

Drayton Neighbourhood Plan

Report by Examiner

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Introduction

1. I was appointed in March 2016 as the independent examiner for the Drayton Neighbourhood Plan. The plan has been prepared by the Drayton Neighbourhood Planning Forum on behalf of Drayton Parish Council, with the support of the local planning authority, Broadland District Council.
2. The examiner's role is to provide an independent review of the plan and to make recommendations in accordance with the 2011 Localism Act and related regulations. In particular, the examiner has to consider whether the plan meets certain "basic conditions", satisfies legal requirements, and identifies an appropriate area for a referendum.
3. In order to act as examiner I am required to be appropriately qualified. I am a chartered town planner with previous professional experience in local government, consultancy and the Planning Inspectorate. I am independent of Broadland District Council and although I was brought up in Norwich and have family connections with Norfolk I have no interests in any land or property in or near Drayton.
4. The basic conditions, which are set out in the legislation,¹ are intended to ensure that neighbourhood plans fit with their wider context. In summary, the main basic conditions are that the plan must:
 - have regard to national planning policies and guidance;
 - contribute to achieving sustainable development;
 - be in general conformity with the strategic policies of the development plan; and
 - be compatible with European Union law and human rights obligations.
5. The policies of neighbourhood plans should also relate to the development and use of land in a designated neighbourhood area, should be prepared by a qualifying body, should specify the period for which they are intended to have effect, should not include provisions on excluded development,² and should not cover more than one neighbourhood area.
6. Neighbourhood plans are sometimes referred to as "neighbourhood development plans" and the latter term is used in legislation. I do not draw any distinction between these terms.

Format of Report

7. I have set out this report in the following sequence. In the next section I cover some general matters relating to the plan area, preparation procedures and regulatory requirements, and I refer to the written representations submitted during the most recent period of consultation on the Neighbourhood Plan. The policies of the plan and the explanatory text supporting the policies are then considered in plan sequence, with recommendations made where appropriate. Some comments are then made about other aspects of the plan. A final section briefly considers the next stage. The report also contains some suggestions, mostly about points of presentation. An appendix containing a summary of the topics covered in the latest representations is attached.

¹ The legal source of these basic conditions is the Localism Act 2011, which inserted Schedules 4A and 4B into the Town and Country Planning Act 1990. I have paraphrased the Basic Conditions here.

² Excluded development refers to matters such as mineral workings which are not relevant here.

8. I have adopted a convention in this report that when referring to a specific plan (such as the Drayton Neighbourhood Plan, or the Neighbourhood Plan or the Core Strategy), I use initial capitals. When making more general references, for example to "neighbourhood plans", or when using adjectival nouns (as in "neighbourhood plan document") I normally use lower case initial letters.

The Development Plan and National Policy

9. The relevant development plan is the Joint Core Strategy for Broadland, Norwich and South Norfolk, which was adopted in March 2011 with amendments adopted in January 2014. A "Development Management Development Plan Document" is also part of the development plan for Broadland District. This latter document contains more detailed policies than the Core Strategy, and states that these policies are "aimed at guiding decision-takers and applicants".
10. National policy is set out in the National Planning Policy Framework ("NPPF"). National Planning Practice Guidance ("NPPG") also provides advice on the preparation of neighbourhood plans.
11. The NPPF states that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".³ A similar point is made in the NPPG, which states:
- "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".⁴
12. One reason for the guidance in the NPPG is that unclear or ambiguous policies are liable to cause problems for those responsible for deciding planning applications or appeals, and can be exploited by developers seeking to carry out development contrary to what plan-makers intended. Therefore in carrying out this examination I have paid particular attention to the plan's policies.
13. In its guidance on plan-making, the NPPF states that only policies which provide a clear indication of how a decision-maker should react to a development proposal should be included in the plan. Although this statement appears under the heading of Local Plans, it is logical for it to apply to neighbourhood plans, since a local plan and a neighbourhood plan would potentially be component parts of the same statutory development plan.

Examination Procedure

14. I judged that the responses which had been submitted to the District Council following the latest round of consultation (sometimes named "Regulation 16" responses) could be considered on the basis of written representations, so it was not necessary to hold any hearing. Where I felt that I needed further information, or that the Parish or District Councils should have an opportunity to comment on an issue, I put a number of questions or invitations to comment. The questions and responses were mostly made by email.
15. I am grateful to all those involved in responding to my questions. The information supplied assisted me in carrying out the examination and completing my report.

³ NPPF paragraph 17.

⁴ NPPG, Section 5.

16. I made an unaccompanied visit to Drayton in late March 2016 in order to familiarise myself with the area as it is now, and to see particular features mentioned in the plan, including the pattern of development in the village centre, views into or around the settlement and local building materials.

The Neighbourhood Plan and Other Documents

17. The version of the Drayton Neighbourhood Plan I have examined is labelled "submission draft". Apart from the Neighbourhood Plan itself, the main source documents which I have read or referred to are as follows.
- Drayton Neighbourhood Plan Implementation Plan (v.Final) October 2015.
 - Drayton Neighbourhood Plan Basic Conditions Statement (v.Final) October 2015.
 - Drayton Neighbourhood Plan Consultation Statement (v.Final) October 2015.
 - Drayton Neighbourhood Plan Habitats Regulations Screening Report (V1.1) October 2015.
 - Drayton Neighbourhood Plan Submission Draft Sustainability Appraisal Report (v1.2) October 2015.
 - Copies of Consultee Comments and "Response Summary" by Broadland District Council.
 - Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014).
 - Development Management DPD 2015 (Broadland District Council).
 - Site Allocations DPD (2016) Broadland District Council (extracts relating to Drayton).

