

Swaffham Neighbourhood Development Plan 2019-2039

**A report to Breckland Council on the Swaffham
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Breckland Council in February 2019 to carry out the independent examination of the Swaffham Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 6 February 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character, promoting good design and designating local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Swaffham Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
8 March 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Swaffham Neighbourhood Development Plan 2019-2039 (the 'Plan').
- 1.2 The Plan has been submitted to Breckland Council (BC) by Swaffham Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes a suite of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BC, with the consent of the Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both BC and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement, BC undertook a screening exercise (October 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process BC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require a SEA. The Town Council has however chosen to prepare a Sustainability Appraisal. It has been used to test the emerging objectives and policies of the Plan to ensure that they would contribute to achieving sustainable development in the neighbourhood area.
- 2.8 BC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.11 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report. I have recommended a modification to the Plan period in paragraph 7.120.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the various appendices of the Plan;
- the Basic Conditions Statement;
- the Consultation Statement
- the BC SEA and HRA report;
- the Town Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Breckland Core Strategy 2009;
- the emerging Breckland Local Plan 2011-2036;
- the National Planning Policy Framework (March 2012 and July 2018);
- Planning Practice Guidance (March 2014 and subsequent updates);
- and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 6 February 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. This visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised BC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version. These transitional arrangements were unaffected by the updates to the NPPF published in February 2019.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (July to September 2018). A key strength of the Statement is its high-level approach that is underpinned by detailed appendices.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the engagement with the local press;
 - the establishment of a webpage;
 - the distribution of flyers around the town;
 - the use of social media (Facebook and Twitter);
 - the preparation of articles in the monthly Swaffham Newsletter;
 - the use of posters; and
 - stakeholder e-mails and letters.
- 4.4 The Statement also provides details and evidence of the various consultation and evidence gathering events.
- 4.5 Appendix 9 of the Statement provides comprehensive and well-presented details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. The results of the pre-submission consultation process are summarised in Appendix 9. In combination the information in this appendix identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made

available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council that ended on 25 January 2019. This exercise generated comments from a range of organisations and private individuals as follows:

- Sport England
- Anglian Water
- Don Hoey
- National Grid
- Historic England
- Highways England
- Norfolk County Council
- Environment Agency
- Heygate Farms Limited
- Breckland Council

- 4.9 I have taken account of the various representations. Where appropriate I refer to particular representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the civil parish of Swaffham. Its population in 2011 was 7258 persons living in 3258 houses. It was designated as a neighbourhood area on 4 April 2016. It is an irregular shape with Swaffham at its heart. Swaffham is located approximately 15 kilometres to the south-east of Kings Lynn and 35 kilometres to the west of Norwich. The town lies to the immediate south of the A47 trunk road running in an east-west direction. The A1065 runs through the town in a north-south direction. Swaffham is the centre of its immediate rural and agricultural hinterland.
- 5.2 The town of Swaffham dominates the neighbourhood area. It is based around an attractive core based on Market Place. Much of the town centre was remodelled in Georgian style in the late eighteenth century. This provides a handsome appearance. This historic core also provides the principal retail, commercial and community facilities in the neighbourhood area. An extensive conservation area reflects its historic and architectural importance. The town is widely known for the two large Enercon wind turbines and the associated former Green Britain Centre (Ecotech Centre). The town has the usual range of facilities for a settlement of its size. There is a selection of schools to the south of the town centre, and a range of industrial and commercial premises to the north of the town centre. The former railway station/junction is now occupied by a range of more modern commercial buildings and associated car parking. The character of the area has however been safeguarded by the retention of several railway-related buildings including the former station itself.
- 5.3 The neighbourhood area is one of great contrasts. Unlike many towns elsewhere in the country Swaffham has retained a very sharp and clear distinction between town and countryside. This reinforces the town's position and status within its immediate hinterland. The landscape to the immediate west of Swaffham is dominated by a well-maintained rectangular field pattern. The landscape to the south and south west of the town is characterised by more open fields, the Golf Club and a significant tree belt running in an east to west direction. The landscape to the south and east of the town is also characterised by more open fields. They have a backcloth of the former RAF airfield at North Pickenham, just outside the neighbourhood area. The landscape to the east of the town is characterised by fields of different sizes and the alignments of former railway lines.

Development Plan Context

- 5.4 The development plan context is very comprehensively set out in the Basic Conditions Statement. In summary, it consists of:

The Breckland Core Strategy and Development Control policies (2009);
The Site Specifics Proposals and Policies Document (2012);

Various elements of minerals and waste policy documents including the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (2011) and the Norfolk Minerals Site Specific Allocations Development Plan Document (2013).

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context. The particular strength of the Statement is that it assesses each policy against the 2009 Core Strategy and the emerging Local Plan (2011-2036)
- 5.6 The future development of Swaffham is an important component of adopted local planning policy. Policy SS1 of the Core Strategy identifies the town as a market town with a good range of services in its settlement hierarchy. Housing and employment allocations are identified in the town in the Core Strategy.
- 5.7 The emerging Breckland District Local Plan 2011-2036 was submitted for its own examination in November 2017. It sets out a series of housing allocations (Swaffham Allocations 1-6) in the neighbourhood area. In turn they are shown in the submitted neighbourhood plan.
- 5.8 In this wider context the submitted Plan has been prepared within its wider adopted and emerging development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 6 February 2019. I was fortunate to select a very pleasant, sunny day.
- 5.10 I drove into the area off the A47 from the north. This gave me an initial impression of the relationship of the town to the strategic road network. I saw the Waitrose store and the Eco Tech Centre.

