

**SAHAM TONEY**

**NEIGHBOURHOOD**

**DEVELOPMENT PLAN 2019 - 2036**



**SAHAM TONEY PARISH COUNCIL RESPONSE TO THE  
ADDITIONAL COMMENTS OF THE INDEPENDENT  
EXAMINER**

**28 APRIL 2021**



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## 1.0 Ref: Para 5 Policy 2B - New Residential Development Within the Settlement Boundary

### Examiner's question:

It appears that the areas of landscape and visual sensitivity, are only attributed to what the plan refers to as the settlement fringe areas, which are shown in Table 7A.1 – FA 1-8. All of these zones appear to be covering land which lies outside the settlement boundary as shown on Map 2A. The first criterion a) of this policy, covers these areas of landscape/ visual sensitivity, but as they are not within the settlement boundary. Can the Parish Council explain how are they relevant to a policy dealing with new development within the settlement boundary?

### Response:

The Saham Toney Parish Landscape Character Assessment: Parts One & Two describe village character areas and settlement fringe areas respectively. Map 1 of Part Two makes clear that the boundaries between areas merge, and that no hard boundaries exist between them in practice. Hence the sensitivities of a settlement fringe area to some extent apply to adjacent village character areas (which include all land within the settlement boundary). However, we recognise that the application of such sensitivities may be too nuanced when assessing a planning application within the settlement boundary, and so propose that P2B.1 (a) be reworded as follows:

**P2B.1 (a) It satisfactorily addresses the requirements for the relevant village character area as set out in Policy 7A.**

To amplify the amended text, we further propose the addition of the following supporting text:

**T2B.8 The Saham Toney Parish Landscape Character Assessment: Part One, describes six 'Village Character Areas' and sets out the key landscape characteristics of each, together with more detailed description of features that characterize each area.**

## 2.0 Ref: Para's 6-9 Policy 2D – Affordable Housing

### Examiner's questions:

We discussed this policy at length at the hearing and I was subsequently sent a copy of the Breckland Allocation Policy and I have paid particularly close attention to the part of the policy dealing with neighbourhood plans and in particular the following relevant sentence:

“Where a community adopts a neighbourhood plan that facilitates additional housing supply, by allocating sites within their neighbourhood plan for housing **over and above those sites already allocated by the local authority** to meet the district wide need...”. [para 6]

My question, which is directed to Breckland Council is, in view of the fact that the District Council has not actually allocates sites in Saham Toney, how does it see that Allocation Policy working in a neighbourhood plan area without any local authority allocated sites? If it is relying on parish's, meeting, and then exceeding the housing figures allocated in the Breckland Local Plan, does it explicitly need to agree the split of the sites proposed by the Parish Council which is set out in paragraph T2D1, as to what are the sites are to be treated as delivering the extra housing above that required by Breckland Local Plan. [para 7]

It could be argued that the neighbourhood plan has chosen only to include STNP1 as a site, which is of a size to require affordable housing, within the list of those sites delivering the 33 units, all the other sites chosen in the list are under 10 units. A different combination of sites, say sites STNP4, 8 and 16 could equally deliver the “required 33 units’ and that combination would deliver additional affordable housing to meet the district wide need referred to in the Allocation Policy? Is

Breckland Council happy with the approach being taken by the Parish Council, which seems to skew the “additional sites” to include the larger sites which will deliver affordable housing with a local connection condition attached. [para 8]

It appears that the allocation policy was last revised in 2016 which was before the Local Plan was adopted. Was it, at that time, expected that the local plan would be allocating sites rather than leave it entirely to neighbourhood plan, where they are being prepared? [para 9]

**Response:**

We acknowledge that this question is directed to Breckland Council, but we consider our views on this matter will also be relevant and offer them constructively, as follows:

