Swanton Morley Neighbourhood Plan - Proposed Modifications - schedule of consideration of examiners changes

Where modifications are recommended, they are in italics and bold print for policy and plain text for other text changes, with any proposed new wording in italics.

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PM1 Front cover and paragraph 1.5.1; 7.1	Delete reference to "2017 – 2037" and replace with "2016 – 2036" in both instances.	Proposed change is consistent with issues raised at Reg. 16 consultation stage and supported by the approach outlined in the NPPG.	Accept recommendation.
PM2 Pages 25- 27	Replace paragraph numbers "7.1.1 – 7.5.3" in Section 5 with "5.1.1 – 5.5.3" N.B. Also reference in 4.91 is made to the Examiners being "content for any necessary consequential changes to be made to the SWNP contents page, figures, maps, policy and paragraph numbers etc, to take account of the recommendations contained in this Report".	Examiner sought changes to wording in 5. It appears that the Examination version 2.1 of the plan included these modifications. These are for the purpose of correcting errors rather than meeting the basic conditions.	Accept recommendation.
PM3 Page 27	Add the following sentence to the end of paragraph 7.5.3 (renumbered to 5.5.3): The Breckland Local Plan Pre-submission document was published for consultation purposes on 21 August 2017, with the consultation closing on 02 October 2017. It was submitted for Examination on 30 November 2017."	Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act. The change is therefore appropriate in this context.	Accept recommendation.
PM4 Page 30	Delete Map 4, and add the following sentences to paragraph 6.14: "Policy GEN 05 in the emerging Local Plan defines a settlement boundary for Swanton Morley which identifies the area which is acceptable, in principle,	Examiner considered the Map lacks clarity of purpose and should be deleted. He highlighted a need to indicate the derivation of the definition in the supporting text at	Accept recommendation.

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	for further development. Outside of the settlement boundary the open countryside will be subject to a greater degree of protection. Policy 1 seeks to reinforce the approach in the Local Plan, whilst identifying those exceptions to the Policy which will be supported. Following Government advice in the NPPF (paragraph 53) inappropriate development of residential curtilages in the countryside will be resisted."	paragraph 6.14. Therefore, the changes have been justified by the Examiner.	
PM5 Page 31	Policy 1 (Protecting the identity of Swanton Morley) Replace the first paragraph with the following: "Outside the defined settlement boundary development will not be supported unless it involves: i) Rural exception sites; ii) Dwellings to meet the essential need for a rural worker; iii) Development involving the re-use of redundant or disused buildings. iv) Farm diversification, and v) Rural tourism related development." Replace the numbered points with the following: "The development of residential curtilages in the countryside will be resisted where it would lead to significant change to the landscape character." For clarity, an appropriate map showing the defined settlement boundary should accompany Policy 1 and delete Map 4.	The Examiner considered that the wording of Policy 1 should be amended to provide a clear indication of the purpose of the Policy and the exceptions to its otherwise blanket restriction on development outside the designated settlement boundary. As such, the proposed modification is considered necessary in order that the policy meets the basic conditions.	Accept recommendation.
PM6 Pages 32 - 37	Policy 2 (Growth in the Right Places) Amend the Policy wording as follows: "The primary	Examiner considered that SMPC had not justified the level of over-	Do not accept recommendation and