General Matters

Plan Area, Preparation Procedures and Regulatory Requirements⁵

18. The plan area is the civil parish of Drayton. The Drayton Neighbourhood Planning Forum was evidently set up by Drayton Parish Council in February 2013 as a committee of the Parish Council. The Forum apparently acted on behalf of the Parish Council, so I treat the Forum and the Parish Council as in effect the same body. According to the Consultation Statement, the Forum comprised:
- Drayton Parish Council
 - Broadland District Council
 - Drayton Community Infant School
 - St Margaret's Parish Church
 - Bob Carter Centre
 - Drayton Tree Wardens
 - Various local residents.
19. In July 2013 the Parish Council applied to Broadland District Council for the parish to be the designated area for a neighbourhood plan. The application was approved in November 2013.

⁵ The source of most of the information reported here about the plan preparation procedures is the Consultation Statement. Other information is sourced from the Basic Conditions Statement.

20. During the preparation of the plan, local people and organisations were informed and consulted in various ways, including articles in the local parish magazine (the Drayton Chronicle), news releases on the Parish Council website, posters around the parish, and a number of local events. The events included a three-day canvassing process in May 2014, exhibitions in June 2014 and again in October and November 2014, and a consultation period in August and September 2015.
21. Various screening reports and appraisals have been undertaken, mainly because of the requirement in the Basic Conditions for it to be demonstrated that the plan is compatible with EU obligations. Statutory consultation was also carried out. A Sustainability Appraisal Scoping Report was subject to consultation for a six-week period during which minor responses were received from Natural England, Historic England and Norfolk County Council. The responses were incorporated where appropriate into a revised scoping report. A Pre-Submission Draft Neighbourhood Plan and Sustainability Appraisal was subject to comments from about 20 statutory and non-statutory bodies in August and September 2015.
22. As is explained in the Sustainability Appraisal report, EU Directive 2001/42/EC (also known as the Strategic Environmental Assessment Directive) requires neighbourhood plans to undertake a Strategic Environmental Appraisal. In this instance, a Sustainability Appraisal was undertaken, which covers not only environmental criteria but also social and economic issues.
23. The Sustainability Appraisal reviewed the objectives and policies of the draft plan against sustainability objectives. The report concluded that the majority of the policies would have either positive or significantly positive effects on the environment, the community and the economy. Only one policy (Policy 4) was considered likely to have negative effects or potentially negative effects on one particular objective, because improved public car parking was judged likely to cause a reduction in walking and cycling, thereby having a negative effect on the health of the local population. However, the assessment found that such effects would be outweighed by positive effects, including improvements to walking and cycling facilities set out elsewhere in the plan, and could also be alleviated through the normal development control process.
24. A Habitats Regulations Screening Report has been prepared. The screening exercise focused on part of a European designated site known as the River Wensum Special Area of Conservation. The Habitats Regulations Screening Report concludes that there are unlikely to be any significant negative effects on European designated sites resulting from the policies of the Neighbourhood Plan and that therefore a full Habitats Regulations Assessment is not required.
25. The plan is intended to cover the period up to 2026, to match the intended period of the Joint Core Strategy. Normally it is at least desirable, and may be necessary, for plans to have a start date; this may typically be before the actual date of formal adoption. One of the reasons for a start date is so that there is a base date for calculations of housing need and supply, allowing for the fact that development which may be under way or completed by the time a plan is adopted or formally "made". The Drayton Neighbourhood Plan leaves the matter of housing site allocation to the District-wide development plan, and taking this into account I do not consider it necessary for the Neighbourhood Plan to specify a start date.
26. In summary, the information available to me shows that the Neighbourhood Plan has been prepared by a properly constituted qualifying body, that the plan covers a suitably designated area, and that all other appropriate regulations relating to

the preparation process either have been met or would be met after amendment as recommended. In all those respects I consider it appropriate to make the plan.

Representations

27. The closing date for "Regulation 16" representations to be made following the most recent public consultation on the Neighbourhood Plan was 29 February 2016. Representations were submitted by the following:⁶
- Anglian Water Services Ltd.
 - Environment Agency.
 - Historic England.
 - National Grid.
 - Norfolk County Council.
 - Taverham Parish Council.
 - Mr Brett Walker.
28. Most of those listed above made only a few comments. I have taken account of all the representations where appropriate when considering the policies of the plan and the related text later in this report.

The Plan and its Policies

Introduction, Vision and Objectives, and Themes

29. The plan contains a useful introduction describing the location and geography of Drayton and providing some statistical information about the local population and employment characteristics. Aspects of local transport, the economy, local landscape features and the history of the settlement are also described.
30. A "vision" for the parish and six "objectives" are then presented. These have evidently been developed for the Neighbourhood Plan during the process of consultation with local people, the objectives being intended to address issues identified as specific to Drayton. The plan then sets out (in Section 4) the policies which are stated to be "at the heart of the plan, and are the tools that will be used by Broadland District Council planning officers in the future when considering proposals and applications".
31. There are nine policies in total, arranged in three "themes". Policies 1 to 5 have the theme "shaping future development". Theme 2 is "site specific guidance" contains just one policy (Policy 6) on village centre enhancements. The third theme - green spaces and recreation - has three policies.
32. Section 5 of the Neighbourhood Plan (headed "Implementation and Monitoring") states that a separate implementation plan will be prepared. Notwithstanding the reference to the latter as something to be expected in the future, one of the documents sent to me is the "Implementation Plan", which has the same publication date as the submission version of the Neighbourhood Plan. I comment later in this report on the status of the Implementation Plan and its relationship to the Neighbourhood Plan.

