

QB response to Thorpe St Andrew Neighbourhood Development Plan Examiner's Clarification Note – October 2023

Points for Clarification

Policy 1

The proposed local green spaces (LGSs) are helpfully underpinned by the information in Appendix B.

The Appendix addresses the size of the proposed Belmore Plantation, Brown's Plantation, Cary's Meadow, St George Morse Park, Fitzmaurice Park, and Thorpe Ridge LGSs. Does the Town Council have any comments on the extent to which they are 'local in character and not extensive tracts of land' beyond the various commentaries in the right-hand column?

QB Response:

LGS size: The parish is over 708 hectares in total and the majority of the identified LGS range in size from 6ha to 17ha. Individually these equate to less than 3% of the land area of the parish, although a number of them are located close together relating a much larger overall green area. It should also be noted that the parish itself forms part of the urban fringe of the city of Norwich and therefore the context of the overall built-up area needs to be taken into account. Planning Practice Guidance Paragraph: 014 Reference ID: 37-014-20140306 makes it clear that there are no hard and fast rules about how big a Local Green Space can be because places are different, and a degree of judgment will inevitably be needed. The paragraph does make it clear that Local Green Space designation should not be used as blanket designation of open countryside adjacent to settlements or as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name. The identification of these LGS is consistent with this requirement. Each of the identified LGS have clearly defined boundaries that do not extend into the open countryside and do not affect agricultural land. Each space is very much within the urban area.

To what extent has the Town Council assessed the additional local benefit which would be brought to the proposed LGSs which are in the Conservation Area (as required by Planning Practice Guidance ID: 37-011-20140306)?

QB Response:

The identified LGS within the Conservation Area include nos: 15, 11, 16, 13 and 6. They range in terms of character, some being well treed and others being more open. LGS designation provides a greater degree of protection (as strong as Green Belt) for the spaces to remain in their current undeveloped form, which is key to their value to the community. Conservation Areas are defined as "an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance"¹ is a designation that focuses more on historic attributes and significance of an area as a whole– whilst the proposed LGS are inside the CA, they are not the reason for its designation – much of that will relate to the built form and heritage of the area. Conservation Area designation is a weaker protection than LGS and could result in the loss of those spaces if development were proposed on them. The Town Council's concern would be that in determining an application for development that would affect one of the proposed spaces, the judgement to be made will concern the impact upon the significance of the Conservation Area as whole rather than the loss of the space itself.

¹ TSA Conservation Area Appraisal

How did the Town Council engage with the owners of the proposed LGSs as the Plan was being prepared?

QB Response:

The spaces were originally identified by local residents during one of the early consultation exercises. Notifications of the Regulation 14 consultation were sent to landowners where these were known.

Spaces 1, 2 and 3 – Racecourse Plantation, Belmore Woods and Browns Plantation are owned by the Felthorpe and Belmore Trust and are known collectively as Thorpe Woods. The owners were included in the Pre-Submission Consultation as local consultees as their details were known..

Local Green Spaces: 5, 6, 7, 8, 9, 10, and 12 are owned either by the Town Council, Broadland DC or the Broads Authority.

Space 11 – the owner is part of the ‘Pinebanks application’ and the agent was notified.

Space 13 is owned by a number of local individuals who were notified and who received the newsletter.

Green Space 14 is owned by Whitlingham Charitable Trust who were notified.

Does the Town Council have any comments on the representation from Anglian Water on the proposed Belmore Plantation LGS?

QB Response:

No objection to the removal of the sewerage pumping stations from the LGS designation and/or to some additional wording in the policy that would allow for statutory undertakers to undertake necessary maintenance of their assets.

Does the Town Council have any specific comments on the objections raised by CA Trott (Plant Hire) (about LGS16 Weston Wood) and by Berleit Ltd (about LGS15 Thorpe Ridge)?

QB Response:

Weston Wood – It is accepted that this area already has protection as an Ancient Woodland. However, it does meet the LGS criteria in terms of size, location and value. There is no requirement for public access. The reference in para 7.6 of the NP to footpaths was requested by NCC Rights of Way Team at Regulation 14 stage.

Thorpe Ridge:

Noted that there is support for the LGS in principle but that there is concern about the conflict that this may have with the Ancient Woodland designation if access is increased. This covers part of the area but not all and does not include the area above the allotments off Hillside Avenue. The LGS designation does not change existing or confer any additional rights for access. According to the Government publication on woodlands, <https://www.gov.uk/government/publications/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england>: – there need not be a fundamental conflict between preserving ancient woodlands and public access.

In terms of context, there is no public access to the Ancient Woodland currently. This was closed off some years ago after local people living close by put together a petition to close the public footpaths – there were concerns over security and several houses had been broken into. This petition was supported by the Town Council at the time and the Town Council would not wish to see increased access in this location for those reasons together with those relating to the protection of the Ancient Woodland.

Policy 2

The policy takes a good approach to design and character. It is helpfully underpinned by Appendix A. In the round, it is a good local response to Section 12 of the NPPF.

Is it intended to be applied on a proportionate basis?

QB Response:

Yes, this is the intention although the policy wording could usefully be amended to reflect that not all criteria will be applicable to every development, and much will depend upon scale of development proposed.

The policy uses the word ‘encouraged’. Please can the Town Council explain its approach given that ‘encouraged’ has little weight in a planning policy context.

QB Response:

‘Encouraged’ is generally used where there is no legislative or regulatory basis to require something e.g., the use of sustainable materials can be encouraged but not required. The QB were mindful of this and also the requirement to ‘plan positively’. The QB would not object to a rephrasing of the wording in this policy (and elsewhere) along the following lines:

“In addition, and to ensure the creation of a strong sense of place, development ~~is encouraged~~ shall have due regard to the following criteria as appropriate, “

Policy 3

The policy uses the word ‘encouraged’. Please can the Town Council explain its approach given that encouraged has little weight in a planning policy context.

