribute to achieving sustainable development. The Basic Conditions are therefore met.

#### **6.8.2 Sustainable Transport - (Policy 2)**

i) Policy 2 seeks to encourage sustainable transport within developments and the principle of the Policy again has regard to the NPPF at section 9 and is in general conformity with Policy 2 of the JCS both of which have the same objective.

ii) However, it is unrealistic and unreasonable for the SNP Policy to expect all new development to enhance public transport. All but the largest developments are unlikely to be able to directly enhance public transport as the Policy requires. Although the Policy seeks to get around this by including the words ‘where appropriate and practicable’, in essence this simply makes it a policy that is not clear and unambiguous as required by the NPPF and PPG. There is therefore conflict with Basic Condition a). It is too easy for a developer to argue it was not appropriate or practicable and the outcome of the Policy is therefore unclear. Policy 2 should be reworded to require major developments to be located in a position that allows public transport to be used and for development otherwise to take opportunities to encourage sustainable transport.

#### **Recommendation 5 - Reword Policy 2 to read:**

***“All new development should create opportunities to encourage the use of sustainable transport through the provision of footpath and cycle access *within the site and which connects* to the existing network of footpaths and cycleways, in particular *where these link to* schools, community facilities and recreational spaces. All major development proposals should be located where there is access to public transport services.”***

iii) With this modification the Policy places a reasonable requirement on development and meets Basic Conditions a) and e). The Policy performed well in the SA and inasmuch as the policy intent remains unchanged it will continue to contribute to the achievement of sustainable development and Basic Condition d) is also met.

### 6.8.3 Flood Risk – (Policy 3)

- i) Policy 3 sets out the SNP's approach to managing development in areas of flood risk and the principle of a flooding policy therefore has regard to the NPPF at Section 14. However, Policy 3 sets a higher test than that in the NPPF at Paragraph 163 and Footnote 50 in that it requires a site-specific flood risk assessment (FRA) to be carried out on all sites. This is not what national policy requires. Development proposals in Flood Zone 1, which relates to most of Spixworth, only need to be accompanied by a FRA if the site is 1 hectare or more, or has been identified by the EA as having critical drainage problems, or identified as at increased risk in a SFRA or where it is subject to other sources of flooding and the development introduces a more vulnerable use. The PPG makes it clear that it is not necessary for plans to include policy control where appropriate control is already applied at a higher level in the planning policy hierarchy. The NPPF at Section 14 makes it very clear what the requirement is for a site-specific FRA and it is not necessary for this requirement to be repeated and exceeded in the neighbourhood plan and this element of the Policy should be deleted.
- ii) The most significant flood risk in Spixworth is reported to be surface water flooding from run off and related surcharging of sewerage systems at times of heavy rain. Policy 3 (beyond the first paragraph) includes locally specific advice targeted at surface water flooding from run-off and surcharging which has regard to the NPPF and is in general conformity with and complements the policy advice in Policy CSU5 of the DMDPD.
- iii) There are however 2 minor matters with Policy 3 that mean it does not provide the clear and unambiguous advice required by the NPPF and PPG.
- iv) First it is not made entirely clear in the second half of the Policy that development proposals must apply all the measures in the bullet points at the end of the Policy. There is a linking 'and' before the last bullet but this could be clarified further.
- v) Secondly, the second bullet point implies that development can be located in areas at risk of flooding. The wording is misleading and to comply with national policy should be reworded.

#### **Recommendation 6**

**6A – Amend Policy 3 to delete the words 'be accompanied by an appropriate flood risk assessment which gives'. Amend text to read “....hard surfacing should *give* adequate and appropriate ....”**

**6B – Insert at the end of the paragraph introducing the bullet points:**

***“...including **consideration to all of the following:**”***

**6C – Second bullet reword to read:**

***“only locating development in areas at risk from flooding **where the vulnerability of the proposed land use has been considered and it is compatible with the risk**”***

- vi) With these modifications in place Policy 3 meets Basic Conditions a) and e). The proposed approach in respect of flood risk in the SNP was found in the SA to have a potentially negative impact in terms of the affordability of housing where flood risk

mitigation was necessary. However, overall, the objective of Policy 3 is a sustainable one and it will contribute to the achievement of sustainable development. Accordingly, Basic Condition d) would also be met.

#### 6.8.4 Supporting Text to Policies 1-3

i) The combined supporting text to Policies 1-3 of the SNP sets out the evidence to support the three policies and other than a number of typographical and grammatical corrections set out in Appendix 2 and the need to amend the text at paragraph 8.56 as set out in Recommendation 1 no other changes are necessary.

