

Mulbarton Parish Council

Mulbarton Neighbourhood Plan 2015 – 2030

Independent Examiner's Report

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Summary

I have been appointed as the independent examiner of the Mulbarton Neighbourhood Development Plan.

The Plan takes a proactive approach to Mulbarton's location some 10km south of Norwich recognising its designation as a service village and its location within the Norwich Policy Area in the Joint Core Strategy for Broadland, Norwich and South Norfolk and the need for appropriate housing and employment growth. It does so whilst recognising that the very special characteristics of Mulbarton should be respected and conserved. In particular this rural Parish is characterised by a large Common, home to important flora and fauna, a Conservation Area and numerous listed buildings.

Further to consideration of the policies I have recommended a number of modifications to policies in the Plan that are intended to ensure that the Plan sets out a positive vision for the future of Mulbarton and provides a set of policies that plan positively to ensure that the basic conditions are met satisfactorily and that the Plan is clear and consistent to enable it to provide a practical framework for decision making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore delighted to recommend that the Mulbarton Neighbourhood Development Plan goes forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

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10 September 2015

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1.0 Introduction

This is the report of the independent examiner into the Mulbarton Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

Mulbarton takes a proactive approach to its location some 10km south of Norwich recognising its designation as a service village and its location within the Norwich Policy Area in the Joint Core Strategy for Broadland, Norwich and South Norfolk and the need for appropriate housing and employment growth. It does so whilst recognising that the very special characteristics of Mulbarton should be respected and conserved. In particular this rural Parish is characterised by a large area known as The Common, home to important flora and fauna, a Conservation Area and numerous listed buildings.

2.0 Appointment of the independent examiner

I have been appointed by South Norfolk Council (SNC) with the agreement of Mulbarton Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).

I am independent of both the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty years experience in planning and have worked in the public, private and academic sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the independent examiner

The examiner is required to check¹ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation

¹ Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case South Norfolk Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

4.0 Compliance with matters other than the basic conditions

I now check the various matters set out above in section 3.0 of this report.

Qualifying body

Mulbarton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This is also confirmed in the 'Statement of Basic Conditions'.

Plan area

The Plan area, shown on Map 1 on page 4 of the Plan, is coterminous with the Mulbarton Parish Council administrative boundary. South Norfolk Council approved the designation of the area on 8 May 2014. The 'Statement of Basic Conditions' confirms that the Plan relates to this area and does not relate to more than one neighbourhood area.

Plan period

The Plan covers a fifteen year period from 2015 to 2030. This is stated on the front cover and in the introductory pages of the Plan itself. It is also confirmed in the 'Statement of Basic Conditions'.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also usefully confirmed in the 'Statement of Basic Conditions'.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy or proposal to fall within this

category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but non-land use matters should be clearly identifiable.⁵ Subject to any such recommendations, this requirement can be satisfactorily met.

5.0 The examination process

It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan.

The general rule of thumb is that the examination will take the form of written representations.⁶ However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.

After consideration of the documentation and all the representations, I decided it was not necessary to hold a hearing.

I undertook an unaccompanied site visit to Mulbarton and its environs on 23 July 2015.

During the course of the examination it was necessary to clarify a number of factual matters and ask for some further factual information. These related to the consultation undertaken, EU Obligations and the development plan. I would like to record my thanks for the exemplary support and quick responses that the officers at South Norfolk Council and the Parish Council have given me during the course of the examination.

I have also specifically referred to some representations and sometimes identified the person or organisation making that representation. However, I have not necessarily referred to each and every representation in my report. Nevertheless each one has been considered carefully and I reassure everyone that I have taken all the representations received into account during the examination.

⁵ Paragraph 004 of Planning Practice Guidance

⁶ Schedule 4B (9) of the Town and Country Planning Act 1990

6.0 Consultation

The Parish Council has submitted a 'Statement of Community Involvement' which provides details of the consultation that has taken place and effectively is the Consultation Statement (CS) required.⁷

Of particular note is that the consultation process from the outset had a number of key aims; to frontload consultation, to ensure that events took place at key milestones throughout the process, to employ a variety of communication techniques and to feed back results to local people and to use those results to inform the next stages of the Plan's evolution. The inclusion of aims from the outset setting out a clear idea about both the importance and purpose of consultation is to be applauded.

It is clear that consultation has taken place over a long period of time. This began with initial consultation and an event in Autumn/Winter 2013 and culminated in the pre-submission (Regulation 14) consultation taking place between 20 December 2014 and 4 February 2015. A survey was also sent to all households in the village in June 2014.

Whilst the report contained much useful information about the pre-submission consultation stage, I requested some additional information from the qualifying body on 24 July 2015. In essence, Regulation 15⁸ requires a Consultation Statement which:

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

The submitted report details who was consulted and how they were consulted, but only summarises the main issues and how they have been addressed from Anglian Water, Natural England, English Heritage (as they were at that time) and South Norfolk Council. Appendix A of the report usefully goes into more detail about the comments received from South Norfolk Council.

However, the report does not mention or refer to any other responses received, for example from local residents or businesses. Given that to receive only four responses at this stage would be quite unusual, I sought confirmation from the Parish Council that only these four bodies had responded or for information about other responses.

I am grateful to both the Parish Council and South Norfolk Council for their timely assistance in answering my queries. In brief only five responses were received at the Regulation 14 stage; in addition to the four aforementioned organisations, comments

⁷ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

⁸ *Ibid*

were also received from Swardeston Parish Council. I have been sent copies of this response together with further details of responses from businesses and the community during earlier, informal consultation stages. I consider that it would be useful for these documents to be added to the 'Statement of Community Involvement' just for the sake of completeness and for the avoidance of any doubt.

Having considered the information in the 'Statement of Community Involvement' together with the additional information sent to me on 11 August 2015, the evidence demonstrates that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies.

