

Summary of Responses to Main Modifications Consultation (May – July 2019)			
Reference	Name	Summary	Comment
MM3/01	Snetterton Business Park	<p>Concerned about EC01 and EC02.</p> <p>The inspector was very direct in his instruction that the council include a modification to ‘commit to an early review of policy EC01’ in the local plan This commitment is missing from the final draft.</p> <p>Secondly the inspector confirmed that he would write regarding the proposed inclusion of a further clause in EC02, the wording of which was drafted on the 19th of Sept during the hearing session on matters 9&10, by the planning policy team and the directors of Snetterton Park Ltd.</p> <p>The absence of these two items in the final document calls into question the soundness of the local plan;</p> <ul style="list-style-type: none"> . Why have the inspectors direct instructions not been followed (There is no mention in the local plan of a commitment to an early review of EC01)? . Why has agreed text not been included? . Why has the inspector not written on the matter as instructed? . If these two items have been intentionally omitted, why is there no document trail to explain the reasoning? 	<p>The matters, including those relating to economic development and associated SOCG were considered at length in the Independent Examination Hearings and the MM reflect these. The independent Local Plan inspector is not bound by SOCG and has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan.</p> <p>The Plan includes a policy (INF 03) that requires BC to undertake an immediate review of the Local Plan. The Policy includes 4 specific areas of work including Policy EC 01. The Council is committed to beginning this review at the earliest possible opportunity and one of the key priority decisions will be to explore and agree whether any parts of the Plan other than those set out in Policy INF 04 should also be reviewed.</p>
MM3/02	Norfolk County Council	The County Council does not have any concerns/objections.	Noted

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MM3/03	Stoke Ferry Parish Council	Strongly believe their village has much to offer, such as increased tourism and should be included as it once played an important part.	Stoke Ferry Parish shares a border with Breckland District but is in the District of Kings Lynn and West Norfolk. No comments have been made in respect of the Main Modifications
MM3/04	Little Dunham Parish Council	Require no further action other than recognition of the previous comments made by the Chairman on behalf of the Council.	Noted
MM3/05	Armstrong Rigg	Supports the proposed main modifications to Policy H0U04 and accompanying methodology in Appendix 5.	Noted
MM3/06	Anglian Water Services Ltd	Concerns that earlier comments on main modification consultations in February and April 2019 have not been recognised. This has raised issues of whether further comments on amendments are needed although already raised.	Noted. Responses to the previous consultations on the Main Modifications have been submitted to the Inspector for consideration. This consultation did not take into account responses received at the earlier stages.
MM3/07	Dereham Town Council	The following summarises why the Local Plan should be considered unsound: In the infrastructure Delivery Plan 2017 Breckland Council State that [for Dereham]: “due to existing issues regarding congestion, it is important that any future growth is planned with the necessary	MM 34, 36, 38, 40 and 42 include a requirement that the proposed housing allocations in Dereham should <i>contribute towards required highway improvements in Dereham having regard to the Dereham Transport Study; and any subsequent</i>

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		<p>mitigation measures and improvements to the transport network to ensure existing issues are not exacerbated by new developments”</p> <p>The Dereham Transport Study (as evidence for the Local Plan) identified two improvements that were needed at Tavern Lane (by 2026) to mitigate the effects of the proposed Local Plan Development. Option 1 was minor changes to the existing junction (now completed with NPIF money). Option 2 was the introduction of a signalised roundabout at Tavern Lane.</p> <p>In the report to the Local Plan Working Group (referring to both options 1 & 2) it is stated that “improvements to the capacity of the Tavern Lane/Yaxham Road junction are feasible”</p> <p>The report also stated that interim costings for the scheme had been derived using DfT guidance and approved by NCC.</p> <p>i.e. for the Local Plan some significant infrastructure has been agreed as being needed and confirmed as being feasible.</p> <p>In its submission to Matter 14 of the Local Plan Hearing, the Town Council pointed out that Option 2, the signalised roundabout, required considerable levels of funding which neither Breckland or NCC had budgeted for. Option 2 also included land purchase which had not been budgeted for. At the Local Plan Hearing Session these issues were discussed</p>	<p><u>additional transport evidence.</u> <u>Further transport assessments may be required;</u></p> <p>As discussed at the Hearings, the Dereham Transport Study considers the likely impact on capacity if Option 1 was implemented – and demonstrates that there would be no worsening of the practical reserve capacity when compared to the 2015 base traffic level, apart from in the PM peak by stage 3 (2027-2036). Although option 2 would provide a more beneficial impact on the junction it was not a definitive requirement. Option 2 was not considered to be a requirement for the deliverability of the Plan and therefore was not recommended for inclusion within the relevant proposals by way of a MM. Therefore, the statement by NCC that Option 2 is not considered to be deliverable by the Highway Authority does not mean that the Plan is unsound.</p> <p>This was augmented by the MM that in addition to the Transport Study new transport assessments may be required as part of the submission of</p>

