

Old Catton Neighbourhood Development Plan

The Report by the Independent Examiner

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Contents

Summary	5
Introduction	7
Appointment of Independent Examiner	7
The Scope of the Examination	8
The Preparation of the Plan	10
Public Consultation	11
The Development Plan	12
The Basic Conditions Test	12
Compatibility with European Union Obligations	14
Vision and Objectives	15
Wider Spatial Context and Strategic Policy Context	15
The Neighbourhood Plan Policies	16
Implementation Plan	23
Summary and Referendum	23
Appendix 1 Minor Errors	26
Appendix 2 Maps showing location of open spaces	attached

Summary

The Old Catton Neighbourhood Plan has been prepared relatively rapidly within a clear strategic context of proposals for major development in the Joint Core Strategy for Norwich Broadland and South Norfolk, as amended by the Broadland part of the Norwich Policy Area Local Plan adopted in 2014. Detailed proposals for these developments are being developed in the emerging Broadland District Council Growth Triangle Area Action Plan which is at an advanced stage of preparation. The Neighbourhood Plan has been prepared positively in relation to this strategic context and has focussed on the needs of the existing village having regard to the implications of the proposed new development.

The Plan has been prepared with extensive engagement of the local community and its policies address a limited range of issues which clearly reflect the concerns expressed by the community.

The Sustainability Appraisal that accompanies the Plan evaluates all the policies in relation to a set of environmental, social and economic sustainability objectives and demonstrates the contribution of the Plan to sustainable development.

I have found it necessary to suggest some modifications to enable the Plan to meet the basic conditions and other legal requirements. In most cases these are relatively minor and relate to the need for the policies to be clearly expressed, but in other cases there is insufficient justification for some aspects of the policies to enable them to meet the basic conditions.

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

The Old Catton 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 making of 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 Old Catton 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 covers the whole of the Parish of Old Catton 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”.¹ **I therefore conclude that there is no need to extend the referendum area.**

¹ 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. Old Catton Parish Council is the qualifying body for the Old Catton Neighbourhood Plan 2015-2035 (which I shall refer to as the OCNP or the Plan). The Plan area covers the whole of the parish of Old Catton. It has been prepared by a Steering Group of 20 volunteers including parish councillors, friends of Catton Park and representatives of the local community.
3. The parish of Old Catton lies to the north of Norwich and is on the northern edge of the built up area of Greater Norwich. It is an historic village which has been absorbed into the expanding built up area, but the heart of the village retains its distinctive character. This derives in large measure from the relationship of the village to Catton Park, an historic eighteenth century parkland designed by Humphrey Repton, and the nearby Deer Park. To the west of the parish is Norwich Airport, to the east the suburban parish of Sprowston and to the north substantial residential development is envisaged through the completion of existing planning permissions and further allocations in the emerging Growth Triangle Action Area Plan which is at an advanced stage of preparation.
4. If, following considerations of the recommendations in my report by Broadland District Council, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and its policies 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 Old Catton Parish Council (OCPC) to carry out the independent examination of the OCNP. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).
6. I confirm that I am independent of both Broadland District Council and have no interest in any land which is affected by the OCNP.

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 11 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. I am only empowered to recommend modifications where they are necessary to enable the Plan to meet the basic conditions or to correct errors. My recommendations mainly relate to the policies of the Plan but there are a few minor errors and these are set out in Appendix 1.
12. 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 came to the conclusion that the examination could be completed without a hearing.
13. The documents which I have referred to in the examination are listed below.
 - Old Catton Neighbourhood Plan 2015-2035 Examination Version December 2015
 - Old Catton Neighbourhood Plan Basic Conditions Statement January 2016
 - Old Catton Neighbourhood Plan Implementation Plan December 2015
 - Old Catton neighbourhood Plan Sustainability Appraisal Report December 2015
 - Old Catton Neighbourhood Plan Sustainability Appraisal Scoping Report Final Version August 2015²
 - Old Catton Neighbourhood Plan Habitats Regulation Screening Assessment January 2016
 - Old Catton Neighbourhood Plan Habitats Regulation Assessment February 2016
 - Old Catton Neighbourhood Plan Consultation Statement October 2015
 - Old Catton Neighbourhood Plan responses to regulation 16 publicity of submitted plan
 - Saved Policies of the Broadland District Plan [amended 2006]
 - Joint Core Strategy for Broadland, Norwich and South Norfolk adopted in March 2011 as amended by the Broadland part of the Norwich Policy Area Local Plan adopted in January 2014
 - Broadland District Council Development Management Plan Document adopted August 2015
 - Broadland District Council Site Allocations DPD adopted 3 May 2016

