

SPROWSTON NEIGHBOURHOOD PLAN

REPORT BY INDEPENDENT EXAMINER

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Abbreviations

BDC	Broadland District Council
BDLP	Broadland District Local Plan (Replacement)
GNDP	Greater Norwich Development Partnership
GT	Growth Triangle ¹
JCS	Joint Core Strategy
LPA	Local Planning Authority
NDP	Neighbourhood Development Plan
NDR	Northern Distributor Road
NMWCS	Norfolk Minerals and Waste Core Strategy
NPA	Norwich Policy Area
SA	Sustainability Appraisal
SNP	Sprowston Neighbourhood Plan
The Framework	National Planning Policy Framework

1. Introduction

1.1 I have been appointed by Broadland District Council (BDC), with the consent of Sprowston Town Council, to carry out the independent examination of the Sprowston Neighbourhood Plan (SNP), in accordance with the relevant legislation².

1.2 In carrying out this examination I have visited the locality and had regard to the following documents:

Sprowston Neighbourhood Plan, Submission Version, Summer 2013
Sprowston Neighbourhood Plan, Implementation Plan, August 2013
Sprowston Neighbourhood Plan, Basic Conditions Statement, August 2013
Sprowston Neighbourhood Plan, Consultation Statement, August 2013
Sprowston Neighbourhood Plan, Sustainability Appraisal Scoping Report, Final Version, April 2013
Sprowston Neighbourhood Plan, Sustainability Appraisal Final Report, May 2013
Sprowston Neighbourhood Plan, Habitat Regulations Assessment (HRA) Screening, August 2013
Sprowston Neighbourhood Plan, Habitat Regulations Assessment (HRA) Screening Opinion, August 2013
Individual Representations (numbered SNP1 to SNP38)
Summary of Representations prepared by BDC

¹ Various referred to as the Growth Triangle, the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle and the North East Growth Triangle

² Localism Act 2011

Town and Country Planning Act 1990 as amended

Planning and Compulsory Purchase Act 2004 as amended

The Neighbourhood Planning (General) Regulations 2012

Inspector's Report On The Examination of the Joint Core Strategy
For Broadland, Norwich & South Norfolk Development Plan
Document, February 2011

Inspector's Report on the Examination into the Joint Core Strategy
for Broadland, Norwich and South Norfolk, the Broadland part of the
Norwich Policy Area Local Plan, November 2013

Joint Core Strategy for Broadland, Norwich and South Norfolk

The saved policies of the Broadland District Local Plan

(Replacement), adopted 2006

Norfolk Minerals and Waste Core Strategy.

- 1.3 Throughout this report I shall refer to representations by the numbers allocated by BDC (SNP1 to SNP38).
- 1.4 Throughout the process of preparing the SNP between 2011 and 2013 the Town Council have sought to inform and involve the community. The means of doing so included two exhibitions, the delivery of a leaflet to every household, a three day workshop with subsequent report, a 'place check' exercise, delivery of a newsletter to every household, and a statutory six-week consultation period before the plan was submitted to BDC. Although I am not required to form a judgement about the level or quality of public involvement, I am satisfied that the Town Council made every effort to inform the local community and to engage them in the process.
- 1.5 It is clear to me that a great amount of care, commitment and effort has gone into the production of the SNP, and that it is founded on a heartfelt desire to build a sustainable community with a high quality of life.

2. Location and characteristics

- 2.1 Sprowston lies on the northern edge of the built-up area of Norwich, within the Norwich Policy Area (NPA). Although there are a number of historic buildings, most of the housing is of recent origin, often in the form of large estates. There are a number of employment areas, and a large supermarket. In 2008 the estimated population of the parish was 14,422.
- 2.2 There are some areas of substantial woodland, and the northern and eastern parts of the parish are at present largely rural. However, that is likely to change as several thousand homes are proposed in the area under the Joint Core Strategy (see below). Indeed, the process of change has already begun, a planning application for around 3,500 homes on a site north of Sprowston having been approved recently by the BDC.

3. The basis for this examination

3.1 The basic conditions

3.1.1 In brief, the basic conditions which must be met by the SNP are:

- it must have appropriate regard to national policy
- it must contribute to the achievement of sustainable development
- it must be in general conformity with the strategic policies in the development plan for the local area
- it must be compatible with EU obligations, including human rights requirements
- it must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

3.1.2 I shall deal in more detail with each of these conditions below.

3.1.3 A Sustainability Appraisal (SA) was carried out alongside the preparation of the SNP to ensure that environmental, social and economic sustainability objectives were complied with and to avoid or minimise any adverse impacts. The SA is said to incorporate Strategic Environmental Assessment in accordance with the legislation.

