

HORSFORD NEIGHBOURHOOD PLAN – 2018-2038

(Submission Version December 2017)

Report of the Examination into the
Horsford Neighbourhood Plan

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17th April 2018.

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Report of the Examination into the Horsford Neighbourhood Plan

1. Introduction

Neighbourhood planning

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority, such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

*Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes... can use neighbourhood planning to: set planning policies through neighbourhood plans to determine decisions on planning applications...*¹

2. This report concerns the Submission Version of the Horsford Neighbourhood Development Plan 2018 - 2038 (“the Draft NDP”), published in December 2017.²

Appointment and role

3. Broadland District Council (“BDC”), with the agreement of Horsford Parish Council (“HPC”), has appointed me, to examine the Draft NDP. I am a member of the planning bar and am independent of BDC, HPC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I do not have an interest in any land that may be affected by it.

4. My examination has involved considering written submissions and unaccompanied site visits on 8th and 9th April 2017. The site visits included views of all of the proposed heritage sites shown on the map on the Draft NDP’s page 35 and all the proposed local green spaces shown on the map on its page 37 and also all of the viewpoints shown on its page 38.

5. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 12 below applies and, if appropriate, to consider the referendum area. I must act

¹ NPPF paragraph 183.

² Also described as Version 2.

proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive.

2. Preliminary Matters

Public consultation

6. I am satisfied that HPC took public consultation seriously and that sufficient consultation resulted. I bear in mind that parish councillors are democratically accountable, subject to a code of conduct and likely to be in close contact with the community they represent. I do not consider there has been any failure in consultation, let alone one that would have caused substantial prejudice. The consultation met the requirements of the Neighbourhood Planning (General) Regulations 2012 (“the General Regulations”).

Other statutory requirements

7. I am satisfied of the following matters:

- (1) The Draft NDP area is the parish of Horsford. HPC is authorised to act in respect of this area (Town and Country Planning Act 1990 (“TCPA”) s61F (1) as read with the Planning and Compulsory Purchase Act 2004 (“PCPA”) s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development (as defined in TCPA s61K), and does not relate to more than one neighbourhood area (PCPA s38B (1));
- (3) No other neighbourhood development plan has been made for the neighbourhood area (PCPA s38B (2));
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b) and PCPA s38C (5)(b)); and
- (5) The draft NDP specifies the period for which it is to have effect, namely 2018-2038, as required by PCPA s38B(1)(a).

3. The Extent and Limits of an Examiner’s Role

8. I am required to consider whether the Draft NDP meets the basic conditions specified in TCPA Sch 4B para 8(2) as varied for neighbourhood development plans, namely:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;
- (d)³ The making of the Plan contributes to the achievement of sustainable development;

³ The omission of (b) and (c) results from these clauses of paragraph 8(2) not applying to neighbourhood development plans (PCPA s38C (5)(d)).

(e) 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);

(f) The making of the Plan does not breach, and is otherwise compatible with, EU obligations; and

(g) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

9. There is one prescribed basic condition:⁴ *“The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects)”*.

10. The combined effect of TCPA Sch 4B para 8(6) and para 10(3)(b) and of the Human Rights Act 1998 means that I must consider whether the Draft NDP is compatible with Convention rights. ‘*Convention rights*’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention. The Convention rights that are most likely to be relevant to town and country planning are those under the Convention’s Article 6(1), 8 and 14 and under its First Protocol Article 1.

11. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified in the last three paragraphs. In particular I may not consider whether any other test, such as the soundness test provided for in respect of examinations under PCPA s20, is met. Rather it is clear that Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions.

12. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. These are: (1) that the Draft NDP proceeds to a referendum as submitted; (2) that the Draft NDP is modified to meet basic conditions and then the modified version proceeds to a referendum; or (3) that the Draft NDP does not proceed to referendum. If I determine that either of the first two options is appropriate, I must also consider whether the referendum area should be extended. My power to recommend modifications is limited by statute in the following terms:

The only modifications that may be recommended are—

⁴ Sch 2 of the General Regulations prescribes this.

- (a) modifications that the examiner considers need to be made to secure that the draft [NDP] meets the basic conditions mentioned in paragraph 8(2),
- (b) modifications that the examiner considers need to be made to secure that the draft [NDP] is compatible with the Convention rights,
- (c) modifications that the examiner considers need to be made to secure that the draft [NDP] complies with the provision made by or under sections 61E(2), 61J and 61L,
- (d) modifications specifying a period under section 61L(2)(b) or (5), and
- (e) modifications for the purpose of correcting errors.⁵

13. The word “only” prevents me recommending any other modifications. That includes any proposed modification that seems desirable to me but is not within one of the above. So, for example, a proposed modification which gives additional information cannot be justified simply because some would find that information helpful.