² This document includes a screening determination on the need for a Strategic Environmental Assessment

- Broadland District Council Growth Triangle Area Action Plan submitted for examination in February 2015 with post examination modifications currently subject to consultation
 - 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
14. I made an unaccompanied visit to Old Catton on 13 May 2016 to familiarise myself with the village and help me to understand the implications of the Plan policies. I spent most of a day walking and driving round 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 Old Catton as a Neighbourhood Area was submitted by OCPC to BDC on 13 January 2015. The District Council undertook consultation as required by regulation 6 of the NPR from 28 January to 15 March 2015 and the BDC approved the designation on 14 April 2015. OCPC were formally notified of this on 29 June 2015. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.
16. 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 2015-2035.
17. 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 such provision.
18. I am also satisfied that the OCNP does not relate to more than one neighbourhood area.

Public Consultation

19. The process of public consultation on the preparation of the OCNP began in December 2014 with an exhibition to introduce neighbourhood planning to the community. Progress was rapid with further consultation events in January, February and March 2015 which helped to define issues for the Plan, develop aims and objectives and begin to develop policies. There was a further policy workshop in April 2015 to refine the wording of policies and test possible outcomes.
20. The pace of this stage of the development of the Plan was commendable and maintained a momentum in the process which is often difficult to achieve. A communication strategy developed at the outset was designed to ensure that all the residents of the village had the opportunity to participate in the development of the Plan at all stages. A range of media were used at all stages including: the Parish Magazine, a newsletter devoted to the neighbourhood plan produced at key stages, e mail and social media as well as the workshops and events I have referred to.
21. The statutory regulation 14 pre submission consultation took place between 28 August 2014 and 10 October 2015. The publicity relating to this was comprehensive. Two consultation events were held on 28th and 29th August to launch the consultation. They were publicised by posters around the village and by a newsletter delivered by hand to every household and business. E mails were sent to all who had registered for an “update me” e mail service. The consultation process was publicised on the website and in two editions of Old Catton News that is delivered to every household. Statutory consultees, developers and other stakeholders were informed by email. The Draft Plan could be viewed online and hard copies of it were available at the Parish Council Office and at the offices of Broadland District Council. Responses were received by a consultation response form which could be posted or completed online.
22. The response to the consultation was not large, considering the size of the Parish, with 47 responses, but this may well be a reflection of the limited scope of the Plan rather than the efforts to publicise it. All of the responses to the regulation 14 consultation, and all the other stages of consultation, and the action taken in response to them are recorded in the Consultation Statement.
23. I am entirely satisfied that consultation on the OCNP has more than satisfied the requirements of regulation 14 of the NPR to publicise the Plan and the means of commenting on it in a manner likely to bring it to the attention of people who live, work or do business in the neighbourhood area.

The Development Plan

24. The statutory development plan is made up of:
- Joint Core Strategy for Broadland, Norwich and South Norfolk adopted in March 2011 as amended by the Broadland part of the Norwich Policy Area Local Plan adopted in January 2014 (JCS)
 - The Saved Policies of the Broadland Local Plan [Revised 2006] (BDLP)
 - Broadland District Council Development Management Plan Document adopted August 2015
 - The Broadland District Council Site Allocations DPD adopted on 3 May 2016
 - The Norfolk Minerals and Waste Core Strategy and Development Management Policies Development Plan Document 2010-2026 adopted in September 2011
25. The Broadland District Council Site Allocations Document (SAD) had not been adopted at the time that the OCNP was submitted and the Basic Conditions Statement does not cover the relationship of the OCNP with this document because the basic conditions simply require that neighbourhood plans are in “general conformity with the strategic policies of the development plan”. The SAD does not address site allocations in Old Catton other than to refer to the emerging Growth Triangle Action Area Plan (GTAAP) which was submitted for examination in January 2015. Post examination modifications have been subject to consultation and, with further modifications, are now being considered by the Inspector. It is thus at a very advanced stage of preparation. While general conformity with this document is not required in advance of its adoption, PPG suggests that “the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”³ The GTAAP proposes new allocations in addition to existing planning permissions for residential development and the OCNP has had regard to these.