- 5.11 I then carried on to the former station complex. I saw the traditional railway buildings and their current uses.
- 5.12 I continued into the town centre. I saw its attractive range of parking facilities in Market Place. I took time to look around the various historic streets and alleyways. I saw several views of the wind turbine to the north beyond the Buttercross. I took the opportunity to spend time in the grounds of St Peter and St Paul Church. It continues to be an iconic building in the town centre. The gardens were beginning to bustle with snowdrops in the sunshine. I stumbled across the attractive and recently-developed Swaffham Community Garden. The gabion stone planters were particularly novel. I found the interesting and informative plaque about The Campingland. I wandered back into the town centre along The Pightle. It included an interesting mix of traditional and modern dwellings.
- 5.13 I then walked to the south along London Street/Brandon Road. The walk highlighted a classic transition from Georgian buildings in the town centre through Victorian and Edwardian buildings to the recent residential developments at the southern end of the town (Abel Homes and Avant Homes).
- 5.14 In walking I saw the cemetery and its well-maintained building, the various schools and the interesting junction between Brandon Road and Watton Road. The walk also highlighted the various traffic pinch points along this important road network as highlighted in the submitted Plan. I also saw different building materials, ranging from modern brickwork, more traditional buff brickwork and flint construction. Several buildings displayed interesting architectural details including the pineapple topped gate piers at No 39 London Street.
- 5.15 During my visit I took the opportunity to look at the various proposed local green spaces. I saw how they contributed in their different ways to the openness and the character of the town.
- 5.16 I finished my visit by driving around those parts of the neighbourhood area beyond the town itself. This helped me to understand the important relationship between the town and its surrounding hinterland. Paragraph 2.8 of the Plan provides commentary from Stephen Fry about the town. In summary it refers to the balance between modernity and tradition, the town having a sense of place and being a perfect market town. I left with the same feelings.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF (and as updated in February 2019).
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Swaffham Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted Breckland Core Strategy 2009;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and proposes the designation of a range of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for town centre and employment development (Policies BUS2/3/4/5). In the social role, it includes policies on a mix and type of housing (Policy HBE2), sports and leisure facilities (Policy COM1) community buildings (Policy COM3) and on health and social care (Policy H4). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on development and design principles (Policy HBE3), on the conservation area (Policy HBE4), on local green spaces (Policy ENV6) and on entrances and

gateways to the town (Policy HBE6). The Town Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the Breckland area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications included in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Town Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of community action points. They are included after the various policies in the topic-based sections of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-5)

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a very professional way. It is colourful and makes a very effective use of text boxes and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies. Its photographs are particularly attractive and informative.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area.

- 7.10 Section 1 provides a very clear context to the neighbourhood planning process. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made'. It signposts the reader to the other submission documents. It is a particularly effective introduction to a neighbourhood plan.
- 7.11 Section 2 provides commentary on the neighbourhood area. In doing so it provides a helpful historic context. It includes a very clear map of the neighbourhood area. It also sets out useful information on the social and economic context of the neighbourhood area. This information feeds into some of the policies in the Plan.
- 7.12 Section 3 comments on the preparation of the Plan. Whilst it overlaps with the Consultation Statement it provides the reader with a useful context to this important matter. Within the context of its excellent presentation the Plan reproduces some of the literature used in consultation events and includes photographs from the events. This gives life and authenticity to this part of the Plan.
- 7.13 Section 4 sets out the Vision for the Plan. It makes good use of colour for the various objectives and policies which occupy the remainder of the Plan.
- 7.14 Section 5 identifies the various objectives for the Plan.
- 7.15 The remaining parts of the Plan incorporate policies on a topic-by-topic basis. They include related supporting text and background information.
- 7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy HBE1: Location of Development

- 7.17 The policy relates to the location of new development in the town. Paragraph 6.1.7 comments that Swaffham has developed in a ribbon fashion along the A1065. The supporting text then comments that it is preferable to have development to the west or to the east of the town rather than spreading to the south and potentially to the north.
- 7.18 Paragraph 6.1.8 continues the theme by identifying the local objective of developing a north/south relief road to reduce the traffic through the town centre. The Plan acknowledges that Norfolk County Council has the responsibility to appraise the viability of any such proposal and to assess potential routes.

- 7.19 The policy itself has two parts. The first comments that new development should be distributed to the east and the west of the town to avoid further ribbon development. The second comments that any new development should take account of the potential for a north/south relief road.
- 7.20 I sought clarification from the Town Council on the relationship of the policy with the proposed housing sites in the emerging Local Plan and the extent to which a relief road was capable of being identified and delivered in the Plan period.
- 7.21 In its response to the first point the Town Council advised that the submitted Plan did not seek to challenge the housing allocations in the emerging Local Plan. However, its intention was to express a preference for any further new development in the town to be located to either the east or to the west. On the second point the Town Council advised that whilst initial discussions had taken place with the County Council a north/south relief road was neither identified nor funded at this stage. It also commented that future speculative planning applications could affect or undermine the deliverability of any route that may be identified. I was also advised about the importance of this matter to the local community in general, and how it had been a recurring theme in the consultation feedback as part of the preparation of the Plan.
- 7.22 I have considered this matter very carefully given its significance to the local community. In the event that the development of a potential north-south relief road was more advanced in general, and where a specific route had been identified the preparation of a policy to safeguard that route from built development would have been relatively straightforward. However, in the circumstances described in the response to the clarification note the process is only at its initial stages. On this basis it would be impracticable to safeguard extensive swathes of land for the construction of a potential road which is uncertain. Plainly in the event that the process becomes clearer within the Plan period the Town Council would have the opportunity to review the Plan and, as appropriate, safeguard an identified route. I incorporate this approach in my recommended modification to the policy below.
- 7.23 The element of the policy which indicates that development should be distributed to the east and west of the town is also an ambition rather than a detailed planning policy. It offers no guidance on the phasing of the delivery of the housing allocations proposed in the emerging Local Plan nor does it suggest that further development should or should not come forward in the town.

- 7.24 Taking all these matters into consideration I recommend that the policy is deleted and replaced by a community action. The latter approach would give effect to the community's wishes and provide a supporting context within which future work on the appraisal/need for a north/south relief road could be pursued.
- 7.25 The Plan already includes a series of Community Actions. In the main they are not described in any detail. As this matter is already addressed in considerable detail, I recommend that it is retained in its position in the submitted Plan.

Delete the policy.

Replace the policy with a Community Aspiration (with a title CA: Location of development and the potential for a north/south relief road). The Community Action can remain in sequence in its current position in the Plan but with the removal of the coral colour from the policy box to distinguish it from the land use policies.

At the end of paragraph 6.1.7 add:

'The neighbourhood plan recognises that the emerging Local Plan proposes additional residential allocations as shown in Figure 7. This Plan does not seek to challenge these sites. At the same time, it does not directly propose additional development. However, where other development comes forward the community has a preference that it should be located to the east or west of the town rather than to the north or to the south. This approach is captured in Community Aspiration below'

At the end of paragraph 6.1.8 add:

'Given that this project is at an early stage it would not be practicable to safeguard a route in the neighbourhood plan. On this basis the matter is addressed in a Community Aspiration rather than a land use policy. In the event that the process becomes clearer within the Plan period the Town Council would have the opportunity to review the Plan and, as appropriate, safeguard an identified route.'

Policy HBE2: Mixed Housing

- 7.26 This policy sets out the Plan's expectations for mixed housing that reflects the needs of the local community. It is underpinned by information derived from the Central Norfolk Strategic Housing Market Assessment (SHMA) 2017 and as described in paragraph 6.1.10.