- a) The publicly available version of the Breckland allocation policy states it was revised at 5 December 2019 and adopted 16 March 2020. Both dates are after the adoption of the Breckland Local Plan and hence any intentions the Council may have had in 2016 are not relevant. Paragraph 5.17.1 of the policy states:  
*“Where a community adopts a neighbourhood plan that facilitates additional housing supply by allocating sites within their neighbourhood plan for housing over and above those sites already allocated by the local authority to meet the district wide need, Breckland Council will, in relation to any affordable housing secured on those additional named and allocated sites, give preference to applicants with a local connection to the Parish, subject to the requirement to give reasonable preference as detailed in this policy. This approach will only be applied where it is supported by corresponding policies within an adopted neighbourhood plan. The housing types will be agreed in conjunction with the landlord and the local authority, taking into account matters relating to evidence of housing need, development viability, deliverability and prevailing local and national policy. The nomination arrangements relating to individual sites will be captured in specific lettings agreements, which will run with the identified properties for the lifetime of the development”.*
- b) Of particular relevance is the phrase *“a neighbourhood plan that facilitates additional housing supply by allocating sites within their neighbourhood plan for housing over and above those sites already allocated by the local authority to meet the district wide need”*. In the case of Saham Toney, the Local Plan does not allocate sites. This means any sites allocated in the Saham Toney Neighbourhood Plan may be interpreted as being in addition to those allocated in the Local Plan (i.e. zero).
- c) Furthermore, in explanation of this aspect of paragraph 5.17.1, the policy recognises that *“a number of communities are developing neighbourhood plans that seek to support additional sustainable housing growth, above and beyond that planned for by the local planning authority”*. In the case of Saham Toney, in line with paragraph 65 of the NPPF, Breckland Council has formally confirmed in writing (email of 6 March 2020) that the housing requirement figure for the designated Saham Toney Neighbourhood Plan area is 33. Hence in lieu of sites allocated in the Local Plan, it is reasonable to use 33 as the baseline against which to implement paragraph 5.17.1 of the allocations policy.
- d) We would also like to highlight that, consistent with Breckland’s published allocation policy, the rationale in the Neighbourhood Plan for delivering more than the housing requirement figure is, in part, to allow for the implementation of a local lettings policy for affordable housing in the parish. This is set out in supporting paragraph T2A.4 (to Policy 2A).
- e) The Local Plan sets a minimum housing requirement for Saham Toney (33). It does not, nor is it required to, set a minimum requirement for the number of properties that will comprise affordable housing, other than that 25% of properties on qualifying sites should be affordable.

If there were no site allocations in the Neighbourhood Plan, there would be no quantified definition of the minimum number of affordable homes to be delivered during the Plan period, and such information would only be established as individual planning applications came forward. Hence the Plan's approach does not result in affordable housing to meet district needs being lost.

- f) When allocating affordable homes in the Parish, those qualifying for local letting to people with a Saham Toney connection, will only be given preference to others over a 2-week period. We do not consider this will impact on district housing needs in any significant way, and should not be seen as a reason to amend the split of sites given in T2D.1.
- g) With regard to Breckland Council's agreement to the split of sites set out in STNP T2D.1, we consider that is implicit in the fact that the Council made no comment on that in its Regulation 16 representation, and also by virtue of the remarks the Council made during the hearing on 17 February 2021. Of particular note, those remarks included the following (quotes taken from the hearing recording):
- 1) *"We are satisfied with the approach the Parish has taken on this, in that specific sites have been allocated for meeting 33 and it is the sites in excess of those, which are also identified in the Plan, which would then have local connection applied. We think this is a clear approach"*.
  - 2) In answer to your question *"In this case only 2 of the 33 houses are affordable houses without a local connection. Is Breckland happy with that situation?"* The Council responded *"I would say yes, because we have a 2-week limit. What we don't want in the local lettings policy is to have them (properties) sitting empty because we have a significant demand for social properties within our area. The 2-week clause lets us offer them to local people during that period, then it (allocation) falls back to the Housing Allocations Policy"*.

It is also of significance that since the adoption of the Local Plan on 28 November 2019, in the Parish of Saham Toney planning permission has been granted for a total of 19 new residential dwellings. Of those, 3 arise from permission granted to one of the nine site allocations in the Neighbourhood Plan (that being site STNP9). The relevant planning permissions were:

- 3PL/2019/1140/F: 1 dwelling;
- 3PL/2019/0119/F: 5 dwellings;
- 3PL/2020/0280/F: 1 dwelling;
- 3PL/2020/0419/D: 3 dwellings;
- 3PL/2020/0159/F: 1 dwelling;
- 3PL/2020/1080/F: 3 dwellings (allocated site STNP9); and
- 3PL/2020/0589/D: 5 dwellings.

Total, excluding the site allocated in the Plan = 16 dwellings.

Although none of the above will deliver affordable homes, they do contribute to meeting the minimum housing requirement (33) for Saham Toney. Thus, taking into account the permission granted to 3 dwellings at site STNP9, in order to satisfy the housing requirement, other than STNP9, the Neighbourhood Plan will need to deliver only another 14 dwellings to satisfy that requirement. That number could be satisfied by various combinations taken from sites STNP2, STNP13, STNP14 and STNP15; for example, STNP2, STNP13 and STNP14 will deliver 14 dwellings. We consider this further justifies the split of sites defined in the Plan.