The Basic Conditions Test

26. The Basic Conditions Statement (BCS) submitted with the Plan correctly sets out the legal requirements and the basic conditions which must be satisfied. However, the

³ PPG Reference ID: 41-009-20140306

plan itself summarises them in 2.3.4 and in doing so changes the meaning slightly but significantly. This is important because in a recent legal challenge which was not defended the claimant drew attention to the distinction between the simplified statement of the first basic condition: that the plan “must have regard to national policy and guidance”, and the actual wording of the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan”.⁴ It is therefore important that the basic conditions are set out correctly.

Recommendation

in paragraph 2.3.4 replace the summary of the basic conditions with the actual wording of paragraph 8(2) of Schedule 4b to the Town and Country Planning Act 1990.

27. Having briefly set out how the Plan meets the legal requirements the BCS then deals with the basic conditions in turn. A comprehensive table sets out the relationship of each policy with the NPPF and with the JCS and BDLP. It does not, however relate the policies to those of the Development Management DPD adopted in August 2015. While arguably the policies in that document are not strategic and thus conformity with them is not a requirement, divergence between the district wide policies and those of the OCNP would need to be justified and it would be helpful to clarify the relationship between these policies. Thus for instance Policy 3 of the OCNP, which deals specifically with the management of open space, relates closely to policy EN3 of the Development Management DPD and usefully amplifies it, whereas the many JCS policies that are referred to in the BCS relate more to the provision of open space and are not directly relevant.
28. There are many references in the BCS to NPPF Policy numbers. This is misleading as these references are to headings to sections of the NPPF not policy numbers. Within these sections there are numbered paragraphs which set out the specific policies of the NPPF. The use of the headings in this way leads to some inaccuracy in relating the neighbourhood plan policies to the NPPF. For instance, Section 11 of the NPPF relating to protection of the natural environment is quoted in relation to Policy 1 of the OCNP. Section 11 of the NPPF focuses on the protection of biodiversity and natural landscape resources, whereas the open spaces to be protected in Policy 1 are generally if not exclusively man-made environments. The Basic Conditions Statement

⁴ Application of Lightwood Strategic Limited for judicial review to quash the decision of Aylesbury Vale District Council to make the Haddenham Neighbourhood Plan.

would more helpfully relate the policies of the Plan to the paragraph numbers of the NPPF.

29. Many of the comments in the BCS point to vague connections between OCNP policies and the NPPF or the development plan. In many cases the links are too remote to demonstrate the specific relationship with the national and development plan policies. For this reason, I have found the Basic Conditions less than helpful in some respects. This is not to say that there are major departures from the NPPF that are not identified here. Where there is any tension with the NPPF, I have identified it in relation to individual policies.
30. With regard to the way in which the Plan contributes to sustainable development the statement refers to the Sustainability Appraisal and summarises how the policies of the Plan contribute to the Economic, Social and Environmental roles of sustainable development.
31. The Basic Conditions Statement makes no reference to National Planning Policy Guidance which I am also required to have regard to under basic condition a).
32. I shall consider the Neighbourhood Plan with regard to basic conditions a), b) and c) in relation to each of its policies but will first consider whether it meets European Union obligations.

European Union Obligations

33. There is no legal requirement for a neighbourhood plan to carry out a Sustainability Appraisal (SA), but PPG suggests that this may be a helpful approach in order to demonstrate that the Plan will contribute to sustainable development⁵. However, regulation 15 of the NPR requires that a neighbourhood plan should be accompanied by either an environmental report prepared in accordance with paragraphs 920 and (3) of the EAPPR or, where it has been determined under regulation 9 (1) of the EAPPR that the plan proposal is unlikely to have significant environmental effects, a statement of reasons for the determination.
34. The OCNP is accompanied by a full SA. The Scoping Report for the SA includes a Screening Assessment on the need for a Strategic Environmental Assessment (SEA). The Screening Assessment concludes that the Plan is unlikely to have significant environmental effects and that a SEA is therefore not necessary. The screening

⁵ PPG Reference ID 11-026-20140306

assessment was the subject of consultation with the consultation bodies as part of the draft SA Scoping Report and no comments were received that questioned the outcome of the Screening Assessment. The final scoping report contains the determination that an SEA is not necessary and was sent to the consultation bodies in accordance with regulation 11 of the EAPPR.

