

# **Hellesdon Neighbourhood Plan 2017-2026**

## **The Report by the Independent Examiner**

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## Summary

Hellesdon Neighbourhood Plan has been written to address a limited range of issues which have been identified as important for the community. In a substantially built up area such as Hellesdon the potential to achieve material change through planning policy is rather limited, but the policies have been, for the most part, carefully drafted to ensure that opportunities to realise the objectives of the Plan are realised when possible.

The documentation supporting the Plan is generally clear and well presented, in accordance with the Neighbourhood Plan Regulations.

I have found it necessary to recommend some modifications in order to meet the basic conditions. Most of these are to enable the policy to provide clear guidance to those making decisions on planning applications or to align the policy more closely with national policy and guidance. In some cases, the changes are more significant where elements of policies are not clearly justified or attempt to embrace future but unspecified future change.

I have concluded that, if the modifications that I have recommended are made:

The Hellesdon Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

**I am therefore pleased to recommend that the Hellesdon Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan includes the whole Parish of Hellesdon and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>1</sup> **I therefore conclude that there is no need to extend the referendum area.**

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<sup>1</sup> PPG Reference ID: 41-059-20140306



## **Introduction**

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Hellesdon Parish Council is the qualifying body for the Hellesdon Neighbourhood Plan 2017-2026, which I shall refer to as the HNP or the Plan. The Plan area covers the whole of the parish of Hellesdon.
3. Hellesdon is a largely suburban parish on the north-western fringe of Norwich. It is bordered on one side by the Norwich ring-road and the city boundary and is traversed by four radial routes leading out of the city. With a population of about 11,000, most of the parish is built-up, and one of the major remaining green spaces, the Royal Norwich Golf Course has been allocated in the Site Allocations Development Plan Document for the development of 800-1000 homes. Further development of 300 homes is envisaged on the site of Hellesdon Hospital. In addition to the extensive residential development, the parish contains some substantial employment areas and has a range of services including a secondary school and several primary schools, a library, several clusters of local shops and some major retail outlets which serve the Norwich area.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

## **Appointment of the Independent Examiner**

5. I have been appointed by Broadland District Council (BDC) with the agreement of Hellesdon Parish Council (HPC) to carry out the independent examination of the Hellesdon Neighbourhood Plan.
6. I confirm that I am independent of both BDC and HPC and have no interest in any land which is affected by the HNP. I have not had any other professional involvement in Hellesdon for over 5 years.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 20 neighbourhood plan examinations and three health checks. I

therefore have the appropriate qualifications and experience to carry out this examination.

### **The Scope of the Examination**

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
  - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
  - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
  - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
10. The Plan meets the basic conditions if:
  - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
  - b) the making of the Plan contributes to sustainable development;
  - c) the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.
12. The main documents to which I have referred in the examination are listed below:



- Hellesdon Neighbourhood Plan Submission Draft 2017-2026.
- Hellesdon Neighbourhood Plan Submission Draft: Basic Conditions Statement May 2017.
- Hellesdon Neighbourhood Plan Submission Draft: Consultation Statement May 2017.
- Hellesdon Neighbourhood Plan Submission Draft: Habitats Regulations Screening Report June 2017.
- Hellesdon Neighbourhood Plan Submission Draft: Sustainability Appraisal Scoping Report May 2017.
- Hellesdon Neighbourhood Plan Submission Draft: Sustainability Appraisal May 2017.
- Hellesdon Neighbourhood Plan Submission Draft: Implementation Plan May 2017.
- Responses to Regulation 16 Consultation on the submission draft of the Hellesdon Neighbourhood Plan Submission Draft.
- The Broadland, Norwich and Norfolk Joint Core Strategy 2008-2026 (JCS)
- Broadland District Council Development Management DPD 2015.
- Broadland District Council Site Allocations DPD 2016.
- The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR.
- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
- The National Planning Policy Framework which is referred to as the NPPF.
- National Planning Practice Guidance referred to as PPG.

13. The documents submitted include all of those that are required to be submitted under regulation 15 of the NPR.
14. I made an unaccompanied visit to Hellesdon on 1 September 2017 to familiarise myself with the parish and help me to understand the implications of the Plan policies. I spent most of the day walking around the village and its surroundings to view all the key locations referred to in the Plan.

### **The Preparation of the Plan**

15. An application for the designation of the whole of the parish of Hellesdon as a Neighbourhood Area was submitted by HPC to BDC on 15 November 2015. The District Council undertook consultation as was then required by regulation 6 of the NPR for a six-week period ending from 7 December 2015 to 22 January 2016 and the Neighbourhood Area was designated on 10 January 2016. The designation was

subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.