- 7.27 The policy has three parts. The first sets out a general requirement for new residential development to deliver housing of a mix and tenure to reflect the requirements in the SHMA. The second part identifies the range of house types that should be incorporated where appropriate. This part of the policy is non-prescriptive and reflects that different sites will have different abilities to deliver particular types of housing. The third part of the policy sets out the equivalent requirements in the emerging Local Plan.
- 7.28 I am satisfied that the first two elements of the policy meet the basic conditions. They are evidence-based and sufficiently flexible to take account of development on a site by site basis. I recommend the deletion of the third part of the policy for two reasons. The first is that the basic conditions test is against the adopted development plan rather than the emerging Local Plan. The second is that the emerging Local Plan by definition retains a degree of uncertainty on its final outcome.

Delete the third paragraph of the policy.

Policy HBE3: Well-designed developments

- 7.29 This policy sits at the heart of the Plan's approach to development in the neighbourhood area. It correctly sets out a policy directive for well-designed development that has regard to its local context and the character and quality of Swaffham.
- 7.30 It includes six important design factors that development should take into account. They are well-developed in general terms, and distinctive to the neighbourhood area in particular.
- 7.31 I recommend a series of recommended modifications to the policy as follows:
- Relating the six criteria to the circumstances of the type and location of the development concerned. For example, all new development will not be directly affected by the conservation area.
 - Grammatical changes to criterion vi.
 - Policy wording changes to the final part of the policy.
- 7.32 Otherwise the policy very successfully meets the basic conditions and introduces a very robust, distinctive policy. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has

developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

In the second part of the policy (list of criteria) add at the start: ‘Where relevant to the proposed development’.

At the beginning of criterion vi add ‘Provide’.

In the final part of the policy replace ‘is encouraged’ with ‘will be supported’.

Policy HBE4: Attractive town centre and Conservation Area

- 7.33 This policy celebrates the attractiveness of the town centre of Swaffham. The supporting text properly highlights that the conservation area includes significant parts of the town centre. At the heart of the policy is a requirement that development proposals respond positively towards creating an attractive public realm and townscape. Four specific matters are identified in the policy.
- 7.34 The approach taken is appropriate in general terms. The underpinning philosophy of conservation areas is to ensure that new development should preserve or enhance their characters. In this context I recommend that the wording of the policy is modified so that it refers specifically to the conservation area, and to introduce the wider concept of developments ‘preserving or enhancing’ its character.
- 7.35 BC make representations about viability issues arising from the policy. I have taken this matter into account in formulating recommended modifications. In particular they identify that different proposals will have different abilities to contribute towards the direction and the ambitions of the policy.

**Replace the first sentence of the policy with:
‘Development proposals within the Conservation Area should preserve or enhance its character or appearance. In particular proposals that respond positively to creating an attractive public realm, local townscape and the quality and appearance of the conservation area will be supported.’**

**Replace the beginning of the second sentence with:
‘Where appropriate to the proposal concerned development should incorporate the following matters:**

At the end of paragraph 6.1.17 add:

'Policy HBE4 sets out particular policy requirements for development in the conservation area.'

Policy HBE5: Non-designated heritage assets

- 7.36 The policy identifies 25 local non-designated assets. Appendix D provides a justification for the assets concerned. It is a well-researched and comprehensive assessment.
- 7.37 Paragraph 6.1.20 comments that the schedule has been prepared for inclusion in the BC non-designated heritage assets list. BC comments that it does not retain such a register. I recommend changes to the supporting text accordingly.
- 7.38 In general terms I am satisfied that the identification of heritage assets in the submitted plan is appropriate. I also note that Historic England support the Plan and its focus on the historic environment. The policy and its justification are well-intentioned. Nevertheless, as submitted its format is rather confusing and the policy falls short of displaying the clarity required by the NPPF. In particular it does not have regard to national policy which indicates that the responsibility for preparing local lists rests with the local planning authority (here BC).
- 7.39 I recommend that the policy is replaced and that modifications are made to the supporting text to address these matters and to bring the clarity required by the NPPF. In particular the recommended modifications remove any direct reference to a local list of heritage buildings. Plainly in the event that BC chooses to introduce a local list of non-designated heritage assets the 25 buildings/historic features could be considered for inclusion in that list.

Replace the policy with:

'The buildings shown in Appendix D and on Figures 10 & 11 are identified as important character buildings and historic features.

[List the 25 buildings/historic features.]

Proposals for the demolition, redevelopment or substantial alterations to the identified important character buildings and historic features should demonstrate the consideration that has been given to retaining:

- **the important character building or historic feature itself;**
- **its most distinctive and important features;**
- **the positive elements of its setting and its relationship to its immediate surroundings; and**

- **the contribution that the building or historic feature and its setting makes to the character of the local area.'**

**Replace the title of the policy to read:
'Important character buildings and historic features'**

*In paragraph 6.1.20 replace the first two sentences with:
'In addition to its listed buildings Swaffham has several other buildings and historic features. They are important in their own right and in providing distinctiveness and character to the town. As Breckland Council does not have a local list of non-designated assets the neighbourhood plan has separately identified a series of important character buildings and historic features.'*

In the third sentence replace 'Making a list can' with 'The identification of character buildings and historic features will'.

*At the end of the paragraph add:
'The identification of these important character buildings and historic features does not constitute a local list of non-designated heritage assets. In the event that Breckland Council chooses to introduce a local list of non-designated heritage assets the 25 buildings/historic features could be considered for inclusion in that list.'*

In the titles/keys to Figures 10/11 replace 'Non-designated heritage assets' with 'Important character buildings and historic features.'

Policy HBE6: Entrances and gateways to Swaffham

- 7.40 This policy builds on the approach taken in the emerging Local Plan. Whilst the basic conditions test is against the adopted development plan, I am satisfied that the approach taken here is both appropriate and relevant. It does not conflict with the approach taken in the adopted development plan.
- 7.41 The policy has two related parts. The first requires that new development located at the town entrances must enhance the visual approach to the town. The second comments that all public realm proposals should enhance the overall appearance and public use of the space concerned. It has a focus on maintaining the visual connections between the town and the countryside in general and The Brecks in particular.
- 7.42 In principle I am satisfied that the approach taken in the first part of the policy meets the basic conditions. There are important opportunities to enhance the

various gateways to the town in general, and to reinforce the attractive distinction between the town and the countryside in particular. Nevertheless, its language is both indistinct and prescriptive in equal measure. On the first matter it applies to all new development at the town entrances irrespective of its type or scale. Plainly there are far greater opportunities for significant development to contribute towards the delivery of this policy. I recommend a modification that refers to appropriate schemes and where the delivery of enhancement to gateways is practicable. On the second matter the use of the word 'must' is too prescriptive in this wider context. I recommend accordingly. I also recommend the deletion of the second sentence of paragraph 6.1.21. Figure 7 more appropriately refers to the earlier part of section 6 of the Plan which comments on housing allocations in the emerging Local Plan.