35. A Habitats Regulation Screening Report was prepared in January 2016. It identified three European sites within reasonable proximity of the Old Catton Neighbourhood Area: The Broadland Special Protection Area (SPA), the Broadland Ramsar and The Broads Special Area of Conservation (SAC). The report assessed the likely effects of the Plan on these areas and concluded that there were no likely significant environmental effects. The report was sent to Natural England who confirmed the conclusions and a Habitats Regulation Screening Opinion was issued in February 2016.
36. I am satisfied that nothing in the OCNP is in conflict with the requirements of the European Convention on Human Rights.
37. I therefore conclude that the OCNP would not breach and would be otherwise compatible with EU obligations.

Vision and Objectives

38. The Plan sets out a Vision for Old Catton which is:
“To enable Old Catton to evolve in a thoughtful and planned manner that preserves its heritage, character and village atmosphere. To retain its peaceful, friendly and safe feel, whilst continuing to be a place for all ages to thrive”.
39. It then sets out 5 thematic objectives and the policies of the plan are presented in relation to these. There is no conflict between these objectives and the basic conditions.

Wider Spatial Context and Strategic Policy Context

40. The OCNP helpfully includes a section which places the Plan in its wider strategic context as a part of the Greater Norwich area in which substantial new housing

development is to be accommodated. The JCS identifies the Old Catton, Sprowston, Rackheath and Thorpe Growth Triangle, which extends into the countryside from the north-eastern edge of the Greater Norwich built up area, as one of the major locations for new development. The OCNP does not seek to influence the location of this development but has regard to the emerging Growth Area Triangle Area Action Plan (AAP). A further key component of the strategic context is the Norwich Area Transportation Strategy. The Northern Distributor Road (NDR) running around the northern fringe of the Norwich built up area is an important element of this. The road will run just beyond the northern boundary of Old Catton and will clearly affect traffic patterns within Old Catton. Construction of the road has started but is at a very early stage.

41. This section includes a map extracted from the emerging AAP at a reduced scale. However, the map in this form is misleading as it shows the scale of 1:10000 which is the scale of the Map in the AAP.

Recommendation

Include the map on p14 at the scale of 1:10000 as the map states or amend the notation on the map to accurately state the scale of this map.

42. This section also includes a table relating the OCNP to the Spatial Vision and 12 objectives of the JCS. This helps to demonstrate the alignment of the Plan with the JCS and to identify the issues which it seeks to address.

The Policies of the Plan

43. I have considered each of the policies having regard to the basic conditions. I have also had regard to the views expressed in response to public consultation both in the early stages of the preparation of the Plan and, in particular, in the responses to the regulation 16 consultation. Although I have not referred specifically to all the representations and suggestions that have been made I have taken them all into account. Where modifications are necessary they follow the policy to which they relate. PPG⁶ requires that policies should be “clear and unambiguous” and “drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications” and some modifications have been recommended with this in mind.

