

South Norfolk Council

Poringland Neighbourhood Plan- Final Decision Statement (19/04/2021)

1. Summary

This Decision Statement sets out the response of South Norfolk Council to each of the examiners' recommendations in respect of the submitted Poringland Neighbourhood Plan and declares that, subject to the specified modifications below, the Neighbourhood Plan will proceed to a referendum within the neighbourhood area.

2. Background

Following the submission of the Poringland Neighbourhood Plan to South Norfolk Council in June 2019, the Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place in July and August 2019.

The local planning authority, with the approval of Poringland Parish Council, subsequently appointed an independent examiner, Deborah McCann, to conduct an examination of the submitted Neighbourhood Plan and conclude whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner's report concluded that, subject to making certain recommended modifications, the Neighbourhood Plan meets the Basic Conditions and should proceed to a Neighbourhood Planning referendum.

At its Cabinet meeting of 15th June, South Norfolk Council proposed to accept each of the examiner's recommendations, apart from that relating to Policy 2 'Housing – scale', for which it proposed an alternative modification.

A consultation took place on the Council's alternative modification to Policy 2 between 29th June and 10th August 2020. Eight representations were received from various bodies during this consultation and South Norfolk Council subsequently decided to appoint a second examiner, Ann Skippers, to consider the proposed alternative modification as well as the representations received.

The report of the re-examination of Policy 2 was presented to South Norfolk Council on 4th November. The recommendation of Ms. Skippers was that, with specified amendments to the Council's alternative modifications, Policy 2 will meet the basic conditions and other legal requirements of neighbourhood planning. Consequently, her report recommends that the Neighbourhood Plan should proceed to a referendum in accordance with the recommendations made by Ms. McCann, subject to her recommended modification for Policy 2 being replaced by the alternative modification proposed by South Norfolk Council, as subsequently amended by Ms. Skippers.

The Council subsequently decided to propose a further minor amendment to Ms. Skippers' recommended modified wording, for reasons of clarity, and this was subject to a further consultation between 15th February and 29th March.

3. Decision

Following the aforementioned consultation period, the Council has decided to make its proposed amendment to Ms. Skippers' recommended modification to Policy 2. This will ensure that the policy achieves greater clarity and therefore meets the Basic Conditions. This is in accordance with sections 12 and 13 of Schedule 4B to the Town and Country Planning Act 1990.

As stated above, the Council has approved all of the remaining recommended modifications of the original examiner, Ms. McCann.

The following table sets out each of the two examiners' recommended modifications, the Council's consideration of those recommendations, and the Council's final decision in relation to each recommendation. With the exception of the entry for Policy 2, which includes details of the recommendations by both examiners, the table deals with the recommendations of Deborah McCann, the first examiner.

Subject to the modifications approved by South Norfolk Council, as set out in the table below, the Council is satisfied that the Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in accordance with part 12(4) of Schedule 4B of the Town & Country Planning Act 1990.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Policy 1: Phasing residential growth	<p>'For clarity and to meet the Basic Conditions, Policy 1 should be modified as follows:</p> <p>Policy 1: Sustainable residential growth</p> <p>In order to ensure sustainable growth in the village, any future housing growth which generates additional need for local services and infrastructure should be phased to ensure alignment with the capacity of available local services and infrastructure.'</p>	The Council agrees with the examiner's rationale that the original policy wording was unclear and was worded as a statement rather than as a policy.	Accept examiner's recommended modification.
Policy 2: Housing – scale (1 st examiner)	<p>1st Examiner: Deborah McCann</p> <p>'For clarity and in order to meet the Basic Conditions the policy should be modified as follows:</p> <p>Proposals for small scale development including in-fill within the development boundary will be supported in principle where the proposal does not unduly harm the local character in terms of landscape and adjacent buildings, important views.'</p>	The Council does not consider that the recommended modification provides the necessary clarity to meet the Basic Conditions.	<p>Reject the recommended modification to the policy by the first examiner.</p> <p>The Council proposed alternative modifications to the policy wording in order to address issues of clarity and to ensure the policy meets the Basic Conditions (See appendix 1 for details).</p>
Policy 2: Housing – scale (2 nd examiner)	<p>2nd Examiner: Ann Skippers</p> <p>'The alternative modification then cites two circumstances where sites of a larger size will be supported. (...) In principle, I consider including an exception or exceptions to the site size threshold is useful to increase flexibility and to ensure that housing growth can continue to be delivered alongside infrastructure. However, the two circumstances outlined are not acceptable in their current format; they are too ambiguous</p>	<p>The Council agrees with the examiner that the exception relating to the delivery of supporting community facilities and infrastructure should be amended in the way described.</p> <p>The Council agrees that the reference to Policy 14 is not</p>	Make a minor amendment to the second examiner's recommended modified wording to Policy 2 and supporting text. (See appendix 2 for details).