QB Response:

Agree this is a similar to point to that for Policy 2. The QB would not object to the policy being reworded along similar lines to that above.

Policy 4

As submitted the second part of the policy reads as a list of material considerations. In this context does it bring any added value beyond the application of existing local planning policies?

QB Response:

Agree the policy would benefit from better wording to aid clarity and could be recast along the following lines:

“The occupation, operation and construction of new development should not adversely affect the amenity of adjacent users, through exacerbating existing or causing new pollution problems. This includes pollution caused by light/shadow, odour, dust, vibration and noise. The residential amenity of adjacent residents should be safeguarded, and new developments

should seek to avoid overlooking, overshadowing, loss of daylight and sunlight through the provision of satisfactory and useable external amenity space, consistent with the character of the immediate surrounding area”.

Policy 6

The first part of the policy reads in a confusing way. Is it intended to safeguard existing commercial uses on the identified sites?

QB Response:

The intention of the policy is to safeguard those existing employment uses but also provide some support for appropriate expansion. Retail sites would be defended to ensure continued service sustainability for residents. No objections if it were reworded for clarity.

Policy 7

The policy addresses a series of important issues. However as submitted its format is somewhat confused. I am minded to recommend that it has two separate parts. The first would relate to existing community facilities (largely the second and fourth parts of the policy). The second would be a requirement for other development to support community infrastructure (largely the first part of the policy). Does the Town Council have any comments on this proposition?

QB Response:

No objections to this approach.

The third part of the submitted policy appears to address both land use planning matters and non-planning matters (such as interior furnishing). Please can the Town Council elaborate on its approach on this matter.

QB Response:

At the time of drafting this policy there was specific discussions taking place in respect of new community buildings and facilities as some were being lost (specifically sports and recreation facilities) as part of the Pinewoods development. The policy is an attempt to promote the inclusion of environmental measures in the design and construction of new community buildings to ensure their future sustainability. There would be no objections if the policy were recast to exclude references to internal details that extend beyond the scope of planning permission.

Policy 8

Does this policy bring any value beyond national and local planning policies on the historic environment?

If so, does the policy have regard to national policy?

Could its focus be on the identification of the non-designated heritage assets listed in Appendix C and the promotion of a policy for their protection in the broader context of national policy?

QB Response:

On reflection, this policy would benefit from a focus on non-designated assets and provide some guidance on their treatment and protection. No objection to the refocussing of this policy along the lines suggested by the Examiner.

Representations

It would be helpful if the Town Council responded to the following representations:

- The Broads Authority.
- Norfolk County Council

The District Council proposes a series of revisions to certain policies in the Plan. It would be helpful if the Town Council commented on the suggested revisions.

QB Response to Regulation 16 Representations

Response Number	Respondent	QB Response
TSANP1	Sport England	Noted
TSANP2	RSPB	No objection to the suggested amendments should the Examiner be so minded.
TSANP3	Highways England	Noted
TSANP4	MMO	Noted
TSANP5	E Laming	Noted for review.
TSANP6-9	NPS for Norfolk Constabulary	This might be an issue for future partnership working outside of the NP process.
TSANP10	Norfolk Constabulary	No objection amending the objective if the Examiner is so minded.
TSANP11	Historic England	Noted
TSANP12	RSPB	No objection to the suggested amendments should the Examiner be so minded.
TSANP13-25	BDC	<ul style="list-style-type: none"> • Agree that there are formatting problems with the plan layout which can be rectified before a final version is produced. This would also include updating map references and suggested factual amendments and error corrections. • Agree that as part of LGS 11 and 15 have planning permission then they no longer met the LGS criteria and should be withdrawn or amended as appropriate. • Para 7.8 agree this requires clarification. • Policy 2: 'east area' should refer to 'south-east'. • No objection to rewording of criteria f and g as requested. • Policy 4 – No objection to suggested amendments to policy wording. • Policy 6 – No objection to suggested amendments.

		<ul style="list-style-type: none"> Policy 8 – Refer to Examiner's note.
TSANP26-29	S Allison	Noted. The car parking project is specifically included to find a solution to the most commonly mentioned parking problem.
TSANP30	Natural England	Noted
TSANP31	Water Management Alliance	Noted
TSANP32	N Green	See other references to the car parking project
TSANP33-34	S Heybourne	Bus services are outside of the scope of the NP. The NP does provide for a parking project.
TSANP35	DLP Planning	Covered in response to Examiner's Questions
TSANP36-43	Broads Authority	<p>Policy 1: No objection to strengthening this policy wording as suggested.</p> <p>Policy 8: Agree this needs rewording for clarity (See also Examiner's Questions)</p> <p>No objection to factual corrections</p>
TSANP 44	Berliet Ltd	Covered in response to Examiner's Questions
TSANP45	Dye and Zschorn	The car parking project is still an important ambition of the Town Council. With the recruitment of the new Town Clerk, it is expected that there will be a renewed focus on a car parking strategy for the Parish.
TSANP46	G Allison	Noted
TSANP47-50	C Ferris	Noted
TSANP51-53	Anglian Water	Covered under Examiner's Questions
TSANP54	Broads Society	Noted
TSANP55	NCC Minerals and Waste	Noted.
TSANP56	NCC - LLFA	A number of the issues raised are covered by national or adopted and emerging strategic policies and therefore the NP should not duplicate them.

Thorpe St Andrew Town Council

27th October 2023