

## Swaffham Neighbourhood Plan

### Submission Plan - Regulation 16 Consultation includes comments on the Sustainability Appraisal , Basic Conditions Statement and Consultation Statement

**From: Breckland District Council**

The Council welcomes the production of the Swaffham Neighbourhood Plan and the well-presented format of the document. The Council’s comments are intended to ensure that the final Neighbourhood Plan not only meets the Basic Conditions, but is an effective document for daily use when planning applications in the Neighbourhood Area are being considered. Therefore, whilst the schedule below includes a number of comments, we hope that these will help to further refine the document.

In bringing together these comments, while we note that a number of the previous comments that the Council has made have been changed, there are still a number of policy comments that we would like to see addressed in the final plan. As such, these have been included again for the independent examiner to consider.

<b>Page and Policy/ Paragraph No</b>	<b>Comment</b>	<b>Justification</b>	<b>Suggested Amendment</b>
General	While this is generally a very well presented document, it would be beneficial to list all the individual policies and their page numbers.	Makes it easier for the document to be used.	As advised for good practice.
p4, para 1.1	As previously mentioned, we would prefer the plan to have the same dates as the Local Plan (LP) as this is considered to be a conformity issue and this will assist with monitoring. Also the Plan Area was designated in 2016.	Issue of conflict between development plans is a strategic conformity issue. Para 074, PPG on Neighbourhood Planning. Also see Examiners Report for Swanton Morley p11, para 4.7-8.	Amend all references to ‘ 2016-2037’ to ‘2016-3036’.
p6, Figure 1 Map	The key is missing and it shows more than the Swaffham NP area boundary which means it will not meet the requirement of the regulations.	Para 15 a) The Neighbourhood Planning (General) Regulations 2012 (as amended) requires “a map ... which identifies the area to which the neighbourhood development plan relates”.	Amend as advised.
p7, para 2.4	We previously advised that sources should be provided	“The preparation and review of all	Provide evidence sources.

	for the info in this paragraph. The Consultation Statement indicates that this will be done, but this has not been included.	<i>policies should be underpinned by relevant and up-to-date evidence</i> ". Evidence - Para 31 NPPF (2018).	
	<b>6.1 HOUSING AND THE BUILT ENVIRONMENT</b>		
p18, Paragraph 6.1.1	There is a more appropriate reference for defining development in planning legislation.	Definition of development for planning is set out at Section 55 of the Town and Country Planning Act 1990 (as amended).	As advised.
p18, Paragraph 6.1.2	This paragraph is now out of date. The Pre-submission version of the Local Plan (August 2017) sets out a different requirement for dwellings in Swaffham. This information will need to be amended.	To ensure the Neighbourhood plan is in conformity with strategic policies of the Local Plan.	Amend to be consistent with the requirements of Local Plan Policy HOU02 of 600 units for Swaffham.
p19, Figure 7 LP Map	Although a newer map has now included, the key is now missing from an early version of the plan (Consultation Statement is incorrect on this issue). Also needs to be larger to be able to read (seems to have been reduced in size).	Clarity	Amend as advised.
p19, para 6.1.7	4 <sup>th</sup> sentence -2km seems rather excessive for retail walking – what is the source of evidence for this? Guidance has been provided, but has not been used. Also reference to para 38 of the NPPF needs to be amended to reflect the revised 2018 NPPF.	Evidence - Para 31 NPPF (2018). See research on issue e.g. Guidelines for Providing Journeys on Foot (2000) p49, Table 3.2 & Table 4.2	Amend as per guidance. Also substitute reference to paragraph 38 e.g. paragraph 103 of revised NPPF.
p20, HBE1: Location of development – <i>Also see comments re p32, TRA1.</i>	It is still not clear what type of development this policy is intended to apply to as the plan is not proposing to allocate sites. If it was intending to do this, there would need to be a clear assessment that showed why certain land around the town was deemed to be preferential for development. If not, it would be better converted into a community action project due to the insufficient evidence to currently justify this. Potential growth areas could be	Evidence - Para 41 NPPF (2018).	Amend to clarify what development it is expected to apply to.