Submission (Regulation 16) consultation was carried out between 11 May and 22 June 2015. This attracted representations from nine individuals or organisations which I have taken into account in preparing this report. A number of representations offer support for the Plan and recognise the amount of voluntary time given by residents.⁹

In addition it is useful to note that Natural England considers that the Plan and its policies are unlikely to have any adverse effect on the natural environment.¹⁰

7.0 The basic conditions

National policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

On 6 March 2014, the Government published a suite of planning guidance. This is an online resource available at www.planningguidance.planningportal.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning

⁹ Representations from Mrs. Marina Carter, Geoff Kitchen, Chris Carter, Andrew De'ath

¹⁰ Representation from Natural England

¹¹ National Planning Policy Framework (2012) paras 14, 16

¹² National Planning Policy Framework (2012) para 184

and I have had regard to this in preparing this report. This is referred to in this report as Planning Practice Guidance (PPG).

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

PPG indicates that a policy should be clear and unambiguous¹⁴ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

The 'Statement of Basic Conditions' considers each of the more relevant subsections of the NPPF for example 'building a strong, competitive economy' or 'promoting sustainable transport' and offers a useful commentary on the Plan policies that relate to each subsection explaining the rationale behind the policies and how they fit in with the NPPF.

Sustainable development

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole¹⁵ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁶

The 'Statement of Basic Conditions' offers an explanation of how the Plan contributes to the achievement of sustainable development.

The development plan and emerging planning policy context

The relevant basic condition only refers to the development plan. In this case, the development plan consists of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) which sets out the strategic growth for housing and employment to 2026 and was adopted in March 2011 with amendments adopted in January 2014 and the saved and not replaced policies in an earlier document, the South Norfolk Local Plan (LP) adopted in 2003.

The 'Statement of Basic Conditions' details each JCS policy considered to be of relevance with a short commentary on how the Plan policies 'fit', or generally conform,

¹³ *Ibid* para 17

¹⁴ Planning Practice Guidance para 041

¹⁵ National Planning Policy Framework (2012) para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁶ *Ibid* para 7

with the JCS policies identified. It does this in an easy to read and tangible format which is to be welcomed.

However, little mention is made of the LP except for an acknowledgement of its status at the start of the Plan; it is not mentioned or addressed in the 'Statement of Basic Conditions'. Given this, I requested further information from South Norfolk Council about the status of the LP. Their email of 17 August 2015 confirms that the JCS replaced all the strategic policies in the LP and therefore contains the strategic policies that qualifying bodies need to ensure that the neighbourhood plan policies are in general conformity with for the purposes of the basic conditions. I am therefore satisfied that the 'Statement of Basic Conditions' covers the salient document.

The JCS contains a comprehensive spatial vision. JCS Policy 15 identifies Mulbarton as a linked service village; a focal point for communities to have better access to quality jobs, healthcare, education and community facilities and shops.¹⁷ It is linked with Bracon Ash which falls outside of the neighbourhood plan area. The JCS continues that "the vitality of service villages will be enhanced and their form and character maintained by the development of sustainable, small-scale housing, economic development and other local facilities."¹⁸

JCS Policy 15 explains that in each service village land will be allocated for small-scale housing development subject to form and character considerations as well as encouragement to small-scale employment or service development appropriate to the scale and needs of the village and its immediate surroundings.¹⁹

The supporting text goes on to explain that within the period 2008 – 2026 land will be allocated for small scale housing growth in the range of 10 -20 dwellings subject to form, character and servicing constraints. Mulbarton also falls within the Norwich Policy Area which means that it may also be considered for additional development. Planning permission has been granted for 180 houses on a site off Long Lane/The Rosery, a site (MUL 1) that is proposed to be allocated in the Site Specific Allocations and Policies Document that is, at the time of writing, being examined alongside the Development Management Policies document and the Wymondham Area Action Plan.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant.

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of

¹⁷ JCS page 23

¹⁸ *Ibid*

¹⁹ *Ibid* page 84

preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A screening exercise has been carried out by South Norfolk Council. This screening opinion, dated 19 November 2014, concludes that the Plan is unlikely to have significant environmental effects and that an environmental assessment is not required.

Confirmation was received from South Norfolk Council on 17 August 2015 in response to a query that none of the three statutory consultees required a SEA to be carried out. I am therefore satisfied that the Plan does not require a SEA to be carried out.

In addition as the Plan was submitted to South Norfolk Council on 27 April 2015, regulations²⁰ effective from 9 February 2015 apply. Where it has been determined that the Plan is unlikely to have significant environmental effects (and therefore does not require an environmental assessment), a statement of reasons for the determination is now needed. I regard the screening opinion from South Norfolk Council as fulfilling this requirement and the Council has confirmed to me by email dated 17 August 2015 that it is their view that the screening opinion together with information in the 'Statement of Basic Conditions' fulfills this requirement.

European Convention on Human Rights (ECHR)

The 'Statement of Basic Conditions' contains a very short statement that the Plan has had regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998, but contains no further information or explanation. However, there is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it. There are also no representations that lead me to conclude otherwise.

Habitats Regulations Assessment/other Directives

There are no European sites within the Plan area. The nearest site is the Norfolk Valley Fens Special Area of Conservation some 2.3km away according to information in the 'Statement of Basic Conditions'.

South Norfolk Council has confirmed that a Habitats Regulations Assessment is not required by email dated 17 August 2015.

I am not aware of any other European Directives which apply to this particular neighbourhood plan and in the absence of any substantive evidence to the contrary, I am satisfied that the Plan is compatible with EU obligations.

²⁰ Neighbourhood Planning (General) (Amendment) Regulations 2015

8.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where I recommend modifications in this report they appear in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in ***bold italics***.

The Plan starts off with a very helpful contents page.

1 Background

This section contains three sections which helpfully and clearly set out the background to the Plan, information about Mulbarton and its context and how the Plan evolved. A map of the Plan area is included early on in the document on page 4. It would be useful if the Plan area's boundaries could be differentiated in a colour other than black or made bolder to avoid any confusion with the surrounding Parish boundaries which also appear on the map in the same way. This recommendation is made in the interests of clarity.

- **Differentiate the Plan area boundaries more clearly on Map 1**

The preferences set out on page 9 of the Plan provide a useful summary from engagement with the community.

