

**Comments in blue are from the Swaffham Neighbourhood Plan steering group in response to the Examiner's Clarification Note, February 2019**

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## **Swaffham Neighbourhood Development Plan**

### **Examiner's Clarification Note**

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

#### ***Initial Comments***

The Plan provides a distinctive vision for the neighbourhood area. In particular it addresses a series of key issues in a positive fashion.

The layout and presentation of the Plan is excellent. The difference between the policies and the supporting text is very clear. The maps are generally very effective. The use of colour and photographs is very impressive.

#### ***Points for Clarification***

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with the Town Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

#### ***General policy wording***

Most of the policies use 'supported' in describing how the Plan will respond to positive development proposals. However, some use 'encouraged'. Plainly the former has a stronger policy application and rigour than the latter.

Was the use of 'encouraged' in the policies concerned a considered decision?

Otherwise I am minded to recommend that the language used in those policies is modified to 'supported'. Does the Town Council have any comments on this suggestion?

- Happy for 'encouraged' to be changed to 'supported' where appropriate, particularly where it would strengthen the policy.

#### ***Policy HBE1***

The purpose of the first part of the policy is unclear. Does it intend to relate to the distribution/delivery of housing sites allocated in the emerging Local Plan? If this is the case does the Local Plan already achieve the intended objective?

- The policy is intended to build on the allocations in the emerging Local Plan. At the time of writing there was uncertainty on details of the Local Plan, as the NP was in front of it. The NP intentionally goes beyond the timescale of the Local Plan to 2039.

- The policy intends to not elongate the town further in the future. Could be reworded to say 'preference for east and west'.
- The NP is not looking to challenge any of the allocated sites in the Local Plan.

In the second part of the policy how would new development take account of a potential north/south relief road which is not shown in the Plan?

- This was the strongest single issue that emerged through consultation. Whilst it is not funded or committed at this point, it is likely that progress on its delivery will be made during the Plan period. It is important that development does not prejudice the potential for the north/south relief road.
- Although current allocations would not necessarily prevent a relief road, future speculative applications may have an impact on deliverability.
- The Neighbourhood Plan steering group deliberately did not go down the line of identifying a route for the relief road within the Plan, as this may cause planning blight.

Is the potential road funded and/or committed in a capital programme?

- No. A meeting between the Swaffham Transport Group and Norfolk County Council Highways on 11<sup>th</sup> February 2019 reported that there is currently no funding available for a feasibility study on the route for a relief road. However, a Norfolk County Council Automatic Number Plate Recognition study suggested that a westward route would be preferable.

#### *HBE2-4*

These policies are very well configured.

#### *TRA policies*

I am satisfied in general terms that TRA 1 and 3-6 are land use policies.

TRA2 however reads as a non-land use policy. It will be delivered through the Highways Acts. As such I am proposing to recommend that it is repositioned to sit as a community action in a separate part of the Plan.

Does the Town Council have any comments on this suggestion?

- This is the second biggest issue that came through consultation. Could be a project, but for any significant development, there should be consideration to traffic flow. Policy would have more weight than a community action project. Felt that improvements would more likely be provided by a developer, if they are obliged to do through policy (section 38).

#### *Policy ENV1*

As submitted, this read as a series of priorities rather than as a policy.

Are you content for me to recommend modifications so that it reads as a policy which would have an effect through the development management process?

- Yes, we are keen for this to stay as a policy.

#### *Policy ENV4*

Can the views be shown on a map?

- Views are attributed to the photos on the following page. Could show arrows as cones instead. Example map below (from another NP). Would this be clearer?



The opening part of the policy has been drafted in an unusual fashion. The way I read the policy is that the Plan has identified important public views and vistas. New development proposals will be supported where they do not adversely impact on the views concerned.

Is this correct?

- Yes this is correct. Could be reworded to be clearer, 'Development within the following views and vistas will only be supported where there is no adverse impact on the landscape or character of the area...'

#### *Policy ENV6*

I looked at several of the proposed local spaces when I visited the neighbourhood area. I could see that they had been well-selected.

The proposed LGS 13 (the Junior School Academy playing field), and as shown in Figure 19, did not appear to correspond exactly with what I saw on site when viewed from the main road. This is confirmed on internet maps. Is the car parking to the immediate west of the main road relatively new? Does the Town Council consider that the hard playing surface to the immediate south of the school should be LGS?