	shown on a map (these could be displayed as arrows to avoid being confused with land allocations).		
	Last sentence - also see comments re p32, TRA1: Traffic volume re relief road.		
p21, para 6.1.10	On checking the source, the salary figure quoted appears to be based on only 7 submissions. Even the Norfolk source seems to be fewer than 50.	Evidence - Para 31 NPPF (2018). A more reliable source such as the Annual Survey of Hours and Earnings ASHE should be used.	Amend source.
p21 HEB2: Mixed housing	iv. Life-time homes have an impact upon the viability of a scheme (see Policy HOU 10 in the emerging local plan under Market Housing) and is already addressed by the building Regs under M4(2).	<i>"not undermining the deliverability of the plan"</i> , para 34, NPPF (2018).	Suggest the policy is deleted as this already addressed by the building regulations.
	iv. Footnote 12 – the source of the footnote is missing	Evidence - Para 31 NPPF (2018).	Include source of quote.
	Last sentence - this still needs to identify why the % of affordable should be higher than the Local Plan. Whilst a greater percentage of affordable housing may be encouraged, without evidence of viability and deliverability it is unlikely to be achieved.	Consider if this is just an aspiration in which case leave unchanged; if a percentage greater than 25% is genuinely justified and viable then amend to reflect this and supply viability evidence e.g. a Local Housing Needs Assessment.	Include evidence to justify the required amount of affordable housing and the evidence for this.
	iv. Although there is now a reference for such development to have fast internet connection, as identified under BUS6, the way it is phrased needs amending.	Clarity	<i>'vi. Have fFast internet connections.'</i>
p26, HBE4: Attractive town Centre and Conservation Area	This should make reference to <b>preserving and</b> enhancing.	To meet the requirement of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	As advised.
	i. & ii. These have viability implications, which still have not been addressed and treats the town centre in the same way as the conservation area, although they have different boundaries. Also this does not reflect national	Plan deliverability - para 34 NPPF (2018). Also national guidance refers to high quality places rather than materials. E.g. para 91 b), 96, 102 e)	Amend as advised.

	policy as there is an emphasis for making places well-designed, rather than using high quality materials, which also will have viability implications.	etc.	
p26, para 6.1.20	1 <sup>st</sup> sentence is in conflict with the 2 <sup>nd</sup> one e.g. the latter states this list is for local planning authorities to produce, but it is being included in this Neighbourhood Plan. Also the text refers to the Breckland list of non-designated heritage assets. However Breckland does not have a list of non-designated heritage assets / local list, therefore this reference needs to be removed.	Clarity - Para 41 NPPF (2018).  Accuracy	The situation needs clarifying.  Remove the inaccurate wording.
p27, Figure 10 & 11 Maps	Consultation Statement indicates that the maps will be enlarged in response to our comments, but this has not happened.	Clarity it is very difficult to read the keys.	Amend as advised.
p28, HBE5 Non-designated heritage assets	For 1. Railway complex, it would be useful to cross refer to Appendix E. Also for 6. WW2 military defences add ' pill boxes' at the end, to be consistent with the rest of the plan and make reference to Appendix F.	Clarity	As advised and add Appendix references to either the policy or text (6.1.20).
	Consultation Statement indicates that ' <i>all the railway assets</i> ' will be added into the list, but they have not been.	Clarity – also see comments re Appendix D.	Amend as advised.
p28/9, para 6.1.21	2 <sup>nd</sup> sentence – reference to Figure 7 is misleading as it shows housing allocations, not development gateways. 3 <sup>rd</sup> /4 <sup>th</sup> sentence - does not make sense as 'The Brecks' have not been referred to in this paragraph.	Clarity.	2nd sentence – replace ' <i>development gateways</i> ' with ' <i>housing allocations</i> '. 3 <sup>rd</sup> /4th sentence -" ... <i>but also the adjacent countryside, including the Brecks. "Further reference to the significance of The Brecks is found at the start of in-the chapter 6.3".</i>
p29, HBE6: Entrances and gateways to	1 <sup>st</sup> sentence - It may not always be possible for new development to enhance the visual approach or gateway to Swaffham, and would not necessarily be a reason to	Does not meet the requirements of NPPF (2018) re flexibility (para 11a d).	"New development located at the town entrances <del>must</del> <b>should</b> , <b>wherever possible</b> , enhance the