2 Vision

Overall it is very helpful for the Plan to contain a vision and aims for the residents of Mulbarton village. The six bullet points are related to the development and use of land and in themselves read well.

The vision statement begins with the phrase "Mulbarton Village" and I feel it is difficult for the village (as an object) to allow residents to make real choices...it might read better if something along the lines of "This Plan for Mulbarton Village aims to allow...". This comment is made in the interests of clarity.

- **Change the first sentence to "*This Plan for Mulbarton Village aims to allow residents to make real choices about how they....*" or similar**

3 Housing Policies

Policy HOU1 Scale of New Residential Development

This policy sets out the scale (or amount) of new residential development over the Plan period of between 10 and 20 dwellings in total. On the face of it this seems to chime with JCS Policy 15 which indicates that service villages will be appropriate for small-scale housing development subject to form and character considerations.²¹ The supporting text to JCS Policy 15 envisages that such allocations will be in the 10 – 20 dwelling range. However, it continues that in some cases the form, character and servicing constraints may result in smaller allocations and in others 20 dwellings may be exceeded where it would improve local service provision and sustainability and where it is compatible with the overall (JCS) strategy.²² This then differs from Policy HOU1 which imposes a maximum of 20 new dwellings without the flexibility that the JCS or the NPPF seeks.

However, the JCS has inbuilt flexibility over the scale of development and Mulbarton also falls within the Norwich Policy Area and so may be considered for additional development. The JCS also covers a shorter end time period (up to 2026) than the Plan. I am aware of the planning permission granted at land off Long Lane and The Rosery for 180 houses and note the policy specifically excludes any consented development, but not yet built, from the 10 – 20 dwellings total which is to be welcomed. Despite the amount of houses permitted in Mulbarton since 2011, Policy HOU1 nevertheless imposes a maximum on the total number of houses to be permitted over the Plan period. This has the effect of ‘extending’ the JCS figures for another four years (beyond 2026) and does not allow for the inherent flexibility of the JCS or the NPPF.

The NPPF is clear that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan (in this case the JCS) and indeed this is one of the basic conditions. In addition the NPPF clearly states that neighbourhood plans should not promote less development than is set out in the Local Plan or undermine its strategic policies.²³ For the reasons given above, I consider that Policy HOU1 as currently worded would potentially promote less development than the JCS. As a result it does not meet the basic conditions in that it would not take sufficient regard of national policy and advice, it would not contribute to the achievement of sustainable development (as it promotes less development) and would not be in general conformity with JCS Policy 15. In addition there is little evidence to support the total put forward in Policy HOU1 which might have pointed to this level of growth in relation to the village’s form and character and which might have indicated why such a scale of development was justified and appropriate despite the NPPF and JCS Policy 15.

As a result, and notwithstanding the importance of the amount of new housing development to the community, and given that it is not possible for me to recommend

²¹ JCS page 84 and following

²² *Ibid* page 85

²³ NPPF para 184

any amended figure or text as there is little evidence to say what that amended figure should be, I am left with little option but to recommend deletion of Policy HOU1. Some detail in the supporting text can be retained, but some consequential amendments to the Plan will be needed.

- **Delete Policy HOU1 in its entirety and undertake consequential amendments to the supporting text as necessary**

Policy HOU2 Location of New Residential Development

One of the key features of Mulbarton is a large triangular area known as The Common. As well as being perhaps the most notable feature of the area, the Evidence Base suggests that this area of some 19 hectares of land has been maintained as open grassland since the Middle Ages²⁴ and it also boasts a number of ponds and woodland. The Background section of the Plan states that Mulbarton has historically developed around the three roads fronting The Common and that this area forms the natural centre of the village with the services and facilities to be found around it together of course with the amenity and recreational opportunities provided by it. Map 2 on page 6 illustrates this very well. In addition The Common is included within the Conservation Area which includes properties along the three roads that surround The Common as well as further afield.

The supporting text to this policy seeks to ensure that new development should “contribute towards strengthening The Common as being at the ‘Heart of the Village’ and a focal point for village life and interaction.”²⁵

Policy HOU2 therefore seeks to direct development to certain areas of the village i.e. to what is described as the “nucleated, clustered character”²⁶ around The Common and away from the south of the village which has seen considerable development over recent years and more at the present time is being built out. The Evidence Base goes further by referring to the need to make a positive contribution towards the ‘Heart of the Village’ “without stretching the sprawl of the village further south” making the point that this area is the focus of social interaction and engagement and helps community cohesion.²⁷

The “Heart of the Village’ is defined on Map 6 on page 32 of the Plan. Its boundaries are the same as the Conservation Area. This is an important concept that has been developed for the Plan and features in a number of policies.

The premise of Policy HOU2 is that new development of five or more dwellings should be located where it will “rebalance the development pattern of the village”. This

²⁴ Evidence Base page 14

²⁵ MNP page 11

²⁶ *Ibid*

²⁷ Evidence Base pages 6 and 7

springs from three things; a concern to limit 'village sprawl' particularly further southwards in line with the landscape and other relevant topics discussed in the Evidence Base; the existing expansion of the village in a southerly direction and the desire to strengthen the 'Heart of the Village' around The Common.

Whilst it is not particularly clear why the threshold of five dwellings has been introduced, this seems to me to provide some flexibility for smaller development opportunities that might arise elsewhere in the village and also ties in with the community's desire for small-scale development.

The 'Heart of the Village' is a distinctive policy tool that reflects and responds to the particular characteristics of this neighbourhood area. Its use as a concept would be strengthened by specific mention of it and Map 6 within the applicable policies.

In order to strengthen the wording of Policy HOU2 to make it clearer and unambiguous so that it provides the practical framework for decision making that national policy requires, the following modification is recommended:

- **Amend Policy HOU2 so that it reads:**

"Permission will be granted for new residential development of five or more dwellings provided it is located where it will rebalance the development pattern of the village by improving the focus on The Common and adjacent facilities in the 'Heart of the Village' which is defined on Map 6. Proposals for five or more dwellings that result in the growth of the village further southward will not generally be acceptable. Any new development should also respect the character and appearance of the Mulbarton Conservation Area and the setting of listed buildings in the Parish.