	<p>and will not necessarily contribute to the achievement of sustainable development.’ (p.15 and p.16)</p> <p>‘There is a further modification to make to this part of the policy. It refers to the larger ‘exception’ sites needing to accord with draft Plan Policy 14 which covers character and design. The first examiner proposed some changes to the draft policy which have been accepted and both versions would apply to all development. Therefore there is no need for larger sites to comply with draft Policy 14; it applies to all development.’</p> <p>The examiner recommends that the Council’s alternative modifications to the policy are themselves modified to read as follows:</p> <p>Modification 1</p> <p>‘Change the policy to read as follows:</p> <p>“Individual proposals for housing development within the parish should be located on sites no larger than one hectare.</p> <p>Development on sites larger than one hectare will only be supported where:</p> <ol style="list-style-type: none"> 1. they would meet an identified housing need and 2. they would provide and deliver the supporting community facilities and infrastructure needed. <p>The artificial subdivision of larger sites in an attempt to circumvent the above requirements will not be acceptable.</p> <p>Where multiple residential developments are likely to occur, consideration will need to be given to the cumulative impact of development and any infrastructure necessary to mitigate it. Development will not be permitted unless any unacceptable</p>	<p>strictly required and can be deleted.</p> <p>However, the Council feels that a further minor amendment is required to the policy exception relating to ‘an identified housing need’. In the Council’s view, this phrase is too ambiguous and this element of the policy needs further clarification.</p> <p>This, in turn, will require further, minor amendments to the supporting text, to reflect the changes in the policy.</p>	
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	<p>cumulative impacts can be appropriately addressed through the use of conditions or planning obligations.</p> <p>Small in-fill proposals inside the development boundary will be supported in principle, provided that the proposal:</p> <ol style="list-style-type: none"> 1. does not unduly harm the local character in terms of landscape, adjacent buildings or important views, and; 2. would be located on a site comprising a gap within an otherwise continuous line of housing or other development.” <p>Modification 2</p> <p>‘Change the supporting text as follows:</p> <p>“Future development proposals should be small scale i.e. should not exceed one hectare per development site. As stated in the policy, larger sites will be supported where the 1 hectare cap would hamper the ability of a development to meet identified housing needs (such as sheltered housing or housing with care schemes) and provide and deliver the supporting community facilities and infrastructure needed.</p> <p>As stated in Section 5 ‘Monitoring & Implementation’, it will be necessary to monitor and review the Plan (and particularly Policy 2) in light of future Local Plan reviews for the district. As stated in the National Planning Policy Framework, the policies in a made neighbourhood plan take precedence over existing non-strategic policies in a local plan (where they are in conflict), unless they are then superseded by strategic or non-strategic policies that are subsequently adopted in a Local Plan. Whilst regard will be had to the Neighbourhood Plan policies in any local plan review, it remains possible for the local planning authority to promote larger allocations of land for residential development if it considers there are good reasons</p>		
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	<p>to do so in order to ensure the need for homes is appropriately met across the local plan area.</p> <p>Where there is an identified need for infrastructure, the policy includes a safeguard against the subdivision of larger sites and requires the specific consideration of cumulative impacts in order to avoid the delivery of such a responsibility. The artificial subdivision of sites which have a functional link and/or are in the same ownership to circumvent the requirements of the policy will not be acceptable.”</p>		
Policy 3: Housing Mix	<p>‘For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy 3: Housing Mix</p> <p>Where viable, housing proposals will need to provide a mix of housing types, tenures and sizes, and these should reflect local need using the best available, proportionate evidence. It is recognised that the mix is likely to be limited to small developments of fewer than five dwellings.</p> <p>The inclusion of accessible and adaptable dwellings to serve the needs of older and disabled residents is strongly supported. Where there is identified need, developments of five or more dwellings should aim to provide a minimum of 20% of dwellings of this type. This applies to open-market and affordable housing combined and can include homes designed to Lifetime Homes Standard or single storey units. Proposals for accommodation specifically for older or disabled people, such as sheltered housing or Housing with Care, will be supported in principle.</p> <p>Lifetime Homes Standard will be encouraged for all new dwellings to enable people to stay in the parish as they move</p>	<p>The Council agrees with the examiner’s rationale that there is no strategic level assessment or higher level policy which provides detailed evidence of need within Poringland, and that the original policy should therefore be modified.</p>	<p>Accept examiner’s recommended modification.</p>