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		<p>at length, the NCC officer never stated that NCC had concerns regarding the deliverability Option 2.</p> <p>In March 2019 Norfolk Council published a report titled “Dereham Network Improvement Strategy” within this report NCC state that:</p> <p>“this scheme [Tavern Lane Roundabout] would involve significant third party land and so is not considered deliverable by the highway authority”</p> <p>So with regards to the Local Plan’s soundness test, for Dereham, the Local Plan is unsound because a major piece of road infrastructure was identified within the evidence base as being needed in order to mitigate the impact of growth on the highway network, but Norfolk County Council have subsequently announced that a signalised roundabout at Tavern Lane (Option 2 in the Dereham Transport Study) is not deliverable.</p> <p>Dereham will see the Local Plan Growth but will not receive the highways mitigation identified as being needed to accommodate that growth, the Local Plan is therefore unsound.</p> <p>Concerned with MM33 and the redrawing of the settlement boundary. Over many years the Town Council has successfully established a clear buffer to protect the amenity of Shillings Lane – the proposed modification could undo all that work.</p>	<p>planning applications for each allocation.</p> <p>The new reference to the potential need for new transport assessments will assist the Council in considering planning applications in the future.</p> <p>Any planning applications for major development will be expected to be accompanied by a highway assessment and will be considered against this and paragraph 109 of the NPPF (2019)</p> <p>The boundary as proposed to be modified correctly reflects the red line boundary for the current planning application submitted by Taylor Wimpey Strategic Land.</p>

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			(3PL/2015/1045/O) for residential development up to 62 dwellings and all associated works on land West of Etling View in Dereham. The MM does not affect the layout of the development within the red line. Therefore it does not undo the work that has been carried out to date to protect amenity.
MM3/08	Brettenham and Kilverstone Parish Council	<p>Concerns with regard to multiple modifications.</p> <p>The main concern is that amendments to policy significantly water down the protection offered by the policy, undermining the purpose of the policy and deeming it unsound.</p>	<p>The examination into the Local Plan assesses whether the Plan has been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:</p> <ul style="list-style-type: none"> a) Positively prepared b) Justified c) Effective d) Consistent with national policy <p>The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan. The MM are therefore not considered to make the Plan unsound.</p>

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		<p>Primary Care The Local Plan is practically silent on the provision of new primary care facilities despite substantial growth being promoted in its policies. Thetford is a key example of where significant growth is being proposed and where there will be a significant population increase yet only passing regard and small mention of 'medical facilities' is made. MM151 - COM04 There is no reference to primary care in the description of community facilities which is a serious omission</p> <p>There should be a cross reference between the Thetford Settlement Boundary and the parishes of Brettenham and Kilverstone so that it is clear to the reader that there is a settlement boundary that falls within their parish. A map of the settlement boundary for Thetford (which extends in Brettenham and Kilverstone) should be included within the Plan.</p> <p>In addition there is no reference to Rushford, Kilverstone or Brettenham – they should be included in the list of villages without a settlement boundary</p>	<p>Appropriate provision of health care facilities is a key consideration for all major planning applications. This is included as part of Policy INF02.</p> <p>There are no MM proposed for the Thetford policies map included in the Pre Submission Plan.</p> <p>MM 14 sets out those settlements without settlement boundaries. These include Brettenham and Kilverstone. There are a number of small hamlets within Breckland that are not included in the Policy. A settlement will be included within Policy HOU 06 unless it is specifically identified as having a boundary.</p>