- 7.43 Similarly in principle I am satisfied that the general approach taken in the second part of the policy meets the basic conditions. There are important opportunities to maintain the strong visual connections between the town and the countryside/The Brecks. Nevertheless, its language is unclear. In addition, the specific reference to The Brecks needs a degree of geographic clarity. On both of these matters I recommend modifications to bring the clarity required by the NPPF.

In the first part of the policy at the beginning add 'Wherever practicable and replace 'must' with 'should'.

In the second part of the policy after 'The Brecks' add 'where appropriate'; replace 'could' with 'would' and insert 'unacceptable' between 'an' and 'adverse'.

At the end of paragraph 6.1.21 add:

The Brecks is a landscape character area as defined by Natural England (NCA Profile 85). As a town Swaffham lies within The Brecks

Policy HBE7: Community Safety

- 7.44 The policy addresses community safety. Its principal ambition is that the design of new development should create a safe environment. It identifies five particularly important features. The policy goes on to comment that development proposals should meet the requirements of 'Secured by Design'.
- 7.45 I recommend two modifications to the policy. The first provides clarity that a developer would have to meet all of the five criteria as appropriate to the scheme concerned. The second introduces a degree of flexibility for proposals

where all five criteria may not be relevant. For example, a new industrial building would not necessarily need to provide open spaces and play areas.

- 7.46 The second provides clarity on the second part of the policy. As submitted, it merely sets out an expectation rather than a policy requirement.

In the first part of the policy add at the beginning ‘Where appropriate to the proposed development’

In the first part of the policy add ‘and’ after the fourth criterion.

In the second part of the policy replace ‘will be expected to’ with ‘should’.

Policy TRA1: Traffic volume

- 7.47 The policy arises from traffic survey work undertaken by the Steering Group in September 2017. It highlighted the level of commercial/HGV traffic driving along the A1065 through the town centre.
- 7.48 Paragraph 6.2.6 comments on public feedback about the support for a relief road for the town on the north-south axis. The paragraph highlights that work on a relief road project is beyond the scope of the submitted Plan. I have already addressed this matter in the context of Policy HBE1.
- 7.49 The policy has a focus on the opportunities that exist to reduce traffic volume through the town centre and the associated air pollution. It requires that new residential or business development should not significantly contribute to an increase in traffic volumes within the town centre.
- 7.50 I am satisfied that the approach taken is appropriate to the neighbourhood area. I recommend two modifications. The first reorders the first sentence of the policy so that it has the clarity required by the NPPF. The second recommends the deletion of the third paragraph of the policy. The matter is already addressed in Policy HBE1 (as recommended to be modified). For clarity I recommend that the supporting text provides a connection to the earlier parts of the Plan on this matter.

In the first sentence of the policy reposition ‘will be supported’ to the end of the sentence.

Delete the third paragraph of the policy.

At the end of paragraph 6.2.6 add:

'The issue of the potential for the delivery of such a relief road is addressed in further detail in a Community Action of this Plan.'

Policy TRA2: Traffic flow

- 7.51 This policy addresses traffic flow in and around Swaffham Market Place. It offers support to initiatives which would facilitate a better flow of traffic. The policy is based on an analysis of locally-recognised congestion points along the A1065 within Swaffham. I saw how traffic negotiated the various congestion points when I visited the neighbourhood area. I could readily understand the community's concerns about this issue.
- 7.52 The policy clearly addresses a distinctive local issue and has arisen as a natural part of the plan-making exercise. However, its support is for traffic management measures which would be delivered through the Highways Acts rather than through the planning system. In this capacity the County Council as the highway authority has extensive permitted development rights to undertake any such works as may be agreed and funded. On this basis I recommend that the policy becomes a community aspiration.
- 7.53 The Plan already includes a series of Community Actions. In the main they are not described in any detail. As this matter is already addressed in considerable detail, I recommend that it is retained in its position in the submitted Plan.

Delete the policy.

Replace the policy with a Community Aspiration (with a title CA: Traffic Flow). The Community Aspiration can remain in sequence in its current position in the Plan but with the removal of the coral colour from the policy box to distinguish it from the land use policies.

Policy TRA3: Walking and cycling

- 7.54 This policy indicates that new residential development should incorporate opportunities for walking and cycling. It also provides specific design, accessibility and safety guidance.
- 7.55 The policy is very well-constructed. It makes direct reference to the existing public rights of way network in the town (as shown helpfully in Figure 14). It meets the basic conditions.

Policy TRA4: Private parking

- 7.56 This policy refers to the need for new development to provide for the required levels of private parking. Its second part comments on the need for different types of parking provision and the need for electric charging points.
- 7.57 BC comments about its relationship between existing and emerging local plan policies. I address the comments it makes in my recommended modifications to the policy.
- 7.58 I recommend a series of modifications to the policy. The first relates its contents to the standards in the development plan. As submitted the policy talks rather loosely about 'sufficient parking for intended uses'. The second recommends the deletion of unnecessary supporting text from the policy itself. The third refers to the second part of the policy. The recommended modification highlights that not all developments will need to make provision for each of the four types of parking provision identified. Otherwise the policy meets the basic conditions. In particular it anticipates the growth in the availability and use of electric/hybrid car use in the Plan period.

Replace the first sentence of the policy with:

'All new development, including proposals for individual dwellings, should provide private parking to development plan standards.'

In the second part of the policy replace the opening section with:

'Where appropriate to the proposal and its location the parking provision should deliver:'

In the second part of the policy replace criterion i. with:

'Off street parking provision to development plan standards'

At the end of 6.2.13 add:

'Policy TRA4 addresses this important factor. It has been designed to be consistent with the wider development plan. Its ambition is to keep roadways clear from obstructions and parked vehicles.'

Policy TRA5: Public parking

- 7.59 The policy offers support for public car parking outside the town centre. It is primarily intended to cater for longer stays and commuter uses. It anticipates that this type of provision would release parking in the town for other retail-related uses. The policy also offers support for the provision of electric charging points.