16. The Plan was prepared by the Neighbourhood Plan Working Group which consisted of up to 6 Parish Councillors and 6 local residents two of whom also ran local businesses.
17. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2017-2026.
18. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "county matters", such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
19. I am also satisfied that the Plan does not relate to more than one neighbourhood area.

### **Public Consultation**

20. The Consultation Statement sets out in detail the consultation that took place during the preparation of the Plan and contains a very helpful summary of the process at the beginning.
21. There were three main phases of public consultation. The first phase was the launch of the process in February 2016 with information about the Plan and a questionnaire that was delivered to all households. This was followed by an exhibition showing the results of the first phase of consultation and setting out a Draft Vision and Objectives and Policy Ideas in the Hellesdon Community Centre in May 2016.
22. The formal consultation on the Draft Neighbourhood Plan was carried out between 18 November 2016 and 17 February 2017. The period of consultation exceeded the minimum of 6 weeks because it straddled the Christmas period, and because of some difficulties with the availability of electronic copies of the Plan. The extended period meant that the documents were available in hard copy and online for a period of six weeks. At the same time consultation took place on the draft Sustainability Appraisal.
23. The formal consultation was publicised by means of a press release, notice on the Parish Council website and posters on notice boards, in shops and community buildings. Copies of the documents were made available in the health centre, local shops, the secondary school, library, community centre, St Mary's Church and in the reception area of the Parish Council office. Electronic copies of the Plan were also available on the Parish Council website and the website of Ingham Pinnock, the

consultants who assisted in the preparation of the Plan. Copies of the Plan were also sent to thirty organisations including statutory consultees and other local organisations. Although the level of response to the Plan was small, it is clear that all reasonable efforts were made to bring the Plan to the attention of local residents.

24. Regulation 14 of the NPR requires that the draft plan is publicised in a way that “*is likely to bring it to the attention of people who live, **work or carry on business** (my emphasis) in the neighbourhood area*”. This is reflected in the terms of reference of the Neighbourhood Plan Working Group<sup>2</sup> and two members of the working group were from local businesses. There are substantial employment areas within Hellesdon and it is important that both the businesses and their employees who live outside the parish have an opportunity to comment on the Draft Plan. However, the consultation report does not specifically refer to measures to publicise the draft plan to businesses and I sought clarification on this. My email and the response to it are at Appendix 1. It is evident that much publicity material was circulated to all businesses as well as residents and press releases, posters and social media posting could be seen by businesses as well as residents. I am satisfied that the measures taken were sufficient to satisfy the regulations.
25. Consultation on the submitted Plan was carried out by BDC from 26 June to Friday 7 August 2017 in accordance with regulation 16 of the NPR.

## **The Development Plan**

26. The statutory development plan relating to Hellesdon is made up of:
- The Broadland, Norwich and South Norfolk Joint Core Strategy 2008-2026 adopted in 2011 with amendments adopted in January 2014. (JCS)
  - The Broadland District Council Development Management Development Plan Document 2015 (DMDPD)
  - The Broadland District Council Site Allocations Document 2016 (SADPD)
  - The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2006 (adopted September 2011)
  - Norfolk Minerals Site Specific Allocations Development Plan Document adopted October 2013)

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<sup>2</sup> Appendix A of the Consultation Statement: point 6 under the heading “Purpose”

- The Norfolk revised PDF policies map and revised interactive policies map which includes site specific allocations and Mineral Safeguarding Areas
27. The planning horizon for the JCS, DMDPD and SADPD is 2026 and this aligns with the timescale for the HNP. There is thus a clear strategic context for the policies of the Plan all three of these plans.

### **The Basic Conditions Test**

28. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. It is therefore essential to be absolutely clear on the meaning of each of the basic conditions.

***“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”.***

29. There are two important points to emphasise in relation to this. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase *“having regard to”*. This means that I must consider the national policy and advice but it does not mean that each policy should be in absolute conformity with it. It provides for an element of flexibility. PPG explains that *“having regard to national policy”* means that *“a neighbourhood plan must not constrain the delivery of important national policy objectives”*.<sup>3</sup> The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
30. The Basic Conditions Statement clearly sets out the relationship between each of the HNP policies and the relevant sections of the NPPF. This demonstrates how the Plan has had regard to national policy. However, also, relevant to the basic conditions test is “guidance issued by the Secretary of State” as set out in PPG. The Basic Conditions Statement does not consider the relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.