Swaffham	refuse the development.		<i>visual approach or gateway to Swaffham....”.</i>
	v. The Consultation Statement makes reference to Character Area Assessment in Appendix B, but this has not been included in either the text or policy.	Clarity - Para 41 NPPF (2018).	Add reference to Appendix B in the text or policy.
p29, HBE6: Entrances and gateways to Swaffham	2 <sup>nd</sup> para, 2 <sup>nd</sup> sentence <i>“Approaches should maintain visual connections with the countryside and The Brecks”.</i> ‘The Brecks’ reference on ‘approaches’ could only be made to the south and west of the town and it therefore needs to be made clear where it applies e.g. a map would be useful. N.B. The Consultation Statement incorrectly states that a map of the Brecks is not available, but a link has been provided showing its area.	Clarity - Para 41 NPPF (2018). See <a href="http://publications.naturalengland.org.uk/file/5556928761561088">http://publications.naturalengland.org.uk/file/5556928761561088</a> for Brecks map. Also reference to Brecklands Fringe Landscape character assessment would be useful, which address the quality of the landscape in the local area.	Amend as advised.
	<b>6.2 TRANSPORT AND ACCESS</b>		
p32, TRA1: Traffic volume	Last sentence - while we understand the concerns regarding a relief road, this does not address how this could be supported e.g. the allocation of new housing – also see comments re HBE1. The Town Council will continue to need to work with partners including both the District and County Council to progress evidence to understand the need for any relief road, and if so, how this might be supported. Until then it is premature to reference it in policy text and would be better as a Community Action policy due to the current lack of evidence.	Evidence - Para 31 NPPF (2018).	Amend as advised.
p34, TRA2: Traffic flow	1 <sup>st</sup> sentence is a statement not policy - it would be better as a Community Action policy. The Policy does not develop the emerging Local Plan policies (e.g. TR 02) unless it identifies areas of road network improvements.	Clarity- Para 41 NPPF (2018).	Amend as advised.
	2 <sup>nd</sup> paragraph - bus companies dislike bus pull ins as it slows down vehicles re-entering traffic flow. Also, some		

	forms of transport intervention may exacerbate air quality (i.e. mini roundabouts as some maybe confused when to go).		
p35, Figure 14 Map	The key for the Parish boundary is missing. Also map should not include public rights of way that lie outside the Neighbourhood designated area, as the plan has no role outside this are and should be removed.	Clarity	Amend as advised.
p36, TRA4: Private Parking	The Local Plan already has parking standards and there is no evidence to justify a different approach. Therefore this wording is too weak to make a change to this or implement e.g. what does 'sufficient' mean in implementation terms? As previously advised, this repeats some policies within the emerging Local Plan, but there are some new areas – would be better to refer to the relevant LP policy and develop what is not included e.g. on street parking & electrical charging	Evidence - Para 31 NPPF (2018).	Such evidence could cross referring to the Local Plan parking standards.
p37, TRA5: Public parking	As currently worded this is a statement not planning policy and more detail is needed in order to guide this type of development.	Clarity - Para 41 NPPF (2018).	Amend as advised.
	As previously raised, we agree that day long parking does cause a blockage and churn is needed. Rather than provision of additional parking outside the town centre the plan hasn't considered enforcement as a way of creating churn and designating some car parks as short term and some as long term. Where does the plan propose new parking should be outside of the town? Which sites does the plan propose and are the land owners in agreement? Also how will that parking be managed and monitored? Is it expected to be by the public or private sector? How will commuters and visitors access the town centre if parking is outside the	Lacks evidence for additional out of town parking - Para 31 NPPF (2018). Also this approach is not considered to be an example of sustainable development- Para 7 NPPF (2018). Breckland Council is aiming to work with Attleborough and Swaffham Town Councils to pilot local parking enforcement in relation to car parking.	Evidence is required to retain this policy.