⁶ These are listed in alphabetical order. A summary note of the main matters raised in each of the representations is attached to this report as an appendix.

A Note on Planning Policies in General

33. When composing planning policies, it is important to consider how they will be applied in practice. Policies in development plans often pull in different directions, and assessing applications for planning permission usually requires a balancing exercise to be carried out as a matter of judgment, to decide what weight should be attached to various policies.
34. Policies may be outweighed by what the Planning Act calls "other material considerations". Even where most forms of development are strictly controlled, as in green belts, there may be reasons to allow a particular development proposal; and even in areas where development is acceptable in principle, there may be good reasons for refusing planning permission. Thus planning policies cannot be used as a simple "tick-box" tool for decision-making.
35. Planning policies are often more satisfactory if worded positively, stating what type of development will be supported or permitted, rather than trying to specify what will be opposed or not permitted. One reason for this is that it can be difficult to frame negatively-worded policies with enough precision to prevent loopholes.
36. It should also be noted that the term "development" has a specific meaning for the purposes of planning law. Many people equate development with building operations - and as will become apparent later in this report, I think this may apply to those who have drafted policies for this Neighbourhood Plan - but "development" has a wider meaning.⁷

"Policies" and "Projects"

37. An issue which has been fairly common in neighbourhood plans subject to past examinations is that the bodies responsible for preparing them want the plan to include proposals, schemes or projects which may well not be land use policies for guiding developers and decision-makers. The desire to incorporate such schemes into a neighbourhood plan, or at least into a neighbourhood plan document, is understandable. There are different ways in which it can be accommodated: proposals which are most appropriately termed "projects" can be set out in an appendix, or if not in an appendix they can at the very least be set out in a section of the plan which is clearly separated from the plan's policies.
38. The difference between what might be called a proper policy, suitable for inclusion into a statutory development plan, and something more appropriately called a project, is more than semantics: a scheme which a body such as a parish council wish to pursue or carry out, perhaps by setting up a working party, investigating alternatives, obtaining funding and being responsible for implementation - that is what I mean by a project - does not have to meet the Basic Conditions in the same way as a neighbourhood plan policy. Moreover, before such projects could become development plan policies it would normally be necessary to have supporting evidence on matters such as the availability of the land and prospects of implementation within the plan period. Where these projects are as yet initial ideas or hopes, there is no such evidence.
39. Looking at the Drayton Neighbourhood Plan in the context outlined above, some relevant information can be found in the Implementation Plan. The

⁷ The basic definition of "development" in Section 55 of the 1990 Town and Country Planning Act (subject to various exceptions) is: "The carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land".

Neighbourhood Plan states that the Implementation Plan "will include information on actions required to progress the delivery of specific policies".

40. Taking Policy 6 as an example, various ideas are put forward for altering the road layout, removing roadside guard railings, planting trees, and improving road crossing facilities. The highway authority would be responsible for most such schemes. The plan states that all the proposals "should reflect policies elsewhere in this plan such as Policy 1, 2, 3, 4 and 5". The Implementation Plan indicates that the actions would involve commissioning specialists, establishing a "delivery programme", and undertaking short-term and long-term measures subject to the availability of funding.⁸
41. Similarly, implementing Policy 7 would involve actions such as setting up a working group, obtaining statutory permissions, and undertaking capital works. The bodies who are intended to be responsible for carrying out or commissioning these steps are the Parish Council and/or the County Council.
42. Policy 9 concerns the provision of improved facilities ("potentially including new recreation buildings") at the King George V playing field. Implementation as set out in the Implementation Plan would involve establishing a working group to test ideas, developing ideas in detail, then securing necessary permissions and delivering the facilities.
43. In summary, what I have described above are proposals, schemes or projects which the Parish Council would evidently like to carry out or commission on behalf of the local community. They are essentially statements of community aspirations or intended actions - mostly actions by the Parish Council. In parallel with neighbourhood plan policies, they may help to achieve the plan's objectives, but they are not land use planning policies which could properly be incorporated into the development plan for the area and taken into account by decision-makers determining planning applications or appeals. Statements of intent to set up working groups, obtain funding and so on are not (to paraphrase the Neighbourhood Plan's own description of planning policies) tools for planning officers to use when considering planning applications.
44. Policy 8 has two main parts: the first relates to "strategic green infrastructure"; the second concerns Drayton Drewray. The first part sets out a policy towards certain types of development (that is, development which would undermine the integrity of certain designated nature conservation interests, notably the River Wensum Special Area of Conservation ("SAC") and Site of Special Scientific Interest ("SSSI")). The provisions in this part, subject to some amendments discussed later, would reasonably form a development plan policy.
45. The second part sets out various ideas, mostly for improving access to Drayton Drewray, the implementation of which (according to the Implementation Plan) would be by setting up a working party to "scope and develop ideas" for alterations to access and parking at Drayton Drewray, then "develop and deliver any detailed proposals". Like other schemes described above, this part of the Neighbourhood Plan is describing a project, not a potential development plan policy. If any confirmation is needed, it is provided by statements like: "Where possible, opportunities should be explored..." Such phrases may be apt for inclusion into a project brief - but not for a development plan policy.

⁸ The ideas are illustrated on the indicative drawing in Appendix A of the Implementation Plan.

46. Having studied the submission version of the Neighbourhood Plan, together with other documents including in particular the Implementation Plan, I judge that there are two options. One - the simplest - would be to omit Policies 6, 7, 8 and 9 from the plan. This remains a possibility which the planning authority and Parish Council may wish to consider. The other option would be to extract parts of these policies where possible and re-draft them so as to form acceptable potential development plan policies. In framing my recommendations I have adopted the latter approach, on the assumption that those involved in preparing the plan would prefer to save what can be saved rather than losing large amounts of the plan. I return to more specific recommendations about these parts of the plan later in this report.