***“The making of the plan contributes to sustainable development”***

31. Sustainable development is the fundamental principle guiding the planning process and the assessment of this basic condition is therefore of prime importance.<sup>4</sup> Again,

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<sup>3</sup> PPG What does having regard to national policy mean? Reference ID: 41-069-20140306

<sup>4</sup> NPPF Paragraph 6

the assessment relates to the Plan as a whole and, as the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.<sup>5</sup> There is inevitably a substantial overlap between the first and second basic conditions as both are concerned with the relationship of neighbourhood plans to the NPPF.

32. The NPPF spells out the three dimensions of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. The Basic Conditions Statement indicates how the policies of the Plan relate to these objectives. Also, the Plan is accompanied by a Sustainability Appraisal which relates the policies to a wide range of sustainability objectives which relate to the three dimensions of sustainable development. This will be considered further in relation to the compatibility of the Plan with EU obligations. However, at this stage it is noted that the Sustainability Appraisal demonstrates that all the policies of the Plan have a positive effect on sustainability when compared with a “do nothing” option. Also, the Basic Conditions Statement summarises how each of the policies contributes to the three dimensions of sustainable development.

***“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”.***

33. As with the previous two conditions the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG<sup>6</sup>. It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that underlies the strategic policy. The Basic Conditions Statement clearly relates all of the policies of the Plan to the relevant development plan policies. It does not identify any conflicts with these policies. I will consider this and the relationship with the other preceding basic conditions in more detail when I deal with the individual policies.

***“The making of the order does not breach and is otherwise compatible with EU Obligations”***

#### Strategic Environmental Assessment

34. PPG indicates that “*where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment*”<sup>7</sup>,

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<sup>5</sup> NPPF Paragraph 10

<sup>6</sup> PPG What is meant by ‘general conformity’? Reference ID: 41-074-20140306

<sup>7</sup> PPG Does a neighbourhood plan require a strategic environmental assessment? Reference ID: 11-027-20150209

subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.

35. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:
- “(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*
36. No formal screening assessment has been undertaken to determine whether the Plan is likely to have significant environmental effects and would therefore require an SEA. However, in response to the recommendation of BDC a Sustainability Appraisal (SA) has been prepared. While this is not a requirement for neighbourhood plans, it is a useful way of testing the contribution of the Plan to sustainable development. Its scope is broader than SEA as it assesses the performance of the Plan against all three dimensions of sustainable development rather than just its environmental effects.
37. A scoping report for the SA was prepared which reviewed the national regional and local policy context and set out baseline information on the Parish. A sustainability framework was then developed based on the sustainability objectives provided in national guidance<sup>8</sup>. The scoping report was subject to consultation with Natural England, Historic England, the Environment Agency, the three neighbouring district councils and Norfolk County Council and the SA reflects modifications to the Scoping Report as a result of this consultation.
38. The SA assesses the objectives of the HNP against the sustainability objectives in terms of compatibility and does not identify any conflicts. It then assesses each of the policies against the sustainability objectives and at the same time compares this with the effect of a do nothing approach and in most cases an alternative policy. In all cases the effects of the policy were more beneficial than the “do nothing” approach and in all except Policy 1 the effects were more positive than the alternative policy. An explanation for the chosen policy was provided in all cases and in the case of Policy 1 the chosen policy was selected on the basis of deliverability. It may therefore be argued that the alternative policy was not a realistic alternative. Each of the policies is then considered in more detail looking at the timescale, permanence, geographical area and likelihood of the anticipated effects as required by the EAPPR.

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<sup>8</sup> Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (2005) Office of the Deputy Prime Minister

39. I am satisfied that the Sustainability Appraisal meets and exceeds the requirements for the Environmental Report of an SEA.

Appropriate Assessment under the Habitats Regulations

40. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:

*“(1) Where a land use plan -*

*is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*is not directly connected with or necessary to the management of the site,*

*the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*

Amendments to these regulations were made in the Schedule 2 to the NPR which inserted Regulation 102A to the CHSR:

*“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”*

41. The submitted documents include a Screening Report dated June 2017 which considers the need for an Appropriate Assessment under the Habitats Regulations. The report concluded that the HNP would be unlikely to have significant environmental effects and that Appropriate Assessment under the Habitats Regulations would not be necessary. Natural England were consulted on this report and at the time the Basic Conditions Statement was written their response had not been received, but Appendix B to the Habitats Regulations Screening Report includes their response which concludes that no further assessment is necessary. However, it recommends that *“for clarity we advise that the Screening Report is amended to demonstrate that potential in-combination effects with other projects and plans, have been considered. This is required to enable the Screening Report to conclude that the Plan alone, **and in combination with other plans and projects**, is unlikely to have a significant environmental effect.”* This modification has been made and I am satisfied that the that the conclusion of the Screening Report means that the obligations in relation to the Habitats Regulations has been met.
42. I conclude that the making of the Plan would not breach and would be otherwise compatible with EU obligations.