	<p>through the stages of life, and proposals meeting this standard will be supported.</p> <p>Any proposal that does not provide a mix meeting local need will need to be justified with clear evidence that such homes are not at that time required to that level.</p> <p>The inclusion in a housing proposal of eco-homes to Passivhaus or equivalent standards and self-build plots on development sites will also be encouraged.'</p>		
Policy 4: Housing – location	<p>'For clarity and to meet the Basic Conditions the policy should be amended as follows:</p> <p>Development proposals within the adopted development boundary or on allocated sites should, where possible minimise the increase of traffic through the village centre, as shown on Map 4, Village Centre and Valued Landscape map, page 57.</p> <p>To help with this, development will be expected to be located and designed to make it easy and attractive for new residents to walk or cycle to local services and facilities and use the bus for longer journeys.</p> <p>In accordance with South Norfolk Council's landscape character assessment for Poringland which resists changes that will further accentuate the linear nature of development in the village, proposals for major development that result in the growth of the village further southward will not generally be acceptable.</p> <p>Proposals for minor development south of the village will need to demonstrate how additional traffic generated will be managed so that the impact on the village centre or residential</p>	<p>The Council agrees with examiner's rationale that the policy, as originally worded, would be difficult to apply in the determination of a planning application.</p> <p>This is due to a lack of clarity, a lack of definition for 'material increase', and that the NPPF already addresses significant impacts on the transport network.</p>	<p>Accept examiner's recommended modification to the policy wording, and the inclusion of a map showing the adopted development boundary, as it affects the Neighbourhood Area.'</p>

	areas is minimised and there is no undue harm to the valued landscape and its characteristics, and key important views.'		
Policy 5: Affordable housing	<p>'For clarity and to meet the Basic Conditions the policy should remove the bullet point reference to 20 dwellings or fewer.</p> <p>South Norfolk Council have made representation that as an additional priority relating to military personnel has been inserted since the Regulation 14 consultation the wording in the supporting text on page 22 requires amending to reflect housing this as follows:</p> <p>However, South Norfolk Council will need to determine priorities between applicants, so that applicants who have served in the Armed Forces are given greater priority than those without a local connection that have not served'.</p> <p>I concur with this requirement.'</p>	<p>The Council agrees with the modification to remove reference to '20 dwellings or fewer'. This is required due to the proposed modifications to Policy 2 (see above).</p> <p>The Council also agrees to amendments to the supporting text.</p>	Accept examiner's recommended modifications.
Policy 6: Natural Environment	<p>'In order to meet the Basic Conditions, the policy should be modified as follows:</p> <p>Policy 6: Natural Environment</p> <p>All development will be expected to achieve a demonstrable net ecological gain to meet statutory requirements including through the creation of a range of locally appropriate habitats and the inclusion of design features, including those that enable animals, especially species in decline, to move between habitats unhindered. Support will be given to proposals that would result in a significant net ecological gain, or which help to support the B-Line for pollinators or other key green infrastructure as set out in The Greater Norwich Green Infrastructure Strategy.'</p>	<p>The Council agrees with examiner's rationale that there is not sufficient evidence to support the original policy requirement of a 10% net biodiversity gain.</p>	Accept examiner's recommended modification.