This policy applies to all proposals and sites that individually or cumulatively as part of a larger, but contiguous site are for five or more dwellings."

Policy HOU3 Type of Housing

This policy seeks to ensure that the type of housing needed, identified through the evolution of the Plan, is provided. National policy seeks the delivery of a wide choice of high quality homes and encourages a mix of housing to be provided. This will help to widen housing opportunities and create sustainable and mixed communities.

Given the characteristics of Mulbarton and the housing need that is evidenced through engagement with the community, the principle of a policy that encourages specific types of housing is acceptable and in line with national policy and the achievement of sustainable development.

Whilst usually it is preferable in my view for policies not to rely on other District level policies such as JCS Policy 4 referred to in this policy, in this case I consider this adds to the scope and flexibility of the policy.

The policy therefore meets the basic conditions and no modifications are recommended.

Policy HOU4 Density

This policy aims to ensure that the density of new development reflects the density of the existing settlement and its hinterland. National policy supports setting out an approach to housing density to reflect local circumstances. The policy does not prescribe a minimum or maximum density, as the supporting text confirms, but prefers to rely on the context of the development site. The policy therefore in principle reflects the National Planning Policy Framework's aim of ensuring new development functions well and adds to the overall quality of the area; responds to local character and history; and reinforces and promotes local distinctiveness. It also should reflect spatial planning objective 2 of the JCS which states that appropriate densities will make sure land is used efficiently.

However, the specific wording of the policy and in particular the use of "consistent with and not exceed existing housing densities" could prevent development at a higher density which is otherwise acceptable coming forward. The NPPF is clear that good design (of which density is one consideration) is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.²⁸ It continues²⁹ that permission should not be refused for development that promotes high levels of sustainability because of "concerns about incompatibility with an existing townscape" if those concerns are mitigated by good design. In other words higher density may well be acceptable if there is a design-led approach. This is similar to a point made by a representation.³⁰ Therefore in order to take account of the NPPF, the policy should be reworded more positively and flexibly.

- **Reword Policy HOU4:**

"To conserve the open, spacious and green character of Mulbarton, new development should reflect the overall character of Mulbarton and take account of its rural setting. Densities for new housing development on any given site should be consistent and compatible with the existing and prevailing density in that local context and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained."

²⁸ NPPF para 56

²⁹ *Ibid* para 65

³⁰ Representation from South Norfolk Council

Policy HOU5 Design

This is a simply worded policy that sets out a clear expectation that new housing development will be sited and designed in a way that reinforces local distinctiveness and the architectural traditions of the village.

A second element to the policy refers to national standards for sustainable design and construction and the need to reduce surface water run-off.

The supporting text goes into more detail about the rationale for the policy and directs applicants and the development industry to other documents such as the Mulbarton Conservation Area Appraisal and Supplementary Planning Documents for further guidance. The Plan recognises that the performance of new dwellings will be dealt with at national level reflecting the Government's Written Statement of 25 March 2015. In line with this Statement the policy does not seek to set out any additional technical standards or requirements and given this I take the view that the policy simply seeks to reinforce any applicable national standards. However, mention is made in the supporting text of the Code for Sustainable Homes which has now been withdrawn and so any references to it should be removed.

The supporting text also refers to the provision of parking cross-referencing a later policy (Policy TRA1). Therefore this section should be re-read and re-considered in the light of any modifications recommended to Policy TRA1 later on in this report and any consequential changes made as necessary.

Both strands of the policy and its supporting text reflect national policy and will help to achieve sustainable development and reflect the spatial planning objectives in the JCS and JCS Policy 2.

This policy therefore meets the basic conditions and the only modification recommended is in relation to the supporting text.

- **Remove any references to the Code for Sustainable Homes from the supporting text and undertake any consequential amendments as necessary**

4 Economic Growth Policies

Policy ECN1 Scale of New Economic Development

This policy encourages micro and small businesses subject to acceptable impacts on residential amenity, transport and the environment and sufficient on-site parking. The supporting text to the policy indicates that micro-business is defined as being "of fewer than 10 employees". There is a clear concern from engagement with the community about the effects of employment-related uses particularly from noise and parking.

However, this policy introduces sufficient safeguards through its criteria on residential amenity, transport, parking and other environmental impacts to enable these concerns to be addressed.

JCS Policy 15 encourages small-scale employment and service development appropriate to the scale and needs of the service villages and its immediate surroundings. The supporting text to JCS Policy 15 is clear that this service role will be improved by encouraging local employment, services and facilities development.³¹ The National Planning Policy Framework indicates that economic growth should be supported in rural areas and that the sustainable growth and expansion of all types of businesses and enterprise should be supported.

Policy ECN1 strikes an appropriate balance between the support for and encouragement of business and enterprise outlined in the NPPF and the JCS whilst ensuring that the concerns of the community can be satisfactorily addressed. Whilst it specifically encourages smaller-scale business and enterprise, it would not preclude support for the growth or expansion of (larger) businesses provided that was sustainable. It therefore meets the basic conditions and no modifications are recommended.

Policy ECN2 Location of New Economic Development

Policy ECN2 seeks to direct new economic development to locations of existing employment activity near The Common or where direct access to the B1113 is available. A second element to the policy permits home working subject to certain criteria.

With regard to the first element of the policy, it seems to restrict the location of new businesses and enterprise. This would be at odds with national policy in the National Planning Policy Framework which encourages a positive approach to sustainable new development and emphasises that the planning system should do everything it can to support sustainable economic growth. Whilst the area around The Common or those sites with direct access to the B1113 may indeed be the most sustainable locations, the effect of the policy would be to preclude or at the very least discourage economic development from other locations which may well be acceptable, particularly given the criteria in Policy ECN1 and the safeguards it introduces.

The policy does this against the background of little evidence being put forward in the Plan to indicate why only sites around The Common or with direct access onto the B1113 would be the only ones suitable. Given the Parish boundaries and the nature of the Plan area, these two locations or areas would only result in a small percentage of the overall Plan area being able to meet the strict requirements of this policy.