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focus of new residential development in the Swanto Morley Neighbourhood Plan area will be within the three-allocated housing sites identified on Map 5 as 1)LP(098)013; 2)LP(098)014 and ; and (Final Report typo) 3)LP(098)016 A planning application for this three allocated residential sites will be supported where it complies with the other policies" Amend Paragraph 6.11 to read: "with no fewer than 14,925 15,298 new homes across the Breckland District between 2011 and 2036." Delete the following paragraphs of the supporting text: Paragraphs 6.24, 6.26 – 6.28. Paragraphs 6.31 and 6.32 will require substantial revision removing references to the Local Plan Preferred Option and Settlement Boundaries (Sept 2016) to take account the progress of the emerging BLP. Delete paragraphs 6.33 – 6.35. Delete Map 5 and replace with a map showing the allocated site. Amend paragraph 7.5.2 (sic) to read: "and provide for less than 14,925-15,298 new homes between 2011 and 2036.	appraisal of sites proposed to be allocated in the plan, and as a result there was insufficient evidence to justify why alternative site options had not been included. Furthermore, the examiner considered that no cumulative assessment of the Neighbourhood Plan allocations in addition to those proposed to be allocated in the Council's emerging Local Plan. The examiner sought a proposed change to refer more closely to the site proposed for allocation in Breckland Council's emerging Local Plan. Since the Examiners report has been issued, additional information has been received in the form of a Sustainability Appraisal addendum. This addendum considered the approach to site selection, carried out a cumulative assessment of	reinstate references to site allocations LP(098)014 and LP(098)016 into Policy 2 as per submission plan. Delete para 6.24 and renumber supporting text paragraph numbers.

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		considered that the additional allocations are in broad conformity with the Local Plan, and with some further amendment to the wording Policy 2 meets the basic conditions.	
PM7 Pages 38 - 41	Policy 3 (Enabling Growth on Sites LP(098)014 and LP(098)016) The Policy and its supporting text at paragraphs 6.43 – 6.59 should be deleted in their entirety.	Examiner considered that SMPC had not justified the level of overallocation and was no separate appraisal of sites proposed to be allocated in the plan, and as a result there was insufficient evidence to justify why alternative site options had not been included. Furthermore, the examiner considered that no cumulative assessment of the Neighbourhood Plan allocations in addition to those proposed to be allocated in the Council's emerging Local Plan. The examiner sought a proposed change to refer more closely to the site proposed for allocation in Breckland Council's emerging Local Plan. Since the Examiners report has been issued, additional information has been received in the form of a	Do not accept Examiner's recommendation. Reinstate Policy 3 with additional modification to criteria to read as follows: Development on sites LP(098)014 and LP(098)016 is to be in conjunction with site LP(098)13, and: a. Site LP(098)014 will include provision within the site for around 40 park car spaces to serve the school with a safe road crossing point and local improvements of Manns Lane to be agreed with the

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		Sustainability Appraisal addendum. This addendum considered the approach to site selection, carried out a cumulative assessment of the additional allocations in combination with the NPs allocations. As the examiner proposed deletion of the policy, he did not see fit to provide further comment on the wording. However, there are some further points of detail relating to the transport requirements that did not have sufficient evidence or justification. As such, some further modification of the text to improve the clarity and operation of the policy is necessary. In light of this new evidence, it is considered that the additional allocations are in broad conformity with the Local Plan, and with some further amendment to the wording Policy 3 meets the basic conditions.	Highways Authority; b. site LP(098)016 will be required to improve Hoe Road East to include provision for two-way traffic taking account of the requirements of the Cemetery on the north of the road to be agreed with the Highways Authority; c. the northern border of site LP(098)016 will be screened by hedging and landscaping and with any new dwellings positioned along this border being of a maximum height of 1.5 storeys; d. provision of a continuous vehicle, cycle and pedestrian access from Rectory Road to Manns Lane; and e. provision of a footpath and cycleway from Rectory Road to

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			Manns Lane. Amend supporting paragraphs to state:
			6.48 – Delete final sentence.
			Amend Map 6 to remove reference to 40no. Cars, remove reference to layby and traffic management gates. 6.53 - Delete paragraph. Renumber as appropriate.
PM8 Pages 42 - 44	Policy 4 (Housing for the Local Community (Local Lettings) The Policy and its supporting text at paragraphs 6.60 – 6.77, and related appendices 6 and 8 should be deleted in their entirety.	Having sought legal advice, the Council considers that the examiner could have concluded that the policy was a land-use policy. Notwithstanding this point, to be effective, the Council's own housing allocations policy would need to be amended to allow locally set approaches to be implemented. The Council's Housing Allocations	Do not accept Examiners recommendation. Amend Policy 4 to read as follows: In order to meet the housing needs of the parish, the plan seeks to ensure that eligible households with a local connection to the parish