Policy 7: Trees and hedgerows	<p>‘For clarity the first paragraph of Policy 7 should be modified as follows:</p> <p>Proposals should include high quality landscaping design that retains, where possible existing trees and hedgerows.’</p>	The Council agrees with examiner’s reasoning that the first paragraph needs to be amended to allow potential access to development sites.	Accept examiner’s recommended modification.
Policy 8: Landscape	<p>‘For consistency, clarity and to meet the Basic Conditions, Policies Map 4 should be re annotated to refer to important landscape and the policy should be modified as follows:</p> <p>Policy 8: Landscape</p> <p>In accordance with South Norfolk Council’s landscape character assessment for Poringland which resists changes that will further accentuate the linear nature of development in the village, proposals for major development that result in the growth of the village further southward will not generally be acceptable.</p> <p>The landscape to the south of the village (as identified on Policies Map 4, p57) is valued by the community and important to the setting of the village. Proposals for development within this important landscape will not be supported unless specifically supported by other policies in the Development Plan.’</p>	The Council agrees with the examiner’s statement that there is not sufficiently robust evidence to support the designation of a Valued Landscape and the serious policy restrictions this would impose.	Accept examiner’s recommendation to re-annotate Map 4 to refer to ‘Important Landscape’, and to modify the policy wording.
Policy 9: Long views	<p>‘I have received the following representation from South Norfolk Council:</p> <p>“The Council recommends Policy Map 2 (page 55) and Policy Map 4 (page 57) are updated to illustrate the important views being referred to in Policy 9 (and shown in the photographs at page 58) and to illustrate the Chet Valley Linear Reserve and the parkland around Porch Farm which are referenced within the supporting text for Policy 9. It is also recommended that the broad locations from which longer distance views towards</p>	The Council supports the representation it submitted during the Regulation 16 publication stage, as referred to by the examiner.	Accept examiner’s recommended modification.

	<p>Norwich and the Tas Valley, referenced in Policy 9, should be illustrated on Map 2.”</p> <p>I concur with these recommendations.’</p>		
Policy 10: Recreational open space provision	‘I have no comment on this policy.’	The Council notes the examiner’s endorsement.	No modification necessary.
Policy 11: Local Green Space designations	‘I have no comment on this policy.’	The Council notes the examiner’s endorsement.	No modification necessary.
Policy 12: Street lighting	<p>‘For clarity and to meet the Basic Conditions, the policy should be modified as follows:</p> <p>Policy 12: Street Lighting</p> <p>In order to maintain the “dark skies” and rural feel in Poringland the introduction of street lighting as part of new development should be avoided. Where new street lighting cannot be avoided it must be designed so as to minimise the adverse impact on dark skies, local amenity, landscape and wildlife.’</p>	The Council agrees with the examiner’s reasoning that there may be situations where the installation of street lighting will be required for highway or pedestrian safety. These decisions are outside the control of the Neighbourhood Plan.	Accept examiner’s recommended modification.

Policy 13: Flood risk	<p>‘For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>‘Policy 13: Flood risk</p> <p>All major development proposals, or all development proposals coming forward within the areas of high, medium and low risk from surface water flooding, as identified by the Environment Agency, should have due regard to the South Norfolk Council Poringland Integrated Urban Drainage Strategy Supplementary Groundwater Drainage Report (2008) and where required by national policy include a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy that gives adequate and appropriate consideration to all sources of flooding and surface water drainage to ensure there is no increased risk of flooding either on the development site or to existing property as a result of the development. Developers will be expected to demonstrate that there will be no increase in flood risk elsewhere.</p> <p>Sustainable Drainage Systems will need to be considered for all planning applications, following the SuDS hierarchy, but in particular note:</p> <ol style="list-style-type: none"> i. Development that manages surface water through infiltration methods may be supported but only if it can be clearly demonstrated to be effective by appropriate percolation and soil investigation tests showing that this will not result in the increase of flood-risk on-site or off- site. There should be no direct discharge to groundwater and schemes should provide a saturated zone of 1.2 metres. ii. Where infiltration is not effective or practicable, as will be the case in much of Poringland, developers should seek solutions that use storage zones or connections to a water 	The Council agrees with the examiner’s rationale that the original policy wording did not have sufficient regard for national policy and, in part, lacked clarity.	Accept examiner’s recommended modification.
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	<p>course. Such drainage solutions should intercept and store long term surface water run-off by means of attenuation and controlled discharge with an appropriate allowance for climate change.</p> <p>Any drainage strategy should avoid the piping of existing drainage channels unless this is shown to be necessary. The incorporation of rainwater re-use or rainwater harvesting systems to further delay and reduce flows will be supported. As a minimum, water butts should be considered in all new development. The Neighbourhood Plan will particularly support water features that are incorporated into recreational areas or ecological gains as part of the solution, where appropriate.'</p> <p>In addition, South Norfolk Council have made representation that the supporting text for policy 13 (page 32) requires modification:</p> <p>"The significance of the issue is set out in the South Norfolk Council Poringland Integrated Urban Drainage Strategy Supplementary Groundwater Drainage Report (2008), hereafter referred to as 'The Millard Report'.</p> <p>The problem is caused by natural springs and streams, and the predominant boulder clay geology overlain by 8-12m of sand and gravel. Many of the problems stem from the predominant boulder clay geology overlain in some areas by sands and gravels. Where the sands and gravels interface with the boulder clay close to the surface, this can give rise to transient springs and natural flow routes."</p> <p>I concur with this modification.'</p>		
Policy 14: Character and design	'For clarity the policy should be modified as follows:	The Council agrees with the examiner's reasoning that the original policy is slightly	Accept examiner's recommended modification.