## Human Rights

43. I have not found any reason, or received any representations to suggest that the Plan in any way contravenes the European Convention on Human Rights.

## A Vision and Objectives for Hellesdon

44. Section 3 of the submitted Plan presents a vision and objectives for Hellesdon which provide the context for the policies which follow. The early stages of the consultation process invited individuals to express their vision for Hellesdon and the chosen vision is a synthesis of these ideas. It sees Hellesdon as *“a green, peaceful and friendly suburb for people of all ages with a good range of community facilities; one step from a vibrant City and one step from the Norfolk countryside.”* This is entirely consistent with sustainable development.
45. The five objectives relate to: protecting and enhancing green infrastructure, maintaining the suburban character of the built environment, improving facilities for cyclists and pedestrians, protecting and enhancing local amenities and services and leaving a positive legacy for future generations. Again, these are consistent with sustainable development and the basic conditions.

## Neighbourhood Plan Policies

46. I have considered all the policies of the Plan against the basic conditions, having regard to the evidence provided to justify the policies. Where necessary I have recommended modifications. I am only empowered to make modifications to meet the basic conditions or to correct errors.<sup>9</sup> I may however suggest modifications to improve the clarity of the wording of policies as one of the important elements of PPG is that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context or the specific neighbourhood plan for which it has been prepared”*<sup>10</sup>.
47. PPG also indicates that *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly*

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<sup>9</sup> Paragraph 10 of Schedule 4B inserted into the Town and Country Planning Act 1990 by the Localism Act 2011.

<sup>10</sup> PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306



*the intention and rationale of the policies in the draft neighbourhood plan...*<sup>11</sup> Several of my recommended modifications have had regard to these aspects of PPG.

48. In considering the policies I have taken account of all the comments made during its preparation with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan. While I have not referred to directly to all the comments made I have given attention to all of them. Several representations suggest the inclusion of additional policies in the Plan. However, neighbourhood plans are not required to include policies on any specific issues and any new policies included at this stage would not have been subject to consultation.
49. The Plan does not contain policies on the amount or location of housing development and one of the requirements for neighbourhood plans is that they should not provide for less development than set out in the Local Plan. However, the Plan does take account of the substantial development proposed in the SADPD at the Royal Norwich Golf Course (approximately 800-1000 dwellings), Hellesdon Hospital (300 homes and B1 uses) and Eversley Road (approximately 55 homes). It also does not preclude further residential development as its policies are phrased positively, setting out criteria for new development.
50. The Plan contains three policies which relate to the whole of the Neighbourhood Plan area and five which relate to specific locations.

## **Area Wide Policies**

### **Policy 1: The Hellesdon Green Grid**

51. This policy aims to secure contributions to the creation of a Green Grid for Hellesdon from new developments. Figure 4 is a Map which identifies corridors which could form part of this grid. These corridors relate to the most significant radial roads passing through the parish and with three corridors connecting them: along the northern boundary of the parish, Hospital Avenue/ Middleton's Lane and through the Golf Course site where major residential development has been approved. The Wensum Valley is also identified as an established green infrastructure corridor in the Joint Core Strategy.
52. The NPPF encourages using new development to increase biodiversity and to create ecological networks<sup>12</sup>. The policy is also in general conformity with Policies EN1 and EN3 of the DMDPD. Also, Policies HEL1, HEL2 and HEL4 of the SADPD all promote

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<sup>11</sup> PPG Neighbourhood Planning What evidence is needed to support a neighbourhood plan? Reference ID 41-040-20160211

<sup>12</sup> NPPF paragraphs 117 and 118

the provision of Green Infrastructure within Hellesdon which would be consistent with the potential Green Grid.