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Paragraph No		policy has been amended including relevant consultation to provide the ability for the District Council to support the inclusion of Local Lettings Policies. As such, the principle of a Local Lettings Policy consistent with the Council's Housing Allocations policy is acceptable to the Council. Therefore, in light of this new fact the deletion of the policy would not be necessary to make the plan meet the basic conditions. However, in order to ensure the policy is effective, it would need to be modified to meet those conditions. As such, a modified policy is able to meet the basic conditions.	of Swanton Morley are given preference on first let in relation to up to 33% of new affordable housing for rent developed on the sites LP(098)014 and LP(098)016 being sites allocated by the neighbourhood plan over and above those already allocated by the local authority, A local connection is defined by one or more of the following; Households containing one or more individuals who have resided within Swanton Morley parish for the last three years Households who need to move to Swanton Morley Parish
			to give or receive support from or to a close family or relatives

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			who are residents of Swanton Morley • Households where one or more member has been employed within the parish of Swanton Morley for three years • Former residents of Swanton Morley parish who have lived in the parish for at least 3 years of the past 6 years.
			If at the time of letting there are no eligible household with a local connection, and/or the pool of eligible applicants with a local connection has been exhausted, allocations will be made in accordance with the local housing authority's prevailing housing allocation policy and associated district-wide local connection criteria.

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			The final percentage and mix of housing types will be determined by the local authority based on housing need in the area and taking into account any other relevant matters such as viability, deliverability and prevailing local and national policy. Matters of eligibility and priority will be determined in accordance with the prevailing housing allocations policy of the local housing authority.
PM9 Pages 45 - 46	Policy 5 (Affordable Housing on Exception Sites) Amend the first paragraph as follows: "Development of affordable housing on an exception site may will be permitted where it satisfies the requirements of relevant policies in Policy DC5 of the Core Strategy and Development Control Policies adopted local development plan and the following additional requirements:" Delete the first criterion a. and replace the second criterion with the following: "The allocation of dwellings should	The Council considers that the examiner's recommendations to amend the policy are necessary. The changes bring the policy into line with the criteria proposed for Policy 4 which the Council considers need not be deleted.	Accept recommendation.

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	be to those in housing need and with a connection to the Parish of Swanton Morley in accordance with the following cascade criteria: a. Residents of Swanton Morley Parish for the previous three years; b. Households with a local family connection; c. Former residents of Swanton Morley Parish including those who have had to leave the Parish due to a lack of suitable affordable housing; d. People with an employment connection to the Parish; e. Residents of adjacent parishes; f. Residents of Breckland District." Delete paragraph 6.81 of the supporting text.		
PM10 Pages 47 - 49	Policy 6 (Delivery of Planning Obligations) The Policy and its supporting text at paragraphs 6.86 – 6.101, and related Appendix 7 should be deleted in their entirety. Except paragraphs 6.95 - 6.96, which should be relocated in Section 7 as paragraphs 7.9.3 -7.9.4.	The Council has committed to supporting Town and Parish Councils who may become the receiving body for particular local infrastructure (such as open space, street lighting etc) to include appropriate mechanisms in Planning Legal agreements. As such, the principle of a policy that supports a cascade approach linking to this Breckland Council initiative is acceptable. However, the submitted wording of Policy 6 is not appropriate as the.	Do not accept examiner's recommendation. Reinstate supporting text paragraphs 6.86- 6.101. Reinstate Policy 6 with amended wording as follows: POLICY 6: Planning Obligations Where a planning obligation is required in relation to development proposals on land within