4 Consideration of Representations

14. I have given all representations careful consideration, but have not felt it necessary to comment on most of them. Rather in accordance with the statutory requirement I have mainly concentrated on giving reasons for my recommendations.⁶ Where I am required to consider the effect of the whole Draft NDP, I have, of course, borne it all in mind.

5. Public Hearing

15. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure (1) adequate examination of the issue or (2) a person has a fair chance to put a case. Neither of those exceptions to the general rule applied in this case and I did not hold a public hearing.

6. Basic conditions and human rights

Regard to national policies and advice

16. The first basic condition requires that I consider whether it is appropriate that the plan should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not

⁵ TCPA Sch 4B, para 10(3).

⁶ TCPA Sch 4B, para 10(6).

require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect.

17. The principal document in which national planning policy is contained is the National Planning Policy Framework (March 2012) (“the NPPF”) and I have borne that in mind. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”) and Written Ministerial Statement Planning Update: Written statement - HCWS488 (“the WMS”). At present a consultation draft of a revised NPPF is subject to consultation. I am satisfied that, if this consultation draft were to be issued as a final revised NPPF without relevant alteration, nothing in it would alter my recommendations.

Contributing to the achievement of sustainable development

18. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot proceed to a referendum. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. Where I have recommended the removal of a constraint for lack of sufficient evidence, that is not a finding that the land would be suitable for development. Rather it means no more than that the evidence does not justify influencing future consideration of whether it is or is not suitable.

19. The bulk of the NPPF constitutes guidance on sustainable development. Its paragraph 6 says, “*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development... means in practice for the planning system.*”

20. I welcome the draft NDP’s concern for older, disabled and young people.⁷ These contributes to the social element of sustainable development, as well as showing recognition of duties under the Equality Act 2010, the principle of equality inherent in EU law and the human rights of disadvantaged people.

21. I also welcome the support for walking, cycling and the use of public transport.⁸ The draft NDP’s emphasis on these contributes significantly to the environmental element of sustainable development.

22. The draft NDP’s support for heritage assets,⁹ is consistent with the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and contributes to the environmental element of sustainable development.

⁷ Pages 23 and 24.

⁸ Pages 13, 19, 21, 25, 27, 28, 29, 30, 36, 42 and 44.

General conformity with the development plan's strategic policies

23. The third basic condition means that I must consider whether the Draft NDP is in general conformity with the strategic policies contained in the development plan for the area of the authority.

24. The adjective 'general' allows a degree of (but by no means unlimited) flexibility and requires the exercise of planning judgement. This condition only applies to strategic policies - there is no conformity requirement in respect of non-strategic policies in the development plan or in respect of other local authority documents that do not form part of the development plan. In assessing whether a policy is strategic, I have born in mind the advice in PPG paragraph 074.¹⁰ I have also born in mind the relevant part of the judgment in R (Swan Quay LLP) v Swale Borough Council.¹¹

25. The development plan includes the Joint Core Strategy for Broadland, Norwich and South Norfolk, the current amended version of which was adopted in January 2014, BDC's Site Allocations Development Plan Document (May 2016) and BDC's Development Management Development Plan Document (August 2015). I have considered these.

EU obligations

26. The fourth basic condition requires me to consider whether the Draft NDP breaches or is otherwise incompatible with, EU obligations. I have in particular considered the following: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). I am satisfied that no issue arises in respect of equality under general principles of EU law or any EU equality directive.

27. I am satisfied that the making of the NDP would not breach, and be otherwise incompatible with, EU obligations and that it is not necessary to consider the matter further in this report.

European site and European offshore marine site

28. The draft NDP is unlikely to give rise to significant environmental effects on these sites. I note that Natural England does not have any specific comments on the draft NDP.¹² I am satisfied that the making of the NDP would not breach, and be otherwise incompatible

⁹ Page 34, 35, 36 and 39.

¹⁰ Reference ID: 41-074-20140306.

¹¹ [2017] EWHC 420 (Admin), paragraph 29, Dove J, 27th January 2017.

¹² Representation Hor 9.

with the prescribed basic condition and that it is not necessary to consider the matter further in this report.