### 6.9 Environment and Landscape – (Policies 4 and 5)

#### 6.9.1 Biodiversity (Policy 4)

i) Policy 4 seeks to secure and protect green infrastructure in Spixworth and in so doing achieve net gains in biodiversity by protecting connectivity for wildlife.

ii) Section 15 of the NPPF and in particular paragraph 170 requires planning policies to contribute to enhancing the natural environment and at 170d) to minimise impacts on and provide net gains for biodiversity. The Policy therefore has regard to the NPPF.

iii) Policy EN1 of the DMDPD seeks to ensure development proposals protect and enhance biodiversity and Policy 4 is in general conformity with it and sets out how biodiversity will be protected and enhanced at the local level in particular through higher provision of green infrastructure. Policy 4 performs well in the SA and given that it seeks to enhance biodiversity it is likely to contribute to the achievement of sustainable development. As such the principle of what Policy 4 is seeking to achieve meets the Basic Conditions a), d) and e).

iv) However, the Policy again includes elements that are not clear and includes an unreasonable provision in respect of timing which requires to be modified if the Policy is to meet the requirement of being clear and unambiguous and provide certainty to the decision maker.

v) First, although the Policy reiterates the wording from the NPPF seeking net gains in biodiversity, the District Council is concerned that this is unclear because in some cases, eg where there is no ecological assessment for a development site, there will not be a baseline against which to determine whether the proposal will deliver a net gain. This is a valid concern affecting the clarity of the Policy and it is therefore suggested that the Policy, if it is to apply to all development where green infrastructure is to be provided, should simply refer to the need to enhance biodiversity. Secondly, as the second sentence of the Policy currently repeats the provision in Policy 2 it should be made clear in Policy 4 that the connectivity being sought in this instance is **for wildlife**, with the footpaths and cycleways affording the opportunity for wildlife to access the surrounding countryside. This is not clear in the current wording.



vi) The District Council in its Regulation 16 comments in respect of Policy 9 expresses the view that the two Policies 4 and 9 are confused as they cover similar ground. I have considered this in detail in section 6.11.3 of my report below and recommended that the area of duplication relating to landscaping in the central section of Policy 4, which otherwise principally deals with biodiversity, should be removed and relocated to Policy 9.

vii) This section of the Policy relating to landscaping schemes, when relocated, also needs modification to ensure it is clear and unambiguous in operation. The requirement for the landscaping schemes to be implemented prior to first occupation in the last sentence of the Policy is unreasonable and potentially unenforceable. If for example a development is complete in early summer after the March end to the planting season it would be completely unreasonable for it to remain unoccupied until November and the next planting season. Common practice is for Local Planning Authorities to request that landscaping is completed in the first planting season following occupation. The District Council has also expressed concern with this section of the policy over the requirement for 20% tree canopy cover in green spaces stating that this would be difficult to calculate. However, it would be relatively straightforward for a landscape designer to calculate a planting plan that would deliver 20% tree canopy coverage and to demonstrate this. I do not therefore think there is any need to modify the policy in this respect.

viii) There is a further Regulation 16 representation in respect of Policy 4 and its supporting text from the Norfolk Wildlife Trust. The Trust proposes that the provision of seeds to plant features to encourage flora, fauna, habitat and wildlife in the last part of the Policy should be locally sourced. This is a very detailed provision which I do not think needs to be included in the Policy itself although it could be added to the supporting text. However, with regard to the Trust's other point in respect of the supporting text at paragraph 9.35 that the provision of a swift tower should not be an alternative to individual swift and bat boxes on buildings but rather additional to it I accept that this is a reasonable correction that should be made to paragraph 9.35.

## **Recommendation 7**

**7A – Delete the words ‘deliver a net gain in’ in line 1 of Policy 4 and replace with the word ‘enhance’.**

**7B – Reword line 3 of Policy 4 to state:**

***...to enhance connectivity for wildlife via links from the site to existing footpath and cycleway connections to the wider parish and countryside.”***

**7C – In Line 1 of paragraph 9.35 of the supporting text delete the words ‘an alternative’ and replace with the words “an additional provision...”**

**7D Delete the central section of Policy 4 from the words ‘Landscape proposals’ down to ‘landscape plans’ and the last sentence of the policy along with relevant supporting text from Section 9 of the SNP to Section 11. See recommended revised wording of both Policies 4 and 9 at Appendix 3 below.**

**Delete the words ‘prior to first occupation’ in the last sentence of Policy 4 when it is relocated and replace with the words ‘in the first planting season following occupation’.**

ix) Although this modification involves significant restructuring of Policies 4 and 9, the combined intent of the two policies remains unchanged. I am therefore satisfied that the modification does not necessitate reconsultation. With the modification in place Policy 4 meets the Basic Conditions.

#### 6.9.2 Designation of Local Green Space (Policy 5)

i) The plan takes up the opportunity offered in the NPPF to identify and designate Local Green Space (LGS) in accordance with paragraphs 99-101. Such spaces can only be designated at the time the neighbourhood plan is being prepared and development within them will be treated in the same way as development within the Green Belt ie only where very special circumstances apply.

ii) The 10 sites listed in the Policy and proposed to be designated as LGS are shown in Map 10 on page 53 and the justification for these sites being selected in terms of the tests set out in the NPPF are set out in Appendix 1 to the SNP. The tests that the NPPF sets are:

- Is the green space in reasonably close proximity to the community it serves?
- Is the green space demonstrably special to the local community and of local significance?
- Is the green space local in character and not an extensive tract of land?

iii) The Parish Council has provided the assessment in tabular form which confirms the size of the areas and shows none are extensive tracts of land. It also confirms the location and shows they are close to the community they serve. The rest of the table looks at the landscape, historical, recreational and ecological value of the space to the community. Gladman developments state in their Regulation 16 representation that the evidence for the designation of the LGS is inadequate.

iv) In the light of this I have reviewed these proposed LGS on site and have issues in respect of two of these. Sites 5 and 6 on Map 10, whilst they undoubtedly are in 'reasonably close proximity' to the community and are 'local in character' I am not persuaded that either is demonstrably special for any of the reasons set out at paragraph 100 b) of the NPPF. They are simply small pieces of amenity grassland (albeit in the case of site 5 with play equipment) which because of their extremely small size, backland position and nature would have limited recreational, aesthetic or ecological value. I accept that sites 7, 8 and 9 are also amenity green spaces but, in those cases, the sites are larger and clearly have more recreational value and are closely interlinked to a number of surrounding streets with houses overlooking the space and it is easy to see those spaces having much higher community value.

v) As Sites 5 and 6 are not demonstrably special there is a danger of devaluing LGS as a concept locally and the sites should be deleted. This is not to say that they have no amenity value and if, as stated, they are managed by the Parish Council they are not at risk of being lost to development.