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		The Council has committed to reviewing its Statement of Community Involvement to set out how it will engage with all Town and Parish Council's, including understanding their community asks as part of seeking planning obligations.	the Neighbourhood Plan Area, the Applicant shall provide a supporting statement that identifies how their proposals take into account local community infrastructure requirements.
		An amended policy that reflects this position is capable of meeting the basic conditions and as such this recommendation is not supported.	Applicants are advised that early engagement with the Parish Council to seek local input to any such statement is encouraged.
PM11 Pages 52 - 54	Policy 7 (Local Green Space and Policy 8: Protection of Open Space) Delete item 3, Middleton Avenue. Amend the final sentence as follows: "Applications for development on the identified local green spaces, which would adversely affect their function, and essential open character as of designated open Local gGreen sSpaces will not be permitted unless very special circumstances can be demonstrated." Map 8 will require amendment to delete the area adjacent to Middleton Avenue.	The Council's representation at Regulation 16 stage in relation to land at Middleton Avenue was made at a time when the Council's aspirations for that land (which is in its ownership) was unresolved. Since those representations were made, the Council no longer considers that the land should be pursued for other uses.	Do not accept Examiners recommendation in full. Amend policy to reinstate item 3 land at Middleton Avenue, leaving map 8 unchanged. Include the examiners recommended change to the final sentence of
		Therefore, it is considered that this new fact indicates that the land at Middleton Avenue should not be	the policy. Retain row 3 at Appendix 2 – Table 8.

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		deleted from item 3 of the policy. However, the Council considers that the amendments to the final sentence of the Policy are necessary for it to meet the basic conditions.	
PM12 Pages 54 - 56	Policy 8 (Protection of Open Space) The Policy title amended to "Protection of Existing Open Space" The Policy should be amended as follows: "Proposals for development, which would result in the loss of part or all of an Area of Important Existing Open Space, as defined in Table 3 [Areas of Important Open Space within Swanton Morley] and Location Maps in Appendix 3, will not be permitted unless it can be demonstrated":" The following criteria should be added to the Policy: "a) An assessment has been undertaken which clearly shows the open space to be surplus to requirements; OR b) the loss resulting from the proposed development would be replaced by the equivalent provision in a suitable location; OR c) the development is for an alternative sports or recreation provision, the need for which clearly outweighs the loss of the existing open space". Paragraph 6.129 amended as follows: "See the location maps in Appendix 3 for specific details and locations of each of the Areas of Important Existing Open Space listed	The amendments to Policy 8 are considered appropriate and necessary for the plan to meet the basic conditions.	Accept recommendations.

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PM13 Pages 57 - 58	within Table 3." Table 3 amended, replacing "Important" with "Existing" in the title and by deleting references to the following items; "School Playing Field; Mill Common; Burgh Common; Little Common; North Avenue Play Area; Edwards Close Play Area." Appendix 3 will require amendment to delete maps of those sites which are not included in the revised list of Existing Open Spaces: Burgh Common, Little Common, Mill Common, School Playing Field, North Avenue Play Area and Edwards Close Play Area. Policy 9 (Management of Open Space) The Policy and its supporting text at paragraphs 6.134 – 6.140 should be deleted in their entirety.	The aims of this policy that seeks to recognise a cascade approach to the management of particular	Accept recommendation.
	0.140 Should be deleted in their entirety.	forms of infrastructure (particularly open space) have been captured in the revised policy 6, therefore, the recommendation to delete this policy is recognised.	
PM14 Page 61	Policy 10 (Important Views) Amend the Policy as follows: Delete the first paragraph and replace the second paragraph with the following: "All development proposals having a significant visual impact on those parts of the River Wensum Valley and Castle Farm Valley Floor within the Parish boundary must maintain and protect important views from the following public places identified on Map 9: Primrose Hill; The Churchyard; The Bowling Green and Worthing Road." Amend Map 9, supporting the Policy, by delineating the	This change in wording is necessary to ensure the effective operation of the policy	Accept recommendation.