³¹ JCS page 85

Without robust evidence to support the policy's aim of directing economic development to particular locations and away from others, the policy would potentially stifle sustainable economic growth which I am sure is not the underlying intention, but nevertheless is how the policy reads.

In addition, given the rural nature of the Parish the policy would effectively prevent, or at the very least discourage, economic development or businesses uses through, for example the conversion of rural buildings or the diversification of farms and other land-based rural businesses. This would also be at odds with the stance of the NPPF and JCS Policy 5.

The first element of the policy is therefore at odds with national policy and guidance and would not help to achieve sustainable development. It therefore does not meet the basic conditions.

With regard to the second element of the policy on home working, this also introduces some stringent criteria that would usually be dealt with through normal planning applications channels if such an application were to be needed (as a representation³² points out not all forms of home working require the submission of a planning application). Given that home working is usually low key and that many new developments incorporate rooms for home working through studies or loft conversions and that if this part of the policy would remain it would largely duplicate Policy ECN1, it does not add anything to the Plan through its retention and is not positively worded enough to be retained.

Therefore as the policy does not meet the basic conditions, it is recommended that Policy ECN2 be deleted in its entirety.

- **Delete Policy ECN2 in its entirety**

5 Transport Policies

Policy TRA1 Access to Services and Road Safety

This policy requires new development to provide convenient and safe access to the existing pedestrian network. A strong sense of the 'walkability' of Mulbarton comes through the Plan and this is a key part of the vision of the Plan. As the supporting text acknowledges there are many benefits to the promotion of walking both as a way of encouraging healthier lifestyles and promoting a sense of community not to mention a sustainable transport mode. In principle then this type of policy reflects national policy and guidance and will help to achieve sustainable development. It also reflects spatial planning objective 7 of the JCS which seeks to ensure that the location and design of

³² Representation from South Norfolk Council

new development will reduce the need to travel and promotes more use of sustainable modes of transport and the relevant parts of JCS Policy 6.

However, the details of this policy need further consideration. A threshold of five or more dwellings is introduced and it is not clear to me where this threshold has come from or why it is appropriate for Mulbarton. Norfolk County Council (as Highways Authority) makes the point that developments of up to five dwellings may well be able to provide improvements to access and road safety and this representation therefore reinforces my concern that this apparently arbitrary threshold may actually prevent some desirable improvements from being sought and achieved.

The criteria in the policy then introduce further distance-based criteria for new development to meet which effectively reduces the sites available for development and may well prevent otherwise acceptable development coming forward. Again there is little explanation of why these particular distances would be appropriate for Mulbarton or any demonstration of what impact applying such standards would have on the settlement. A criterion refers to safe walking routes to school which is not a development and use of land matter. Another criterion refers to the design of residential streets and lanes to accommodate 20 mph or lower traffic speeds where appropriate. The last criterion then requires “adequate” car parking, but there is little information on what might be considered to be an appropriate level of parking and therefore it would be difficult for any prospective applicant to know how they might meet this criteria satisfactorily.

Therefore in the interests of having a policy that does not render otherwise acceptable sustainable development unacceptable, does not impose an arbitrary threshold, relates only to development and use of land issues and offers clarity and workability, in order for it to meet the basic conditions the following modifications are recommended:

- **Reword Policy TRA1 as follows:**

“New development should take every opportunity available to provide safe and convenient pedestrian access and connections to the existing pedestrian network and create new networks.

Mulbarton prides itself on its walkability. Development that is well located and can provide safe and convenient walking access to The Common and local services and facilities and to bus stops will be particularly encouraged.

As part of this promotion of sustainable transport, developments should incorporate natural surveillance of pedestrian routes and public open spaces.

New development schemes should be designed to facilitate traffic speeds of 20 mph or lower on residential streets or lanes where appropriate, and a satisfactory amount of off-site car parking must be provided in a well-designed and convenient way in accordance with the applicable car parking standards.”

- **Consequential amendments to the supporting text may be needed**

Policy TRA2 Traffic in a Walkable Village

Although the policy is positively worded, this policy aims to restrict development of five or more houses or new employment development if it results in “a net material increase in traffic” on roads, lanes and streets in the heart of the village. It is understandable that the community is keen to minimise traffic through the village and to reinforce the walkability of the village. However, I am also mindful that other policies in the Plan positively direct new development to this area which could potentially be seen to be an internal conflict within the Plan.

It is unlikely that new development would not, in one way or another, result in more traffic movements. In some ways it is therefore useful for the policy to apply to residential developments of more than five units. However, this seems again to be an arbitrary and unexplained threshold. Moreover the policy applies to any new economic development and such a restriction would, in my view, have the potential to severely hinder both the expansion of existing, and the introduction of new, businesses in the Parish.

Whilst the policy refers to a “net material Increase” this is then defined in the supporting text as a 5% or more increase over prevailing background traffic levels on “affected streets” based on a principle from historic Chartered Institution of Highways and Transportation Guidelines. This is then regarded as to be regarded as the “severe adverse impact” referred to in the policy.

In my experience the 5% figure has tended to be used to measure a material change in traffic volume during peak hours as a general ‘rule of thumb’ rather than any exact science and through a mixture of trip generation modeling and traffic counts. The NPPF explains that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe³³ as the ‘Statement of Basic Conditions’ recognises.³⁴

No evidence has been put forward to demonstrate whether the figure of 5% might be an appropriate definition of “severe” for the village or what effect this would have on the village. As a result the policy and definition in the supporting text of “net material increase” is inappropriate, unjustified and do not take sufficient account of the NPPF. It does not provide the practical framework required.

The NPPF also goes further in only requiring a transport statement or transport assessment for developments that generate a significant amount of traffic.³⁵ The threshold of five or more dwellings and all economic development, in itself unexplained,

³³ NPPF para 32

³⁴ Statement of Basic Conditions page 5

³⁵ NPPF para 32

would also not, in my view, necessarily chime with a definition of development that would generate a significant amount of traffic. It introduces an inflexible and arbitrary threshold.