***Please note the numbering in the table entries at Appendix 1 of the SNP appears to be wrong as site 6 in the table appears not to relate to site 6 on Map 10 but to site 7 and this needs to be corrected.***

vi) Sites 2 and 3, the Hopkins Playing Field and St Mary's allotments respectively, at the time of the site visit did not appear to be fully established for the recreational purposes set out in Appendix 1 of the plan. However, I accept that both of these are recently established through the development of adjacent land and the intention is that these areas will be set up as playing field and allotments respectively in due course and will perform a role that is demonstrably special to the community. I am satisfied, therefore, that they are appropriately designated as LGS.

vii) Notwithstanding the fact that in principle Policy 5, as proposed to be modified, would accord with Basic Condition a), there is a minor issue with the Policy that, as it stands, would result in it failing the national advice that policies must be clear and unambiguous.

viii) The Policy states that the LGS are shown on location maps in Appendix 1 but this is not in fact the case. The Policy also omits the reference number for the main identifying map – Map 10. This needs to be corrected.

ix) Neither the JCS nor the DMDPD identifies any open space as LGS but at Policy 1 of the JCS it looks to protect all elements of green infrastructure. As such, Policy 5, in seeking to designate and protect LGS, is in general conformity with and complements the JCS by identifying which open spaces are important at a local level. Policy 5 performs well in the SA having many positive impacts. The protection of key green areas by designating them as LGS is likely to contribute to the achievement of sustainability and is a justified activity for the SNP and therefore Basic Condition d) is also met.

## **Recommendation 8**

**8A – Insert in the first line of Policy 5 after the word ‘Map’ the number ‘10’ so that it reads ‘as shown on Map 10 and Appendix 1...’ (Note - This will now be Appendix 2 if Recommendation 1 is applied)**

**8B – Delete sites 5 and 6 from Policy 5.**

**8C – Correct entries in Appendix 1 (Note - This will now be Appendix 2 if Recommendation 1 is applied) so entries correctly refer to the sites in Policy 5.**

**8D – Insert larger scale mapping for each LGS in the Appendix so that the boundaries and extent of the LGS are clear.**

x) With these modifications the Policy will meet the Basic Conditions.

## **6.10 Community Facilities – (Policy 6)**

### **6.10.1 Open Space Management**

i) Policy 6 seeks to ensure that appropriate management measures are in place for

the future care and maintenance of open space and recreation areas provided as part of new developments. The Policy has regard to the NPPF at section 8 seeking to secure community facilities and is in general conformity with Policy EN3 of the DMDPD which looks to secure maintenance and management arrangements for green infrastructure. Policy 6 in securing the maintenance of open spaces in perpetuity performs well in the SA and will contribute to a more sustainable community. Basic Conditions a), d) and e) are therefore met and other than two minor typographical /grammatical changes – see Appendix 2 below and the implementation of Recommendation 1 in respect of paragraph 10.12 no modification is necessary to the policy or supporting text.

## 6.11 Design and Housing (Policies 7-10)

### 6.11.1 Great Places to Live – (Policy 7)

- i) Policy 7 requires a high quality of design in housing and commercial developments although the majority of the Policy relates to housing development. The Policy requires developers to assess their schemes against Building for Life 12 (BfL12) as the government's current scheme for assessing sustainability in housing design and against Streets for All when designing the public realm.
- ii) The Policy has regard to Section 12 of the NPPF – Achieving Well Designed Places and in particular paragraphs 124 to 127 especially the criteria in paragraph 127. Policy 2 of the JCS and Policy GC4 of the DMDPD set out policy criteria to secure well designed places including the JCS advocating the use of BFL guidelines. SNP Policy 7 generally conforms to these and does not simply replicate the strategic policies but instead sets out the local requirements of the neighbourhood plan.
- iii) Representations at the Regulation 16 stage have been received from Gladman Developments Ltd to the effect that Policy 7 should not be a 'one size fits all' solution and that there was a need for flexibility in the Policy. BDC have also queried whether the Policy should apply to all development and consider clause 2 should be removed as it merely repeats JCS Policy 4.
- iv) Regarding the Gladman Developments point I have considered all the criteria and am not persuaded that the Policy encourages a 'one size fits all' approach. It appears to me that with the possible exception of clause 4 there is plenty opportunity for flexibility in design and the Policy is simply about setting principles and is not unduly prescriptive.
- v) In respect of the BDC points it is not the intention of the NPPF that good design should only apply to some developments and it is wholly appropriate that the Policy should apply to all development. There is an issue as to whether BFL12 should apply to all development but, whilst BFL12 is aimed principally at housing, there is nothing in the 12 design principles, other than No 4 on housing mix, that is not equally applicable to commercial development. Regarding BDC's point in respect of clause 2, although JCS Policy 4 does seek a housing mix I am satisfied that Policy 7 does not simply replicate the strategic policy. It does make clear the point that the SNP is seeking the provision of

smaller housing, starter homes and quality accommodation for the elderly in response to perceived local issues. It therefore complements JCS Policy 4 and adds local considerations.