	<p>Policy 14: Character and Design</p> <p>All new development within Poringland should demonstrate high-quality design. Proposals for new development should:</p> <ul style="list-style-type: none"> a) be locally distinctive, in keeping with the context of a rural village of similar diversity, density, footprint, separation and scale to the surrounding area and of neighbouring properties in particular, unless it can be demonstrated that proposed development would not harm local character as set out in the Poringland Character Assessment document; b) be designed so as to provide distinct character across housing proposals, which is either contemporary (but reflects traditional housing styles), or makes use of traditional materials which reflects older properties within the village; c) include attractive and robust landscape proposals and planting schemes of appropriate native species. d) be well integrated into the landscape and maintain the quality of transition between settled and agricultural landscape; e) retain wherever possible existing landscape features on site boundaries including hedges and trees to maintain the character of the site and reinforce its boundaries; f) not adversely impact views to and from the sensitive edge of the plateau; particularly in the north of the area, identified at Policy 9; g) ensure that the external appearance of affordable dwellings is indistinguishable in terms of the materials used and architectural detail from the open market housing on site; 	<p>repetitive, with elements that require further clarity.</p>	
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	<p>h) ensure that public spaces in major residential development are designed to provide an attractive and interesting community focus;</p> <p>i) ensure that there is connectivity between existing and new footpath and/or cycle paths and between open spaces to aid integration of existing and new development.</p> <p>j) provide adequate garden areas which reflect the nature of the occupation of the proposed dwellings, to serve future residents and reflect the current character of the area;</p> <p>k) provide a defined area for bins as close to the property's rear doors as possible; and</p> <p>l) be designed to prioritise pedestrian movement, minimising vehicle intrusion.</p> <p>Planning permission will not be granted for development of poor design that fails to take the opportunities available for improving local character and quality of an area, and the way it functions.</p> <p>Development proposals shall be in keeping with the South Norfolk 'Place-Making Guide', 'Building for Life' criteria and 'Secure by Design'.</p>		
Policy 15: Historic environment	<p>'For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy 15: Historic Environment</p> <p>Proposals affecting Designated and Non-Designated Heritage Assets must comply with national policy and the Development Plan. Support will be given to proposals that will conserve and enhance</p>	The Council agrees with the examiner's statement that elements of the original policy repeated national policy and guidelines.	Accept examiner's recommended modification.

	heritage assets, especially those in the south or south-east of the village.'		
Policy 16: Sustainable transport	<p>'For clarity the second paragraph of policy 16 should be modified as follows:</p> <p>Development proposals should, where relevant demonstrate safe walking and cycling links to key local services and community facilities, especially to schools and the defined village centre.</p>	The Council agrees with the examiner's observation that the provision of safe walking and cycling links will not be relevant for all developments.	Accept examiner's recommended modification.
Policy 17: School parking	'I have no comment on this policy.'	The Council notes the examiner's endorsement.	No modification necessary.
Policy 18: Transport layout of new residential development	<p>'For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p>Policy 18: Transport layout of new residential development</p> <p>The roads serving new residential developments should be designed to minimise traffic speeds, limited to 20mph or lower wherever possible.</p> <p>Layouts should be permeable, allowing for safe pedestrian and cyclist access and should follow Secured by Design guidance. In particular, footways that enjoy natural surveillance, are overlooked by a number of dwellings, and are not routed along the backs of homes and/or bounded by high fences, will be considered favourably.'</p>	The Council agrees with the examiner's observation that guidance on the design and layout of roads for residential development is set out in the Manual for Streets at a national level by the local highway authority.	Accept examiner's recommended modification.
Policy 19: Residential parking standards	<p>'The final paragraph of this policy does not provide any flexibility and should be modified as follows:</p> <p>Rear parking courts will only be supported in exceptional circumstances.'</p>	The Council agrees with the examiner's reasoning regarding flexibility.	Accept examiner's recommended modification.