Policy 1 - Design Standards and Land Use Mix

47. I have several criticisms of this policy. It is too long to be described as concise. It is imprecise, because of the use of undefined terms, such as "major" new residential development and "where appropriate". It does not seem to be supported by evidence, given the absence of evidence that sites suitable for residential development, or parts of them, would also be suitable for commercial or industrial employment-generating development. However, this is a minor criticism as I note that the District Council's Site Allocations Development Plan Document ("DPD")⁹ describes a site east of School Road allocated for development which "may accommodate about 20 dwellings and/or retail uses and/or possibly some business use and/or possibly some community facilities use", so it appears that this aspect of neighbourhood plan policy is intended to be in line with the Site Allocations DPD.
48. Part of the policy would not be practical and so could not provide a practical framework for decision makers. In particular, the requirement that "proposals [this could only mean all proposals for development requiring planning permission] must demonstrate how they will enhance the natural environment" could not be reasonably or consistently applied to numerous types of development such as house extensions or changes of use.
49. Taking those points into account, the policy as it stands would not meet the national policy criteria mentioned in paragraphs 11-12 above and would not meet this aspect of the Basic Conditions.
50. One of the reasons for the failings of this policy is that it tries to cover too many topics. It would be better to split the policy into a number of policies, separating design standards from other aspects. I recommend accordingly. These recommendations also take into account the answers to some written questions which I raised with the Parish and District Councils. Specific points which have influenced my recommendations are as follows:
- (i) The references to the character of Drayton do not need to be in Policy 1 as they are covered in Policy 2.
 - (ii) The reference to traffic management in the village centre "such as through the creation of new infrastructure related to the development or by making a contribution towards works set out under Policy 6" is imprecise and should anyway be adequately covered by Policy 6.
 - (iii) The term "major new residential development" is difficult to define precisely enough to be enforced. Specifying a number - for example by defining "major" as 100 dwellings or more - could be ineffective since developers could apply for planning permission in separate phases, each

⁹ The 2016 document in the list on page 4.

below a numerical threshold. I have tried to devise a policy worded so as to encourage the provision of employment-related development whilst recognising that this would be an unrealistic requirement for small-scale housing schemes.

- (iv) A requirement that all development proposals, including changes of use or minor extensions to buildings, "must demonstrate how they reflect and contribute positively to the character of Drayton" would be difficult or impossible to enforce. I suggest turning the wording round so that the policy is aimed at encouraging such development, and also referring to "historic character" rather than "character", since it seems that the Forum is concerned about maintaining what remains of the "historic character" rather than the "modern character" of Drayton.
- (v) In one of my questions, I sought to clarify what the Parish Council intended to mean by the term "retail service activity" (as used in the second paragraph of Policy 1). In response, the council indicated that this was intended to refer to Classes A2 to A5 of the Use Classes Order.¹⁰ Specifying the scope of the policy in this way would have the advantage of precision, but there have been recent changes to the UCO and problems could arise if further changes were to be made, which could in effect alter the policy in unwanted ways. For that reason I propose wording (in Policy 1D below) which refers to "development likely to enhance the retailing function of the village centre". This wording is not ideal, but my intention is to indicate policy encouragement for the sort of development which the local community would like to see in the village centre without being too specific and whilst also avoiding referring to legislation which could change.

51. I recommend that the following policies, which for the purpose of this report I have numbered 1A to 1E, be substituted for Policy 1.

Policy 1A

Proposals for development must show how the development would achieve a high standard of design, sustainability and innovation. Development which reflects the historic character of Drayton will be supported.

Policy 1B

Proposals for new housing development must have regard to the desirability of providing opportunities for local employment to help reduce the need for travel to work. Development which would provide a mix of housing and employment-related uses will be supported.

Policy 1C

Development which would have an impact on the natural environment will not be permitted unless it can be shown that the natural environment would not be harmed.

Policy 1D

Development which would involve the creation of new retail floorspace will not be permitted unless it can be shown that the development would not adversely affect the existing retailing function of the village centre. Development likely enhance the retailing function of the village centre will be supported.

¹⁰ The Town and Country Planning (Use Classes) Order 1987 as amended.

Policy1E

Proposals for development which would help to alleviate traffic congestion in the village centre will be supported, provided that the development would comply with other policies of the plan.

Policy 2 - Protecting and Enhancing Historic Character

52. This policy, with four paragraphs and well over 300 words, is (like Policy 1) too long to meet the test of conciseness. It also suffers from imprecision in places because of such phrases as "may affect" or "significant views", the interpretation of which could be arguable. In any case, policy towards important views is covered in Policy 3 and it seems superfluous to include these views in Policy 2. The term "traditional building materials of the locality and design" is imprecise because its scope could vary depending on how far "the locality" is taken to extend. It would also be unreasonable to require all development which merely "may affect" existing historic buildings or spaces to use traditional building materials of the locality as "the norm", bearing in mind the difficulty of obtaining materials which were produced locally many years ago.¹¹ I am recommending a positively worded policy aimed at encouraging the use of traditional building materials found in Drayton, as I think that is as far as the plan can go.
53. Parts of the policy could usefully be placed into the supporting text: this applies, for example, to the historical information about School Road ("the hill....is the drag (Saxon for 'steep hill' that gave the original settlement its name)").
54. It is unrealistic to expect "any proposal for future development" - which would include changes of use not involving any building operations - to "enhance the established character of Drayton". The desire to ensure that development would not harm historic assets would in my view be best expressed in a specific policy mentioning the need to preserve or enhance the setting of listed buildings.
55. **I recommend that the following policies, which for the purposes of this report I have numbered 2A to 2C, be substituted for Policy 2.**

Policy 2A

Proposals for development which would use traditional building materials found in Drayton will be supported.