vi) Both Gladman Developments and BDC raise points regarding Clause 5 requiring developments to demonstrate there is sufficient capacity in the sewerage network. In respect of this clause BDC is correct that it is inappropriate to apply it to all development. There will be many cases particularly through property extensions where the development will be connected to the public sewerage network via an existing connection. It would be inappropriate and unenforceable to require these developments to demonstrate capacity. The Policy should therefore be modified to make it clear that it relates to developments where a new or additional connection is being made to the sewerage network. It is usual practice to acknowledge that development is not necessarily prevented by a lack of sewerage capacity provided that it can be provided in time to serve the development. In that respect clause 5 would be more clearly expressed, rather than requiring conditions to be attached, if it simply stated that any required capacity should be provided in time to serve the development.

vii) In addition to modifications in response to these points there is a further minor matter which should be addressed to ensure the Policy is clear and unambiguous in terms of how it will operate if referenced documents and industry standards change during the plan period. I accept that in principle there is no reason why BfL12 should not be applied, as its completion should help to reassure the Local Planning Authority and the community that the design helps to create local distinctiveness and a sustainable development. However, there is a problem in pegging a policy to this particular standard without any flexibility over what happens when the scheme changes to avoid the Policy requirement becoming redundant. In order that this does not occur I recommend that the Policy is modified. I note the other documents referred to in the Policy do have this flexibility but the text should be expressed in the same way throughout.

## **Recommendation 9**

**9A – Add after the references to specific documents in the introductory paragraph and clauses 1 and 8 of Policy 7 the following or similar wording:**

***“... or subsequent updated documents and standards that replace these”***

**9B – Amend the start of clause 5 to read:**

***“ensuring all new development which requires a *new/additional* connection to....”***

**9C - After the word ‘development’ in line 2 delete the rest of the sentence and replace with:**

***“...or that capacity can be provided in time to serve the development.”***

**Note – see also minor typographical and grammatical corrections in Policy 7 at Appendix 2 below.**

viii) The policy generally had positive or neutral impacts in the SA although, in respect of the objective to make best use of resources, the clause limiting the height of development was found to conflict with the aim of making most effective use of land. However, in the context of Spixworth, as a rural parish, to allow development of a greater

height than 3 storeys would appear incongruous. Overall therefore the Policy meets Basic Condition d).

ix) With the modifications recommended to Policy 7 it meets the Basic Conditions.

#### 6.11.2 Home Design – (Policy 8)

i) Policy 8 of the SNP seeks to apply good design principles specifically to residential development to ensure the creation of a good living environment. Again the principle of the Policy has regard to national policy at section 12 but it is not clear and unambiguous as to where it applies and therefore does not provide clear advice to developers and decision makers as required by the NPPF and PPG. The problem lies in the fact that the Policy appears to be intended to apply to all homes including individual houses and those created through conversion and presumably any apartment blocks but the way the clauses of the Policy are worded they relate to individual houses in their own plots. I accept that this form of housing may form the bulk of new dwellings in Spixworth village but not necessarily all and development on the large site off Buxton Road, for example, may very well include apartments. The wording of the clauses therefore needs to be clarified.

ii) BDC in its Regulation 16 representations has questioned whether the Policy should be modified to insert 'where appropriate' at the start. However, I am not persuaded that this helps in clarifying the Policy. Indeed, the inclusion of such words in policies simply makes the outcome less certain. In any event modifying the Policy 8 clauses as discussed above will allow it to be applied to all residential development and the requirements are reasonable ones.

iii) Policy 8 develops the design controls in JCS Policy 2 and DMDPD Policy GC4 but remains in general conformity with these development plan policies. The Policy was found in the SA to have the potential to have two negative impacts in that the requirements may impact on achieving the most efficient use of land and in turn therefore may affect the ability to deliver affordable housing. However, on balance, the Policy is positive and inasmuch as it is seeking to create successful, living environments in keeping with the rural character of the parish it is acceptable in terms of Basic Condition d).

#### Recommendation 10

**Modify the wording of Policy 8 as follows:**

- **After the word 'including' in line 1 add "*those created through*"**
- **Add at the end of clause 2 – "*For conversions and flatted developments shared provision of external amenity space will be acceptable*".**
- **In clause 3 delete bracketed section at the end.**
- **In clause 4 after the word 'within' reword to read – "*...the property curtilage and encouraged to include electric vehicle charging points and...*"**
- **In clause 5 delete the words 'each property's curtilage and replace with – "*the property curtilage*"**

iv) With these modifications the Policy gives clear and unambiguous guidance and

meets Basic Condition a)