3.2 Other statutory requirements

3.2.1 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a 'consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the proposed SNP. All these requirements have been met by the SNP.

3.2.2 The SNP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)
- that what is being proposed is a NDP as defined in the legislation
- that the SNP states the period for which it is to have effect
- that the policies do not relate to 'excluded development'

- that the proposed SNP does not relate to more than one neighbourhood area
- that there are no other NDPs in place within the neighbourhood area.

3.2.3 All these requirements have been met. The plan period is up to 2026.

3.3 *National policy*

3.3.1 National policy is set out in the National Planning Policy Framework (the Framework). The prime objective of the Framework is to set out policies which will achieve sustainable development, and this theme has been clearly identified and carried throughout the SNP.

3.4 *Existing development plan and emerging Joint Core Strategy*

3.4.1 At present the saved policies of the Broadland District Local Plan (Replacement) (BDLP), together with the Norfolk Minerals and Waste Core Strategy (NMWCS), constitute the existing development plan for the parish.

3.4.2 The emerging Joint Core Strategy (JCS) developed by the Greater Norwich Development Partnership (GNDP) of which BDC is a member, sets out the over-arching strategy for growth across Norwich, Broadland and South Norfolk. It identifies key locations for growth and sets out policies to ensure that future development is sustainable.

3.4.3 The JCS was first examined in 2010, the Inspector recommending that it be adopted (with some changes). Soon after adoption, the JCS was the subject of a legal challenge, which resulted in that part of it which covers the NPA being remitted for further work and a second examination, by a new Inspector. He reported in November 2013, recommending adoption with modifications, and it is likely that the remitted part of the JCS will be adopted in January 2014.

3.4.4 The legislation requires that the SNP must be in general conformity with the strategic policies in the development plan for the local area. At present, in Sprowston, the development plan consists of the largely out-of-date BDLP and the Norfolk Minerals and Waste Core Strategy. However, I do not consider that this is of much significance, for two reasons. First the SNP must have appropriate regard to national policy, which sets out clearly the economic, environmental and social considerations which should inform it. Second, it appears highly unlikely, after two examinations, that any further impediment will arise to prevent the adoption of the remainder of the JCS, which is clearly at a very advanced stage, in the very near future.

- 3.4.5 For the avoidance of doubt, whilst I have noted the relationship between the SNP and the remitted parts of the JCS, and observe that the two are in harmony, I shall not rely on that observation in reaching my judgement on whether the SNP should go forward to referendum. Instead, I shall examine its conformity with the thrust of national policy, and with what remains of the strategic elements of the BDLP.

4. Key issues

4.1 *The principle of large scale development in Sprowston*

- 4.1.1 Many of the representations (SNP1, 2, 3, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 22, 23, 24, 30, 31, 32, 33, 34, 37 and 38) are opposed in principle to large scale development in the Growth Triangle (GT). They set out the grounds for opposition, citing such issues as traffic congestion, carbon emissions, pressure on public services including health care, the loss of productive agricultural land, water shortage and flooding, and they advance arguments for alternative growth strategies such as dispersed development amongst the villages and the use of brownfield sites.
- 4.1.2 A prospective developer (SNP36) takes the opposite view and welcomes the proactive and positive approach demonstrated by the SNP.
- 4.1.3 These arguments of principle have been formally examined by Inspectors in great detail on two occasions, and the conclusion has been that the GT is the right location for much-needed housing. The first large scheme has already been permitted. The SNP accepts the reality that the GT will be developed, and seeks to make sure that development will be sustainable and well designed, and that environmental assets will be protected.

4.2 *The Northern Distributor Road (NDR)*

- 4.2.1 Several representations object to the proposed route of the NDR or allege that it will cause congestion, especially on radial routes such as Wroxham Road. The Inner Link Road is perceived to be a superior option (SNP15, 24, 32, and 38).
- 4.2.2 The NDR is a key part of the Norwich Area Transportation Strategy (NATS), and has its own programme and sources of funding. As a Nationally Significant Infrastructure Project it will be subject to examination and development consent in its own right. For the purposes of the SNP it is 'excluded development' and therefore outside the scope of the plan. It can only, realistically, be treated as a given, whether as an opportunity or a constraint, until such time as it is shelved or built. The SNP treats the NDR correctly by showing the currently proposed line on the Key Diagram.