Human Rights

29. English Planning law in general complies with the Convention. This matter can also be dealt with briefly in advance of detailed consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. In particular I have considered the Convention's Articles 6(1), 8 and 14 and its First Protocol Article 1. Nothing in my examination of the Draft NDP indicates any breach of a Convention right, so that no modifications need to be made to secure that the draft NDP is compatible with the Convention rights. It is therefore not necessary to consider human rights in the parts of this report that deal with specific parts of the Draft NDP, other than the point that a figure that, as a result of a cartographical error, wrongly extended a designation to someone's land could result in a breach of First Protocol Article 1.

7. The contents of the Draft NDP

General Comments

30. It will be apparent from the above that, having been satisfied in respect of basic conditions (f) and (g) and human rights, I have needed to concentrate on basic conditions (a), (d) and (e). My recommended modifications are those that I consider need to be made to secure that the Draft NDP meets these basic conditions and to correct errors. Where I express no comment, I have no criticisms of the part of the draft NDP concerned and have not accepted any proposed modification in respect of it.

Specific Comments

Page 4

31. It is not every resident of Horsford, 18 years or over who will have the opportunity to vote, but only persons entitled to vote in an election of BDC councillors and whose qualifying address for the election is in the referendum area (which, if my recommendation¹³ is followed means the parish).¹⁴ The final sentence also requires correction.

Recommended modification 1

Insert after "every resident of Horsford," on page 4 with:

"who is entitled to vote in Broadland District Council elections and is".

Replace "50 per cent support from residents at" on page 4 with "at least 50 per cent support from those who vote in the".

¹³ Paragraph 52 below.

¹⁴ TCPA Sch 4B, para 14.

Page 5

32. The words “(under construction at the time of writing)” should be deleted.

Recommended modification 2

On page 5 delete “(under construction at the time of writing)”.

Page 30

33. Barratt Eastern Counties has objected to the policy TR3’s third sentence “*Proposals for all new homes to be built in Horsford will be encouraged to provide for one off-street parking space for each bedroom.*”¹⁵ In considering this I have borne in mind the advice in the WMS that “*Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.*” While I note that this specifies local planning authorities, I can see no basis for a different approach to neighbourhood plans. Further TR3’s third sentence is a particularly demanding policy that is not supported by clear and compelling justification. In reaching my conclusion I have not given weight to Norfolk County Council’s 2007 standards, which predates the Government’s 2011 abolition of national maximum parking standards. In accordance with the WMS there should be adequate parking provision in new residential developments, but that can be determined on a case-by-case basis in accordance with the evidence.

Recommended modification 3

Remove the third sentence of policy TR3.

Page 32

34. The ‘Whinny Hills and Commons’ County Wildlife Site is described as being in Horsford. In fact only part of it is.¹⁶ This is an error that should be corrected.

Recommended modification 4

Replace the second indent on page 32 with:

“Whinny Hills and Commons (part of) – a large area of common land supporting mature acid woodland and patches of heathland.”

Pages 34 to 35

35. Seven things are listed as being of particular local importance. These are:

¹⁵ Representation Hor15.

¹⁶ Representation Hor3.

1. Horsford Castle, a Norman bailey and motte at the end of a public footpath from Church Street, a Scheduled Ancient Monument.¹⁷
2. Two round barrows on Horsford Heath that are Scheduled Ancient Monuments.¹⁸
3. All Saints Church, a Grade II* listed medieval building (late 11th, early 12th Century) with a 15th-century tower and a 19th Century porch.¹⁹
4. Horsford Church Room, a 20th Century building in a prominent position on the Holt Road used by the community.
5. St Helena Mill, an 1860s red-brick mill.²⁰
6. The polished grey granite War Memorial, which is in Horsford churchyard to the south of the church and directly to the east of the path leading to the church and is a Grade II listed building.²¹
7. The Horsford village sign, which shows aspects of the village heritage and relates to the golden anniversary of its Women's Institute.

36. The listed buildings and scheduled ancient monuments are heritage assets and as such have substantial statutory protection. Nonetheless their value to local people is capable of adding weight to proper planning grounds and I see no reason why an NDP should not record that value.

37. NDPs may identify as of local importance heritage assets that are not otherwise designated. The information that I had on the Horsford Church Room was insufficient to justify its identification as a heritage asset. I therefore took particular care to view it from all sides. Nothing that I saw justified its description as a heritage asset. In the light of this absence of sufficient evidence, I recommend its exclusion from the list. The references to the Church Room on pages 16 and 17 should remain.