53. Broadland District Council have pointed out that two elements of the Green Grid were added after the Regulation 14 Consultation and expressed concern that these elements have not been subject to sufficient consultation. The two additional elements were a corridor along the Drayton High Road and a further corridor around the northern edge of the built-up area. I sought clarification on the background to this change and it is evident that the axis along the Drayton High Road was added in response to a suggestion from Norfolk County Council. The proposals for residential development at the Royal Norwich Golf Club and Hellesdon Hospital provide potential for the measures to strengthen this element of the Green Grid and there is thus a clear case for its inclusion. The other element around the northern edge of the built-up area was added to connect the radial elements and may be argued to be a logical step following the addition of the Drayton High Road corridor. While this was not subject to consultation at the regulation 14 stage it has received publicity at the regulation 16 stage and no other representations have been received. The comment from BDC did not raise any objections to this element other than the principle of earlier consultation. As this area is undeveloped, includes the allotments and new public open space for a large part of its length and there are no proposals for development there I cannot identify any interests that may be adversely affected by its inclusion at this stage.
54. The policy is worded in terms of development that will contribute to the creation of the Green Grid being encouraged. From my site visit it appeared that the opportunities to further the realisation of the Green Grid may well be very limited. On large sections of Reepham Road, Middletons Lane and Holt Road the road is bordered by a pavement with no verge and there is thus little opportunity to add to green infrastructure within the public domain. Moreover, there will be many material considerations to take into account in determining applications and for there to be contributions to the Green Grid, they will either need to be part of the scheme or meet the requirements for a planning obligation. Neither of these concerns make the principle of the policy contrary to the basic conditions, but they do necessitate modifications to the first part of the policy. I also note the point raised by BDC regarding reference to the development plan as a whole rather than just the JCS. Subject to these the policy meets the basic conditions.

### **Recommendation**

**Modify the first paragraph of Policy 1 to read: “Where possible, new development proposals which meet other development plan policies will be expected to contribute to the creation of the green grid identified in Figure 4 either on site or, where appropriate having regard to the legal requirements, through a planning obligation. Features of a green grid that developments will**

**be particularly encouraged to contribute to include:”**

## **Policy 2: The Hellesdon Community Grid**

55. This policy aims to improve the facilities for pedestrians and cyclists in the parish either as part of new developments or by securing the provision of offsite facilities through planning obligations. It highlights the junctions of Middletons Lane with Drayton High Road, Reepham Road and Holt Road as locations where improved crossing facilities to link schools, community facilities and local centres are desirable. It also seeks the provision of segregated cycleways from the Norwich city boundary into and through Hellesdon. It was certainly evident from my visit that at these junctions the provisions for pedestrians and cyclists are very limited. Also, apart from the south side of Middletons Lane between Reepham Road and the entrance to Hellesdon High School, there is almost no provision for segregated cycleways.
56. As in the case of Policy 1, the aspiration is laudable and entirely consistent with the basic conditions, but the opportunities to realise it are again likely to be limited by the physical constraints of the road network and the limited number of new developments where contributions of this sort are likely to meet the legal requirements. It appears that decisions have been taken on the large-scale developments that are envisaged in Hellesdon at Eversley Road and the Royal Norwich Golf Course and for small scale developments the provision of substantial off-site infrastructure for pedestrians and cyclists may well not meet the legal requirements for planning obligations.
57. The policy acknowledges the need for provision to be proportionate to the scale of the development and directly related to it, but does not refer to the other legal requirement of being “necessary to make the development acceptable in planning terms”. The policy also needs to refer to the possibility of contributions towards these facilities rather than simply the provision of them to reflect the realistic range of possibilities. Subject to modifications to reflect this and to reflect the need to comply with all development plan policies and not just the JCS, the policy meets the basic conditions.

### **Recommendation**

**Modify the first part of Policy 2 to read:**

**“Proposals for development that comply with other development plan policies and contribute to the creation of walking and cycling friendly neighbourhoods with be encouraged. Where appropriate, having regard to the legal requirements for planning obligations, developments will be required to provide or contribute to:”**

### **Policy 3: High Quality Residential Neighbourhoods**

57. This policy provides design criteria that are intended to ensure that new development respects the character of Hellesdon and contributes to sustainable development. The promotion of local distinctiveness is consistent with paragraph 60 of the NPPF. There is a strong emphasis in the policy on the importance of facilities for pedestrians and cyclists and on the distinctive suburban characteristics of Hellesdon with a spacious pattern of development and buildings set well back from the street. The policy builds on the principles of Policy 2 of the JCS and Policy GC4 of the DMDPD by referring in a little more detail to the issues of particular concern to Hellesdon.
58. I am satisfied that the policy meets the basic conditions except for the last bullet point. Energy and water use are subject to national standards and the Ministerial Statement which announced the outcome of the Housing Standards Review in 2015 made it clear that neighbourhood plans should not seek to set standards on these matters<sup>13</sup>. While the policy as worded does not define standards, it could only be applied by using the national standards which are part of the building regulations and thus serves no practical purpose.