#### 6.11.3 Housing and its Setting – (Policy 9)

- i) Policy 9 seeks to ensure that development is appropriately landscaped. Although entitled ‘Housing and its setting’ the Policy appears to be intended to apply to all development and the intent needs to be clarified.
- ii) BDC in its Regulation 16 representations makes the point that the Policy overlaps with SNP Policy 4 and that the same elements should not be repeated in the two policies.
- iii) I agree that the two policies do overlap and in doing so fail to provide clear and unambiguous advice as required by the NPPF and therefore there is conflict with Basic Condition a). I accept that the objective of Policy 4 is, in the main, to do with enhancing biodiversity whilst Policy 9 seeks to control the visual effect of development through landscaping and encouraging landscaping to be part of the design process. The problem would be resolved by relocating the central part of Policy 4 to Policy 9 leaving Policy 4 to deal much more clearly just with the biodiversity objective but the problem with that approach is that there is hardly any supporting text directly related to Policy 9 whereas the supporting text to Policy 4 talks much more about the landscape setting and character of Spixworth.
- iv) I have considered relocating Policy 9 back in Section 9 of the SNP but this would require significant consequential adjustments to text and referencing. Therefore, on balance, I recommend that the amendments are made to Policies 4 and 9 keeping them in their respective positions but that supporting text is added in Section 11, relocated as necessary from Section 9, to justify the policy. For simplicity I have set out my recommended wording for the two policies in Appendix 3 below. (See also section 6.9.1).

#### **Recommendation 11**

**11A – Retitle Policy 9 as – “*Landscaping Development to Preserve and Enhance its Setting*”**

**11B - Relocate the text from the central section of Policy 4 of the SNP to Policy 9 to remove any duplication. (See the suggested wording of both policies at Appendix 3).**

**11C – Add justification as to the importance of protecting landscape character and setting into the supporting text to Policy 9 in Section 11 of the plan.**

- v) Although the modification involves substantial reworking of the two policies the overall objectives and outcomes of the policies remain the same. With the modifications proposed the purpose and intent of Policy 9 is clear and unambiguous and it meets the Basic Conditions.

#### 6.11.4 Roads and Parking – (Policy 10)

- i) Policy 10 of the SNP seeks to secure a high quality in the highway and transport

network of Spixworth and address the problem of parking stress in the village where a combination of limited provision of off-street parking space and narrow road widths results in congestion as a result of parked cars on the streets.

ii) Currently parking standards in Broadland District continue to be applied through the parking guidelines at Policy TS4 of the DMDPD applying a very general control and the Broadland Parking Standards SPD. Policy 10 seeks to apply a higher parking standard than set out in the SPD which has been challenged by BDC in its Regulation 16 representations. The NPPF at Section 9 does allow for the setting of parking standards at a local level but paragraph 105 encourages standards to be set according to the accessibility of the site, the type of development, the availability of public transport and local car ownership levels. Whilst the justification for the Policy has taken into account the general rural nature of Spixworth and the level of car ownership locally, there is no flexibility of the standard in respect of locations where there is good accessibility or proximity to public transport services nor any reasoning why there should not be such flexibility. In this respect the SNP does not demonstrate that it has had regard to national policy and there is a conflict with Basic Condition a). To reflect the NPPF advice greater flexibility is required in clause 4 of Policy 10.

iii) BDC also raises a second point that the Policy at clause 3 requires all roads in developments to be built to Norfolk County Council's adoptable standards for highways. It refers to a similar situation with the Aylsham Neighbourhood Plan (now 'made') where the examiner took the view that this was not a matter relating to the development and use of land and recommended the similar clause be deleted. Whilst consistency between neighbourhood plans, particularly in the same district, should generally be secured I have also been referred by SPC to the fact that there are other neighbourhood plans in Broadland District which do contain a similar requirement to clause 3. Given that the clause is merely reinforcing the requirement that roads in developments to be built to an adoptable standard should meet the County standards and does not seek to influence or alter those standards, on balance, I see no reason to require that the clause is deleted.

iv) Finally, in the interests of ensuring a clear and unambiguous policy the introductory paragraph to Policy 10 and the reference at the end of clause 1 need to be clarified. I raised with SPC as one of my clarifying questions what was meant by the last phrase in clause 1. SPC have responded clarifying the intention – see Appendix 1 below - and the wording needs to be modified.

## **Recommendation 12**

**12A Insert full stop after the word 'guidance' in line 2 of Policy 10 and insert:**

***“Development should enhance the highway and transport network in Spixworth by:”***

**12B – In clause 1 Line 1 after the words 'within any site to' insert the words:**

***“integrate into the village and existing highway network and minimize conflict”....***

**Insert full stop after the word 'play' in line 3 and delete the rest of the sentence.**

**12C - Insert after the table in clause 4 the following:**

***“In cases where the development site is in a location with good accessibility and good proximity to public transport a lower off-street parking standard may be***



***accepted”.***

v) With this modification Policy 10 would meet the Basic Conditions a) and e). The SA identifies two potential negative impacts of the policy in that the requirement for higher standards of off-street parking may impact on the ability to make the most efficient use of land and in turn may affect the ability to deliver affordable housing. Moreover, increasing parking provision, which the policy seeks to do, is not a sustainable objective as it can encourage car use and ownership but it is accepted that for the time being the available sustainable transport alternatives in Spixworth are limited and failure to make adequate off street provision will give rise to additional problems. With the modification to introduce the flexibility to reduce parking standards in more accessible locations however on balance Policy 10 does not conflict with Basic Condition d).