38. The information that I had in respect of the Horsford village sign was also limited. However, I viewed both its sides and was impressed by it. The south-facing side is a fine naturalist composition in the style of the better traditional sign writers. I noted its good colouring, the texture of the building in the background and traditional lettering. The other side is an interesting symbolic and naïve composition. The four smaller pictures (two on each side), which relate to historic activities, add to the pleasing effect. Overall it is an exceptionally attractive village sign, whose historic-asset identification is justified.

¹⁷ List entry Number: 1003998.

¹⁸ List entry Number: 1003164.

¹⁹ List entry Number: 1170781.

²⁰ List entry Number: 1051547 – the listing describes it as “Corn Mill, 32 metres north of Mill House”.

²¹ List entry Number: 1450480.

Recommended modification 5

Replace the list on page 34 with the following:

- “1. Horsford Castle (on private land).
2. Two round barrows in Horsford Woods, Bronze Age burial grounds (on private land).
3. All Saints Church, Horsford.
4. St Helena Mill (on private land).
5. The War Memorial, Horsford churchyard.
6. The Horsford village sign.”

39. The final paragraph on page 34 should accurately list the designated heritage assets.

Recommended modification 6

Replace the final paragraph with on page 34:

“There are eight Grade II listed buildings in Horsford. These are St Helena Mill, Horsford Hall, Little Orchard, Lower Farm House and attached Barn, Poplars Farm House, The Dog Public House, The Lindens and Horsford War Memorial. There is one Grade II* listed building, which is the Parish Church of All Saints. These listed buildings do not appear on Historic England’s Buildings at Risk Register. Horsford Castle and two round barrows on Horsford Heath are scheduled ancient monuments, nationally important archaeological site – these scheduled ancient monuments are on private land.”

40. Figure 19 requires amendment both to correspond to the removal of Horsford Church Room from the list of heritage assets and consequent renumbering and to remove the erroneous reference to “Grade III” (*sic*) listed buildings and confusing reference to Grade I listed buildings. It is outside the scope of my role to specify whether the Grade II* and Grade II listed building should be identified separately or simply as listed buildings – neither approach would be inappropriate.

Recommended modification 7

Replace figure 19 with a figure that reflects the immediately preceding recommended modification and makes no reference to Grade I and Grade III listed buildings.

Pages 35 to 37.

41. I have given particularly careful consideration to policy ENV 3 which deals with Local Green Spaces (LGSs) and considered the supporting text for the policy on pages 35 and 36 and government policy and guidance in the NPPF and PPG. I am satisfied that its first paragraph and the supporting text for the policy should remain in the NDP. Doing so will

comply with government policy and guidance, correspond with wishes of local people that reflect proper planning considerations and complement BDC's Development Management DPD (2015) policy EN2.

42. Its second paragraph identifies nine proposed LGSs.

43. The first proposed LGS is "*Horsford Recreation Ground (behind Horsford Village Hall)*". This has obvious "*recreational value (including as a playing field)*"²² and is clearly suitable for LGS designation

44. The second and third proposed LGSs "*The Butterfly Mill green*" and "*The Pinelands green*" are in the north of the village surrounded by 21st century residential development . Each has the appearance of having been deliberately created as a green to serve the new housing development and each achieves that apparent purpose – the comments in respect of Pinelands in the draft NDP are fully justified.²³ They are clearly suitable for LGS designation.

45. The fourth proposed LGS is the "*Strip of land that has the village sign on it, a green gateway to the village*" is a more complex matter. The land appears to be highway verge. The highway authority Norfolk County Council has not made a representation in respect of it. It is also within the red line of an outline planning permission for 84 dwellings.²⁴ The site access layout plan for this²⁵ shows an access at the southern end of the strip. Access is not reserved and it is a condition of this planning permission that development is carried out in accordance with this drawing. This is a fait accompli and nothing that the NDP might say would remove the right to provide the access in accordance with the permission. Designating the relevant part of the strip would achieve no purpose. The PPG advises that "*Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.*"²⁶ Bearing that guidance in mind, I am satisfied that the part of the strip containing the access as shown on drawing 0480/001 D should not be designated as an LGS. I am also satisfied that the narrow strip to the south of this access would not serve an LGS purpose sufficiently to justify LGS designation. The land to the north of the strip is wider. A new 2.0 metre wide footway is shown along its eastern edge on drawing CL-10 P2 (Preliminary Arrangement of off-site Highway Works). While this drawing is not specifically mentioned in the outline planning permission, in my opinion it is likely that it

²² NPPF paragraph 77 2nd indent, also NPPF Revision consultation draft paragraph 101 2nd indent.