	town centre, particularly if it is a distance from the town centre?		
	<b>6.3 ENVIRONMENT AND LANDSCAPE</b>		
p40 Figure 15 Map	The Consultation Statement indicates this has been changed in response to our comments, but this has not happened.	Clarity - Para 41 NPPF (2018).	Amend as advised.
p40 ENV1: Air pollution	What is trying to be achieved in the policy that the Local Air Quality Action Plan is not achieving? Or is it trying to provide weight to the document in planning terms, if so this link needs to be made.	Clarity - Para 41 NPPF (2018).	Amend as advised.
p40, ENV1	Criterion ii. requires significant tree planting for all developments. This may not always be possible and would have a financial implication on a development. Criterion iii. requires major development to contribute to improving air quality. It may not be possible for all new development to improve air quality; however they should be required to not make the situation worse.	To ensure the policy confirms to paragraph 34 of the NPPF: “... <i>not undermine the deliverability of the plan ...</i> ”.	Amend policy in relation to criteria ii. to add at end of the sentence <b>‘where possible’</b> . Revise criteria iii. “ <i>All major development should demonstrate how they will <del>contribute to improving</del> poor air quality <b>not worsen air quality and seek to make improvements where possible</b>”.</i>
p41, ENV2: Climate change	As set out in previously, the policy references support for wind energy. Wind turbines can only be developed in areas defined as suitable for wind energy within a development plan. This policy would make all of Swaffham suitable for wind turbines to occur as the Breckland Local Plan has not designated any areas. If the parish wish to designate the whole area as suitable for wind energy development, they should also include other policy criteria, such as consideration of the impact of shadow flicker, as well as considering the impact of tall structures and effect of such development on skylines and long views.	To ensure the policy is effective and does not cause impact on the amenity of residents. Paragraph 154 b) and footnote 49 NPPF. Breckland District Landscape Character Assessment (May 2017) identifies tall structures “... <i>which could interrupt the open character of the landscape</i> ” (E6.23). Also in terms of development considerations, bullet points 5 & 6 (p288).	Amend the final paragraph of the policy to reference developments for wind not impacting amenity. Should include a reference to shadow flicker.

Page 42, ENV3: Localised flooding	The final sentence states that SUDs cannot be used to meet the requirements for public open space or play areas. As previously advised, a modification is proposed to emerging Local Plan policy ENV04 which would allow dual use of SUDs. Fields in Trust (who provide benchmark standards for Open Space in England, to which the Breckland evidence base seeks to conform) allow the multi-functionality of spaces including SUDs to occur. It will be necessary to consider this further through the planning application stage, and there may be instances where multi-functionality isn't appropriate however it should not be entirely ruled out within the policy.	To ensure conformity with the emerging Local Plan Policy ENV04.	Remove final sentence.
p44, ENV4	It is welcomed that this is a positively worded policy. However, the policy could be re-phrased to improve its clarity.	Clarity - Para 41 NPPF (2018).	<del>“Any development within the following views and vistas that does not adversely impact upon the landscape or character of the area will be supported are recognised as of particular community importance:</del> [Insert Views 1-6] <b>New development should seek opportunities to preserve, or wherever possible, enhance the views of particular community importance.</b> [Retain final sentence]
p46, Figure 19 Map	The site at Admiral Wilson Way (Site 5) appears to be much larger than the play area, and cover houses, this should be amended.	Clarity	Amend as advised.
p45, para 6.3.12 & p47, ENV6: Designated Local Green Space	1 <sup>st</sup> sentence – It is still not clear why a policy titled ‘Designated Local Green Space’, includes a list of Breckland Local Plan ‘open space’ areas, which are a different designation. It would make more sense to	To ensure conformity with the Local Plan (and a requirement of the Basic Conditions). Also Clarity - Para 41 NPPF (2018).	Move first part of policy: <i>“In addition to those listed in the Breckland Local Plan (Campingland, Orford Road playing</i>