#### **Recommendation**

**In Policy 3 delete the last bullet point.**

### **Policies for Specific Places**

#### **Policy 4: Boundary Road Gateway**

59. This policy relates to the junction of the Norwich ring road with two radial routes through Hellesdon which converge there on their way into the city. It is a prominent site within the Greater Norwich area and is a significant gateway to Hellesdon; the site is divided by a major gyratory traffic system. The policy supports the redevelopment of the site with new landmark buildings appropriate to its prominent gateway function.
60. This is a positively worded policy which is consistent with the NPPF<sup>14</sup>, particularly in its aspiration to enhance the sense of place associated with this strategic location, without being unduly prescriptive in terms of design. It is also consistent with both JCS policy 2 which particularly refers to the treatment of gateways and DMDPD policy GC4, which particularly welcomes schemes of an innovative nature. I am satisfied that the policy

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<sup>13</sup> Written Statement to Parliament: Planning update March 2015 sections headed "Housing Standards-streamlining the system" and "Plan making"

<sup>14</sup> NPPF paragraph 58

meets the basic conditions.

### **Policy 5 Neighbourhood Centres**

61. The policy aims to encourage development or redevelopment of these centres that would maintain or add to their vitality and would not have a harmful effect on the character of the area. The general aim of the policy is consistent with paragraph 23 of the NPPF and with JCS Policy 14 and DMDPD Policy CSU1. However, the detailed wording of the first part of the policy which states that “should any planning applications in these areas arise the precise boundary of the neighbourhood centres will need to be agreed with the Local Planning Authority” does not meet the basic conditions for several reasons. It cannot be reliably implemented because without clear definition it is not possible to know if any planning application may arise would be affected by the policy or not. It is not clear who should agree the boundary of the neighbourhood centres with the Local Planning Authority and it would not be practical to do this in the context of a planning application on a particular proposal without unacceptable delay to ensure appropriate consultation. For all these reasons, this wording does not meet the requirements of PPG that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.*”<sup>15</sup>
62. The lack of precision also leaves residential premises which may or may not fall within the area in an unacceptable position of uncertainty. Any definition of the areas that involves existing residential and non-commercial premises should involve proper consultation on a clear proposal.
63. BDC suggest that the only practicable boundaries should be those used in the Policies Map of the DMDPD, which have been subject to consultation. This may limit the potential for further expansion of the centres as it relates to the area occupied by existing commercial premises, but does not negate the policy. The detailed wording of the policy expands on that in Policy R1 of the DMDPD and is more up to date as the wider definition of centre uses that it uses reflects recent changes to the General Permitted Development Order which brought several changes of use within the scope of permitted development<sup>16</sup>.

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<sup>15</sup> PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

<sup>16</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 Part 3

64. The list of centres includes an additional one from those listed in the pre-submission draft of the Plan at the junction of Drayton Wood Road and Westwood Drive. No reason is given for this and there is no indication from the Consultation Statement that this reflects comments received. The response to my query (Appendix 1) indicated that it was added as it was omitted in error from previous versions of the Plan. However, it is not included in the local centres defined in Policy R1 of the DMDPD, though there are a few centres in that policy that are not identified in the policy under consideration which are substantially larger than the one at the junction of Drayton Wood Road and Westwood Drive. There are also other small clusters of shops that are not identified in either policy. It was apparent from my visit that this location comprises just two business premises, and does not in my judgement constitute a local centre.
65. It is not essential for the centres in this policy to entirely mirror those in Policy R1, but to explain the relationship between the policy and Policy R1 it would have been helpful and logical to explain the differences. I am satisfied that subject to modifications to clearly define the areas affected by the policy and the deletion of the centre at the junction of Drayton Wood Road and Westwood Drive, the policy meets the basic conditions.

### **Recommendations**

**In paragraph 4.27 delete the second bullet point.**

**In the second line of Policy 5, delete “Drayton Road and Westwood Drive”.**

**In the third line of Policy 5 delete “broadly identified” and insert “defined”.**

**Delete “should any planning applications in these areas arise the precise boundary of the neighbourhood centres will need to be agreed with the local planning authority.**

**Delete Map 6 and replace it with a new Map 6 showing the definition of the three centres remaining in the policy in Policy R1 of the DMDPD.**

### **Policy 6: Buildings of Local and National Importance**

66. Policy 6 identifies three local buildings which are considered to have historical interest and seeks to conserve them. In principle, a policy on these lines is entirely appropriate for a neighbourhood plan but in some respects the policy as worded fails to meet the basic conditions. The policy is headed “Buildings of Local and National Importance” but, while the supporting text refers to listed buildings, the policy only refers to buildings of local importance. The policy aims to align the policy for buildings of local importance with that for nationally designated assets. However, the detailed wording is an over-simplification of the approach to national assets in Section 12 of the NPPF.