4.3 Policies and Objectives in general

- 4.3.1 Norwich City Council (SNP4) say that many of the policies and objectives set out in the SNP closely reflect those of the JCS, that there is no need for duplication, and that against each SNP policy there should be a reference to the relevant JCS policies.
- 4.3.2 Whilst these general observations may be true, the SNP as drafted successfully stands alone as a coherent expression of community aspirations. The objectives and policies which it sets out are essential for an understanding of the document as a whole. If a large number were removed, the reader would have to seek out the JCS itself, and study that in order to understand the basis for the SNP. In my opinion this would present a significant barrier to the accessibility and clarity of the SNP.
- 4.3.3 It might be helpful to add cross-references to the relevant JCS policies, assuming of course that the JCS is adopted as expected in January 2014, but I do not consider it essential.

4.4 Policy 3

- 4.4.1 Norfolk County Council (SNP28) want the supporting text under Policy 3 to say that development will be expected to contribute towards local services and infrastructure by means of the Community Infrastructure Levy or section 106 agreements.
- 4.4.2 Although there is a discussion of funding on page 39 of the SNP, there is no policy requiring new development to contribute to the provision of those services and infrastructure which are required to serve it.
- 4.4.3 I **recommend** that this be remedied as suggested above.

4.5 Policy 5

- 4.5.1 Norwich City Council (SNP5) are concerned that Policy 5 as it stands would allow any building, such as a large industrial unit, to be converted for use as a shop or other business which might harm the function of the city centre, contrary to JCS Policies 11 and 19. Those policies are not yet part of the development plan, but the Framework says that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
- 4.5.2 Norwich City Council suggest a re-wording of the policy. They clearly intended to introduce an upper size limit, but have, apparently inadvertently, omitted it from the submitted text.
- 4.5.3 The inclusion of a reference to corner shops, in the policy as drafted, suggests that the SNP has in mind smaller enterprises. I

think that there is merit in the Norwich City Council suggestion, and I **recommend** that, following discussion between the Town Council and the LPA, the Policy be amended along the lines suggested.

4.6 Policy 6

- 4.6.1 Policy 6 supports local employment opportunities. It encourages the erection of buildings within the curtilage of dwellings to allow occupiers to work from home. Although there were no representations in respect of this policy, I consider that it requires amendment in order to have regard to national policy and to be in general conformity with the strategic policies of the development plan. As it stands the policy supports the erection of the specified buildings without qualification. In the interests of amenity I recommend that indent 2 should be qualified by the addition of words along the following lines: *provided that the amenity of neighbours is not harmed*.

4.7 Policy 13 - Sprowston Park and Ride site

- 4.7.1 Three representations (SNP15, 32 and 38) say that the Park and Ride site should remain where it is, taking advantage of the Inner Link Road which is said to be a better option than the NDR.
- 4.7.2 As it stands the policy merely says that following the construction of the NDR, the facility might be re-located, and that if it is, the present site should be re-developed for uses which fit the locality. I see no good reason to change the policy.

4.8 Policy 14

- 4.8.1 This policy concerns the upgrading of a proposed local centre on Wroxham Road. Three representations (SNP14, 24 and 38) object to the introduction of a 20 mph speed limit on Wroxham Road, on the grounds that it would cause congestion and pollution.
- 4.8.2 The introduction of such a speed limit must represent a balance between the benefits of lower speeds for safety and the amenity of shoppers, and the effects upon the flow of traffic and pollution. The Town Council have reached a decision in favour of a lower speed limit. Be that as it may, the introduction of such a speed limit is a highways matter rather than a land use planning matter, and therefore lies outside the scope of my consideration.
- 4.8.3 Norwich City Council wish to see an addition to the policy or supporting text to say that there should be no detrimental impact upon the efficiency of existing public transport routes (SNP6). They do not explain why they think that such an outcome might arise. The supporting text of the policy includes the improvement of bus stops and priority for buses, so it is clear that the Town Council have actively considered the matter of improved public transport.

In my opinion there is insufficient evidence to justify the suggested modification. In any event, whilst the efficiency of public transport clearly has a bearing on the planning of the area, securing that efficiency is dependent on many factors other than land use planning, and arguably it lies outside the scope of my consideration.

