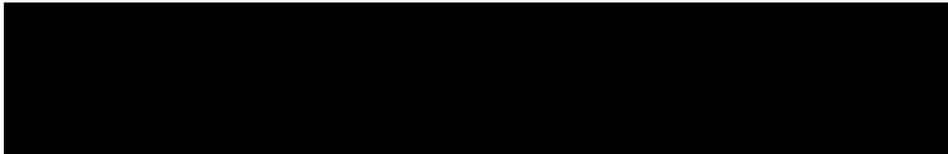


Comment



Email Address

CLERK2ROCKLANDS@GMAIL.COM



Event Name

Consultation on the Schedule of Main Modifications
May 2019



Comment ID

7

Response Date

11/07/19 17:53

Consultation Point

Response Form ([View](#))

Status

Processed

Submission Type

Web

Version

0.3

To which proposed Main Modification does your representation relate? Please state the relevant reference number that you are commenting on from the Schedule of Proposed Main Modifications e.g. MM1

MM17 and MM17 A NEW MOD

Rocklands Parish Council has previously submitted comments relative to Policy HOU 04 in conjunction with the earlier public consultation periods. In view of the additional proposed text revisions, as recently detailed in document reference EX135, we would like to expand on those earlier comments as follows.

The latest edition of the NPPF requires that policies should be '**...clearly written and unambiguous, so it is evident how a decision maker should react to development proposals**' (NPPF 2018, Section 3 'Plan-making' para. 16d). In considering the text amendments made to HOU 04, qualifying criteria nos. 1-3 inclusive - and the relevant Reasoned Justifications associated with these (i.e. paras. 3.21 to 3.23 inclusive that, we now understand, are recommended for deletion) - we would contend that the Inspector has clearly failed to comply with NPPF guidelines as detailed below.

HOU 04, criterion no. 1: The original text very clearly establishes that, in the identified 17 villages with settlement boundaries (including the parish of Rocklands) any proposed new development should be '*minor*' in scope and '**...of an appropriate scale and design to the settlement of up to 5 dwellings**'. The text provides specific and unambiguous instruction to all of the parties concerned in the decision-making process. It is also wholly consistent with the Reasoned Justification subsequently provided in para. 3.18 that states '*In line with the Spatial Development Strategy and Settlement Hierarchy, **the level of new development permitted in settlements defined in the policy will be restricted, consistent with the rural character of these villages and reflective of the more limited service provision and infrastructure available***'.

The Inspector's amended text – *'The development is of an appropriate scale and design to the settlement'* is clearly open to individual interpretation as to what might constitute an 'appropriate' number of new dwellings – hence, clarity is replaced by ambiguity. As well, by removing the limit on the number of permitted dwellings, the Inspector is effectively diluting one of the stated goals of Policy HOU 04 (i.e. to **deliberately restrict** the amount of permitted new development in rural areas that, under the new Development Plan, are considered not to be sustainable). This is of particular significance to small villages such as our own where the maximum 5% new development limit described under Criterion no. 2 equates to a total of just 8 new dwellings to 2036 (and, in this context, I would offer the example of a recently considered appeal where the Planning Inspectorate gave approval for a single development in our village comprising seven new dwellings - thus expending almost the whole of this intended quota in one go).

HOU 04, criterion no. 2: In respect of our comments above, the Inspector's introduction of the word 'significantly' into the text (i.e. development '*... would not lead to the number of dwellings in the settlement **significantly** increasing by more than 5%*) is similarly ambiguous. **Who is supposed to ascertain how many additional new dwellings constitutes a significant amount and what criteria are they supposed to use to determine this?** Again, in Rocklands, we have already seen a 12% increase in the pre-existing housing stock since the current Development Plan was adopted in December 2009 (not including the seven new dwellings described above); during the same period (and in accordance with our residents' stated wishes) **we have successfully opposed other applications that would have added twice that volume of additional new housing to our village. This is the scale of the problem we are dealing with!** Thus, we need some degree of certainty that the LPA will be provided with the necessary policy tools to keep such development under sensible control (again, the Reasoned Justification provided in para. 3.18 refers).