67. The Bull public house and St Paul's Church are clearly identifiable and I understand the community concern relating to them. However, "Parts of Hellesdon Hospital" does not provide clear guidance to a decision maker unless the parts that are of interest are defined. The policy refers to "retaining the more historically significant buildings after further investigation". I have sought clarification on whether the parts which are worthy of retention have been clearly defined but the wording used derives from a comment by BDC at the regulation 14 consultation stage which refers to Policy HEL1 of the SADPD which states that "some of the more significant former hospital buildings may constitute heritage assets that are worthy of retention...and...lend themselves to possible conversion to employment use." It is evident from this that the heritage status of these buildings has not been established and the neighbourhood plan does not provide any additional evidence to justify a policy that says any more than Policy HEL1.
68. The Basic Conditions statement rightly refers to section 12 of the NPPF and, in particular the proportionate approach taken to development that would affect a designated heritage asset, whereby the significance of the asset and the extent of the harm are weighed against the benefits of the development. However, the policy simply refers to the need to conserve or enhance these assets and, as BDC has pointed out, does not provide for the balancing of any harm to the assets against the benefits which any proposal may bring. The assets identified are not nationally designated and are not on a local authority list of designated assets. It follows that their significance is less than that of designated assets and thus less weight would be attached to them in weighing the balance with any benefits of new development. The Bull public house offers a good example of this. At the time of my visit, it was unused and on the market. It is entirely appropriate that the policy should express a preference for the retention of the building in its original form, but if it remained vacant for a long period it would be necessary to weigh the potential benefits of any development that would bring the site into positive use against any harm to the building. A modification to reflect the need for this balanced approach is necessary to meet the basic conditions.
69. As BDC point out it is also not appropriate to refer to other buildings being identified in the future and added to the list. The policy needs to be "precise" and to have been the subject of consultation before it is made. There is no indication of the process by which buildings may be added to the list and any buildings that were added would not have been subject to the same processes unless the neighbourhood plan was reviewed.

### **Recommendations**

**Delete "and national" from the heading to Policy 6**

**Delete "Parts of Hellesdon Hospital" from the list buildings in Policy 6**

**In the second paragraph of Policy 6 after the bullet points delete “and other nationally designated assets” and after “...or enhanced” insert “Where development would result in the loss of or significant harm to, buildings of local importance the harm should be weighed against the potential benefits in terms of sustainable development.”**

**Delete the rest of the policy from “Other buildings and structures may...further investigation.”**

**On Fig 7 delete “Hellesdon Hospital”.**

### **Policy 7: Housing with Care**

70. This policy recognises the increasing need for housing which allows for the provision of independent living for the elderly and with the availability of care when it is needed as people get older. It is a positively worded policy providing general support for this sort of facility where proposals are consistent with development plan policies and giving preference to existing allocations or brownfield sites. The policy has regard to paragraph 50 of the NPPF and is in general conformity with Policy 4 of the JCS, although Hellesdon is not referred to as a specific priority location in that policy. With the exception of an amendment requiring reference to other development plan policies rather than just the JCS and Neighbourhood Plan I am satisfied that it meets the basic conditions.

### **Recommendation**

**In Policy 7 delete “JCS and other parts of the Neighbourhood Plan” and insert “development plan policies”.**

### **Policy 8: Flooding**

71. Policy 8 was included in the Plan following the response of Norfolk County Council to the pre-submission consultation, which requested the inclusion of a policy on flooding and provided the wording for it. There is no conflict between the policy and national or development plan policies. However, neighbourhood plan policies are expected to be *“distinct to reflect and respond to the unique characteristics and planning context or the specific neighbourhood plan for which it has been prepared”*.<sup>17</sup> There is no reference in the policy or the supporting text to any specific issues in Hellesdon in relation to flooding and no justification is provided for the policy other than that it was suggested by Norfolk County Council. This is a generic flood prevention policy that

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<sup>17</sup> PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306



could be applied anywhere and does not add materially to the existing policy and guidance in the NPPF, JCS and DMDPD. It is not the purpose of neighbourhood plans to repeat national and local strategic policy and thus in my judgement, having regard to PPG the policy does not meet the basic conditions.

### **Recommendation**

#### **Delete Policy 8**

### **Project 1: Enhanced Parks and Open Spaces**

72. Following the policies and in a separate section the Plan identifies action which it intends to take to improve existing parks and open spaces in Hellesdon. This is not a planning policy and thus will not become part of the statutory development plan. However, it is entirely appropriate for the Plan to identify intended actions in this way and the project is clearly differentiated from the policies of the Plan.