- 7.60 BC comments that the policy is not developed in any significant detail. In particular it does not identify any site for new car parking. At the same time, it does not address the potentially related issue of improved on street parking arrangements and their enforcement.
- 7.61 On balance I have concluded that the policy meets the basic conditions. Whilst it does not specifically identify any particular sites the supporting text outlines some of the research that has been undertaken on the availability of parking spaces in the town. In any event the policy has been deliberately designed as a non-specific supporting policy for a particular type of development. That type of development works well in other urban areas. As with Policy TRA4 it anticipates the growth in the availability and use of electric/hybrid car use in the Plan period. The provision of electric car charging points will serve to consolidate further the reputation of the town as an environmentally progressive town.
- 7.62 I recommend specific modifications to the policy so that it takes on a policy format.

Replace ‘Public parking.... commuter use’ with ‘Proposals for public car parking for longer stay/commuter use outside the town centre will be supported’.

Policy ENV1: Air Pollution

- 7.63 The policy appropriately addresses the designation of an Air Quality Management Area (AQMA) in 2017 along the A1065 to the immediate north and south of the town centre. Paragraph 6.3.5 identifies that road traffic is the significant contributing factor to the air pollution issue. Paragraph 6.3.6 comments that addressing the matter is important to local businesses and residents alike.
- 7.64 Policy ENV1 outlines a number of measures to address the issue. Through the clarification note process the Town Council indicated its willingness for the policy to be modified so that it took on a policy format which could be implemented through the development management process. As submitted, the policy reads as a series of well-intentioned priorities. I recommend accordingly.
- 7.65 The recommended modifications make a close association between the policy and the AQMA. Whilst this was implied in the submitted policy the association was not explicit. This is an important issue given that air quality is not an issue

elsewhere in the town or the remainder of the neighbourhood area. I also recommend associated modifications to the supporting text.

Replace the policy with:

‘Development proposals should identify how they have taken account of existing levels of air quality in the neighbourhood area and have been designed to ensure they do not contribute unacceptably to air quality levels in the designated Air Quality Management Area.

In particular, all new built development within and immediately adjacent to the Air Quality Management Area should incorporate tree planting where it is practicable to do so.

Proposals for new community facilities and amenities will not be supported within and immediately adjacent to the Air Quality Management Area unless it can be demonstrated that no other sites are available to accommodate the development concerned and that appropriate mitigation measures are incorporated as part of the wider proposal.’

At the end of the first sentence of paragraph 6.3.6 replace ‘wherever they are situated in Swaffham’ with ‘in and immediately adjacent to the AQMA’.

Replace the second sentence of paragraph 6.3.6 with:

‘Policy ENV1 sets out a policy dimension to this important matter. At its heart is an approach to ensure that new development in the AQMA will not add further to the existing air quality issues in this important and sensitive part of the town.’

Policy ENV2: Climate Change

- 7.66 This policy takes an ambitious approach towards climate change. It builds on the environmental credentials of the town. It has three parts. The first requires new developments to be designed to anticipate climate change and to be capable of being upgraded and adapted to minimise resources. The second offers support to buildings which have cost effective and effective solar gain and a range of other environmental initiatives. It also requires that the layout and massing of development should take account of local climatic conditions. The third part offers support for renewable energy developments, including wind and solar solutions.
- 7.67 The first part of the policy is both ambitious and unspecific in equal measure. Plainly on the one hand it would be helpful if buildings were capable of being upgraded and adapted to respond to climate change. On the other hand, it is difficult for developers to anticipate how any building may need to be adapted in the future over and above the normal maintenance regime that it might

introduce. In any event the building regulations are increasingly playing an important role in defining and implementing the environmental performance of new development.

- 7.68 I recommend a modification to this part of the policy both to take account of these considerations and to reflect that different developments will have different opportunities to be designed in a future-proof fashion.
- 7.69 The second part of the policy is also ambitious. Nevertheless, it meets the basic conditions as it takes a non-prescriptive approach in supporting such development rather than requiring such technology to be incorporated into all new development.
- 7.70 The effect of the third part of the policy is to provide a supporting policy-based approach towards the identification of ‘an area suitable for wind energy development in a local or neighbourhood plan’ as required by the Ministerial Written Statement of June 2015. In this context I recommend that the environmental safeguards loosely included in the submitted policy are strengthened in general, and to respond to issues such as shadow flicker and long-distance views in particular.

In the first part of the policy delete ‘As part.... green credentials’ and replace ‘must’ with ‘should’.

At the beginning of the modified part of the policy add ‘Where practicable’.

In the third part of the policy delete ‘where they.... landscape character’ and add the following:

‘Subject to the following criteria:

- **they avoid or adequately mitigate shadow flicker, noise and unacceptable adverse impacts on air traffic operations, radar and air traffic installations;**
- **they would not have an overshadowing or overbearing effect on properties in the surrounding area; and**
- **they would not have a detrimental impact on the wider landscape setting of the town by virtue of their positioning, height or design either individually or in combination with other such development.’**

At the end of paragraph 6.3.7 add:

‘Policy ENV2 sets out a policy approach on this matter. Whilst it offers general support to renewable energy development it includes important environmental safeguards.’

Policy ENV3: Localised flooding areas

- 7.71 This policy expresses the community's concerns about localised flooding areas. They are shown on Figure 16 in the Plan. The policy also includes a section on sustainable drainage systems and their relationship with public open space or play areas.
- 7.72 The policy reads in a confusing fashion. Its opening section requires that new development should not contribute to flooding and drainage issues. This reads out of context with the second section which identifies the five localised flooding areas. The third part of the policy on sustainable drainage does not relate to either the first or the second part of the policy. In addition, BC comment that the issue of sustainable drainage and its relationship to public open spaces as set out in the submitted Plan runs contrary to the approach in its emerging Local Plan.
- 7.73 Taking all these matters into account I recommend that the policy is reconfigured. In particular I recommend that the element on sustainable drainage is deleted given that it does not directly relate to the substantive nature of the policy itself. For the remainder of the policy I recommend that the order of the sections is reversed. This will ensure that the policy approach follows on from the identification of the localised flooding areas.

**In the first part of the policy replace the opening sentence with:
‘Development proposals within the immediate locality of any of the localised flooding areas should use appropriate drainage methods to prevent and where appropriate alleviate the localised flooding.’**

In the second part of the policy replace ‘Existing identified...limited to:’ with ‘The following locations within the town (as shown in Figure 16) are identified as localised flooding areas:’

**Reverse the order of the first and second parts of the policy.
Delete the third section of the policy.**

In paragraph 6.3.8 delete the final sentence.