Policy 20: Local Community Facilities and Services	'I have no comment on this policy.'	The Council notes the examiner's endorsement.	No modification necessary.
Policy 21: Development in the village centre	'I have no comment on this policy.'	The Council notes the examiner's endorsement.	No modification necessary.
Policy 22: Economic development	'For clarity the final paragraph of this policy should be deleted.'	The Council agrees with the examiner's observation that the final paragraph of this policy is potentially confusing and could lead to a perceived support for economic development proposals outside the development boundary.	Accept examiner's recommended modification.
Policy 23: Telecommunications	'I have no comment on this policy.'	The Council notes the examiner's endorsement.	No modification necessary.
Policy 24: Physical and Social Infrastructure	'This is not a land use policy and should be deleted from this section of the Plan. The CIL priority list can either be included in the body of the Plan or the as part of the community aspiration/project section of the Plan.'	The Council agrees with the examiner's reasoning that this is not a land use policy.	Accept examiner's recommended modification.

4. Next Steps

South Norfolk Council is satisfied that with the modifications it has approved, as detailed above, the Poringland Neighbourhood Plan should proceed to a referendum within the neighbourhood area (i.e. the civil parish), in which the following question will be posed:

‘Do you want South Norfolk Council to use the Neighbourhood Plan for Poringland to help it decide planning applications in the neighbourhood area?’

Further information relating to the referendum will be published by South Norfolk Council in due course.

APPENDIX 1: Consideration of original examiner's recommendation (Policy 2 'Housing – scale')

Basic Conditions and the National Planning Policy Framework

- 1.1 The Council proposes to make modifications which differ from that recommended by the examiner. It is considered that these modifications are required in order to secure that the draft Neighbourhood Plan meets the basic conditions of neighbourhood planning, as enabled by section 12(6)(a) of Schedule 4B of the Town and Country Planning Act 1990.
- 1.2 In particular, the Council considers that the examiner's recommended modifications to Policy 2 of the Poringland Neighbourhood Plan would mean that the Plan does not have regard to national policies and advice contained in guidance issued by the Secretary of State, as required by Section 8(2)(a) of the aforementioned Act.

Scale of development outside of a defined development boundary

- 1.3 Paragraph 16(d) of the National Planning Policy Framework (NPPF) states that 'plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.'
- 1.4 The examiner's recommendations results in a policy that relates to "small scale development *including infill within the development boundary ...*" (emphasis added). In doing so the policy seems to relate to all types of small scale development whether inside or outside a development boundary. Where development occurs inside a development boundary this is likely to create some inherent policy limitations to the scale of such proposals. No such limitations would exist on sites outside of a defined development boundary.
- 1.5 On the basis of the above, the Council considers that the examiner's recommended modifications would create a policy which is unclear and ambiguous, particularly in its lack of definition of what '*small scale development*' outside of defined development boundaries. This would create uncertainty about what is acceptable, in development terms, in such circumstances.
- 1.6 The Council feels that the policy should be clearer on what scale of development would be considered acceptable outside of defined settlement boundaries. The examiner notes South Norfolk Council's concern (raised during the Regulation 16 consultation) with the original policy wording, stating that 'the 20-dwelling threshold has not been sufficiently justified by evidence'. However, the Regulation 16 representation from South Norfolk Council states that these concerns were raised during the earlier Regulation 14 consultation and that the proposed wording was subsequently amended following discussion. At this time, criteria for supporting schemes larger than 20 dwellings were introduced. South Norfolk Council's representation at the Regulation 16 stage was actually focused on the need to avoid artificial subdivision of sites and the need to clarify the requirements for infill development.