⁶ PPG Reference ID: 41-041-20140306

Theme 1 Environment and Landscape

Policy 1: Protection of Open Space

44. This policy identifies 12 areas of important open space within Old Catton and simply proposes that they should be protected from development which would result in a loss of open space unless it can be demonstrated that the benefit to the community would outweigh any loss. It appears from the absence of any reference in the Basic Conditions Statement to paragraphs 76-78 of the NPPF that it is not the intention of the policy to allocate these areas as Local Green Spaces. I have confirmed that this is the case and it has therefore not been necessary to consider them against the criteria identified there. The aims of the policy are similar to those associated with Local Green Spaces but without this specific label the spaces would not enjoy the same degree of protection, consistent with policy for Green Belts and capable of enduring beyond the Plan period.
45. With some effort I was able to identify the location of these areas on my site visit, but if the policy is to be used effectively for development control purposes their location and extent needs to be identified on a map. In order to clarify these matters I requested a map or maps from the Parish Council and these are attached as Appendix 2.
46. Table 1 and the supporting text provide the justification for the protection of these spaces in terms of their historic, local amenity and strategic significance. Catton Park, the Deer Park and Buttercup Meadow are clearly of historic and strategic as well as local significance. Other sites are of local amenity value or are important because of the need for sporting and recreational space.
47. The policy does not envisage that the loss of all or part of any of these spaces could be justified by benefits other than those to the community. I have considered whether it is necessary to make explicit provision for exceptional circumstances where this may be the case in order to comply with the presumption in favour of sustainable development. However, I have concluded that the aim of the Neighbourhood Plan is to reflect the needs of the community. I am satisfied that these open spaces are all important to the character and quality of life of the residents of the village and there is nothing in the current strategic context which suggests a need for these spaces to be used in any other way. The policy as currently phrased does not preclude the possibility of development which would provide additional community benefit as suggested by the agent for the owner of Catton Park and The Deer Park. It is always possible that there may be circumstances which justify a departure from planning policy and the wording of s38 of the Town and Country Planning Act 1990 that

“planning applications should be determined in accordance with development plan policies unless material considerations indicate otherwise” provides for this possibility.

Recommendation

Immediately following Table 1 insert the maps which are attached at Appendix 2 which clearly identify the location and extent of the open spaces which are the subject of Policy 1.

In Policy 1, after “Table 1 [areas of Important Open Space within Old Catton]” insert “and the maps below it”

Policy 2: Biodiversity

48. The policy aims to ensure that where green infrastructure is provided as part of any new development it should improve biodiversity and connections with existing open spaces. This policy is entirely consistent with the basic conditions.

Policy 3: Open Space Management

49. This policy seeks to ensure that satisfactory arrangements are in place for the management of any green infrastructure provided in association with new developments. It identifies three alternative arrangements: transfer to the Local Authority, or to the Parish Council or an arrangement with a management company.
50. The lack of a clear funding stream to secure the management of green infrastructure is evidently an issue which has caused concern in the past in Old Catton and, understandably the Plan is seeking to prevent similar problems arising in relation to new developments. The three scenarios identified by the policy are designed to cover a range of circumstances. The third option refers to the potential for a management company to be responsible for ongoing maintenance. I agree with the comments of Broadland District Council that it is not appropriate to specify in any detail the terms of reference of a potential management arrangement as the circumstances and the nature of the green infrastructure to be maintained are likely to vary greatly. I also accept that in relation to criterion b) the provision of funding for a period of twenty years is too long because it would place an inequitable burden on the owners of new property because of the payments they would make through Council tax, including the parish precept. It therefore could not be justified in terms of the presumption in favour of sustainable development. To reflect these points, the following modifications are recommended to comply with the basic conditions.

Recommendations

In Policy 3 b) delete “twenty” and insert “ten”

Reword Policy 3 c) to read “an appropriate legally binding arrangement for management by an established management company with a viable and sustainable business case and operation model”

Theme 2: Transport

Policy 4: Traffic impact

51. Policy 4 aims to ensure that new proposals quantify the amount of traffic they will generate and assess the impact of this on Old Catton and surrounding parishes. They should also include measures to mitigate any negative impacts on a range of road safety issues, parking and congestion within Old Catton. I accept that there is a large degree of overlap between this policy and Policy TS2 in the Development Management Document 2015. While the policy adds little to Policy TS2, it is not limited in its application to major applications and is rather more specific about the impact on Old Catton. I am satisfied that it is consistent with the basic conditions as it is phrased in such a way that any requirements for mitigating measures are clearly related to the traffic generated by the proposed development.

Policy 5: Traffic in the Old Catton Conservation Area.

52. This policy seeks to ensure that a particular local concern, the amount of traffic within the Old Catton Conservation Area, is brought within the scope of the Transport Assessment and/or Travel Plan that new proposals are required to produce in accordance with Policy TS2 of the Development Management DPD. This is an appropriate use of neighbourhood planning and I accept that there is evidence both from consultation and Historic England that the amount of additional traffic in the Conservation Area that would be generated by new developments could be a matter of concern. The wording of the policy does not preclude additional traffic and is phrased proportionately and with some flexibility. However, it may not always be practical or possible to propose measures of this sort and in order to meet the basic conditions this possibility needs to be acknowledged by the policy. As Broadland District Council says, the first sentence of the Policy is simply a statement of fact and my recommended modification takes this into account.