At the end of the modified paragraph add:

‘Policy ENV3 sets out a policy context against which development proposals in the immediate locality of the identified localised flooding areas can be assessed and determined.’

Policy ENV4: Important public local views and vistas

- 7.74 The policy identifies and safeguards important public local views and vistas within the town. They have been carefully and sensitively selected. They are shown in Figure 17. In this context I am satisfied that they are genuinely public views rather than views which might be very specific to individual groups of properties.
- 7.75 The policy has been designed so that it requires new development to take account of the identified views rather than preventing new development from taking place. Nevertheless, I recommend detailed modifications to the wording of the policy so that it has the clarity required by the NPPF. I also recommend that the views in Figure 17 are shown by cones rather than the simple arrows as submitted. The submitted second part of the policy meets the basic conditions. It is unaffected by the recommended modifications set out below.

Replace the opening part of the policy with:

‘The following views and vistas (as shown on Figures 17 and 18) are designated as Important Public Local Views and Vistas:’

After the list of six views insert a new paragraph to read:

‘Development proposals within or which would affect an Important Public Local View and Vista should ensure that they respect and take account of the view concerned. Developments which would have an unacceptable adverse impact on the landscape or character of the view or vista concerned will not be supported’

In figure 17 show the six views by cones rather than simple arrows.

Policy ENV5: Dark Skies

- 7.76 This policy addresses dark skies. It requires that all street lighting and lighting of buildings should be environmentally efficient and sympathetic in design.
- 7.77 I recommend that the supporting text clarifies that certain lighting on residential and commercial buildings is permitted development and therefore beyond planning control. Otherwise the policy meets the basic conditions.

At the end of paragraph 6.3.10 add:

‘Policy ENV5 addresses both general street lighting and specific lighting on residential and commercial buildings. On the latter point the Plan acknowledges that certain lighting on buildings is permitted development and therefore beyond planning control.’

Policy ENV6: Designated Local Green Space

- 7.78 The policy proposes the designation of a range of local green spaces. They are shown on Figure 19. They cover a range of green spaces in the town and include school playing fields, play areas and allotments. I looked at most of the proposed designated areas when I visited the neighbourhood area.
- 7.79 The Plan has considered the wider issue in a comprehensive fashion. In particular Appendix H assess each of the proposed LGSs against the three criteria in paragraph 77 of the NPPF.
- 7.80 Through the clarification note process the Town Council advised that it agreed with my recommended modification of the policy to ensure that it had regard to the matter of fact approach included in paragraph 78 of the NPPF. The various potential exceptions that it has in mind could be considered on their merits by BC as and when they arise. I recommend that the submitted policy on this point is repositioned within the supporting text with modifications.
- 7.81 Norfolk County Council Property Service's team comments that the designation of proposed LGSs 12-15 is unnecessary and conflicts with Policy COM5 which supports the extensions of schools. However, I am satisfied that there is no conflict between the two policies. Clearly some potential school extensions may be of a limited nature and will not impact directly on the proposed LGSs. I have recommended a specific modification to LGS13 to address the matter of the relationship between hard surfacing and green spaces within the CE Junior School Site. In the round however I am satisfied that the proposed LGSs that affect school sites meet the three criteria in the NPPF.
- 7.82 I recommend that the extent of LGS13 (Swaffham CE Junior School) is reduced to exclude the car park fronting the main road to the east and the hard surface play area to the immediate south of the school building. By definition they are not green spaces and would not have been designated as LGS in their own right.
- 7.83 During the examination the Town Council has also resolved a series of numbering issues with Figure 19. The revised figure addresses the LGS13 issue as set out above. I recommend that the revised Figure 19 (as attached to this report) replaces that in the submitted version. I also recommend that Appendix H is modified in respect of proposed LGS5 insofar as it refers to Manor House Garden rather than Admiral Weston Way in the policy.

**Replace the final paragraph of the policy with:
‘Development on designated Local Green Space will only be supported in exceptional circumstances.’**

Replace figure 19 with the revised figure 19 at the end of this report.

Remove Manor House Gardens from Appendix H and ensure its full compatibility with the policy and figure 19.

At the end of paragraph 6.3.12 add:

‘Policy ENV6 applies the approach in paragraph 78 of the NPPF to the identified local green spaces in Swaffham. Plainly within the Plan period exceptional circumstances may arise which would justify a degree of development on local green spaces. Such proposals will be considered on a case-by-case basis. The expansion of schools into the designated local green spaces within their wider sites have the potential to be considered as exceptional circumstances.’

Policy BUS1: Green credentials

- 7.84 The policy offers support to business development with a strong environmental focus. It highlights two particular groups of organisations. The first is those that sell or manufacture environmental products and services. The second is those that have a low carbon footprint.
- 7.85 The supporting text provides a context for the policy. It highlights the reputation of the town as an environmentally-progressive town. It also recognises the potential of this factor in stimulating further such growth and investment.
- 7.86 I recommend related modifications to the policy. The first replaces the ‘encouragement’ focus of the policy with a clearer use of ‘supported’. I also recommend that the two groups of industries are identified as uses that would be ‘particularly supported’.

In the initial part of the policy replace ‘particularly encouraged’ with supported’.

Before the two types of businesses (i and ii) add:

‘Proposed business development which would result in either of the following categories of business activity will be particularly supported:’

Policy BUS2: New businesses

- 7.87 The policy has three related parts. The first offers support to a specific series of business activity. The second part relates to size and design matters. The third offers support to tourism and visitor activities.
- 7.88 I recommend a series of modifications to bring the clarity required by the NPPF.

In the first part of the policy replace ‘units are encouraged’ with ‘development will be supported’.

In the second part of the policy replace ‘All new business’ with ‘Proposals for new business development’ and ‘need to’ with ‘should’.

In the third part of the policy replace ‘Businesses’ with ‘Proposals for new business development’.

Policy BUS3: Shops in new development areas

- 7.89 This policy seeks to tackle congestion and air pollution in the town centre in an indirect way by supporting proposals that would provide shops for day-to-day purchases within the new and emerging development areas in the town. I saw two such developments when I visited the neighbourhood area. In its response to the clarification note the Town Council confirmed that the policy was intended to apply to the undeveloped and emerging housing allocations in the town. It offers particular support to the housing allocations to the south of the town and which are the farthest away from the retail facilities in the town centre.
- 7.90 BC suggest that the policy should be amended so that it has a closer association with Local Plan policy on retail facilities within new development. I agree that this approach would be helpful. However, it is not necessary to ensure that the policy meets the basic conditions. In any event it is a non-prescriptive supporting policy. Nevertheless, I recommend that the policy is recast so that it more closely reflects its ambitions. I also recommend modifications by way of additions to the supporting text.