	include this information in the supporting text.		<i>field, Football Club, Cricket Club, Rugby Club, cemeteries and burial ground, Haspalls Road recreation ground.)” to para 6.3.12.</i>
	We remain concerned over the community consultation regard the list of Local Green Spaces. The Consultation Statement is incorrect to state that all landowners have been consulted. As landowner, Breckland Council was not notified about the proposed designation of site 6 as Local Green Space. Before the Council agree to this designation we need to understand its justification and criteria for a NP Local Green Space designation.	Involving landowners, para 048 PPG on Neighbourhood Planning N.B Breckland District Council was not specifically consulted on this issue.	Clarification about the landowner’s view of the designation.
	<b>6.4 BUSINESS AND EMPLOYMENT</b>		
p49, Figure 20 Map	The Consultation Statement indicates this has been changed as a result of our comments, but this has not happened.	Clarity	Amend as advised.
p50/1, BUS 1: Green Credentials and BUS 2: New Businesses	The reference to a green cluster is noted, but it is not clear what is being proposed; an opportunity to attract specialist companies e.g. working in the clean tech or just friendly companies.	To strengthen Swaffham’s local economy.	Clarify the approach being taken in the text, especially the linkages to economic development.
p51, BUS2: New Businesses	1 <sup>st</sup> section- still needs to see the evidence for why this list (which is identical to the Mattishall NP) is appropriate to Swaffham? Have the range of business types and sizes in the policy come as a result of economic analysis of the grow needs of the town? 2 <sup>nd</sup> section re ‘character of Swaffham’ - reference to Appendix B Swaffham character assessment needs to be made to allow an assessment to be made.	Evidence - Para 31 NPPF (2018).	Provide both qualitative & quantitative evidence for the actual type of facilities to be supported.  Add reference to Appendix B in the text or policy.
p51, BUS3	Such development would have to have regard to Local Plan policy concerning retail development.	See Local Plan Policy EC 05 Town Centre and Retail Strategy, which requires an impact assessment for retail, leisure and/or office schemes	To be taken account of within the policy.

		of 500 sq. m gross and over in Swaffham.	
	<b>6.5 COMMUNITY AND SERVICES</b>		
p58, COM01: Sports and leisure facilities	Final sentence makes reference to para 38 of the NPPF. This now needs to be amended to reflect the revised 2018 NPPF.	Accuracy	Substitute reference to paragraph 38 e.g. paragraph 103.
p59, COM2: Informal meeting places, play spaces and parks	See comment in relation to ENV3 and the multi-functionality of SUDs.	To ensure conformity with the emerging Local Plan Policy ENV04.	Remove second sentence of policy.
	2 <sup>nd</sup> sentence - See comment in relation to ENV3 and the multi-functionality of SUDs.	To ensure conformity with the strategic policies - emerging Local Plan Policy ENV04 (and a requirement of the Basic Conditions).	Remove second sentence of policy.
	3 <sup>rd</sup> paragraph - duplicates COMM 04.	Duplication - para 16 f) NPPF (2018).	Amend 3 <sup>rd</sup> paragraph by either providing more detail or support Local Plan policy in supporting text.
p59 COM3: Community Buildings	The second part of the policy repeats policy within the emerging local plan in regards to the loss of a facility. Neighbourhood plans should not seek to repeat policies within other plans.	Duplication - para 16 f) NPPF (2018).	Remove second half of the policy in relation to loss of community amenities as this repeats policy within the emerging Local Plan. A suitably worded cross reference to the LP policy may also be useful in its place.
	<b>7. IMPLEMENTATION</b>		
p88, Appendix D: Justification for non-designated heritage assets	While we welcome the assessment for the remains of railway complex in Appendix E, there remains concern that there are still a significant number of areas or collection of buildings that have been collectively assessed, when they require more individual assessment e.g. require individual justification to establish the significant elements with the whole designation and should be repeated for all other group sites e.g. for	Accuracy – also applies to No 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22 & 25.	Amend as advised for all sites identified in the Justification column.