#### 6.12 Local Economy - (Policies 11 and 12)

##### 6.12.1 Employment Opportunities – (Policy 11)

i) Policy 11 looks to encourage the expansion of employment opportunities in Spixworth subject to there being no impacts on the local environment and residential amenity.

ii) The Policy has regard to Section 6 of the NPPF seeking to build a strong competitive economy, encouraging sustainable economic growth and supporting a prosperous rural economy, particularly the policy statements at paragraphs 81 and 83.

iii) Policy 5 of the JCS includes a section on the rural economy and promoting rural enterprise local job opportunities. The general support from Policy 11 of the SNP, subject to the two tests, is therefore in general conformity with the JCS.

iv) The intent of the Policy in encouraging the local economy and in promoting local employment opportunities that enable people to live and work locally and reducing out commuting will contribute to creating a more sustainable settlement and the Policy has a generally positive or neutral impact in the SA.

v) Accordingly, Policy 11 meets Basic Conditions a), d) and e) and there is no need for modification.

##### 6.12.2 Commercial Premises (Policy 12)

i) Policy 12 looks to encourage the continued provision of commercial facilities in the main retail areas of Crostwick Lane. These are vital to the local community and act as community facilities and in that respect the Policy has regard to Section 8 of the NPPF which similarly supports the provision of community facilities such as local shops etc.

ii) Policy 7 of the JCS looks to support communities and Policies R1 and CSU1 of the DMDPD seek to encourage town centre type uses in local centres and encourage community service provision. Policy 12 therefore is in general conformity with the strategic provisions of the development plan.

iii) Encouraging the maintenance and expansion of local services will contribute to achieving a more sustainable community in Spixworth and the result of the SA is a generally positive or neutral impact from applying the Policy. Accordingly, the Policy meets the Basic Conditions and there is no need for any modification.

### 6.13 Delivery, Implementation and Monitoring

6.13.1 Section 13 concludes the plan by setting out how it is intended to deliver and monitor the plan and arrangements for its review. The section is mainly factual and other than a typographical/grammatical correction, see Appendix 2, the only two minor modifications I recommend are made to the section are to clarify at paragraph 13.6 that decisions will be made in accordance with the neighbourhood plan and to correct the impression at paragraph 13.15 that planning obligations are different to S106 agreements.

#### **Recommendation 13**

**13A – Insert in paragraph 13.6 Line 1 after the words ‘Neighbourhood Area’ the words “*in accordance with the policies of the SNP*”**

**13B – Insert in paragraph 13.15 Line 2 after ‘S106’ the words “*planning obligations*” and delete the phrase ‘and through planning obligations’ later in the line.**

## **7. Other Matters**

### 7.1 Glossary

7.1.1 The glossary helpfully defines terms used in the SNP. There is only one entry that should be clarified.

#### **Recommendation 14**

**In the definition for Community Infrastructure Levy insert at the end a new sentence as follows:**

***“A ‘made’ neighbourhood plan enables the parish council for the neighbourhood area to allocate 25% of the CIL collected from developments in the area.”***

### 7.2 Appendix 2 of the Neighbourhood Plan.

7.2.1 Appendix 2 sets out the 12 design principles from ‘Building for Life 12’. The first principle quoted relating to ‘Connections’ is an incomplete quote. The whole text should be quoted.

#### **Recommendation 15**

**Add at the end of the line at reference 1 the following:**

***“creating new ones while also respecting existing buildings and land uses around***



***the development site”.***

### 7.3 Typographical and Formatting Corrections

7.3.1 There are a number of typographical / grammatical errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the Basic Conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 2 and in modifying the plan as set out above and finalising it for the referendum these typographical amendments should be made.

**Recommendation 16 – Make typographical and grammatical corrections as set out in Appendix 2 at the end of this report.**

## **8. Referendum**

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Spixworth Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Spixworth Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the administrative boundary of Spixworth parish. There is a major development proposal off Buxton Road within the Neighbourhood Area which may affect surrounding parishes. However, this is an allocation through the Growth Triangle AAP which has been considered and consulted on through the preparation of that plan. The SNP policies themselves will apply to this development but do not seek to alter or extend it.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

## **Recommendation 17**

**I recommend to Broadland District Council that the Spixworth Neighbourhood Plan, modified as specified above, should proceed to a referendum based on the Spixworth Neighbourhood Area as designated by the District Council on 04/10/17.**

**Peter D Biggers Independent Examiner BSc (Hons) MRTPI  
16 April 2020**

## Appendix 1 -

### Examiner's Clarifying Questions of Broadland District Council and Spixworth Parish Council

(BDC response in red text) (Spixworth PC response in blue text)

Broadland District Council

1. P 26 of the plan would imply that site GNLP 0467 is in part in Spixworth Parish but the map on page 7 would suggest not. Can you confirm that although it borders the parish it is wholly within Crostwick Parish?

We can confirm that the site is wholly within Crostwick Parish.

Site GNLP0467 is currently wholly in Crostwick. When consulted on as part of the emerging Local Plan it was listed as being wholly in both Crostwick and separately wholly (incorrectly) in Spixworth. Clarity was sort from the GNLP Team as to the intent of leaving the propose site in Crostwick or moving the parish boundary to have the site in Spixworth. This clarity has not been received which leaves the uncertainty.

Historically, Spixworth residents have seen this happen and the parish boundary moved. The allocation under the current Site Allocations DPD 2016 allocated site SPL1 (as shown on Map 6 on page 25) was originally wholly in Crostwick but the parish boundary for Crostwick and Spixworth was moved to place the allocated site wholly in Spixworth. If site GNLP0467 is allocated under the emerging Local Plan it is felt likely the parish boundary will be moved again to see the site located wholly in Spixworth.