Policy 2B

Development which would intrude into views of St Margaret's Church from School Road will not be permitted.

Policy 2C

Development which would affect the setting of listed buildings will not be permitted unless the setting would be preserved or enhanced.

¹¹ For example, some buildings and boundary walls in Drayton are constructed of a soft red "Norfolk brick" which I think most people would regard as a traditional material of the locality. The sources were likely to have been clay-pits and brick kilns only a few miles from Drayton, such as one off the Norwich ring road at Mile Cross Lane where this type of brick was produced in the past by the Builders Direct Supply Company. It so happens that I still have photographs which I took of this site in about 1965 (to illustrate a geography essay). However, the local clay was then close to being worked out, as was the case in other clay or "brick-earth" pits at Spixworth and Hevingham - and this was more than 50 years ago.

- 56. I also recommend that the explanatory or historical parts of this policy should be incorporated into the supporting text. This applies in particular to: the explanation of what the expression "traditional building materials found in Drayton" is intended to mean, with references to examples; and to the historical information about the Saxon origin for Drayton.**

Policy 3 - Important Views

57. The aim of this policy is evidently to protect what the plan calls "important views" from development, or at least from development which would harm such views. However, the views in question are not specified. Three examples are listed in the text of the policy and are shown diagrammatically on the map titled "Examples of Important Views". Because these are only examples, developers and decision makers would not be able to apply this policy consistently, and the policy would leave ample scope for argument as to what other views, not listed in the text or shown on the map, are also categorised as "important" for the purposes of the Neighbourhood Plan.
58. Other points of imprecision in the policy are the phrase "should be avoided" (which appears to express a preference rather than a firm statement) and the reference to views of St Margaret's church tower from "routes into the village and from around the village centre" - this description seems to be wide-ranging and could relate to numerous locations not shown on the map. The phrase "prominent to the detriment to the view as a whole" would also provide considerable room for different interpretations, although I can see why this phrase is used and it is difficult to devise better alternatives.
59. If views in, around or from Drayton and views of specific objects such as the church tower are so important that they should be safeguarded, they should be identified by reasonably accurate descriptions in the text of the plan and on the accompanying map, not just by giving some examples. An alternative approach which could be used to keep the policy concise would be to place the descriptions of the views in supporting text, to which the policy could refer. On balance, I have decided to recommend including the descriptions in the policy itself.
60. My recommendations are framed to improve the policy as far as I think is feasible in the light of the above criticisms. A simpler option - which I have nearly recommended - would be to omit this policy, and if the Forum or Parish Council find it impossible to specify all the "important" views in sufficient detail to be precise, this policy should be omitted.
- 61. I recommend that the following be substituted as Policy 3.**
- Development which would be prominent in, or would be materially intrusive in, the views described below will not be permitted.**
- [All the views to which this policy is intended to apply should then be described. If any views are shown on a map, all the views described in the policy should be shown on the map.]**
- 62. I also recommend as an alternative that this policy be omitted if it is not possible to specify all the views to be categorised for policy purposes as "important".**

Policy 4 - Improved Public Parking

63. This policy is intended to encourage development proposals to provide off-street short-stay parking space for public use, in response to a shortage of such provision and lack of any realistic options for any new large-scale provision.

64. I am recommending some relatively minor amendments to the wording of this policy, mainly to avoid duplication with other policies and to remove requirements which would be difficult or impossible to enforce. The requirement for "a high standard of design" is already covered in Policy 1. The third paragraph of the policy referring to permeable surfaces is unnecessary as the requirement for permeable surfacing to contribute to the achievement of Policy 5 is covered by Policy 5. The reference to private parking being "managed for that use" would be better expressed as "retained for that use", since the way any land is managed from day to day (for example, the length of stay permitted, or the means of enforcement of any time limit) cannot realistically be subject to planning controls.
65. The requirement for new parking provision to have "a high standard of design" is duplicated by Policy 1 (or 1A as labelled in this report) which covers all development. The requirement for public parking to be "demarcated" from private parking appears unnecessary, as in practice no developer or landowner would want their private parking spaces to be perceived as available to the public. There is also no need to refer to "development or redevelopment" because any redevelopment scheme requiring planning permission would come within the definition of "development" for the purpose of planning control and policy.

66. I recommend that Policy 4 be amended to read as follows:

Development which would provide off-street parking for public use in or near the village centre in addition to any parking specifically required for the development itself will be supported, provided that it would not harm the appearance and character of the village.

Policy 5 - Flooding

67. The intention of this policy is to reduce the risk of surface water flooding being caused by future development. As an incidental point, the phrase in the supporting text immediately preceding the policy ("will have a positive impact on flooding in the village") could be open to misinterpretation¹² and it might be better to use a phrase such as "would help to reduce the risk of flooding in the village", but I leave this as a suggestion to be considered.
68. I am recommending several amendments to this policy, mainly to make it a little more concise and more precise. The word "address" (used as a verb) is unsuitably imprecise for a policy - it is modern jargon which can mean different things to different people. The reference to "an appropriate flood risk assessment which gives adequate and appropriate consideration...." leaves undesirable loopholes because of the combined use of "appropriate" (twice) and "adequate".
69. In the opening sentence to the second paragraph ("Any new development or significant alteration to an existing building...."), the words "or significant alteration to an existing building" are unnecessary and could cause confusion, for two reasons. First, it is not clear what alterations are intended to be "significant" under this policy. Second, any alteration which requires specific planning permission¹³ would be covered by the first part of this sentence since it would be "new development".