Recommendation

Reword Policy 5 to read “Transport Assessments and/or Travel Plans prepared in accordance with Policy TS2 of the Development Management DPD should,

where it is both necessary and possible, incorporate appropriate proposals to deter additional traffic entering the Old Catton Conservation Area”.

Policy 6: Footpath and Cycleway Networks

53. Policy 6 seeks to encourage new development to maximise the quality and use of existing footpath and cycleway links to the wider parish and countryside. This is consistent with the core principle in the NPPF that seeks to make the fullest use of walking and cycling as modes of transport and paragraph 31 of the NPPF. The effective integration of new development with the existing community is also consistent with paragraph 61 of the NPPF. I am satisfied that it meets the basic conditions.

Transport Projects

54. In this section the Plan identifies several transport projects which are considered desirable as a statement of intention to press for these projects to be implemented. They are clearly identified in a different format to the policies of the Plan and are evidently not policies for the use and development of land. The presentation of aspirations and intentions in this way is useful and acceptable. I accept Broadland District Council’s comment that it is not clear who is promoting these projects. The list describes action to be taken and the Plan itself cannot act in this way.

Recommendation

On P26 after the heading “Transport Projects” insert “which the Parish Council will seek to promote”.

Theme 3 Design and Housing

Policy 7: Design and Housing

55. The policy contains several criteria to be met by new housing developments. The first criterion aims to ensure that new development is sensitive to local character and takes opportunities to reinforce a strong sense of place. The second criterion seeks to preserve or enhance the character or appearance of the Old Catton Conservation Area. Both these criteria are consistent with the basic conditions.
56. The third criterion aims to ensure that new development provides a mix of housing types to meet local needs including one and two bedroom dwellings for first time buyers and people looking to downsize. The aims of the policy are entirely

appropriate, but it does not make clear how local needs are to be identified. The supporting text refers to the Greater Norwich Housing Market Assessment but Broadland District Council points out that this is now superseded by the Central Norfolk Strategic Housing Market Assessment. A modification to refer to an up to date Strategic Housing Market Assessment or other published statement of local need is necessary to enable consistent application of the policy, to ensure that the Policy remains relevant and meet the basic conditions.

57. The fourth criterion aims to ensure that new development demonstrates how it will be integrated into the existing village and the community. This is a thoughtful aim which chimes well with the social dimension of sustainable development and paragraph 69 of the NPPF relating to healthy communities. It is consistent with the basic conditions.
58. The fifth criterion requires garages to have a minimum internal dimension of 7m x 3m and expresses a preference for them to be located within the curtilage of the dwelling. No specific evidence is presented to justify why these dimensions are necessary rather than any others and I therefore find this to be too prescriptive and arbitrary to be consistent with the presumption in favour of sustainable development or with paragraph 59 of the NPPF which seeks to avoid unnecessary prescription. The case for garages to be located within the curtilage of dwellings is supported by evidence of the views of residents and the problems of alternative arrangements and I am satisfied that, with a minor amendment to clarify how the policy should be implemented, this element of the policy is compliant with the basic conditions.
59. The 6th bullet point sets out minimum requirements for parking spaces in relation to the size of dwellings in terms of bedrooms. The justification given for this policy is very limited with reference the level of car ownership being higher than the national average and to the support from public consultation for at least two parking spaces per dwelling. However, the standards suggest 3 parking spaces for houses with 3 bedrooms or more and there is no explicit justification for this. No reference is made to how these standards relate to those in other parts of Broadland District or Norfolk or why different standards should be applied here. The NPPF in paragraph 39 sets out several factors which should be taken into account in setting parking standards. Among these are accessibility and the availability of public transport. While there is a reference to “issues with public transport routes” that does not amount to a justification for the standards imposed as from my visit it is apparent that there are relatively frequent bus services which serve Old Catton. Because of the lack of justification this element of the policy does not meet the basic conditions.