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	areas of the River Wensum Valley and Castle Farm Valley Floor and identifying the extremities of the area within the Parish boundary to which the Policy will be applied by reference to the Worthing Road and Elsing Road.		
PM15 Page 65	Policy 11 (Accessibility and Biodiversity) Amend the second paragraph as follows: "All new development should maximise opportunities to enhance connectivity the existing local green infrastructure and, where possible, create network links to encourage the use of existing footpath and cycleway links to the wider parish and countryside."	Amendments are considered appropriate in order for it to be in broad conformity with the Local Plan.	Accept recommendation.
PM16 Page 68	Policy 12 (The Design of Development) Amend the first sentence as follows: "New development, including infill development and residential extensions, should preserve and enhance respect and, where possible, enhance the character of the village" Divide the first Criterion into two parts as follows: "1) Respecting and protecting local heritage assets and their settings; 2) Protecting natural assets, enhancing the natural environment and biodiversity;" Amend Criterion 11 as follows: "New residential development should provide sufficient private external amenity space appropriate to the size and type of dwelling, and refuse and recycling storage facilities; Criterion 13 should be amended by the addition of the following at the end of the sentence: "Where a need for mitigation is identified within the foul sewerage network, any foul drainage solution to be implemented	The examiners recommended changes in order to improve the clarity and precision of the policy and thereby ensure it meets the basic conditions. It is considered that his proposed changes meet these aims and are supported.	Accept recommendation.

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	prior to the development being occupied." There is an error in the first sentence of the Criterion which should be corrected: "to undertaken a sewage capacity assessment." Insert new paragraph following paragraph 6.176 as follows: "Swanton Morley Parish Council is the relevant authority for street lighting and for the footpath lights which it owns. Therefore Criterion 12 has been included in the Policy to ensure street lighting provided as part of new developments meets the Parish's configuration and standard."		
PM17 Pages 69 - 70	Policy 13 (Parking) Delete the Policy and its supporting text at paragraphs 6.182 – 6.190.	The examiner considered the policy and found it to be inconsistent with existing policies in the development plan and in conflict with the approach to sustainable development in the NPPF. Therefore, it is considered that his recommendation to delete this policy is appropriate.	Accept recommendation.
PM18 Pages 72 - 73	Policy 14 (Flooding) Amend the first paragraph as follows: "Any Proposals for new development of more than 1 hectare (residential or commercial) or significant alteration to an existing building within the Swanton Morley area should be accompanied by an appropriate flood risk assessment Insert "to" in the first sentence of paragraph 2 as follows: "to incorporate appropriate mitigation measures to manage flood risk".	The examiner has provided a detailed assessment of the policy, and has concluded that with revision, the policy is capable of being amended to meet the basic conditions.	Accept recommendation.

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	Delete bullet 3 in the first paragraph: "Any water drainage solution to be implemented prior to any occupation." Delete bullet 2 in the second paragraph: "Where appropriate undertake sequential and/or exception tests;" Amend bullet 5 in the second paragraph as follows: "Inclusion of a Sustainable Drainage System (SuDS) with an appropriate discharge location, subject to feasibility"		
PM19 Pages 75 and 78	Policy 15 (15 Housing Mix) Replace the first sentence and bullet points of the Policy with the following: "New developments of more than 10 dwellings should provide a mix of dwelling sizes to meet local need, as evidenced by the latest published Strategic Housing Market Assessment. Delete paragraph 6.205.	The examiner considered that the policy as drafted did not conform to the mix set out in the Central Norfolk Strategic Housing Market Assessment. National Planning Practice Guidance (NPPG) states "establishing future need for housing is not an exact science; no single approach will provide a definitive answer". Furthermore, the Planning Advisory Service (PAS) guidance "Objectively Assessed Need and Housing Targets also states that "Whilst in general local planning authorities are strongly recommended to use the standard methodology set out in the guidance (i.e. SHMA),	Do not accept recommendation, and amend Policy 15 to read as follows: New Developments of more than ten dwellings should (where supported by an appropriate evidence base as determined by the local authority) provide a mix of dwelling sizes, in both market and affordable, that fall broadly within the following specified mix. Mix: 1-