¹² There is potential for ambiguity here. "A positive impact on flooding" could arguably be taken to mean adding to or increasing flooding.

¹³ By "specific planning permission" I mean planning permission for development which is not permitted by the Town and Country Planning (General Permitted Development) Order (the "GPDO"). Development permitted by the GPDO would not be subject to planning policies anyway.

70. There is some inconsistency of wording in parts of the policy. It states that new development *should* be accompanied by a flood risk assessment, whereas proposals *must* demonstrate engagement with agencies, but only *seek to* incorporate mitigation measures. The last requirement is also weak - a requirement to "seek" something is easily avoided.
71. In the last paragraph, the requirement to incorporate mitigation measures to reduce surface water run-off and manage surface water flood risk appears largely to repeat part of the first paragraph. The reference to "SuDs" being the preferred option for surface water disposal and the examples of such schemes would be better placed in the supporting text. (The abbreviation "SuDs" is also left unexplained in the plan, and since some readers may not be familiar with this term as an abbreviation for "Sustainable Drainage System" I suggest that it should be explained or set out without abbreviation.¹⁴)
72. **I recommend that Policy 5 be re-worded as follows:**
- Development proposals which are likely to increase the risk of surface water flooding will not be permitted. Applications for planning permission for development within the Drayton Critical Drainage Area as defined in the Norwich Surface Water Management Plan must be accompanied by a flood risk assessment which considers surface water flooding.**
73. **I also recommend that the reference to "sustainable drainage systems" being the preferred option for surface water disposal, together with the examples (permeable surfaces, rainwater harvesting etc) should be incorporated into the supporting text for this policy.**

Policies 6, 7, 8 and 9 - General Matters

74. For the reasons explained in paragraphs 37-46 above, parts of the plan should be placed either in an appendix or in a separate section of the plan. This section or appendix should be headed "Projects" (or a similar word) and should be introduced with some text which explains that the projects are not part of the Neighbourhood Plan for statutory planning purposes but are included in the document so as to set out statements of intended community actions. The necessary separation of neighbourhood plan policies and projects has been achieved in some neighbourhood plans by the use of different coloured "text boxes", but separation using distinct chapters or sections or an appendix is probably clearer.
75. However this re-arrangement is made, care should also be taken not to use phrases such as "The Plan seeks to...." or "The Plan encourages...." (which appear on page 20 of the submission version) when referring to these projects, because such phrases would continue to imply that the projects would be part of the Neighbourhood Plan itself (and therefore ultimately statutory development plan policy). For the same reason, the heading of a separate section or appendix should not be "Neighbourhood Plan Projects".
76. The comments above apply to the following parts of the submission version of the plan:
- (i) Policy 6 except for the last paragraph numbered as sub-paragraph 2.
 - (ii) Most of Policy 7.
 - (iii) The last three paragraphs of Policy 8 dealing with Drayton Drewray.

¹⁴ For consistency with the glossary in the Joint Core Strategy, the abbreviation should be SuDS, not SuDs. This could alternatively be "SUDS" to mean "sustainable urban drainage system".

(iv) Most of Policy 9.

77. The details relating to each policy are set out below.

Policy 6 - Village Centre Enhancements

78. Most of this policy is unsuitable for the reasons already explained and I have considered recommending that it be omitted entirely. However, I think the last paragraph of Policy 6 could be converted into a Neighbourhood Plan policy if desired. The recommendation below is made on the assumption that the planning authority and the Parish Council would prefer this.

79. Planning policies cannot force a landowner to carry out redevelopment of poorly designed buildings and it is difficult for planning policies to ensure that businesses such as banks will continue to operate local branches. In these circumstances I think all the Neighbourhood Plan can reasonably do is to express conditional support for redevelopment.

80. **I recommend that the last paragraph of Policy 6 (labelled as sub-paragraph 2) be reworded to read:**

Proposals for the redevelopment of the buildings currently used as a bank branch and a pharmacy in School Road [actual addresses should be specified here since occupiers could change] and the Bob Carter Centre will be supported, provided that these facilities are replaced either on the same site or elsewhere in the village centre.

81. **I also recommend that the rest of this policy be either omitted entirely or re-drafted so as to form part of a separate section or appendix describing projects which the Parish Council intend to carry out on behalf of the local community.**

Policy 7 - Improved Walking and Cycling Routes

82. For the same reason as is explained above, the phrases "The Plan supports..." should be omitted from the description of this project. The purported requirement for any new development within the parish to "seek to improve existing footpaths and cycle ways within the development boundary" should be omitted, even assuming this description is converted into a description of a project, because many types of small-scale development including changes of use cannot be expected to seek to improve footpaths and cycleways; in addition, the term "development boundary" is not defined in the plan.¹⁵

83. Bodies such as the highway authority are likely to be responsible for schemes such as improved road crossing facilities on Fakenham Road, improved signage, or the installation of cycle parking equipment at bus stops. Therefore it is hardly surprising that Norfolk County Council have stated that they would want to be involved and kept informed of the progress of working groups. These are not the sort of schemes which can properly be part of development plan policy. However, I think the basic aim of this part of the plan - to improve the provision of footpaths and cycle routes in Drayton - could legitimately be expressed as positive encouragement in the way set out in the recommendation .