60. The 7th bullet point requires development to demonstrate how it will discourage pavement parking. This is a traffic management rather than a land use planning issue and therefore does not meet the basic conditions.
61. The final bullet point relates to the provision of adequate external storage space for refuse, composting and recycling. While refuse and recycling space are clearly basic requirements there is no evidence to suggest that composting space should be a requirement. For properties with smaller gardens this may be an unduly onerous requirement and for those with larger gardens it would not be a problem. The lack of a clear justification means that this element of the final bullet point fails to meet the basic conditions.

Recommendations

In the first line of Policy 7 delete “should” to make the policy read properly in the light of the following amendments.

Reword the third bullet point to read:

“provide a mix of types to include one and two bedroom dwellings and to meet local needs identified by the Central Norfolk Strategic Housing Market Assessment (2012) or the most up to date objective assessment of housing need;”.

Reword the 5th bullet point to read:

“where a garage is being provided for a dwelling it should be located within the curtilage of each dwelling wherever possible;”.

Delete the 6th and 7th bullet points.

In the last bullet point delete “composting”.

Theme 4 Community Facilities

Policy 8 Medical Facilities

62. This policy aims to encourage the provision of new medical facilities. However, as worded, it simply states that applications for the expansion of medical facilities and associated car parking will be approved. This does not provide for consideration of the many planning considerations that would need to be taken into account with any application. A modification to clarify this is necessary to meet the basic conditions.

Recommendation

In Policy 8 after “.....will be permitted” add “where they comply with the requirements of other development plan policies”.

Policy 9: Oakfield Gardens Footpath

63. This policy supports the extension of the existing footpath at Oakfield Gardens to join the highway at Swansgate. This complies with the basic conditions.

Community Facilities Projects

64. At the end of the section on community facilities the plan lists 7 community facilities projects which the plan seeks to support. These are not expressed as policies and are clearly distinguished from policies in their presentation. As in the case of the projects listed under the Transport theme it is necessary to clarify that it is the Parish Council who will take the action described.

Recommendation

on page 34 after the heading “Community Facilities Projects” insert “to be promoted by the Parish Council”.

Local Economy

Policy 10: Small Local Business Support

65. The policy offers general support to the creation of employment opportunities in new small commercial and office units which meet design and environmental requirements. It meets the basic conditions.

Implementation Plan

66. Submitted with the Plan is an Implementation Plan which sets out arrangements for monitoring the application of policies through planning applications and for progressing initiatives. It also identifies the priority of projects for funding having regard to the potential income from the Community Infrastructure Levy. This does not form part of the Plan but is a useful addition to keep the document live.

Summary and Referendum

67. The Old Catton Neighbourhood Plan has been prepared relatively rapidly within a clear strategic context of proposals for major development in the Joint Core Strategy for Norwich Broadland and South Norfolk, as amended by the Broadland part of the Norwich Policy Area Local Plan adopted in 2014. Detailed proposals for these developments are being developed in the emerging Growth Triangle Area Action Area Plan which is at an advanced stage of preparation. The Neighbourhood Plan has been prepared positively in relation to this strategic context and has focussed on the

needs of the existing village having regard to the implications of the proposed new development.

68. The Plan has been prepared with extensive engagement of the local community and its policies address a limited range of issues which reflect the concerns expressed by the community.
69. The Sustainability Appraisal that accompanies the Plan evaluates all the policies in relation to a set of environmental, social and economic sustainability objectives and demonstrates the contribution of the Plan to sustainable development.
70. I have found it necessary to suggest some modifications to enable the Plan to meet the basic conditions and other legal requirements. In most cases these are relatively minor and relate to the need for the policies to be clearly expressed, but in other cases there is insufficient justification for some aspects of the policies to enable them to meet the basic conditions.
71. I have concluded that, if the modifications that I have recommended are made:

The Old Catton 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.