4.9 Policy 15

- 4.9.1 One representation (SNP38) objects to tree planting along Wroxham Road, on highway safety grounds. I see no good reason why trees should not be planted in such a way as to avoid compromising safety. However, as it stands the policy does not say what should be done, and so I **recommend** that it be re-worded to say *Trees will be planted*

4.10 Policies 16 and 17

- 4.10.1 These policies propose the creation of a woodland activity park at Harrison's Plantation. Norwich City Council (SNP7) seek a definition of 'woodland activity park', and an indication of the source of funding.
- 4.10.2 The policies say that the proposed park would be made accessible for cycling and walking, and that it would provide a useful recreation resource. I think that the policies make sense as they stand, but there is no reason why additional information about the use of the facility should not be given, if indeed it is available at this stage.
- 4.10.3 On page 39 of the SNP is a statement about possible sources of funding for implementing the plan. I see no good reason to set out additional information about the funding of the Harrison's Plantation proposal.

4.11 Minerals and Waste

- 4.11.1 Proposals for mineral working and waste disposal are 'excluded development' and therefore outside the scope of the SNP. Nevertheless, Norfolk County Council say (SNP29) that the SNP should make some reference to the NMWCS, as it is part of the development plan and contains a policy safeguarding mineral resources. In correspondence with BDC following their initial representation, they say that they are not objecting to the allocations made in the SNP and accept that the NMWCS was considered in the making of the SNP. For the sake of completeness and to ensure that readers of the SNP are made aware of the full policy background, I **recommend** that a reference to the NMWCS be added to the SNP.

4.12 Other matters

- 4.12.1 There are representations in support of the vision and objectives (SNP27), the environmental objectives and policies (SNP20), helping elderly and disabled people (SNP38), limiting buildings to two and a half storeys (SNP38), and cycleways (SNP24). There is a representation postulating that more urbanisation will lead to more crime (SNP38). Norfolk Constabulary (SNP21) express concern that large scale development will mean increased pressure on police services and say that the issue will need to be addressed.
- 4.12.2 In my opinion Policy 2 (with regard to design, cycling and crime), Policy 8 (with regard to the wellbeing of the community) and Policy 10 (again with regard to cycling) deal adequately with these matters, and I do not consider that they require any modifications to the plan.

5. Syntax, typography and presentation

- 5.1 The plan is for the most part well-presented and easy to understand. Nevertheless there are a few minor matters which I think could usefully be addressed in the interests of precision and clarity. They do not affect the main considerations which I have to examine, and so I have written separately to the Town Council and the BDC with my suggested changes.

6. Conclusions on the basic conditions

- 6.1 The SNP focuses on the need to achieve sustainable development and good design, and it recognises and accepts the fact that the GT is a critical component of meeting the housing needs of the NPA. Amongst other things, it encourages economic growth and prosperity, it promotes faster communications, it aims to preserve the most important cultural and environmental assets of the area, and it encourages the development of healthy and active lifestyles. In all these respects, and more, it has appropriate regard to national policy.
- 6.2 The SA found that all policies would have positive impacts in the short, medium and long term. I found the appraisal to be a very thorough, professional and helpful analysis, demonstrating that the plan will contribute to the achievement of sustainable development.
- 6.3 The Basic Conditions Statement amply demonstrates that the SNP is in general conformity with the strategic policies of the JCS. However, as set out above, the JCS will not form part of the development plan for the local area (the Broadland part of the NPA) until it has been adopted. The Basic Conditions Statement does not assess the SNP against the saved policies of the BDLP. I do not think that this is critical, for the following reasons. Insofar as the

saved strategic policies are still relevant and up to date, there is no evidence before me to suggest that the SNP is not in conformity with them. Where they are not up to date, they are, for practical purposes, superseded by the policies of the Framework, to which the SNP has appropriate regard. Therefore, for the purposes of the basic conditions, and in the absence of evidence to the contrary, I conclude that the SNP is in general conformity with the strategic policies of the development plan.

- 6.4 There is no evidence before me to suggest that the SNP is not compatible with EU obligations, including human rights requirements.
- 6.5 The SNP is not likely to have significant adverse effects on any 'European site' identified under the Conservation of Habitats and Species Regulations 2010.

7. Summary and formal recommendations

7.1 I **recommend** that:

the supporting text under Policy 3 should be modified to say that development will be expected to contribute towards local services and infrastructure by means of the Community Infrastructure Levy or section 106 agreements;

Policy 5 should be modified to introduce an upper size limit;

indent 2 of Policy 6 should be qualified by the addition of words along the following lines: *provided that the amenity of neighbours is not harmed*;

Policy 15 should be modified to say *Trees will be planted* ;

a reference to the NMWCS should be added to the SNP.

- 7.1 Subject to the above modifications being made, I conclude that the SNP meets the basic conditions, and I **recommend** that it should proceed to a referendum.

- 7.2 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Area, as defined by the parish boundary.

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13 December 2013