- 1.7 Nevertheless, South Norfolk Council considers that a more effective standard for 'small scale' (for a community the size of Poringland) could be through an area-based approach, rather than setting a cap on numbers of dwellings.
- 1.8 Setting a cap (albeit with exceptions – see below) of 1 hectare per site allows for greater flexibility than a cap on number of dwellings. A site of 1 hectare allows flexibility in terms of density of development, albeit in keeping with the design and character requirements of Policy 14 of the Neighbourhood Plan. For a settlement such as Poringland, it is felt that a site of 1 hectare could deliver 25-30 homes and be in keeping with the general character. In addition, the 1 hectare standard is used to define smaller, entry-level exception sites within the NPPF (Paragraph 71, footnote 33) as well as in the definition of 'small and medium sized sites' to promote a 'good mix of sites' in paragraph 68. It is also of a scale (0.5-1ha) consistent with smaller sites being identified through the emerging Greater Norwich Local Plan (Policy 7.4, Draft Greater Norwich Local Plan, February 2020).

Exceptions

- 1.9 In addition, the examiner has removed the element of Policy 2 which deals with exceptions to the scale cap. These exceptions were introduced into the policy wording by the Qualifying Body following comments made by South Norfolk Council during the Regulation 14 'Pre-submission' consultation. The Council's concern was that setting a limit of twenty dwellings on all proposals could not be considered sustainable and that therefore certain exceptions to this requirement should be defined. These exceptions recognise that, in certain instances, larger scale proposals may well provide community benefits/infrastructure enhancements or may be required to address specific demographic needs (such as the delivery of supported housing for the elderly).
- 1.10 In their report, the examiner did not criticise the exceptions to Policy 2, but neither did they make any provision for them within their recommended modifications. This is an important element to the policy that South Norfolk Council feels needs to be retained. It is considered that the omission of these exceptions would result in a policy that does not contribute to sustainable development, as required by paragraph 16(a) of the NPPF. It would not, for example, identify the need for exceptions which might be considered material in order to ensure that suitable infrastructure can be delivered. Nor would the resulting policy be considered one that has been 'prepared positively', as required by paragraph 16(b) of the NPPF. It is therefore proposed to introduce exceptions into the policy wording that address this issue.

Sub-division of sites

- 1.11 It follows that by setting a cap on the size of development sites and then allowing for exceptions to that requirement in cases where it is necessary for important infrastructure to be delivered, a safeguard against the subdivision of larger sites in order to avoid such a responsibility will also be necessary.
- 1.12 This also reflects the representation made by South Norfolk Council during the Regulation 16 consultation, whereby similar concerns were raised. These concerns were reflected within the examiner's report and the assumption is therefore that the examiner accepts the Council's concerns as to sites potentially being developed without the necessary infrastructure to address cumulative impacts. The Council therefore proposes to modify the policy in order to incorporate this element.

Infill development

- 1.13 Again, in recommending their modification to Policy 2, the examiner has not adequately reflected concerns regarding the character of infill development and, specifically, the focus on infill sites comprising a genuine 'gap' within an otherwise continuous line of housing. There was, seemingly, no objection to this element within the examiner's report, and yet it has been removed in the recommended modifications.
- 1.14 This form of development is particularly and inherently prone to raise issues of prejudicial impact to the form and character of the settlement, if not properly managed. Again, South Norfolk Council considers that the issue of infill proposals, particularly the issue of gaps between development, should be reflected within the policy wording to ensure that it contributes to sustainable development in accordance with the NPPF.

Proposal by South Norfolk Council

- 1.15 As a result of the concerns with the examiner's recommended modifications to Policy 2 of the Neighbourhood Plan, as discussed above, South Norfolk Council has proposed modifications to the policy and to the associated supporting text. These are set out below.

Council proposal – Policy 2 ‘Housing – scale’

Refuse examiner’s recommended modification.

Propose alternative modifications to the policy wording, as set out below, in order to address issues of clarity and to ensure the policy meets the Basic Conditions.

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

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

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

Or

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

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

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

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

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

*Priority infrastructure needs are set out in Community Aspiration Statement 2.’

The following text is intended to replace **paragraphs 10 and 11 of section 1.2** of the supporting text within the Neighbourhood Plan:

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

As stated in Section 5 ‘Monitoring & Implementation’, it will be a necessity to monitor and review the Plan (and particularly Policy 2) in light of future Local Plan reviews for the district. As stated in the National Planning Policy Framework, the policies in a made neighbourhood plan take precedence over existing non-strategic policies in a local plan (where they are in conflict), unless they are then superseded by strategic or non-strategic policies that are subsequently adopted in a Local Plan. Whilst regard will be had to the Neighbourhood Plan policies in any local plan review, it remains possible for the local planning authority to promote larger allocations of land for residential development if it considers there are good reasons to do so in order to ensure the need for homes is appropriately met across the local plan area.