Furthermore the Plan places the onus on the applicant or developer to conduct counts and so on as well as on the decision making authorities to make a judgment that might well be unnecessary to undertake.

There are often technical solutions that can satisfactorily overcome highway or traffic movement concerns.

For a number of reasons then the policy and its supporting text does not provide the practical framework for decision-making that the NPPF requires. A similar point is made in representations.³⁶

So there are essentially two concerns here: the type and amount of development the policy would apply to and the Plan's definition of "severe". The NPPF is very clear about the circumstances in which development can be refused on transport grounds. The policy and the supporting definitions in the accompanying text are at odds with the NPPF and no evidence has been put forward to justify a different approach in this locality. For this reason the policy's application and its reference to "net material increase" and how the Plan defines this is not acceptable and should not be retained in the policy or supporting text.

Moving on, the policy lends support for those new developments that can take direct access to or from the B1113. The Plan recognises that its policy stance may result in larger developments being directed to busier roads as an intended consequence. Once again there is no technical evidence to demonstrate what this effect might be.

Both South Norfolk Council and Norfolk County Council (as Highways Authority) have expressed concern about this policy and put forward a similar suggestion for its rewording.

I am mindful though that there is clearly concern about traffic 'going through' the village and the area around The Common and the potential for new development to 'make matters worse'. In parallel with this is the fundamental and welcome desire to promote Mulbarton as a 'walkable' village and for people to feel that walking on existing streets and lanes is an attractive option as the 'Statement of Basic Conditions' outlines. As that Statement and the Plan indicate this will contribute to wider sustainability and health objectives as well as providing people with a choice about how they travel in line with the NPPF and spatial planning objective 11 in the JCS and JCS Policy 7. However, given that other policies in the Plan direct new development to the Heart of the Village the combination of all policies taken together provides a high hurdle for any new development.

³⁶ Representations from South Norfolk Council and Norfolk County Council

Consequently, the wording of the policy should be revised to reflect the stance of the NPPF and to enhance the clarity and workability of the policy. Whilst I put forward a suggested rewording, the suggested (re)wording put forward by Norfolk County Council in their representation would, in my view, also meet the basic conditions and so this may be an alternative that the qualifying body might wish to consider. Either way consequential changes will need to be made to the supporting text.

The following modifications are therefore recommended:

- **Reword Policy TRA2 as follows:**

“All residential or economic development proposals in Mulbarton that would generate a significant amount of movement in the Heart of the Village as identified on Map 6 will only be supported if they are accompanied by evidence that the transport issues relating to the development, including details of any measures to be taken to deal with the anticipated transport impacts of the scheme, are satisfactory and that any opportunities for improving the walking and cycling environment, including improving opportunities for walking and cycling connectivity, are taken.”

- **Undertake consequential amendments to the supporting text**

Key Statement 1 Street Lighting

The next section in the Plan refers to street lighting. The Plan rightly separates this issue from the planning policies by introducing the concept of ‘key statements’. This is a useful way of distinguishing between issues that the Plan would like to capture, but are not related to, or the subject of, development and use of land policies.

It would be useful to use a different colour block for the key statements boxes (within the different colour blocks already used for each set of topic based policies) just to ensure that they are clearly distinguished from the planning policy boxes. This recommendation applies throughout the Plan but is not repeated elsewhere.

- **Use a different colour for the key statement boxes**

This particular key statement on street lighting identifies dark skies as a key characteristic of Mulbarton and seeks to retain the ‘dark skies’ of Mulbarton. The supporting text recognises that there was not unanimous support for this approach and indeed one representation³⁷ expresses concern about this stance. Given that the presence or otherwise of street lighting is not directly related to the development and use of land, it is appropriate for this topic to be dealt with in a ‘key statement’ box.

³⁷ Representation from Susan and Fergus Stirling

However, the last sentence in the key statement box seeks to relate the issue back to the development and use of land by discouraging development that proposes street lighting; as street lighting is not a planning matter, such a statement needs to be amended or deleted.

- **Delete the sentence “Therefore, new development that proposes street lighting will need to be discouraged.” from the Key Statement 1 Street Lighting box and/or replace it with “*New street lighting will therefore not be encouraged.*”**

Key Statement 2 Transport Infrastructure and Services

This key statement encourages the relevant decision making bodies to take account of the priorities for infrastructure and service improvements, some of which fall outside the Plan area, but are nevertheless considered to affect Mulbarton and the Plan area in one way or another.

The explanation and approach to key statement 2 set out in this section (section 5.4) is appropriate as it captures the aspirations of the local community and explains the circumstances and limitations recognising deliverability and viability issues. As this does not form part of the development and use of land elements of the Plan I have no further comments.

6 Community Facilities and Services

Policy COM1 Provision of Facilities and Services

Policy COM1 has three elements. Firstly, it expects all new development to contribute to the need for additional facilities and services. Secondly, it supports new facilities and services particularly around The Common and offers specific support for enhanced GP facilities and a café/coffee shop. Thirdly, it safeguards existing facilities and services, but allows change of use in certain circumstances.

The first element supports new or enhanced facilities and services. It is positively worded, but it does not specify what sort of contribution is required (financial, in kind or actual provision for instance) and therefore there is a lack of clarity. This should be remedied with more detail and explanation being provided in the supporting text as the policy itself is worded clearly. In this respect it may be useful for the Parish and District Councils to agree a form of words that reflects the stance of emerging policy.

The second element encourages development particularly around The Common and reflects specific matters that have emerged through engagement with the community.

The third element refers to changes of use of existing facilities that might result in the loss of the facility. These will be permitted provided that the facility is replaced or there is otherwise adequate and appropriate provision and the use is no longer viable. In relation to the last criterion, a six month marketing period is required as well as demonstration that the terms offered are reasonable.

Given the NPPF's support for a prosperous rural economy and the importance of the retention and development of local services and facilities, this policy is in line with national policy and guidance. The third element of the policy reflects JCS Policy 15 and its protection of existing local shops and services. Whilst it adds detail, given the range of local services and facilities and Mulbarton's role as a service village, this policy will help to achieve sustainable development without being unduly onerous on the development industry.