Replace the policy with:

‘Proposals for the development of convenience/small shops within the residential allocations will be supported. Such development proposals in residential allocations to the south of the town centre will be particularly supported.’

At the end of paragraph 6.4.9 add:

'Policy BUS3 addresses this important matter. It offers particular support to the development of retail facilities in the housing allocations to the south of the town as they are the farthest away from the retail facilities in the town centre.'

Policy BUS4: Town centre retail

- 7.91 This policy acknowledges that Swaffham is the home to award-winning local food businesses. It also has an attractive range of independent and national chain stores. The vitality, viability and visual interest of the various town centre uses are at the very heart of the attractiveness and sustainability of the town. The policy correctly seeks to apply national and local policy towards the protection and promotion of town centres.
- 7.92 The approach adopted in the Plan is to support actively the development of further A1/A2/A3 uses. The second part of the policy comments that where a retail related (Class A) use is no longer appropriate that the first preference will be for a leisure or community use as an alternative.
- 7.93 I am satisfied that the approach in the first part of the policy is entirely appropriate. Within the course of the examination I sought advice from the Town Council on the three retail related uses highlighted in the policy in the context of the changes made to the Use Classes Order whilst the Plan was being prepared. I was advised that the range of uses to be supported should be refreshed to refer to the terminology now used for Classes A1-A3 in the most recent version of the Order. I am satisfied that this approach is appropriate and meets the basic conditions. I recommend accordingly. I also recommend modifications to the wording used in the policy so that it takes on a more policy-based format.
- 7.94 On the matter of the preference for alternative uses for retail premises which are no longer required/viable I sought advice from the Town Council in the clarification note. I was advised that the policy would retain its overall integrity without the second part. I agree with the Town Council's comments. In any event as submitted it offers no guidance on viability issues and indeed whether other (non-first preference uses) would or would not be supported. As such I recommend that this part of the policy is deleted. Nonetheless given the importance of this matter I recommend that it is addressed in the supporting text.

In the first part of the policy replace 'a mix of.....A3 (food and drink)' with 'proposals for new retail and town centre uses will be supported and in particular for

In the schedule of uses replace the details in brackets below so as to read:

A1 (Shops)

A2 (Financial and professional services)

A3 (Restaurants and cafes)

Delete the second paragraph of the policy.

At the end of paragraph 6.4.15 add:

'Plainly there may be circumstances where existing retail uses are no longer viable. Where they are not replaced by other retail uses (and for which planning permission would not be required) proposals for alternative uses will be considered by Breckland Council on their individual merits. The community has a preference for leisure or community uses in the ground floor of such buildings.'

Policy BUS5: Attractive and viable town centre

- 7.95 This policy continues the approach to supporting a strong and prosperous town centre. It offers support to proposals that would maintain an attractive townscape and improve the viability and vitality of the town centre. The second part of the policy addresses two particular potential visual enhancements.
- 7.96 The first part of the policy is beautifully-constructed. It meets the basic conditions.
- 7.97 The second part of the policy is far less clear. It identifies two potential enhancements that would be 'considered'. One relates to the iconic Buttercross which dates back to 1783 and the height of the town's Georgian development phase. I recommend a modification so that the policy supports the two proposals. Whilst the Plan offers no advice on their potential delivery within the Plan period a supportive policy will provide a context within which they could be developed by the relevant agencies.

In the second part of the policy replace 'In particular.... considered;' with 'In particular the following enhancements will be particularly supported:'

At the end of paragraph 6.4.16 add:

'The second part of Policy BUS5 provides a supporting context within which enhancement schemes could be developed further in the Plan period'

Policy BUS6: Telecommunications

- 7.98 This policy requires that new business development should have fast internet connections. It recognises the importance of good electronic communications to business growth and prosperity. The second sentence of the policy also offers support to a more general improvement in internet and mobile phone coverage.
- 7.99 I recommend that the references to the emerging Local Plan are removed from the policy. The basic condition test is against the adopted development plan rather than the emerging Plan. In any event there is no need to repeat or to reinforce local plan policies in a neighbourhood plan. I also recommend that the approach in the policy is shifted from one which identifies a general point that business development should have access to fast internet connection to one which requires adequate connections to be made into the buildings concerned. This shifts the policy from a business aspirational nature to one which is capable of being delivered through the planning system. It also recognises that new development can only access the internet availability/strength within the neighbourhood area at any one time. Otherwise the policy approach meets the basic conditions.

Replace the first sentence with:

‘Proposals for new business development will be supported where they comply with other relevant policies in the development plan and where they provide appropriate connections into the buildings concerned for the internet access available in the area at that time’.

Policy COM1: Sports and leisure facilities

- 7.100 This policy encourages new and improved sports and leisure facilities in Swaffham. It identifies five particular types of facilities that would be particularly welcomed. The policy is underpinned by comprehensive supporting text. The policy also indicates that any such new facilities should be within a reasonable distance of main transportation networks. Given the size of the town and its arrangement around the north-south alignment of the A1065 this criterion should be relatively straightforward for most new developments.
- 7.101 I recommend two modifications to bring the clarity required by the NPPF. The first is to introduce policy language to replace the rather vague ‘encouraged’ as used in the submitted Plan. The second is to reposition the reference to the NPPF from the policy to the supporting text.

In the first part of the policy replace ‘are encouraged’ with ‘will be supported’.

In the second part of the policy delete ‘(see paragraph 38 of the NPPF)’.

At the end of paragraph 6.5.6 add:

‘Policy COM1 offers support for the development of new or improved sporting facilities. The second part of the policy refers to the accessibility of any new facilities to the transportation network. This reflects national policy in the NPPF’.

Policy COM2: Informal meeting places, play spaces and parks

- 7.102 This policy continues the approach set out in Policy COM1. In this case it sets out an approach to informal meeting spaces, play spaces and parks. At its heart is the intention to make Swaffham a socially well-connected community provided in part by the provision of open space. It sets out five criteria that should be applied to the development and arrangement of meeting spaces, play spaces and parks.
- 7.103 The approach taken has merit. The provision of well-arranged and safe open spaces will do much to contribute to the delivery of the social component of sustainable development. Nevertheless, I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF.
- 7.104 In the first instance I recommend that the opening part of the policy is recast. As submitted, it sets out an ambition rather than a policy context. As part of this modification I recommend that the policy refers to development plan standards. As submitted the policy fails to set out any relevant standards either for the provision itself or for the size/type of sites to which it would apply.
- 7.105 In the second instance I recommend the deletion of the second sentence of the first part of the policy. As submitted, it adds an unnecessary level of detail over and above that included in existing development plan standards. In any event as BC advise this part of the policy will directly conflict with the approach in the emerging Local Plan. Whilst this does not represent the basic condition test it confirms the approach set out in the earlier part of this paragraph.
- 7.106 In the third instance I recommend that the fifth criterion is deleted. Whilst management plans and maintenance arrangements are important dimensions

to the effectiveness of the open spaces such arrangements are not directly of a land use nature.