84. **I recommend that Policy 7 be amended to read: "Development which would provide or help to provide improvements to the network of footpaths or cycling routes in Drayton will be supported."**

¹⁵ This could be clarified by referring to settlement limits as defined in Development Plan Documents - the 2016 Site Allocations DPD shows a red-lined "settlement limit" for Drayton within which development is acceptable in principle under policies in the Development Management DPD.

- 85. I also recommend that the third paragraph of this policy (with bullet pointed sub-paragraphs) be re-drafted as explanatory supporting text, and that the rest of the policy be either omitted entirely or re-drafted so as to form part of a separate section or appendix describing projects which the Parish Council intend to carry out on behalf of the local community.**

Policy 8 - Strategic Green Infrastructure and Drayton Drewray

- 86.** In view of my comments and recommendations elsewhere, the title of this policy should be changed by omitting "and Drayton Drewray", assuming that the second and third paragraphs of the policy are placed in a separate section or appendix describing projects. In my view the term "Strategic Green Infrastructure" is unnecessarily long-winded jargon. It has probably been used in the Neighbourhood Plan for consistency with the Core Strategy, but as the Neighbourhood Plan itself states, the local community might not categorise these areas in the same technical way as the Core Strategy, and I consider a more widely used term, such as "nature conservation" would be preferable. The first paragraph of the policy could also be made firmer by some re-wording as recommended below.
- 87. I recommend that the title of this policy be amended to read: "Nature Conservation".**
- 88. I recommend that the first paragraph be amended to read:**
- "Development which would undermine the integrity of the River Wensum Special Area of Conservation and Site of Special Scientific Interest, or the Marriott's Way green infrastructure corridor as identified in [insert Figure number] will not be permitted. Development which would enhance the nature conservation interests of these areas will be supported." ¹⁶**
- 89. I also recommend that the rest of this policy be either omitted entirely or re-drafted so as to form part of a separate section or appendix describing projects which the Parish Council intend to pursue on behalf of the local community.**

Policy 9 - Optimising the King George V Playing Field

- 90.** This policy as set out and explained in the submission version of the plan describes aspirations to provide new or improved facilities at the King George V playing field in the hope of making it better used, or at least less under-used. This is another so-called "policy" which is mostly a project involving proposed action by the local community or by the Parish council and other bodies on the local community's behalf - as is revealed by the explanatory text which states that "opportunities should be explored", and that further work is required to "scope-out"¹⁷ the nature and extent of future facilities. The statement on the topic of access arrangements that: "Where possible opportunities....should be explored" may be suitable for terms of reference for a working group but is much too vague for a potential development plan policy.
- 91.** However, I think it is possible to extract part of Policy 9 and re-draft it to form a suitable policy, which I consider would be best expressed in a positive way, as

¹⁶ The Neighbourhood Plan (page 24) refers to the "River Wensum green infrastructure corridor" as well as the Marriott's Way or "Norwich-Reepham-Aylsham corridor", and states that these corridors are "identified in the Joint Core Strategy". I have not been able to find any reference to the River Wensum green infrastructure corridor in the Joint Core Strategy. The Norwich-Reepham-Aylsham Corridor is listed in the key to the map on page 33 of the Core Strategy, but not the River Wensum one. I suggest that this could usefully be checked and corrected if necessary.

¹⁷ The English here is not mine; it is quoted from the Neighbourhood Plan.

support for development which would meet the policy. This is the basis of my recommendation below. If the Parish Council wish to promote a project to provide new equipment or recreation facilities, that could be described in the separate section or appendix of the neighbourhood plan document to which I have referred elsewhere.

92. **I recommend that Policy 9 be amended to read: "Proposals for development which would provide new or improved facilities likely to increase the use of the King George V Playing Field will be supported".**
93. **I also recommend that the references to specific examples of projects (new sports pitches, children's play equipment, new access points etc) be re-drafted so as to form part of a separate section or appendix describing projects which the Parish Council intend to pursue on behalf of the local community.**

Other matters

Status of Implementation Plan

94. As is listed on page 4 of this report, among the material sent to me at the start of my examination was a 10-page document entitled "Drayton Neighbourhood Plan Implementation Plan v.FINAL October 2015". This document is referred to in Section 5 of the Neighbourhood Plan as a "separate implementation plan". The introduction to the Neighbourhood Plan (page 4) states that Section 5 "will be accompanied by a more detailed implementation plan".
95. It seems to me that there is ambiguity here. Either the Implementation Plan is *separate* from the Neighbourhood Plan, or it is intended to *accompany* the Neighbourhood Plan and so to be part of it. The ambiguity on this matter means that future users of the plan cannot be sure which documents should be regarded as part (or potentially part) of the statutory development plan.
96. The questionable status of the Implementation Plan is linked to the issue discussed above about the difference between policies and what I call "projects". Much of the Implementation Plan - and in particular the drawing showing various ideas for "potential village centre enhancements" - is concerned with projects.
97. It is also evident that some people have been confused about the status of the Implementation Plan. For example, in their submission (presented as representations on the Neighbourhood Development Plan), Taverham Parish Council express concerns about a possible roundabout junction, details of road layout changes, and the use of a bus layby for car parking. These schemes are shown on the drawing which appears as the last page of the Implementation Plan - but not in the Neighbourhood Plan.
98. Similarly, Norfolk County Council's representations are mainly on the Implementation Plan. The County Council refer in particular to the proposal by the Parish to set up working groups to investigate changes to the road layout in the village centre. The County Council say that they would want to have input into this process and would like to be kept informed of the progress of the working groups. From their representation it is apparent that the County Council believe the Implementation Plan to be part of the Neighbourhood Plan.
99. Mr Walker's comments also appear to be directed mainly at the lack of proposed projects. He refers to the benefits of a footpath behind the roadside hedge along Costessey Lane and a footbridge over the River Wensum east of Bloods Dale. Quite understandably, Mr Walker believes that the Neighbourhood Plan should

contain more schemes to improve the quality of life. Unfortunately, although aspirations for projects of this type may be within the scope of a non-statutory "parish plan", they are outside the scope of statutory development plan policy, for the reasons explained in paragraph 37 above. Because there is no evidence about the availability of the land or the feasibility of implementing these ideas within the plan period, they would not meet the criteria set out in national guidance, under which planning policies should provide a practical framework for deciding planning applications and should be supported by appropriate evidence.

