

## Comments

### Main Modifications to the Local Plan (18/02/19 to 01/04/19)

Comment by	Yaxham Parish Council ( Ian Martin - 976262)
Comment ID	105
Response Date	31/03/19 16:47
Consultation Point	9.1 Paragraph ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1

**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**

Appendix 1 Housing Trajectory Table 9.1 - which the Main Modifications schedule appears to call Appendix 3,

**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 positively prepared?
- . Is it justified?
- . Is it effective?

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

The housing trajectory as previously proposed sought to phase the housing supply over the plan period and to make-up the shortfall from the period 2011-2018 again over the full remaining period of the Plan. The stepping of the supply was seen as a sensible and pragmatic approach as was the use of the "Liverpool" methodology, rather than "Sedgefield", to allow the recovery of the shortfall to date over the period of the Plan. In the Public Examination Hearings in September 2018 the Examiner expressed concern over the Housing Trajectory and asked Breckland for, and was given, an assurance that Breckland would undertake a Local Plan Partial Review (now INF03). This appeared a sensible and proportionate approach given the apparent concerns of the Examiner. If in two years time Breckland's approach was not delivering then that would be the time to make significant changes. However, to then preempt matters, despite this commitment by Breckland, by removing the stepped approach and substituting Sedgefield for Liverpool appears unnecessary and draconian. This looks as if it is designed to set Breckland up to fail with 770 new dwellings pa for the first 5 years of the Plan versus 656 with Liverpool.

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

At the least the Sedgefield methodology should be re-instated, as after all this is a Local Plan for the whole period through to 2036.

**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

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**Comment by** Yaxham Parish Council ( Ian Martin - 976262)  
**Comment ID** 104  
**Response Date** 31/03/19 16:25  
**Consultation Point** Table 13.1 ([View](#))  
**Status** Processed  
**Submission Type** Web  
**Version** 0.1

**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**

Appendix 5 Table 13.1

Yaxham and Clint Green are shown as separate settlements in policy HOU 04. However in Table 13.1 they are aggregated together, unlike any other settlements. Each is a separate settlement for planning purposes and should therefore have separate allocations of number of dwellings. Without this the whole 5% increase within the parish could end up being allocated to one of the two settlements - which would be particularly out of proportion for the smaller of the two settlements, Clint Green with around 100 dwellings. If the 5% growth numbers shown in table 13.1 stand, then Clint Green could see an 18% increase if all 18 new dwellings occurred adjacent to its boundary. It would therefore be unjustified and unsound to continue to aggregate Yaxham and Clint Green together in Table 13.1

**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?

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

Without separating for these purposes, and in line with HOU 04, the whole 5% increase within the parish could end up being allocated to one of the two settlements - which would be particularly out of proportion for the smaller of the two settlements, Clint Green with around 100 dwellings. If the 5% growth numbers shown in table 13.1 stand, then Clint Green could see an 18% increase if all 18 new dwellings occurred adjacent to its boundary. It would therefore be unjustified and unsound to continue to aggregate Yaxham and Clint Green together in Table 13.1

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

Show Yaxham and Clint Green separately in Table 13.1 as they are rightly shown in HOU 04.

**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

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**Comment by** Yaxham Parish Council ( Ian Martin - 976262)  
**Comment ID** 103  
**Response Date** 31/03/19 16:22  
**Consultation Point** 13.2 Paragraph ([View](#))  
**Status** Processed  
**Submission Type** Web  
**Version** 0.1

**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**

New Appendix 5 - HOU 04 Methodology

**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?

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

First, this Appendix is not included in the Main Modifications document EX 121 that forms part of this consultation.

Yaxham accepts the need for a clear methodology for the determination of the baseline settlement numbers for each village. Logically these should include all built dwellings at the date of the calculation of the baseline. Yaxham does not accept the logic of including Outline Planning permissions for the purposes of this calculation. Such permissions are for development in principle and as such the number of dwellings will not be confirmed until or if these sites are built out. The two such developments in Yaxham do not include specific numbers. This therefore introduces uncertainty and ambiguity in conflict with NPPF 2018 Para 16.d) which advises that policies should be 'clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'. Outline planning permissions should therefore be excluded. Second, the methodology relies on GIS mapping systems without reference to the reality on the ground or local knowledge. On reviewing the alleged properties for Yaxham and Clint Green we have identified a number of properties that double or triple count an existing property, and include caravans which are no longer on site. We are in discussions with Breckland Council on these points, but it highlights that the methodology should not rely solely on GIS data, but needs to include provision for the checking of the data against reality on the ground.

Lastly, Yaxham and Clint Green are shown as separate settlements in policy HOU 04. However in Table 13.1 they are aggregated together, unlike any other settlements. Each is a separate settlement for planning purposes and should therefore have separate allocations of number of dwellings. Without this the whole 5% increase within the parish could end up being allocated to one of the two settlements - which would be particularly out of proportion for the smaller of the two settlements, Clint Green with around 100 dwellings. If the 5% growth numbers shown in table 13.1 stand, then Clint Green could see an 18% increase if all 18 new dwellings occurred adjacent to its boundary. It would therefore be unjustified and unsound to continue to aggregate Yaxham and Clint Green together in Table 13.1

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

Remove outline planning permissions from the calculation of the number of dwellings so as to remove the ambiguity inherent in the final development numbers (if any) resulting from outline planning permissions that may by their nature never be built.