As a result the only modification recommended is to clarify in the supporting text what "contribution" new development will be expected to make.

- **Add to the supporting text further detail about how or what contribution new development will be expected to make to additional facilities and services**

Policy COM2 Telecommunications

The Plan highlights the importance for residents of good communications. The NPPF offers clear support for high quality communications infrastructure recognising this can play an important role in enhancing the provision of locally based services and facilities and in supporting rural communities.

The policy supports telecommunications infrastructure where its visual impact is acceptable. A representation³⁸ points out the difficulty of establishing what an appropriate "scale and design" to Mulbarton might be. I accept that this phrase may lead to concern and that largely these are matters of judgment. National policy is clear that equipment on new sites should be sympathetically designed and camouflaged where appropriate. Given the rural character and nature of Mulbarton and its surrounds, I consider this policy will encourage communications infrastructure whilst ensuring character and landscape qualities are properly considered. The supporting text also assists in detailing how proposals should be assessed.

The second element of the policy refers to Policy 6 of the JCS which encourages all new development to demonstrate how it will contribute to the achievement of fast broadband connections in the area. This element takes its lead from the JCS and it is appropriate for this policy to reflect that, particularly given the Plan will cover a different time period to the JCS. There is no need for a specific reference to the JCS policy in Policy COM2 as the JCS is likely to be replaced and in any case covers a shorter

³⁸ Representation from South Norfolk Council

time period than this Plan. I tend to consider that it is preferable for neighbourhood plan policies to 'stand on their own two feet'. So whilst I urge the Parish Council to consider revising this to take account of the points I make above, this is not a modification required in order for the Plan to meet the basic conditions.

The supporting text which provides a useful explanation of how telecommunications will be considered contains a bullet point referring to the need for alternative locations outside of Mulbarton to be explored. This is unduly negative and should be deleted.

Therefore the policy meets the basic conditions and the only modification recommended is in relation to the supporting text.

- **Delete the phrase "...or alternative locations outside of Mulbarton.." from the first bullet point in the supporting text on page 23 of the Plan**

7 The Environment

Reference is made to "English Heritage" in section 7.1 on heritage assets. The organisation is now known as Historic England as the representation from Historic England points out, and so this amendment should be made in the interests of accuracy. I appreciate that this change took place at around the same time as the publication of the submission plan and so this is not a criticism in any way.

- **Update reference to refer to "*Historic England*" rather than "English Heritage" in section 7.1 on page 24 of the Plan**

A very helpful map, Map 3, is included on page 25 of the Plan. This shows the Conservation Area boundary, listed buildings, buildings of townscape value and important trees, tree groups and hedgerows. It could be made larger and therefore easier to read, but this is not a modification required to meet the basic conditions.

Policy ENV1 Conservation Area and Heritage Assets

Policy ENV1 seeks to protect and enhance heritage assets. The Evidence Base explains that Mulbarton is home to 15 listed buildings and has a Conservation Area as well as giving more detail on the key features of Mulbarton's heritage.³⁹ The policy makes useful reference to Map 3. It requires a heritage statement to be submitted where development is situated in or adjacent to the Conservation Area or other heritage assets.

The policy expects new development to "...blend in with the existing historic fabric..." and to "...contribute to and enhance the Conservation Area and its setting.". It is

³⁹ Evidence Base page 13

difficult to know what “blend in” might look like and therefore this phrase lacks clarity in that it does not provide a practical framework for decision-making. The enhancement of the Conservation Area is also a higher hurdle than the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development in Conservation Areas to “preserve or enhance”. This policy should then be modified to bring it in line with national policy and guidance and to enhance clarity so that it provides a practical framework for decision-making.

- **Modify Policy ENV1 by replacing paragraph two of the policy with a new paragraph two as follows:**

“New development in or adjacent to the Conservation Area and near important features shown on Map 3 should take account of the historic fabric of the area and should preserve or enhance the character or appearance of the Conservation Area.”

Policy ENV2 The Common

This policy seeks to conserve and enhance The Common, a large roughly triangular area of grassland which has a number of ponds. Usefully The Common is shown on a number of maps throughout the Plan, but particularly on Map 4. It is clear that this area is of great significance to the community. It is valued for its intrinsic beauty, but also for its wildlife and flora and fauna as well as its recreational and amenity value. It also forms an important part of the Conservation Area. The Evidence Base indicates that it is likely that The Common has been maintained as open grassland since the Middle Ages and goes on to detail some of the flora and fauna to be found on The Common.⁴⁰

The policy specifically excludes householder applications from the need to conserve and enhance The Common and the balance between its landscape and biodiversity value and use as an amenity and public space. No explanation is given as to why householder applications should be excluded. Given the importance of this area and its multiple uses, the reference which excludes householder applications should be removed. There is nothing in national policy or guidance that indicates that such development should attain a lesser quality and the removal of this clause will ensure that the policy helps to achieve sustainable development.

- **Modify Policy ENV2 by deleting the words “...with the exception of householder applications...”**

⁴⁰ *Ibid* pages 9 and 14

Policy ENV3 The Local Environment

This policy seeks to do three things; firstly it protects road fronting hedgerows or seeks their replacement if lost as a result of development. Hedgerows are particularly characteristic of, and make a significant contribution to, the landscape of the area. Information in the Evidence Base also points to the fact that further opening up of the landscape through the loss of woodland, hedgerows or hedgerow trees has been identified as a sensitivity and vulnerability of this area.⁴¹

The supporting text to the policy explains that it is a policy of the Parish Council to increase the number of hedgerows. The explanatory text also takes a common sense approach recognising that in certain situations some hedgerow realignment might be necessary. It is intended that the policy would be partly implemented through the submission of a landscaping scheme accompanying planning applications. In my view this commits the local planning authority to first of all require such a landscaping scheme at the validation stage and also to assess it during the course of the planning application. This is arguably quite onerous on the local planning authority and this requirement could be satisfactorily dealt with through the imposition of planning conditions on any grant of permission.

