

Comments

Local Plan Main Modifications Extension - MM18, MM119 & MM148 only (03/04/19 to 15/05/19)

Comment by	Brettenham and Kilverstone Parish Council (Mr Anthony Poulter - 170575)
Comment ID	20
Response Date	16/05/19 12:01
Consultation Point	7.19 Paragraph (View)
Status	Processed
Submission Type	Email
Version	0.2

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

MM148

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?

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

This endorses the Inspector's requirement for a formal Health Assessment for new developments. While it might be sensible to require the Developer to produce a an assessment of need, this ought to be overseen by the Local Authority with responsibility for Public Health, in Breckland District Council's case Norfolk County Council. Further, where it is clear that new facilities such as a new primary care surgery is required, the Local Plan should ensure this is part of the S106 agreement negotiations.

How would you like to be notified?

Comment by	Brettenham and Kilverstone Parish Council (Mr Anthony Poulter - 170575)
Comment ID	19

Response Date	16/05/19 11:58
Consultation Point	5.24 Paragraph (View)
Status	Processed
Submission Type	Email
Version	0.2

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

MM119

Do you consider the proposed modification is: Sound?
(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?

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

The Parish Council is concerned that MM119 as written in the present round of consultation is unclear. The supporting text does not seem to be reflected in paragraphs 5.19 to 5.26 but paragraphs 5.24 to 5.35

(but with 2 additional paragraphs which are unnumbered). Further, it is difficult to comment on these supporting paragraphs without reference to the Policy itself, ENV 03. The Council is very concerned that the proposed changes to both the policy and its supporting paragraphs waters down the integrity and purpose of the Special Protection Area.

The addition of "Within these areas development may be brought forward, providing a project level Habitats Regulations Assessment can demonstrate adverse effects have been prevented, for example where alternative land outside the SPA can be secured to adequately mitigate for the potential effects." does not specify how it is possible to make such a statement and how the birds would know where this alternative land might be. In a recent application stone curlew were expected to know that their mitigation site was under half the size and some 9 km to the north east. This, the Council believes, is what the Emerging Local Plan should be clear on. Moreover, the Special Protection Area should be land which is protected from development.

Equally, the proposed insertion: "Further analysis of the most recent Stone Curlew survey data allowed for some minor revisions to the primary (red) and secondary (blue) buffers to ensure they remain founded upon up to date information. Areas where data is absent, but could potentially provide functionally linked land, is identified by orange cells. Here a likely significant effect is presumed until project level Habitats Regulations Assessment provides additional information." appears to be designed to water down the purpose of the SPA and carries no other useful function.

It is recommended the new wording for paragraph 5.35 should include Parish Councils with a Neighbourhood Plan in the partnership, thus: "Policy ENV 03 requires a Monitoring and Mitigation Framework to ensure that no adverse impact on the integrity of Breckland SPA will occur due to urban effects and recreational pressure arising from growth proposed in the Local Plan. The Framework will consist of measures that monitor and address recreational pressure from proposed allocated sites – both at the individual site level where necessary, and the consideration of cumulative pressure. Partnership working with the Forestry Commission, Natural England, RSPB and Norfolk Wildlife Trust, neighbouring Local Planning Authorities and Parish Councils will enable more detailed consideration of proposed developments and the likely pressure points (publicly accessible sites/sites at greater risk

due to urban effects) in and around Breckland SPA and Breckland SAC. This will enable refinement of the type of monitoring that needs to be put in place and any mitigation required to address identified impacts of development. Once a planning application is made, the Council will use the Monitoring and Mitigation Framework and its outputs to aid consideration of development proposals, and for HRA screening."

Finally, the Policy ENV 03 should have the word "normally" removed from the paragraph "Development within the SPA boundary or located less than 1500m away from the SPA boundary or identified areas that have a functional link (see Map 5.1) will not normally be permitted."

How would you like to be notified?

Comment by	Brettenham and Kilverstone Parish Council (Mr Anthony Poulter - 170575)
Comment ID	18
Response Date	16/05/19 11:43
Consultation Point	Policy HOU 05 - Small Villages and Hamlets Outside of Settlement Boundaries (View)
Status	Processed
Submission Type	Email
Version	0.2

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

MM18

Do you consider the proposed modification is: Sound?
(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?

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

The rural housing policies presented in the Local Plan were the subject of significant local engagement and were developed in parallel to the considerable effort by both the communities and councils in the preparation of the Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan, made in February this year. The aim of this Neighbourhood Plan is to integrate the development of 5,000 new homes, and their occupants, capsulated in the Thetford Area Action Plan (TAAP), into the existing communities and maintain the rural nature of the parishes. This aim is supported by the Local Plan's approach to development in smaller villages, and in other small rural settlements and hamlets, that have, in the past suffered from developments that have resulted in harm to local character. The Parish Councils supported the intention of Policies HOU4 and HOU5 to provide locally distinctive policies to give a clear and consistent approach to development in the smaller villages of our rural area. Accordingly, Brettenham and Kilverstone Parish Council considers that that the Main Modifications proposed to

Policies HOU4 (Villages with Settlement Boundaries) (MM17), and HOU5 (Small villages and hamlets outside of settlement boundaries) (MM18) are unsound.

This concern also arises from Main Modifications proposed to Policy HOU5, where the words 'minor development' have been removed, as has the dwelling threshold of 3 dwellings. Specifically the weakening of the first paragraph where the revised wording would imply that the frequency of development occurring in such locations would be greater than just exceptional. This weakening is inconsistent with paragraph 79 of the National Planning Policy Framework (NPPF) which has clear criteria which it would be rare to comply with if the proposal is not for an essential worker, enabling the viability of a heritage asset or the conversion of an existing building.

In addition, the removal of minor development and the limit of 3 dwellings implies that major development could take place in such locations and certainly that development of more than 3 new dwellings would be acceptable. This is again at odds with paragraph 79 of the NPPF which seeks to avoid the development of isolated new homes that do not meet the criteria referred to in the first part of this objection

Finally, the removal of criterion 3 of the policy is of considerable concern. Should, the Inspector wonder how it can be demonstrated that a parish council is supportive of a proposal and, at what point in the process that support should be demonstrated, the Criterion 3 policy could be reworded:

"3. Where the policies in the relevant "made" Neighbourhood Development Plan would support such a proposal."

How would you like to be notified?