Amend the methodology to include testing the GIS produced data with the reality in the villages.

Show Yaxham and Clint Green separately in Table 13.1 as they are rightly shown in HOU 04.

**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

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<b>Comment by</b>	Yaxham Parish Council ( Ian Martin - 976262)
<b>Comment ID</b>	102
<b>Response Date</b>	31/03/19 16:02
<b>Consultation Point</b>	3.18 Paragraph ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.1

**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**

MM16 Page 37 HOU 04 Para 3.18

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

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

The Main Modifications Documenty EX 123 shows the proposed addition of the following words to para 18 - but these do not appear in para 18 of the Consultation version of the Plan that this comments is attached to.

"As per Criterion 2, growth in each settlement will not lead to an increase of significantly more than 5%, from the date of adoption of the plan. Appendix5 sets out the detailed methodology regarding the calculation of this 5%increase and provides a table, which sets out the number of new dwellingsfor each settlement."

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

Presumably the text should be added to para 3.18 in the consultation version of the Local Plan:

"As per Criterion 2, growth in each settlement will not lead to an increase of significantly more than 5%, from the date of adoption of the plan. Appendix5 sets out the detailed methodology regarding the calculation of this 5%increase and provides a table, which sets out the number of new dwellingsfor each settlement."

**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

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<b>Comment by</b>	Yaxham Parish Council ( Ian Martin - 976262)
<b>Comment ID</b>	101
<b>Response Date</b>	31/03/19 15:49
<b>Consultation Point</b>	HOU 04 - Villages with Boundaries ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.1

**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 Page 37 Policy HOU 04

**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 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?**

Yaxham welcomes the confirmation that Yaxham and Clint Green are included as villages with boundaries. However, Yaxham is disappointed with the extensive amendments made to HOU4. Its

intent was to limit the exposure of villages with settlements to predatory and inappropriate development. The policy was designed to enable such villages to expand in context.

Criterion 1 - Yaxham rejects the removal of the limit on development size to 5 dwellings. Smaller developments are more in keeping with small rural villages such as Yaxham. The harm of larger developments in small villages is supposed to be balanced by the mantra that development will fund infrastructure. As we explained in the public hearing in September 2019, this is a fallacy as far as the experience of Yaxham. With two major developments in the small parish of Yaxham of 361 dwellings, one of 45 and one of 25 homes, the community has not benefited one jot from the s106 requirements for these developments. Yaxham therefore calls for the cap of 5 dwellings to be re-instated.

Criterion 2 - This introduces the word "significantly" and thereby removes the certainty in this element of the policy and introduces an ambiguity that will only be settled in appeals. 5% can be calculated - "significantly" cannot be. Developers will have a very different interpretation to that of local communities. In developing Yaxham's Neighbourhood Plan we were repeatedly told to avoid ambiguity wherever we could in the policies developed. Indeed NPPF 2018, para. 16d) advises that policies should be 'clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'. This amendment therefore fails to meet this requirement by deliberately adding unnecessary, confusing and ultimately wasteful ambiguity that is contrary to the NPPF and to public policy in general.

Criterion 3 - Yaxham does not understand why this has removed when the supporting text at para 3.24 states "Development proposals which fail to demonstrate a significant benefit to the local community will not be permitted."

Criterion 4 (new 3) - Yaxham welcomes the retention of the "design" criterion

Criterion 5 (new 4) - Yaxham welcomes the retention of the "avoids coalescence of settlements" criterion as this echoes and reflects the policy originated in the Yaxham Neighbourhood Plan and other subsequent Neighbourhood Plans in Breckland.

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

Criterion 1 - re-instate the words "of up to 5 dwellings"

Criterion 2 - remove the word "significantly".

Criterion 3 - re-instate in line with para 3.24

**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

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<b>Comment by</b>	Yaxham Parish Council ( Ian Martin - 976262)
<b>Comment ID</b>	100
<b>Response Date</b>	31/03/19 15:22
<b>Consultation Point</b>	3.12 Paragraph ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.1

**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**

MM14 Page 33 Policy HOU 02

**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?**

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

As regards the Parish of Yaxham there are two settlements with their own separate development boundaries i.e. Yaxham and Clint Green. The original policy, in line with other settlements, recognised Yaxham and Clint Green as separate settlements for planning policy. The proposed amendment however aggregates them together. This is not justified. Other settlements are treated separately - the same should apply to Yaxham and Clint Green for these purposes. Yaxham Parish Council asks that they be restored as separate settlements for planning purposes in HOU 02.

**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

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<b>Comment by</b>	Yaxham Parish Council ( Ian Martin - 976262)
<b>Comment ID</b>	99
<b>Response Date</b>	31/03/19 15:11
<b>Consultation Point</b>	Policy GEN 05 Settlement Boundaries ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.1

**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**

MM11 Page 30 Policy Gen 05

**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 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?**

By ignoring the growing number of Neighbourhood Plans made in Breckland, the amended policy as it stands is inconsistent with national policy of promoting and valuing Neighbourhood Plans.

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

Add to the bullet points:

"Relevant policies of an applicable neighbourhood plan."

**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