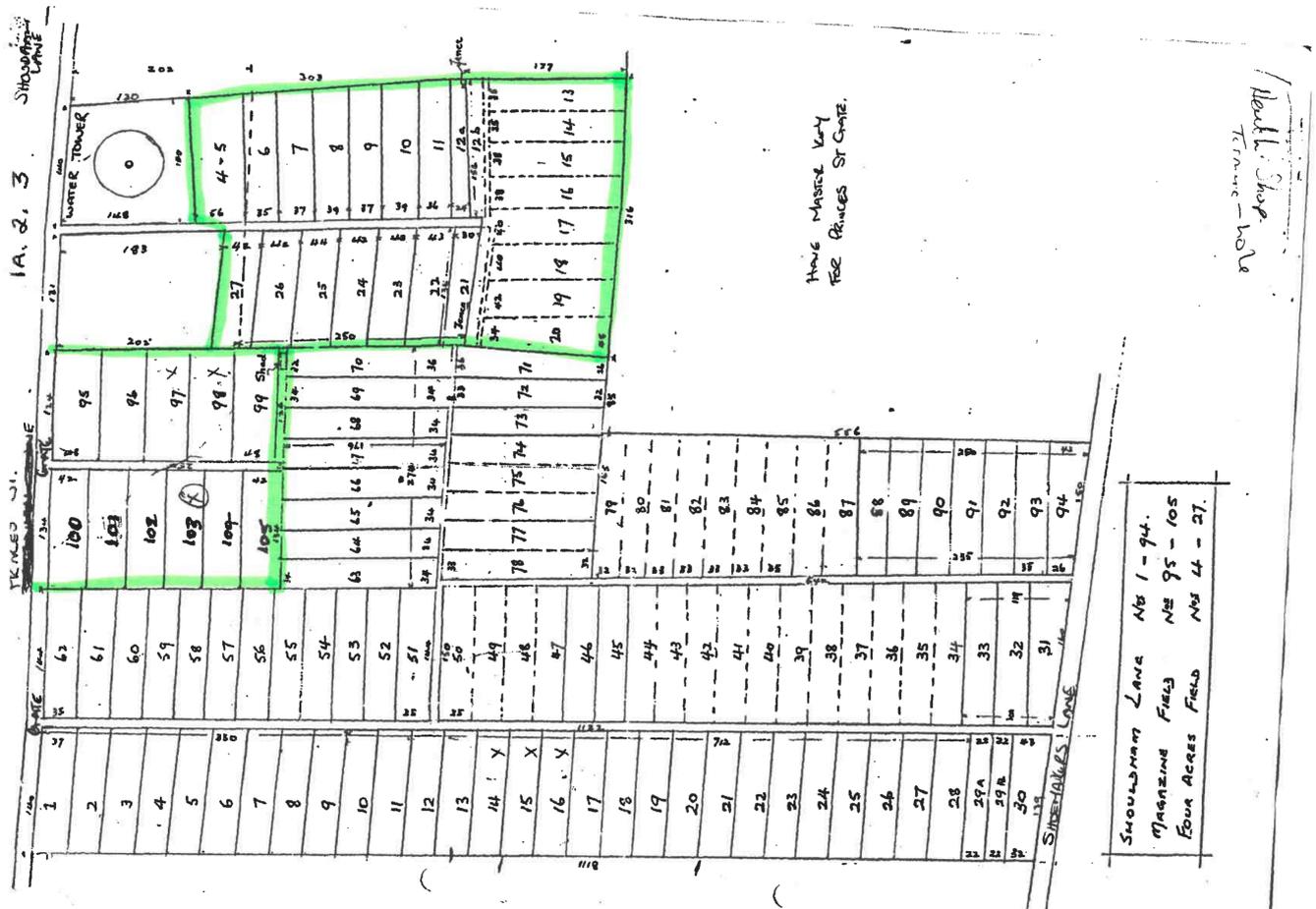
- Accepted point, this needs modifying to exclude car park of LGS13. Map to be redrawn
- Error, top right hand number 8 should not be there (it is a Breckland open space)
- Number 6, questioned by Breckland, has been justified in the appendix

The final part of the policy offers considerably more scope for future development on the proposed LGSs than that envisaged in paragraph 78 of the NPPF (2012). I am proposing to recommend that the flexibility envisaged by the policy (for community and environmental works) is better represented in the supporting text. The policy element would then be the matter of fact approach in the NPPF. Do you have any comments on this proposition?