As of today, the proposed site is wholly in the parish of Crostwick, albeit, on the boundary of Spixworth.

2. Is it fair to say that the principal flood risk in Spixworth is flooding as a result of surface water run-off?

Yes, the principal flood risk in Spixworth is from surface water flooding

Surface water run-off is one element of flooding that has been seen in the village and does pose the highest risk. But the village has seen flooding as a result of sewerage capacity and failure. The four pictures on page 40 and 42 are all pictures of the sewerage flooding caused by the pump station blockage and failure to cope with capacity.

3. Para 6.11 regarding allocation GT14 appears to suggest part of the site is not in Spixworth Parish but it appears from Plan 5 on page 24 that all of GT14 is in Spixworth. The Proposal map 1 in the Growth Triangle AAP is different to Plan 5 in the neighbourhood plan in terms of the hatched notation for GT14. Please clarify what is correct.

The proposals map in the adopted Growth Triangle Area Action Plan is correct. A small part of the allocation lies outside of the Spixworth Parish boundary. The adopted Area Action Plan can be found here:

[https://www.broadland.gov.uk/downloads/download/163/growth\\_triangle\\_area\\_action\\_plan](https://www.broadland.gov.uk/downloads/download/163/growth_triangle_area_action_plan)

Most of GT14 is located within the parish boundary of Spixworth, a small part of GT14 (the north eastern section) is located within the parish boundary of Sprowston. Please could Broadland DC reproduce Map 1 of the AAP and overlay the parish boundaries of Spixworth and Sprowston to illustrate this.

4. Is there any other Growth Triangle site allocation intentions within Spixworth Parish likely within the period of the neighbourhood plan?

At the present time there are no site allocations proposed for Spixworth in the Greater Norwich Local Plan (GNLP). At the time of writing, site 0467, which borders Spixworth, has not been identified as being suitable for allocation i.e. it is an unreasonable alternative. Please note that the GNLP is only at the Reg.18 stage and representations from the most recent Reg.18 consultation have yet to be analysed. Therefore this position may be subject to change.

No. GT14 is the only allocated site that falls within the Spixworth parish boundary of the current Growth Triangle site allocations. The allocation process under the emerging Local Plan is not finalised although there are no additional proposed sites in the Growth Triangle that are located within the Spixworth parish boundary.

Spixworth Parish Council

5. Policy 4 is ostensibly to do with biodiversity but includes in lines 3-4 a requirement for development to take opportunities for sustainable transport which is exactly the same policy message as in Policy 2 and seems not directly related to biodiversity. Is the inclusion of this clause in Policy 4 a mistake and supposed to be removed when Policy 2 was finalised.

Policy 2 is focussed on development taking the opportunity to improve the situation with public transport and sustainable transport including the integration with the existing built environment through footpaths and cycleways. Whilst similar the focus of this element of policy 4 is also different.

This part of policy 4 seeks to ensure the wildlife corridors are enhanced to enable animals to move in and around Spixworth from the countryside. As a by product this will also benefit the residents and enable them to access the open spaces around Spixworth. We have seen this work particularly well with the completion of the Broadland Northway (NDR) and the access its footpaths and cycleways now give to the countryside for the local wildlife and residents.

Neighbourhood Plan Team and Parish Council are keen to see the different elements of these policies – the promotion of sustainable transport and enhanced wildlife corridors – both taken forward and would welcome any guidance and/or clarity the Examiner can bring to either or both policies to facilitate this.

6. What is meant by the italicised section of clause 1 of Policy 10? As written the meaning and intent is not clear. Does the italicised section relate back to designing roads and parking areas to integrate into the village and the existing highway network?

There is no reason for this to be 'italicised' and it should be changed. The policy wording is seeking to see that new estate roads are required, in their design and location, that they consider how and, if possible, connect to the village network.

This has arisen due to the concern with the site being considered for allocation in the emerging Local Plan which if brought forward is likely to see the access from the North Walsham Road and could easily isolate the possible development from the existing village. If consideration is not given to this and the proposed development is isolated then the new residents would have to use their cars to access the village facilities (such as shops, village hall, pub, etc...

7. What is the current position with regard to the allotments south of the village hall site. They did not appear to be in use? Has the land just been set aside as part of the St Marys Court development and not yet in use?

The new allotments are still in the ownership of the developer. The process of transferring to the Village Hall Trust seems to be taking an inordinate amount of time as the solicitors resolve the details of the land transfer and appropriate access requirements. There are residents ready, waiting and keen to take up their allotments. It is hoped the solicitors can complete this in the next month.

8. *Supplementary question subsequently added 3/4/20* - Is the Broadland Parking Standards SPD still in force even though it predates the NPPF and is that what the BDC Regulation 16 comment is referring to when it refers to policy 10 standards being higher than apply elsewhere in the district?

The Broadland Parking Standards SPD has not been rescinded. Whilst the SPD is not specifically referred to within policy TS4 - parking guidelines of Broadland's Development Management DPD, consideration is given to the SPD and also advice provided by the Norfolk County Council as Highway Authority (based on their parking standard) when considering the adequacy or appropriateness of parking provision with development. It is both the SPD and the advice provided by NCC which the BDC comment refers to.