²³ Page 18.

²⁴ Application number 20170409.

²⁵ Drawing 0480/001 D.

²⁶ PPG Reference ID: 37-008-20140306 .

will come about. That leaves the land to the north of the access and east of the proposed new footway. The PPG advice just quoted is not absolute and there is no reason in principle why land within the red line of a planning permission, but not intended for development, should not be designated as an LGS. I viewed this grassed and treed area on my site visit and was impressed by its attractive nature, which includes the village sign (which I have recommended should be identified as a heritage asset), flowers and blossom. I am satisfied that it is appropriate to designate it as LGS.

46. The remaining four proposed LGSs are collectively described as the Horsford Pits. Each is outside, and does not adjoin, the built-up area of the village. I must therefore pay particular attention to the requirement that *“the green space is in reasonably close proximity to the community it serves”*.²⁷ In doing this I bear mind the PPG advice: *“The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.”*²⁸

47. Two of the Horsford Pits are in Green Lane at and to the east of its junction with Mill Lane north of the village; one is in Pyehurn Lane, a byway open to all traffic west of the village; and one is Dog Lane to the west of Pyehurn Lane. Care should be taken to ensure that the location of these as shown on Figure 20 is as accurate as practicable on a map of its scale.²⁹

48. The two sites in Green Lane are in a wooded area. The Watering Pit in Green Lane is described as being *“of particular local and historical importance”*.³⁰ These sites have a *“richness of... wildlife”*³¹ and are *“green areas which are valued because of their wildlife”*.³² Horsford Estates state that the boundaries of these do not appear to be correct and provided a plan showing its view of the correct boundary.³³ The third of the Horsford Pits is in a wooded area close to Pyehurn Lane, a public footpath. The fourth Horsford Pit is in Dog Lane, at the relevant point a public footpath. I am satisfied that, although none of these is in or adjoins the built-up area, each is sufficiently close to it and also otherwise suitable to be designated as an LGS.

²⁷ NPPF paragraph 77 1st indent, also the similarly (but not identically) worded NPPF Revision consultation draft paragraph 101 1st indent.

²⁸ PPG Reference ID: 37--014-20140306.

²⁹ See paragraph 29 above

³⁰ Draft NDP p 36.

³¹ NPPF paragraph 77 2nd indent, also NPPF Revision consultation draft paragraph 101 2nd indent.

³² PPG Reference ID: 37-017-20140306

³³ Representation Hor 18.

Recommended modification 8

Replace the second paragraph of policy ENV3 on page 37:

“The following areas are designated as Local Green Space for special protection:

1. Horsford Recreation Ground (behind Horsford Village Hall).
2. The Butterfly Mill green.
3. The Pinelands green.
4. That part of the strip of land that has the village sign on it (a green gateway to the village) and lies to the north of the access permitted by planning permission 20170409 and west of the footway envisaged by that application.
5. The Horsford Pits
 - i. Green Lane
 - ii Pyehurn Lane
 - iii Dog Lane.”

Figure 20 should be modified accordingly. It should also show the location of the Horsford Pits accurately.

Page 38

49. Policies in respect of view can prevent sustainable development and particular care needs to be taken where they impact on land close to settlements. The two Green Lane views are attractive and a little distance from the built-up area. I am satisfied that it is right to apply policy ENV4 to them. I considered the third view from the churchyard and was unable to see anything that made it more important than other views over countryside. Rather the large relatively modern industrial buildings of Scott Sheds Limited made it less attractive than many views in the parish. While the view from Horsbeck Way did not have any equivalent of Scott Sheds Limited’s premises, it was also unexceptional and less attractive than many views in the parish. Applying policy ENV4 to the third and fourth views is not justified.

Recommended modification 9

Delete views 3 and 4 in policy ENV4 and make the corresponding alterations to Figure 21.

Page 44

50. While the policy BUS1 is in general helpful and justified, I share BDC’s concern about the word “*must*” in it, which is too absolute.³⁴

³⁴ Representation Hor 4.

Recommended modification 10

Replace the word must in the second paragraph of policy BUS1 with “should” .

Updating

51. It may be that certain passages need updating. Nothing in this report should deter appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact. For example, that might include the reference to the surgery extension planning application.³⁵

8. The Referendum Area

52. I have considered whether the referendum area should be extended beyond the designated plan area, namely the parish of Horsford. I see no reason to extend the area in this case. I therefore recommend that the referendum area be limited to the parish of Horsford.