- Would support this approach

I can see from Figure 19 and Appendix H that the various parcels of land are relatively modest in scale. However, what are the sizes of proposed LGSs 7/8/9 (the three sets of allotments) and 14 (The Nicholas Hamond Academy playing field)?

- 7, 8 and 9 collectively are approximately 7 acres, however they are 3 separate sets of allotments and are not protected in the Breckland Local Plan. Could separate them on the map with black lines. They are in Town Council ownership. See map below.



- 14 is quite large, but is not protected in any other form and is surrounded by development

To what extent were the owners of the various proposed LGSs notified on the Plan's intentions during the plan-making process in accordance with national policy (PPG 37-019-20140306)?

- The Town Council wrote to each of the landowners on 13<sup>th</sup> September 2018 (email available on request)

Policy BUS1

I understand the purpose behind the policy. However how does the Plan anticipate that the outcomes of any planning applications for the two types of business activity identified would be any different than that for other planning applications for B1/B2/B8 uses?

- This is about a preference, should there be competition for a site. Change 'encourage' to 'supported'.

#### *Policy BUS3*

Would this policy primarily have effect in the areas covered by the emerging Local Plan allocations?

- Yes, or others that may emerge during the Plan period.

If so, on what basis does the policy offer particular support to the allocations to the south of the town centre?

- No, this does not offer particular support one way or another. This is about the location of development in relation to the town centre and the services that are needed

#### *Policy BUS4*

How would the 'first preference' in the second part of the policy work through the development management function?

- First paragraph, change 'encouraged' to 'supported'
- Could remove second paragraph, doesn't lose much.

Is the implication of the policy that other alternative uses would not be supported?

- No, but would need good justification

#### *Policy COM3*

The second paragraph seeks to resist the loss of community amenities.

How would an owner of such an amenity be aware that the building concerned was a community amenity and to which the policy would apply? Paragraph 6.5.13 suggests that some work has been undertaken on this point.

- Could put in a definition of community buildings as follows: 'Community Buildings is a wide ranging definition that relates to buildings that are available for use by the general public. They generally fall within the Use Class D1 non-residential uses and include, clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres.

### **Representations**

Does the Town Council have any comments on the following representations made to the Plan?

- Don Hoey (3.01/3.02/3.05)
  - 3.01: This was the strongest single issue that emerged through consultation. Whilst it is not funded or committed at this point, it is likely that progress on its delivery will be made during the Plan period. It is important that development

- does not prejudice the potential for the north/south relief road. The wording in the policy may have a positive influence
- 3.02: Route of the existing pipeline is well known and established. Any proposals for use of land for development that will be on or near the pipeline will be covered by planning policy and building regulations. No further comments to be made. Refer to 04/01 'Wood PLC on behalf of National Grid' comment.
  - 3.05: This could be demonstrated through viability. First paragraph, change 'encouraged' to 'supported'. Could remove second paragraph, doesn't lose much.
- Breckland Council (HBE1/TRA1/TRA2/TRA4/ENV2/ENV6)
    - HBE1: This was the strongest single issue that emerged through consultation. Progress on the scheme is expected during the Plan period. The policy will give indicative guidance to anyone responsible for drawing up the scheme
    - TRA1: As above. The Town Council are actively working on this through the newly formed Transport Group
    - TRA2: This is the second biggest issue that came through consultation. Could be a project (see above comments)
    - TRA4: The first paragraph is about appropriate parking for the intended use. The provision list i and ii is about ensuring that there is enough parking for the number of bedrooms in a dwelling. Again, this came through strongly in consultation. Could remove i.
    - ENV2: The policy does not make all of Swaffham suitable for wind energy, as this would have an impact on landscape character.
    - ENV6: The policy references those in the Local Plan, as there has been on-going confusion with residents where we have not included them in the list of Local Green Spaces as they assume that they are then missing. Having them at the beginning of the policy removes confusion for the reader. Needs checking with Breckland (see maps at the end of this document).

Does the Town Council have comments on any of the other representations made to the Plan?

- Remove error in appendix re Local Green Space
- All maps that show areas outside the Neighbourhood Plan area show context
- NPPF – the NP was submitted before 24<sup>th</sup> January, which was the cut off for referencing the original NPPF.

### ***Protocol for responses***

I would be grateful for responses and the information requested by 22 February 2019. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Swaffham Neighbourhood Development Plan.

8 February 2019