72. **I am therefore pleased to recommend that the Old Catton Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**
73. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The whole of the parish of Old Catton 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".⁷ **I therefore conclude that there is no need to extend the referendum area.**

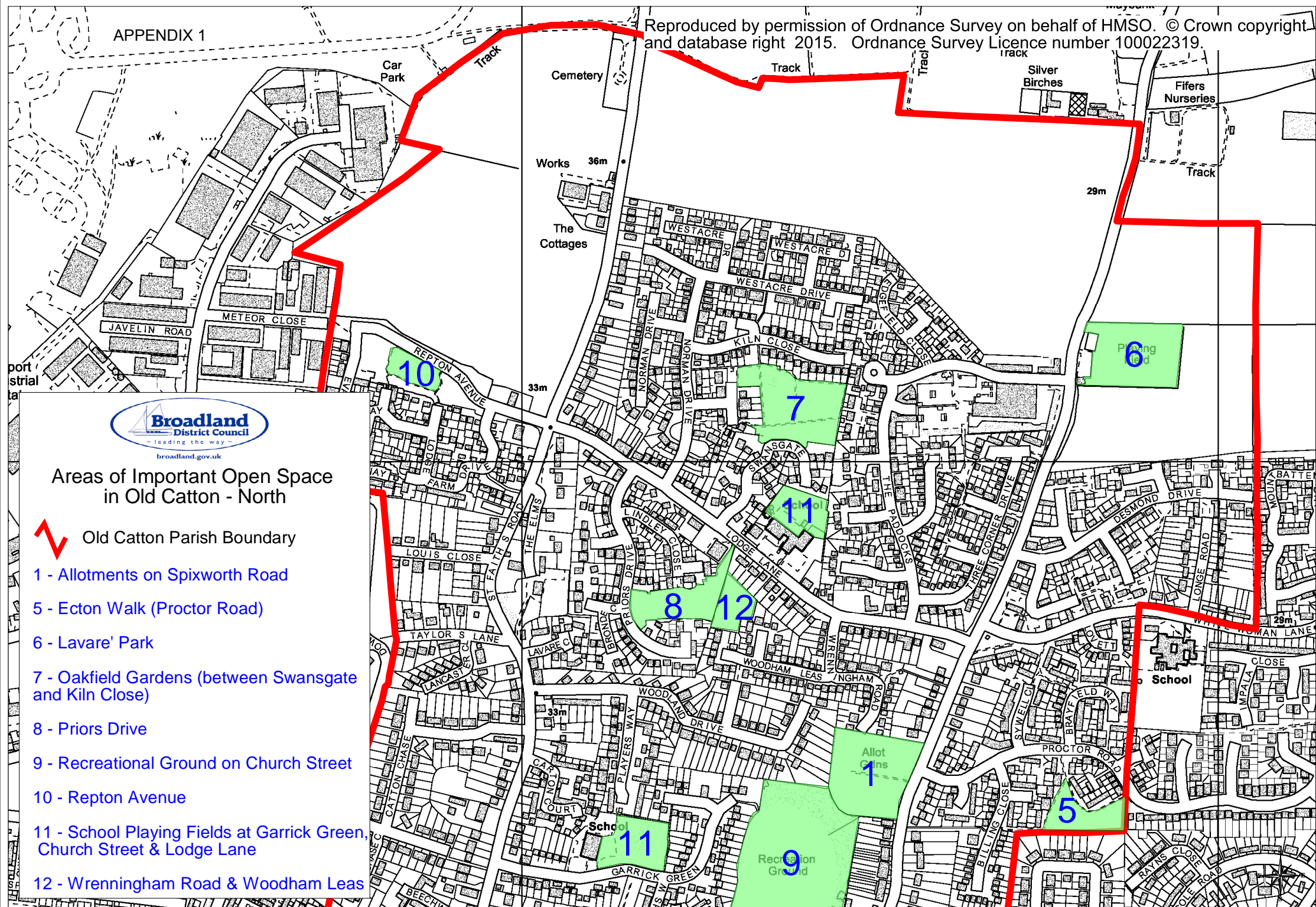
Richard High 1 June 2016

⁷ PPG Reference ID: 41-059-20140306

Appendix 1 Minor Errors

- P3 It appears that the Foreword to the Plan has not been updated since the Pre-Submission version. The 4th paragraph states “Following the pre-submission consultation this document will be submitted to ...” This is now clearly out of date and the Foreword will need to be re-written.

On the 5th paragraph there is a reference to the OCNP being “adopted”. The correct term for a neighbourhood plan is “made”.





Areas of Important Open Space in Old Catton - South



Old Catton Parish Boundary

2 - Buttercup Meadow

3 - Catton Park (Grade II*)

4 - Deer Park

9 - Recreational Ground on Church Street

11 - School Playing Fields at Garrick Green,
Church Street & Lodge Lane