- 7.107 In the fourth instance I recommend that the final part of the policy is also related to development plan standards.

Replace the first sentence of the policy with:

‘Proposals for new residential development should provide outdoor play spaces, informal meeting places and parks to development plan standards.’

Delete the second sentence of the first paragraph of the policy.

In the second paragraph of the policy delete the fifth criterion and insert ‘and’ at the end of the third criterion.

Replace the third paragraph of the policy with:

‘Where it is appropriate to do so social spaces for stopping and sitting should be incorporated within the overall provision of outdoor spaces as required by the first part of this policy.’

Policy COM3: Community buildings

- 7.108 This policy has two related parts. The first offers support to new community buildings and to improvements to existing buildings in community use. The second resists the loss of community facilities unless one of three exceptions are met.
- 7.109 I sought advice from the Town Council on the way in which it had identified community buildings. It offered an appropriate and clear definition. I recommend that it is incorporated into the supporting text for clarification throughout the Plan period.
- 7.110 I also recommend a modification to the first part of the policy. As submitted, it refers to ‘encouragement’ rather than ‘support’ for such proposals. In addition, it has been drafted to ‘enable an increase in the number of activities able to be delivered’. Plainly this may well be the case. Nevertheless, there may be circumstances where a new community facility is developed which would allow existing activities to be delivered better or on a larger scale. In this context the submitted policy would be overly restrictive. A similar issue arises with the submitted policy’s particular focus on youth groups. Finally, I recommend the insertion of ‘or’ after the first exception in the second part of

the policy. In most cases a potential developer would only practicably be able to satisfy one of the exceptions to policy.

In the first part of the policy replace the first sentence with the following: ‘Proposals for new community buildings will be supported’

In the second part of the policy insert ‘or’ after the first criterion.

At the end of paragraph 6.5.13 add:

‘For the purposes of Policy COM3 community buildings and amenities are buildings to a wide range of facilities to which the public have access. They general fall within Class D1 (non-residential uses) of the Use Classes Order.’

Policy COM4: Health care and social care

7.111 The policy supports the development of new health and social care facilities. It requires that any such facilities should have adequate car parking and be accessible on foot or by public transport.

7.112 The policy is appropriate to the neighbourhood area. It meets the basic conditions.

Policy COM5: School and preschool provision

7.113 The policy supports the expansion of existing school properties. It also supports proposals that seek to address a shortfall in preschool provision.

7.114 I recommend two modifications. The first removes ‘where required’ from the first part of the policy. Plainly the school concerned and/or the County Council will form its own view on the requirement for the expansion of facilities concerned. These issues are fully addressed in paragraphs 6.5.19/20. The second removes the reference to present shortfalls in preschool facilities. As with schools those responsible for providing preschool provision will come to their own judgements on the adequacy or otherwise of the current provision and the competitive environment in which such facilities are provided. Otherwise the policy meets the basic conditions.

In the first part of the policy delete ‘Where required’.

Replace the second part of the policy with:

‘Proposals for new or improved preschool provision will be supported’.

Community Actions

- 7.115 The Plan includes an extensive range of Community Actions. They have naturally emerged as part of the preparation of the Plan. In the event that the Plan is made they will not be planning policies and will not feature as part of the development plan.
- 7.116 The Actions are wide-ranging. For the purposes of simplicity, I comment only on the Actions where it is necessary to do so and/or where I recommend modifications. Nevertheless, the approach taken in general, and the issues identified in particular, are appropriate and distinctive to the neighbourhood area. It is also clear how they will complement relevant land use policies and contribute towards place-shaping.
- 7.117 The Actions are listed at the end of each topic-based chapter. They have a particular focus around traffic management, air quality issues in and around the town centre and measures to encourage the further development of niche shopping in the town.
- 7.118 National policy recommends that Actions of this nature are included in a separate section of the Plan which is separate from the land use policies. However, given that they are separately distinguished from the topic-based policies and in some cases flow from the policies concerned I am satisfied that their positioning is appropriate.

Other Matters

- 7.119 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. This may particularly apply to the renumbering of other policies in the Housing and built environment and transport and access sections where I have recommended that Policies HBE1 and TRA2 become community aspirations. It will be appropriate for BC and the Town Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

7.120 Breckland Council has separately suggested a series of amendments to the Plan. I have found its comments very helpful. I recommend modifications in the following matters. They are required to ensure that the Plan meets the basic conditions.

Front Cover and paragraph 1.1

The Plan correctly identifies a Plan period. In the submitted Plan it proposes a Plan period of 2019-2039. BC suggests that the submitted Plan is aligned to that same period as the emerging Local Plan (2036). In addition, it draws my attention to the designation of the neighbourhood area in 2016. The legislation does not require that neighbourhood plans and local plans have the same end date. However, Planning Practice Guidance encourages that potential conflicts of this nature should be avoided and I am satisfied that there will be little, if any, effect on the medium or longer-term ambitions of the Plan in this regard. On this basis I recommend that the Plan period is modified to 2016-2036

On the Front Cover and in paragraph 1.1 replace 2019-2039 with 2016-2036.

Figure 1

Add key to read 'Swaffham neighbourhood area'

Paragraph 6.1.1

Replace the first sentence with 'Development is defined in Section 55 of the Town and Country Planning Act 1990 (as amended). It can include both the construction of new buildings and structures and the change of use of existing buildings.'

Paragraph 6.1.2

Update the paragraph to reflect the extent to which the most recent version of the emerging Local Plan affects the delivery of growth in the Plan period.

7.121 I have recommended that the second sentence of paragraph 6.1.21 is deleted. As a consequential modification I recommend that paragraph 6.1.3 provides a context for Figure 7.

At the end of paragraph 6.1.3 add: 'The various sites are shown on Figure 7'.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036 (as recommended to be modified). It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Swaffham Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Breckland Council that subject to the incorporation of the modifications set out in this report that the Swaffham Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Breckland Council on 4 April 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to the Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
8 March 2019