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

APPENDIX 2: Council consideration of second examiner's recommendation – Policy 2 'Housing – scale'

- 1.1 South Norfolk Council proposes to make a minor amendment to the modified Policy 2 wording that was recommended by the second examiner, Ms Ann Skippers. It is considered that this amendment is required in order to secure that the draft Neighbourhood Plan meets the basic conditions of neighbourhood planning, as set out in section 12(6)(a) of Schedule 4B of the Town and Country Planning Act 1990.
- 1.2 The examiner recommends modifications to change the wording of the two 'exceptions' within the policy that deal with circumstances in which larger housing sites would be supported by the Neighbourhood Plan. The amendment that the Council is proposing relates to the 'exception' that deals with 'an identified housing need' (examiner's recommended wording).
- 1.3 In relation to this specific clause, the Council's proposed alternative modification to the submitted version of Policy 2 stated that developments on sites larger than one hectare will only be supported 'where the one hectare cap will adversely affect the viability of development meeting specific identified demographic needs'.
- 1.4 The second examiner recommends that this statement be amended to read '...will only be supported where they would meet an identified housing need'.
- 1.5 In her reasoning for the modification, the examiner states that both this and the exception relating to the delivery of community facilities and infrastructure are too ambiguous and will not necessarily contribute to the achievement of sustainable development. It is also noted that the modifications will 'ensure the policy is flexible and will allow larger schemes, more likely perhaps to impact infrastructure, and to provide infrastructure, as well as providing for identified housing needs, to occur.'
- 1.6 South Norfolk Council takes the view that the phrase, '...would meet an identified housing need' is too ambiguous to provide the clarity required by paragraph 16(d) of the NPPF, and to ensure that it will be evident to a decision maker when the exception to the size threshold should be applied. This concerns is also exacerbated by inconsistency between the examiner's proposed modified policy wording and the modified supporting text.
- 1.7 In particular, the examiner has retained the examples provided of 'identified housing needs' within the supporting text (i.e. 'such as sheltered housing or housing with care schemes'). Although these are provided as examples and the recommended policy wording would not exclude other kinds of housing needs, there is an inherent acknowledgement that the intention of the policy is to provide for housing that meets the specific needs of different demographic sectors of the community. The Council feels that this intention is not captured in the examiner's recommended modifications and that the further amendment is therefore necessary.

1.8 As a result of the above, South Norfolk Council has proposed a further minor amendment to the policy wording. This is set out below.

Proposed South Norfolk Council amendment to second examiner's recommended modifications

The following sets out the wording recommended by the second examiner in relation to Policy 2 – Housing Scale, as well as the minor amendment currently being proposed by South Norfolk Council (new text in red; deletions shown using strikethrough).

Policy 2: Housing - Scale

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

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

1. they would meet an identified housing need for specialist housing, such as sheltered housing, supported housing and extra care housing, or other types of housing provided to sectors of the community whose needs are not met by open market housing, and
2. they would provide and deliver the supporting community facilities and infrastructure needed.

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

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

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

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

Supporting Text

Future development proposals should be small scale i.e. should not exceed one hectare per development site. As stated in the policy, larger sites will only be supported where ~~the 1 hectare~~

~~cap would hamper the ability of~~ a development ~~to~~ would meet an identified housing needs (such as sheltered housing or housing with care schemes) and provide and deliver the supporting community facilities and infrastructure needed.

As stated in Section 5 'Monitoring & Implementation', it will be necessary to monitor and review the Plan (and particularly Policy 2) in light of future Local Plan reviews for the district. As stated in the National Planning Policy Framework, the policies in a made neighbourhood plan take precedence over existing non-strategic policies in a local plan (where they are in conflict), unless they are then superseded by strategic or non-strategic policies that are subsequently adopted in a Local Plan. Whilst regard will be had to the Neighbourhood Plan policies in any local plan review, it remains possible for the local planning authority to promote larger allocations of land for residential development if it considers there are good reasons to do so in order to ensure the need for homes is appropriately met across the local plan area.

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