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		departure from that may be justified in terms of specific local circumstances. Therefore, the Council considers that the local evidence provided provides justification for a local policy.	bedroom dwellings: range 10% to 15% of all dwellings • 2- bedroom dwellings: range 25% to 30% of all dwellings
		However, the Examiner's removal of the range guidance in the policy could have been maintained with some alternative modifications to meet the basic conditions. These include changes to policy wording to make the policy less restrictive, as well as reflecting the consideration of other evidence by	3- bedroom dwellings: range 30% to 40% of all dwellings 4- bedroom and larger dwellings: range 15% to 20% of all dwellings
		the Local Authority in agreeing the mix of housing. The Examiner also considered that the lack of regard to viability affected his ability to conclude that the submitted policy met the basic conditions but did not provide a	Developments that wish to provide a higher percentage of 1 and 2 bedroom dwellings in lieu of larger (3 plus bedroom dwellings) will be welcomed.
		modification to address this point notwithstanding a representation made at Reg 16 on this point. The Council considers that in light of the above that alternative	The final mix of housing types will be determined by the local authority based on appropriate up to date housing need evidence as determined

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		amendments could be made to the policy so that it meets the basic conditions.	by the local authority and taking into account other relevant matters such as viability, deliverability and prevailing local and national policy. Delete first sentence of paragraph 6.205.
PM20 Page 82	Policy 17 (Employment and Local Shops) Amend the first part of the Policy to read as follows: "The Swanton Morley Neighbourhood Plan supports planning applications that seek the creation of employment opportunities in new small commercial and office units that fit within the are compatible with their immediate surroundings,"	The change was considered necessary to improve the clarity of the policy in response to representations at Regulation 16 stage.	Accept recommendation.
PM21 Page 85	Policy 18 (Additional Community Facilities) Amend the first paragraph by deleting the following: "especially parking near the school," And by deleting the first occurrence of the word "additional" in the second sentence as follows: "to ensure that additional provision of additional local facilities"	The examiner concluded that the provision of additional school parking as, in effect, the most important additional facility is unjustified and unsupported by substantive evidence. It is considered that this modification is necessary in order to meet the basic conditions.	Accept recommendation.
PM22 Page 87	Policy 19 (Traffic Impact) Delete the first paragraph and amend the first part of the second paragraph as follows: "New developments that	The examiner concluded that the policy requirement for a Transport Assessment for all developments	Accept recommendation.

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	generate a significant amount of traffic They will also be expected to assess the impact of traffic generated by the proposals and include appropriate and proportionate measures to mitigate any significant negative impacts on"	of 10 or more dwellings was not general conformity with local planning policy, or to have had regard to national advice. The supporting text at paragraphs 6.260 - 6.264 in his view did not provide sufficient evidence to support a significant departure from local policy and guidance. Therefore, it is considered this modification is necessary to meet the basic conditions.	
PM23 Page 24	Objectives Replace the reference to "historical assets" in Objective (c) with "heritage assets"; Delete Objective (d).	Examiner has considered the need to update objective C) to refer to appropriate terminology used in national policy. This is considered appropriate and necessary for the plan to meet the basic conditions. In light of the Council's consideration of Examiners recommendation PM8, as objective d) is the objective from which Policy 4 then flows, as the proposal is not to accept this recommendation it follows that objective d) should remain in the plan to provide the link between plan objective and policy.	Accept recommendation in part, relating to amending the wording of objective c). Do not accept remainder of recommendation and therefore reinstate objective d).
Appendices	Appendices 6 and 8 deleted as shown in proposed	This modification is a necessary	Accept

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	modification PM8.	result of agreeing to accept PM8	recommendation.
	Appendix 7 deleted as shown in proposed modification	This modification is a necessary	Accept
	PM10.	result of agreeing to accept PM10.	recommendation.