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		<p>MM9 – Para 2.48 This paragraph should also refer to the Croxton, Brettenham & Kilverstone Joint Neighbourhood Plan (JNP) which is now a ‘made’ plan and is applicable to the urban extension.</p> <p>MM10 – Para 2.52 Objection to the revised wording which waters down the protection given to the countryside outside of settlement boundaries and does not reflect or refer to Policy JNP10 of the Joint Neighbourhood Plan which protects two identified areas for their landscape value and undeveloped character</p> <p>MM11 – 2nd para Objection to the revised wording which waters down the protection given to the countryside outside of settlement boundaries and does not reflect or refer to Policy JNP10 of the Joint Neighbourhood Plan which protects two identified areas for their landscape value and undeveloped character</p>	<p>A Neighbourhood Plan is a significant material consideration in the determination of planning applications as part of the Development Plan. It is not necessary to include references to these plans in the Local Plan. The change proposed is not considered necessary for soundness.</p> <p>The matters, including those relating to housing were considered at length in the Independent Examination Hearings and the MM reflect these. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan. A Neighbourhood Plan is a significant material consideration in the determination of planning applications.</p>

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		<p>MM15 – HOU3 Support for the reference to Development Plan rather than Local Plan here which includes Neighbourhood Plans such as the Croxton and Brettenham & Kilververstone Joint Neighbourhood Plan (JNP).</p> <p>MM17 – HOU4 There is a settlement boundary covering parts of the Parishes of Brettenham and Kilverstone and therefore the policy should refer to those as rural villages with settlement boundaries. Objection to the removal of the figure of up to 5 dwellings and minor development. How is “appropriate scale’ judged? How is ‘significantly’ to be judged? Objection to the removal of reference to community benefits which will result in development that presents no community benefit</p> <p>MM17 – Paras 3.22-3.24 Objection to the removal of this text which defines community benefits</p> <p>MM18 – HOU5 Objection to the proposed revisions to this policy which significantly waters down the protection given to rural areas</p>	<p>Noted</p> <p>The matters, including those relating to Policy HOU 04 were considered at length in the Independent Examination Hearings and the MM reflect these. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan.</p> <p>The matters, including those relating to Policy HOU 05 were considered at length in the Independent Examination Hearings and the MM reflect these. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan.</p>

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		<p>MM116 – ENV01 The policy has become significantly watered down. The requirement for compensatory measures for green infrastructure is too weak and conflicts with the habitat regulations</p> <p>MM118 – ENV02 The policy has become significantly watered down. The fact that ‘no adverse’ has been taken out would imply that development can still have an adverse effect and be permitted</p> <p>MM119 – ENV03 SPA Amendments proposed on page 105 have significantly weakened the SPA protection. There should also be reference made to the JNP here</p> <p>MM126 – ENV05 – Protection and Enhancement of Landscape. This policy is difficult to implement and therefore is unsound</p> <p>MM133 – ENV10 – Renewable Energy If the aim of the policy is to reduce the carbon footprint of the District then the policy is unclear and ineffective. It requires rewording to be effective and perhaps encourage wind or solar generation.</p>	<p>The matters, including those relating to Policies ENV01, ENV02, ENV 03, ENV 05 and ENV 10 were considered at length in the Independent Examination Hearings and the MM reflect these. MM are required to aid the implementation of Policies, ensure compliance with the NPPF and to ensure consistency with the Habitats Regulation Assessment. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan.</p>
MM3/09	Historic England	<p>Comments from previous responses still stand.</p> <p>Further concerns with regard to MM52, MM95, MM98 and MM109.</p>	

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		<p>With regard to MM52, Reference should continue to be made to the impact of the Proposal on the Historic Environment.</p> <p>MM95: We welcome the amendment to policy criterion 2 The policy would be improved by specific mention of heritage assets.</p> <p>MM98 We welcome the amendment to policy criterion 2 The policy would be improved by specific mention of heritage assets.</p> <p>MM109 We welcome the amendment to policy criterion 2 The policy would be improved by specific mention of heritage assets.</p>	<p>It is confirmed that reference to the impact on the Historic Environment will be included the final policy wording.</p> <p>These proposals all contain reference to the preservation or enhancement of the setting of designated and non-designated heritage assets. An archaeological assessment is required to support the application. It is not considered necessary to specifically identify these.</p>
MM3/10	P Morton	<p>Concerns with MM33.</p> <p>MM33 moves the boundary line tight up to Shillings Lane, a vital green network. Dereham Town Council are committed to improving Shillings Lane and making sure the route is safeguarded by buffer zones at the football club and cemetery.</p> <p>The original plan recognised these points and it is requested that a buffer zone be reinstated to help preserve the wildlife corridor.</p>	<p>The boundary as proposed to be modified correctly reflects the red line boundary for the current planning application submitted by Taylor Wimpey Strategic Land. (3PL/2015/1045/O) for residential development up to 62 dwellings and all associated works on land West of Etling View in Dereham. The MM does not affect the layout of the development within the red line. Therefore it does not undo the work that has been carried out to date to protect amenity.</p>