9. Summary of Main Findings

53. I commend the Draft NDP for being well written, logical, clear, appropriately concise and intelligible to a reasonably intelligent lay reader with no expertise in town and country planning.

54. I recommend that the draft NDP be modified in the terms specified in Appendix A to this report in order to meet basic conditions and to correct errors. I am satisfied with all parts of the draft NDP to which I am not recommending modifications.

55. With those modifications the draft NDP will meet all the basic conditions and human rights obligations. Specifically

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;
- The making of the NDP contributes to the achievement of sustainable development;
- The making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of HPC (or any part of that area);
- The making of the NDP does not breach, and is not otherwise incompatible with, EU obligations;
- The making of the NDP is not 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

³⁵ Page 21.

- The modified draft NDP is in all respects fully compatible with Convention rights contained in the Human Rights Act 1998.

56. I recommend that the modified NDP proceed to a referendum, the referendum area being the parish of Horsford.

Timothy Jones, Barrister, FCI Arb,

Independent Examiner,

No 5 Chambers

13th April 2018.

Appendix A: Recommended Modifications

Recommended modification 1

Insert after “every resident of Horsford,” on page 4:

“who is entitled to vote in Broadland District Council elections and is”.

Replace “50 per cent support from residents at” on page 4 with “at least 50 per cent support from those who vote in the”.

Recommended modification 2

On page 5 delete “(under construction at the time of writing)”.

Recommended modification 3

Remove the third sentence of policy TR3.

Recommended modification 4

Replace the second indent on page 32 with:

“Whinny Hills and Commons (part of) – a large area of common land supporting mature acid woodland and patches of heathland.”

Recommended modification 5

Replace the list on page 34 with the following:

- “1. Horsford Castle (on private land).
2. Two round barrows in Horsford Woods, Bronze Age burial grounds (on private land).
3. All Saints Church, Horsford.
4. St Helena Mill (on private land).
5. The War Memorial, Horsford churchyard.
6. The Horsford village sign.”

Recommended modification 6

Replace the final paragraph with on page 34:

“There are eight Grade II listed buildings in Horsford. These are St Helena Mill, Horsford Hall, Little Orchard, Lower Farm House and attached Barn, Poplars Farm House, The Dog Public House, The Lindens and Horsford War Memorial. There is one Grade II* listed building, which is the Parish Church of All Saints. These listed buildings do not appear on Historic England’s Buildings at Risk Register. Horsford Castle and two round barrows on Horsford Heath are scheduled ancient monuments, nationally important archaeological site – these scheduled ancient monuments are on private land.”

Recommended modification 7

Replace figure 19 with a figure that reflects the immediately preceding recommended modification and makes no reference to Grade I and Grade III listed buildings.

Recommended modification 8

Replace the second paragraph of policy ENV3 on page 37:

“The following areas are designated as Local Green Space for special protection:

1. Horsford Recreation Ground (behind Horsford Village Hall).
2. The Butterfly Mill green.
3. The Pinelands green.
4. That part of the strip of land that has the village sign on it (a green gateway to the village) and lies to the north of the access permitted by planning permission 20170409 and west of the footway envisaged by that application.
5. The Horsford Pits
 - i. Green Lane
 - ii Pyehurn Lane
 - iii Dog Lane

Figure 20 should be modified accordingly. It should also show the location of the Horsford Pits accurately.

Recommended modification 9

Delete views 3 and 4 in policy ENV4 and make the corresponding alterations to Figure 21.

Recommended modification 10

Replace the word “must” in the second paragraph of policy BUS1 with “should” .

Appendix B: Abbreviations

The following abbreviations are used in this report:

Convention	European Convention on Human Rights
Draft NDP	The Submission version of the Horsford Neighbourhood Plan 2018-2038
BDC	Broadland District Council
EU	European Union
NPPF	National Planning Policy Framework (DCLG, March 2012)
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	Local Green Space
NDP	Neighbourhood Development Plan
PPG	national Planning Practice Guidance
p	page
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
s	section
Sch	Schedule
HPC	Horsford Parish Council
TCPA	Town and Country Planning Act 1990 (as amended)
WMS	Written Ministerial Statement Planning Update: Written statement - HCWS488, 25 th March 2015

Where I use the verb ‘include’, I am not using it to mean ‘comprise’. The words that follow are not necessarily exclusive.