Peter Biggers – Independent Examiner March/April 2020

Appendix 2 - Recommendation 16–Table of Typographical and Formatting Corrections		
Page	Location	Correction
20	Section 4 Bullet 3	Insert the words ' <i>of traffic</i> ' after the word 'impact' in line 1 in order to make sense of the objective.
21	Paragraph 5.2	Insert full stop at the end of paragraph
27	Green Text to Objective 2 Line 2	Delete the words 'has seen' and replace with the words ' <i>will see</i> '. Reason the table is setting out what the SNP will do.
27	Green text to Objective 5 Last sentence	Reword to read- ' <i>Spixworth schools will provide the early years provision with...</i> '. In order to make grammatical sense.
28	Green text to Objective 8 Line 1	Delete the word 'characters' replace with the word ' <i>characteristics</i> '. In order to make sense of the sentence.
30	Paragraph 8.2 Line 3	Reword to read ' <i>...through S106 planning obligations and S278 highways agreements or use of planning conditions</i> '. Reason – 'S106 agreement' is confusing if retained as it is the same as planning obligations under S106.
34	Paragraph 8.12 Line 1	Delete the word 'were'. Reason to make grammatical sense.
36	Paragraph 8.18 Line 2	Delete the word 'appropriation' replace with the word ' <i>appropriate</i> '. Reason to make grammatical sense.
36	Paragraph 8.18 Last line	Delete the words 'section 8.52' replace with ' <i>Appendix 1</i> '
52	Paragraph 9.20 Second sentence	Delete sentence as it is directly repeated in paragraph 9.21.
54	Paragraph 9.22 Line 3	Delete the word 'through' and replace with the word ' <i>than</i> '. Reason to make grammatical sense.
54	Paragraph 9.23	Change reference to Appendix 2. Reason – Recommendation 1 proposes Appendix 1 contains the community projects.
56	Paragraph 9.30 Line 5	Insert the words ' <i>the Trust</i> ' between the words 'of' and 'and'. In order to make sense of the sentence
56	Paragraph 9.31 Line 2	Replace the word 'that' with the word ' <i>where</i> '. In order to make sense of the sentence

57	Paragraph 9.35 Line 3	Replace the word 'with' by ' <i>within</i> '. In order to make sense of the sentence.
65	Policy 6 clauses a) and b) Line 1	Delete the word 'the' from each clause. Reason to make grammatical sense.
67	Paragraph 11.2 Line 1	Amend start of paragraph to read: " <i>Paragraphs 127 and 185 identify the requirement for .....</i> " Reason to make grammatical sense.
70	Paragraph 11.12 Line 2	Insert full stop after the word 'scheme' and start new sentence at 'Policies...' Reason to make grammatical sense.
70	Paragraph 11.13 Line 2	Amend title to ' <i>Building for Life 12</i> '
75	Paragraph 11.31 Line 3	Delete the word 'where'. Reason to make grammatical sense.
75	Paragraph 11.32 Line 2	Delete the word 'was'. Reason to make grammatical sense.
76	Paragraph 11.35 Line 2	Delete full stop and replace with a comma. Reason to make grammatical sense.
80	Policy 7	Ensure all documents referred to in the introductory paragraph to the policy and in clauses 1 and 8 are properly titled, dated and in italics or quote marks to stand out from the text.
80	Policy 7 Clause 7 Line 1	Delete the word 'should' and replace with the word 'to'. Reason to make grammatical sense.
80	Policy 7 Clause 8 Line 2	Change the word 'incorporate' to ' <i>incorporating</i> '. Reason to make grammatical sense.
83	Policy 10 Introductory sentence line 2	Ensure documents referred to are properly titled, and in italics or quote marks to stand out from the text.
89	Paragraph 13.5 Line 2	Insert at start of line before the words 'planning obligation' the word ' <i>through</i> '. Reason to make grammatical sense.
100	Appendix 1 Table 6 Refs 2 and 3	In the Local or Community Value column delete the letter 'd' at the end of the word 'managed' in both entries. Reason to make grammatical sense.

## **Appendix 3 Recommended Revised Wording of Policy 4 and 9 (See Recommendations 7 and 11)**

### **Policy 4 Biodiversity**

Where green infrastructure is provided as part of any new development it should enhance biodiversity and connections with existing open space in and around Spixworth. All new development should maximise opportunities to enhance connectivity for wildlife via links from the site to existing footpath and cycleway connections to the wider Parish and countryside.

Features in developments that encourage flora, fauna, habitat and wildlife (such as ponds, hedgehog friendly fencing, bird boxes and bat tiles, etc) will be supported

### **Policy 9 Landscaping Development to Preserve and Enhance Setting**

All new development (including through conversions, extensions and infill) should preserve and, where possible enhance the village of Spixworth and its landscape setting by:

1. Incorporating landscape proposals as an integral part of any development design in order to mitigate any visual impact of the development.
2. Seeking to retain mature trees and existing hedgerows. (Development that damages or results in the loss of ancient trees or trees of good arboricultural and/or amenity value will not be supported unless justified by a professionally prepared tree survey and arboricultural statement).
3. Replacing trees of similar amenity value within the Parish where removal of trees of recognised importance has been justified.
4. Ensuring boundary treatments reflect the distinct local character in relation to materials, layout, height and design. In areas where there is no boundary treatment and gardens are unenclosed, new development should seek to replicate this openness.
5. Major developments of 10 or more dwellings are encouraged to plan for at least 20% tree canopy coverage on open green spaces within the development's landscape plan.

All landscape schemes should be implemented no later than the first planting season following occupation.