	Appendix F on p952.		
	Re 2 Green Britain Centre - Not clear why this has been included as the cut off point for listing is 1970/80's, so why should non-designated structure be different?	Evidence - Para 31 NPPF (2018).	Amend as advised.
	Re 6 WW2 military defences – these should not be recognised for their group value as they are individual structures and cannot physically be viewed collectively. The Consultation Statement states that this would be amended, but it has not been.	Evidence - Para 31 NPPF (2018).	Amend as advised.
p92, Figure 25 Map	Map would benefit from being enlarged, as a landscape view rather than portrait.	Clarity	Amend as advised.
p96, Appendix F: World War II military defences, pill boxes	These need to be individually assessed as the railway complex has – see comment re p88, Appendix D.	Clarity	Amend as advised.

#### SWAFFHAM SUSTAINABILITY APPRAISAL

	It does not appear to assess alternative options. Paragraph 4.2 states that a 'no neighbourhood plan' option has been assessed, however it is not clear where this is within the documentation. Furthermore, there may be other reasonable alternatives to the individual policies which need to be considered.	Clarity	Amend as advised.
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## SWAFFHAM BASIC CONDITIONS STATEMENT

Page and Policy/ Paragraph No	Comment	Justification	Suggested Amendment
p4&5, para 3.2/3.3	It is not clear why in para 3.1 reference is made to sections (b) & (c) as applying to “a draft Plan”, when in para 3. 3 it states that these sections do not apply to the Swaffham NP and apply to NDO’s; these do not apply to <u>any</u> Neighbourhood Plan.	The Planning and Compulsory Purchase Act, Section 38C(5) <i>“Schedule 4B to the principal Act is to apply in accordance with 38A(3) of this Act with the following modifications: (d) paragraph 8 is to have effect as if sub-paragraph (2)(b) and (c and (3) to (5) were omitted”.</i>	Remove text in relation to sub-paragraphs (b) & (c) & last sentence of para 3.3.
p7, Policy HBE1, NPPF 2018	This reference (para 103) is misleading as no development is allocated in the plan; it only suggests where development should be located.	Para 23. <i>Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map.</i> NPPF (2018)	A different reference is required e.g. 67 b)
p19, Policy ENV3, Emerging Local Plan-Submission Version	The last sentence is not consistent with emerging modifications to policy ENV 04 regarding how to classify SuDS, which will be a strategic policy.		
p26/7, Policy COM2, Emerging Local Plan-Submission Version	The last sentence is not consistent with emerging modifications to policy ENV 04 regarding how to classify SuDS, which will be a strategic policy.		
p30, para 5.1	1 <sup>st</sup> sentence - should clarify where it states this.	Para 7 of the 2018 version.	As advised.
p30, para 5.1	2 <sup>nd</sup> sentence - should clarify that this applies to the 2012 NPPF version, not the 2018 one. Also reference to para 3 (NPPF 2018) is confusing as this states how the framework should be read, not the Government’s view on sustainable development.	Clarity	<i>“The NPPF 2012 states that policies in ..”</i> Delete reference to <i>“Para 3 of NPPF2018”.</i>
p41, para 7.1	This is now out of date as a result of SI 2018 No. 1307.	The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales)	Add to the paragraph: <b><i>“The making of the neighbourhood development plan does not breach</i></b>

		Regulations 2018	<b><i>the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.</i></b>
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#### SWAFFHAM CONSULTATION STATEMENT

<b>Page and Policy/ Paragraph No</b>	<b>Comment</b>	<b>Justification</b>	<b>Suggested Amendment</b>
p4, para 1.1 Background and Consultation requirements	This section would benefit from clarifying why a Neighbourhood Plan has been produced – where did the decision come from to decide to produce a Neighbourhood Plan?	Clarity	As advised.
p 4, para 1.3	There is no reference to the need for quantitative data; only qualitative data.	p2 <i>“Sources of data and Statistics”</i> Planning Aid	Make reference to the factual data that has been used to produce the plan.
p9, para 4.22	Informal comments sent to the Consultants on the 6 <sup>th</sup> July 2018 do not appear to have been included in this statement.	See Reg 15(2)(c) & (d) s6, (NP Regs 2012) Also (2)(c) s6, Sch 4B 1990 TCPA.	Include informal comments re (c) along with an indication of how they were considered (d).