Therefore whilst this part of the policy is clearly worded and this element of the policy itself does not need modification, the supporting text should be revised to recognise this matter could be dealt with via a planning condition too to ensure that the policy is operated flexibly and does not unnecessarily affect viability and deliverability of development.

The second part of the policy encourages the enhancement of ecological networks. This element is in line with national policy and is clearly worded. It refers to County Wildlife Sites and the supporting text includes a reference to Map 5 which clearly shows the locations of these sites.

The third part of the policy encourages the provision of new open or green space in individual development units or the development as a whole. The supporting text refers to the JCS or any successor document and does not add anything to those requirements; in fact it relies on the requirements in the JCS. I suspect that the wording of Policy ENV3 is more flexible than the applicable SNC policies. This is because Policy ENV3 limits the provision of open or green space to those developments that have an impact on The Common. This is likely to be a subjective judgment or at least a decision that is open to interpretation. I also doubt whether it is the intention of this part of the policy to restrict the provision of open/green space (only) to developments close to The Common. Given that this element of the policy does not add anything over and above the JCS/District level policies in any case and does not take sufficient account of them, it should be deleted.

⁴¹ Evidence Base page 8

- **Modify the supporting text to Policy ENV3 on page 29 to acknowledge the protection and suitable replacement of road fronting hedgerows could be dealt with via the imposition of planning conditions on any grants of planning permission as well as through a landscaping scheme submitted at the same time as a planning application**
- **Delete the paragraph beginning “To respect the open character of The Common...” from Policy ENV3**
- **Consequential amendments to the supporting text on pages 29 and 30 will be needed**

Policy ENV4 Flood Risk

Policy ENV4 requires all planning applications in areas of fluvial or surface water flooding to be accompanied by a Surface Water Assessment and Management Plan. The supporting text explains that the River Mul runs through parts of the Parish and there are small pockets of flood risk zones 2 and 3. In addition there is also a risk of flooding from surface water. Reference is also made to flood risk and water resources in the Evidence Base.⁴²

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.⁴³ It advocates a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property.⁴⁴ The NPPF sets out the circumstances in which a site-specific flood risk assessment will be required.⁴⁵ PPG advises that the general approach and requirements for site-specific flood risk assessments should be applied to developments in areas at risk from flooding.

One of the spatial planning objectives in the JCS is to guide new development away from areas with a high probability of flooding and to ensure that flood mitigation will be required and flood protection be maintained and enhanced.⁴⁶

It would be usual for policies of this nature to align fully with the prescriptive requirements of national policy. It is clear from the Plan that flood risk is an issue the community is very concerned about. There is little doubt that consideration of flood risk will proactively help to meet one of the challenges of climate change. Therefore the following modification is recommended that brings the policy in line with national policy whilst recognising local circumstances.

⁴² Evidence Base page 12

⁴³ National Planning Policy Framework (2012) para 100

⁴⁴ *Ibid*

⁴⁵ *Ibid para 103*

⁴⁶ JCS page 24

- **Reword Policy ENV4 as follows:**

“Development should not increase flood risk from fluvial flooding or any other source of flooding including surface water flooding. Planning applications for development within the Plan area must be accompanied by a site-specific assessment in line with the requirements of national policy and advice, but may also be required on a site by site basis based on locally available evidence. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.”

Appendix

Appendix A contains Map 6 which helpfully and clearly shows the ‘Heart of the Village’; an important policy tool used throughout the Plan.

9.0 Conclusions and Recommendations

Section 8.0 has focused on the details of individual policies in the Plan. However, it is also useful to take a step back and consider how the policies work together. My concern is that given the Plan directed new residential development and new economic development to the area around The Common and the Heart of the Village, that The Common is in itself rightly protected and the Heart of the Village boundary coincides with the boundary of the Conservation Area. Therefore The Common and the Conservation Area designations in themselves provide a degree of protection. Given the development boundaries of Mulbarton, which are not discussed, identified or reviewed in the Plan, this could have resulted in very little new development of any sort in Mulbarton. Very few sites would have satisfied these policies or meet varied criteria in other policies such as the walking distance from The Common or direct access onto the B1113 for instance.

I have therefore recommended various deletions of policies including the scale of new residential development (Policy HOU1) and the location of new economic development (Policy ECN2) and amended others, in particular Policies HOU2, HOU4, TRA1 and TRA2 to instill greater flexibility whilst still addressing both the concerns and the priorities of the community. These modifications will then set out a positive vision for the future of Mulbarton and a robust and comprehensive set of policies that plan positively whilst respecting the special characteristics and local circumstances of the village.

I am therefore satisfied that the Mulbarton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to South Norfolk Council that, subject to the modifications proposed in this report, the Mulbarton Neighbourhood Development Plan should proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Mulbarton Neighbourhood Plan area.

I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Mulbarton Neighbourhood Plan area as approved by South Norfolk Council on 8 May 2014.

Ann Skippers
Ann Skippers Planning
11 September 2015

Appendix List of Documents specific to this Examination

Mulbarton Neighbourhood Plan 2015 – 2030 Submission version (April 2015)

Mulbarton Neighbourhood Plan Statement of Basic Conditions dated April 2015

Mulbarton Neighbourhood Plan Statement of Community Involvement dated April 2015

Additional Information from South Norfolk Council and Mulbarton Parish Council regarding the Statement of Community Involvement in an email dated 11 August 2015 (in response to my letter requesting more information of 24 July 2015)

Additional Information from South Norfolk Council regarding EU Obligations and the development plan in an email dated 17 August 2015 (in response to two emails from me requesting more information of 15 and 17 August 2015)

Additional information from South Norfolk Council confirming key dates dated 9 September 2015 (in response to my email requesting that information of 7 September 2015)

South Norfolk Council Screening Opinion on SEA dated 19 November 2014

Joint Core Strategy for Broadland, Norwich and South Norfolk, adopted March 2011, amendments adopted January 2014

South Norfolk Local Plan adopted 2003

Development Management Policies Document (April 2015) currently at Examination

List ends