### **Summary and Referendum**

73. Hellesdon Neighbourhood Plan has been written to address a limited range of issues which have been identified as important for the community. In a substantially built up area such as Hellesdon the potential to achieve material change through planning policy is rather limited, but the policies have been, for the most part, carefully drafted to ensure that opportunities to realise the objectives of the Plan are realised when possible.
74. The documentation supporting the Plan is generally clear and well presented, in accordance with the Neighbourhood Plan Regulations.
75. I have found it necessary to recommend some modifications in order to meet the basic conditions. Most of these are to enable the policy to provide clear guidance to those making decisions on planning applications or to align the policy more closely with national policy and guidance. In some cases, the changes are more significant where elements of policies are not clearly justified or attempt to embrace future but unspecified future change.
72. I have concluded that, if the modifications that I have recommended are made: the Hellesdon Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 and that;

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

73. **I am therefore pleased to recommend that the Hellesdon Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

74. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan includes the whole Parish of Hellesdon and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>18</sup> **I therefore conclude that there is no need to extend the referendum area.**

Richard High 15 September 2017

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<sup>18</sup> PPG Reference ID: 41-059-20140306

## Appendix 1 E mail exchange to clarify queries

**From:** Richard Squires  
**To:** Richard High  
**Cc:** Ross Ingham; Mark Knight; Victoria West  
**Date:** 07/09/2017

Dear Richard,

Following correspondence with the Parish Council representatives, I'm now able to provide you with responses to your list of queries. Please see below. Responses in red have been written by the Parish Council. The statement in blue, under point 4, has been added by Broadland District Council.

1. Paragraph 14 of the Neighbourhood Planning regulations requires that before submitting a plan proposal must publicise it in a manner that is likely to bring it to the attention of people who live, **work or carry on business** (my emphasis) in the neighbourhood area. There are several substantial areas of employment in Hellesdon and it would be helpful to know how the measures taken to publicise the Plan were designed to bring it to the businesses and their employees in these areas.

Measures taken to publicise the plan at various stages to bring it to the attention of businesses and employees across Hellesdon included:

- i. Business representation on the Neighbourhood Plan Working Group
  - ii. Posters and promotional material erected on noticeboards across the Parish visible to pedestrians and motorists (residents and local employees)
  - iii. Posters and promotional flyers placed directly in business premises and centres of employment such as schools and supermarkets / convenience stores
  - iv. Promotional flyers / questionnaires distributed to all businesses and residents
  - v. Promotional material posted on social media
  - vi. Information provided in Parish magazine which is distributed to all businesses and residents
2. I understand from Broadland District Council's representations that two elements have been added to the Green Grid in Policy 1 since consultation on the pre-submission plan and there is concern that there may not have been adequate consultation on these. Having looked at the pre-submission draft it appears to me that the two additional corridors are along Drayton High Road and around the edge of the built up area. It would be helpful to me know why these were added in at this late stage as there is no evidence that it was as a result of the regulation 14 consultation.

The axis along the Drayton Road was added in responses to comments received from Norfolk County Council as part of the regulation 14 consultation. The axis along the northern edge of the Parish was added in response to further discussion amongst the Neighbourhood Plan Working Group stemming from this recommendation from Norfolk

County Council – it was considered important that the Wensum Valley axis should link to Drayton Wood (Hellesdon boundary with) and then on to Cottinghams Park & the allotments in the east.

3. A similar issue arises with the inclusion of the Local shopping centre at the junction of Drayton Wood Road and Westwood Road. This was apparently added to the list of centres in the pre-submission draft but there is no apparent reason for it.

The centre was added following discussion among the Neighbourhood Plan Working Group, which reflected that it had been omitted incorrectly in previous versions of the Plan.

2. Policy 6 refers to “Parts of Hellesdon Hospital”. For the policy to be applied the parts of Hellesdon Hospital which are considered as being worthy of protection should be identified. Is there any definition that has been subject to consultation? Also does the Local Authority have a “local list” of non-designated heritage assets and if so does it include the buildings identified in Policy 6?

Hellesdon Hospital – criteria was added after the Regulation 14 consultation to help differentiate the more historic elements of the site based on feedback from Broadland DC which reflects the site allocation DPD: *‘...it is suggested that at the end of 4.45 is added: ‘In respect of Hellesdon Hospital, redevelopment is allowed under Site Allocations DPD Policy HEL1, but regard should be had to retaining the more historically significant buildings.’*

Broadland District Council does not have a local list of non-designated heritage assets, so these buildings have not been identified as part of any local authority initiative.

I hope this answers your queries. Please let me know if you wish to discuss anything further.

Yours sincerely,

Richard