100. If it is considered necessary to expand Section 5 of the Neighbourhood Plan in order to provide more information about implementation within the Neighbourhood Plan itself, care needs to be taken only to include material on the implementation of "proper policies", not projects. I leave for the Parish Council to consider whether they wish to include the schemes suggested by Mr Walker in a section or appendix of the neighbourhood plan document describing projects which the council propose to pursue outside the statutory development plan.
101. I observe in passing that some parts of the Implementation Plan seem to omit the role of the planning authority. Taking Policy 5 as an example, the responsibility for appraising planning applications against the policy is attributed to Drayton Parish Council, with "partners" specified as Norfolk County Council and Anglian Water. I would have thought that if the Neighbourhood Plan becomes part of the statutory development plan, it would be the local planning authority (Broadland District Council) who would have the main responsibility for doing this - yet the planning authority are not even mentioned as having any responsibility for implementing the policy. Similar considerations arise with other policies.
102. In summary, as far as I can tell the Implementation Plan is not put forward as being part of the Neighbourhood Plan. On that basis the Implementation Plan is not subject to the Basic Conditions and does not have the potential to become part of the statutory development plan for the area. This needs to be made clear in the Neighbourhood Plan and in the Implementation Plan.
103. **I recommend that the status of the Implementation Plan be clarified by inserting statements in both the neighbourhood plan document and the implementation plan document to the effect that the Implementation Plan is not part of the Neighbourhood Plan, and therefore is not subject to the same legal process and does not have the same legal status as the Neighbourhood Plan.**

Other Suggestions

104. I add here three suggestions on some more minor points not covered elsewhere in this report.
105. First, in my recommendations for amended policies, alert readers may notice that I have normally used future conditional wording when referring to development proposals (for example: "development which *would* have an impact on...."¹⁸). This is because the use of the future tense ("development which *will* have an impact on....") can cause confusion when development schemes which are only at proposal stage are being considered. I make this point because if some of my recommendations are only partially accepted, alternative re-drafting may occur, and if so, I suggest that attention should be given to the tense and mood of verbs in order to achieve clarity.

¹⁸ This does not of course apply to the second part of a typical policy statement such as: "Development which would harm amenity will not be permitted", where it is appropriate to state "...will not be permitted" so as to provide a clear statement of policy.

106. Second, those involved in re-drafting the plan may wish to consider numbering its paragraphs and avoiding the use of bullet points. This is not essential, but numbered paragraphs would make it easier for future users of the plan to refer to it. For example, when planning officers or advisers are preparing reports on planning applications or proofs of evidence for a planning appeal, it is more efficient and easier to provide accuracy by referring to, say, "paragraph 35(i)" than to "the first bullet point in the second paragraph of Policy 5".
107. Third, again for the purposes of making references easier, it would be helpful for the maps to be numbered as Figure 1, Figure 2, etc.

The Next Stage

108. My recommendations are not binding, but they will now need to be considered as part of the next stage. Although I expect that the Parish Council (or the Neighbourhood Plan Forum on behalf of the Parish Council) will have an input, the responsibility for deciding whether to modify the plan will now fall to Broadland District Council as local planning authority, since regulations require the planning authority to decide what action to take in response to an examiner's recommendations. The decision and the reasons for it also have to be published.
109. If all or most of my recommendations are accepted, a considerable amount of re-structuring and re-drafting of pages 11-27 of the plan will be needed. The Implementation Plan will also have to be re-drafted. I realise that this may disappoint those who have worked to produce the plan. Because of the extent of amendment I consider necessary, I have come close to recommending that the plan should not go forward to a referendum; but I have instead sought to save those parts of policies which I consider can be saved. It is of course open to the District and Parish Councils to disagree with my recommendations or to withdraw the plan if they feel that the amendments would change it too much.
110. I do not see any reason to alter the plan area for the purpose of holding a referendum. If the plan goes forward to a referendum and receives a simple majority of the votes cast, it can then proceed to be "made" by Broadland District Council, so that it can become part of the statutory development plan for the area, carrying the weight of such plans when planning decisions are taken.
111. **I recommend that the Neighbourhood Plan, as modified following my recommendations, be submitted to a referendum.**

G F Self

Graham Self MA MSc FRTPi

11 April 2016.

APPENDIX : Regulation 16 REPRESENTATIONS

<u>Name</u>	<u>Main Topics</u>
Anglian Water Services Ltd	Supports plan, particularly Policy 5 on flooding.
Environment Agency	No specific comments.
Historic England	No further comments - refer to comments at earlier stage.
National Grid	Proposed development sites do not interact with high pressure gas distribution pipeline. Possible presence of low or medium pressure gas distribution pipes.
Norfolk County Council	Broad support - refer to infrastructure funding through CIL and Section 106 agreements. Comments on working group arrangements in Implementation Plan.
Taverham Parish Council	Concerns and comments about proposed changes to road layout in village centre, aspects of parking proposals, and importance of bank branch.
Mr Brett Walker	Broadly in favour but comments on missed opportunity for footpath provision including new bridge over Wensum