HOU 04, criterion no. 3: The Inspector is proposing to completely delete criterion no. 3 '*Development provides a significant community benefit*' together with the Reasoned Justification relating to this (pages 37 & 38, paras. 3.21 to 3.23 inclusive referenced in EX135 as **MM17A NEW MOD**). We believe this will be counter-productive in terms of encouraging smaller villages, such as our own, to consider new development more positively since the Inspector is proposing to remove any and all incentives to do so. Many local villages lack modern community facilities and essential infrastructure such that the particular requirement being proposed under criterion no. 3 would have provided an opportunity for parish councils to negotiate directly with developers and the LPA to obtain financial or other material benefits to help redress the situation. Our own emerging Neighbourhood Plan is actually being drafted to incorporate a list of community projects that might be, at least partially, assisted by such a proposal. The wholesale removal of criterion no. 3, and the paragraphs supporting it, will deprive the smaller Breckland villages of a much-needed chance to improve their individual situations to the overall benefit of their residents and, almost certainly, lead to a hardening in their attitude towards accepting more new development.

The single reason provided by the Inspector for introducing all of the text changes being proposed under MM17 is '*To ensure that the Local Plan supports opportunities for self-build dwellings*': However, **none of the above-referenced text changes have anything to do with the concept of self-build per se**. The only specific reference by the Inspector to self-build in the context of HOU 04 is where the original sentence '*Opportunities for **self-build** dwellings which meet the criteria set out above will be considered in accordance with national guidance*' is corrected such that the last six words are replaced by the single word 'supported'. This appears to be rather superfluous since any submitted proposal, be it self-build or otherwise, is still subject to the same overriding, qualifying criteria: Thus, it must be presupposed that if all of the qualifying criteria are met (regardless of whether the application relates to a self-build proposal or not) then the application will be supported by the LPA.

Rural communities, such as our own, already feel that the planning system is loaded in favour of developers: These criteria, in their original form, afforded a much-needed element of protection. In proposing those various amendments discussed above, the examining Inspector makes clear the fact that he is not in touch with the reality of everyday life in the Breckland countryside and the problems posed by unwanted, excessive housing development to our smaller villages.

**Do you consider the proposed modification is:
(please mark the appropriate box)**

If you consider the proposed Main Modification to be UNSOUND, please identify which test of soundness your representation relates to? . Is it justified?
. Is it effective?
. Is it consistent with national policy?

Please give us details as to why you think the Local Plan with proposed modifications is NOT legally compliant or sound?

- 1 The Inspector's proposed amendments to the qualifying criteria listed under Policy HOU 04 actually introduce ambiguity, uncertainty and inconsistency when considered against the stated reason for introducing the proposed text changes. This directly contradicts the requirements of NPPF 201, para. 16d).
- 2 The blanket reason provided by the Inspector for making all of the text changes relative to Policy HOU 04 – i.e. 'To ensure that the Local Plan supports opportunities for self-build dwellings' - is considered not to be valid in the context of qualifying criteria nos. 1-3.

Please set out what changes you consider necessary to make the proposed main modifications to the Local Plan legally compliant or sound.

The original text contained more clarity, certainty and consistency. One of the stated objectives of Policy HOU 04 is to restrict any significant new development in the identified settlements to a maximum of 5% because it is not considered appropriate to the rural character of the identified villages and the level of services / infrastructure available i.e. the settlements do not constitute sustainable options for development. The final policy text should not leave this open to doubt or subject to miscellaneous interpretation: It should be clear and unambiguous. If the Inspector still considers that the above-referenced text changes are necessary, then he should provide specific reasons for making those changes other than the one provided – which is clearly not valid in the case of criteria nos. 1-3.

Would you like to be notified of future stages of the Local Plan? Yes

How would you like to be notified? . By email to my email address