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MM3/11	Natural England	No comments on modifications.	Noted
MM3/12	Persimmon Homes	<p>Support the proposed removal of the 'accessibility of homes standards' from Policy HOU 10 for the reasons outlined above.</p> <p>Contend that, in the absence of adequate justification for the inclusion of internal space standard within the plan, the requirement to meet the Government's Nationally Described Space Standard (NDSS) should be removed from Policy HOU 10 of the emerging Local Plan.</p>	<p>Noted</p> <p>The matters, including those relating to Policy HOU 10 were considered at length in the Independent Examination Hearings and the MM reflect these. MM are required to aid the implementation of Policies, ensure compliance with the NPPF and to ensure consistency with the Habitats Regulation Assessment. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as "Proposed Main Modifications") in order to make the Local Plan a "sound" plan.</p>
MM3/13	Rocklands Parish Council	<p>Concerns with HOU 04.</p> <p>Rocklands Council believes the amended text detailing development scale and design is ambiguous and open to individual interpretation, as well as the use of the word 'significantly'. In doing so, this waters down the goal of the</p>	<p>The matters, including those relating to Policy HOU 04 were considered at length in the Independent Examination Hearings and the MM reflect these.</p>

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		policy, a concern that is echoed by Brettenham and Kilverstone Parish Council. It is believed the eradication of criterion number three would be counter-productive to small villages to improve their individual situations. The original text was more preferable in terms of clarity, certainty and consistency.	The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan.
MM3/14	RSPB	MM4 The plan will be consistent with national policy if the second bullet says "Protect and enhance the natural, built and historic environment"	The matters, including those relating to Policy GEN 1 were considered at length in the Independent Examination Hearings and the MM reflect these. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as “Proposed Main Modifications”) in order to make the Local Plan a “sound” plan. Although protection is a definite requirement, it may not always be possible to enhance the natural, built and historic environment having regard to all material considerations and the planning balance.
		MM117 - the RSPB supports the amended text in paragraph 5.18	Noted
		MM118 - the RSPB supports the wording in this main modification. In particular we welcome the headline intention	Noted

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		<p>to "protect and enhance" biodiversity. This would accord with our comments on MM4 in relation to Policy GEN 1</p> <p>MM119 On page 105, paragraph 4 has "and roads" struck out. This has to be reinstated and written as "...and trunk roads..." in accordance with the research that highlights the negative associations Stone Curlews show with main arterial routes</p> <p>MM120 Suggest that "can" is altered to "may probably" in the first line of the 3rd para on page 109:</p> <p>"A conclusion of no likely significant effect may probably be met where the proposed building is located further than the 1500m away from the SPA boundary (red primary buffer) or the identified (blue secondary buffer) or possible (orange square cells) areas that have a functional link (see Map 5.1)." It should not be definitive that LSE can be concluded. Leaving the wording as presented will not be in keeping with the overall spirit of the policy which is so positively set to conserve and enhance biodiversity. To say that LSE can be concluded for any projects just outside the buffer will, by implication, potentially limit the expansion and recovery of Stone Curlew populations around the Brecks and abrogate any responsibility for an applicant to consider conducting an HRA in the future should the population have increased.</p>	<p>The removal of the phrase 'and roads' is a factual update as the 2013 study "Further Assessments of the Relationship between Buildings and Stone Curlew Distribution" was related to the relationship with buildings.</p> <p>The matters, including those relating to Policy ENV 03, were considered at length in the Independent Examination Hearings and the MM reflect these. The independent Local Plan inspector has identified various changes that he considers may need to be made to the plan (known as "Proposed Main Modifications") in order to make the Local Plan a "sound" plan. Proposed MM to this Policy provide clarity of the Monitoring and Mitigation Framework as agreed in the SoCG between Breckland District Council and the RSPB.</p>

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