### 3.0 Ref: Para 10 Policy 2H – Site Allocation STNP1, Grange Farm

#### Examiner's question:

This and other site allocations refer to brownfield land, but what I saw on my site visit was that these were mostly agricultural sites. The Neighbourhood Plan's Glossary refers the reader to the definition of brownfield land as used in the NPPF, but that definition excludes from the definition of brownfield sites "Land that is or was last occupied by agricultural or forestry buildings". Does the Parish Council wish to offer another definition of brownfield site?

#### Response:

This question is applicable to the site allocations but also to policy paragraph P2C.3 and supporting text paragraph T2C.2 in the submission Neighbourhood Plan.

The Parish Council does not wish to offer another definition for a brownfield site. This was discussed during the hearing (from minute 25 through to 34 in recording part 3 - <https://www.youtube.com/watch?v=Z5oIFHoJkPk>).

With respect to supporting text paragraph T2C.2, the discussions during the hearing concluded that to avoid unintended implications, it is important that the Neighbourhood Plan does not attempt to alter the NPPF's definition of a brownfield site as far as it is applied to the parish. The Parish Council agrees with this and acknowledges there is a need to amend the wording in paragraph T2C.2 accordingly. The Parish Council is also in agreement with the approach put forward by the Breckland development management officer (during the hearing) which would involve specifically stating in the policy paragraph P2C.3, that in addition to brownfield sites, sites on which there are redundant agricultural buildings would also be looked on favourably (on land outside but immediately adjoining the settlement boundary) when it came to exceptional circumstances presenting themselves, as defined in P2C.2. We suggest the following revisions to Policy 2C:

**P2C.3 Should exceptional circumstances apply as set out in P2C.2, proposals for the development of either (a) brownfield sites; or (b) sites on which there are redundant agricultural buildings, on land outside but immediately adjoining the settlement boundary, will be looked on favourably in preference to otherwise equivalent greenfield sites, where development will improve the visual appearance of the site and where the proposal includes measures to remove any form of public nuisance arising or which previously arose from the pre-existing use of the site.**

**T2C.2 When assessing development of brownfield sites, the definition of a brownfield site shall be taken as that given in the glossary of the National Planning Policy Framework.**

To be consistent with the above, with respect to the affected site allocations we suggest the following revisions are made to relevant site policies:

**P2H.1 Development of land predominantly occupied by agricultural buildings amounting to approximately 1.06 hectares at Grange Farm, Chequers Lane, designated as Site STNP1, and as shown on Policy Map 2H, for up to 10 new dwellings, will be permitted subject to meeting the following criteria:**

**P2I.1 Development of land occupied by redundant agricultural buildings, amounting to approximately 0.30 hectares at the Croft Piggery, Hills Road, designated as Site STNP2, and as shown on Policy Map 2I, for up to 4 new dwellings, will be permitted subject to meeting the following criteria:**

**P2K.1 Development of land predominantly occupied by redundant agricultural buildings, amounting to approximately 0.54 hectares at Page's Farm, Page's Lane, designated as Site**

STNP7, and as shown on Policy Map 2K, for up to 8 new dwellings, will be permitted subject to meeting the following criteria:

**P2K.1 (o) The site shall be entirely cleared and all decontamination measures identified by the risk assessment shall be implemented;**

#### **4.0 Ref: Para's 11 & 12 Policy 2I – Site Allocation STNP2, Disused Piggery**

##### **Examiner's questions:**

On my site visit, I was struck by the restricted width of the access. I was initially going to seek confirmation from Norfolk CC, as Highway Authority (LHA), there was sufficient width, to avoid vehicles having to reverse a considerable distance onto Hills Road. However, upon reading the AECOM Traffic Study, I was surprised to read that "The existing access width of circa 4.9m would safely facilitate two-way vehicle movements".

I attempted to measure the width, using Google Earth which seems to indicate a width of less than 4 metres but I accept that is less than accurate. Can I ask that the Parish Council measures the width, at a range of points, along the access way, between the edge of the hedgerow and the neighbouring fence and show the dimensions on a plan? That will then confirm or otherwise whether the conclusions of the AECOM report are correct

##### **Response:**

Policy Map 2F.2 shows a width of 4.9m as measured by AECOM close to the junction with Hills Road. It is not a requirement that such a site access road be 4.9m wide over its entire length. As required by P2I.1 (c), the access should be of width no less than 4.5m. That is in accordance with the Local Highways Authority's requirement, as set out in G2.5 of Norfolk County Council's guidance document 'Safe, Sustainable Development' (November 2019), which stipulates "*Shared driveways shall have a minimum width of 4.5m over a length that extends into the site for a distance of 10m from the highway boundary*".

With the permission of the landowner, on 14 April 2021 we took measurements of the existing access road widths, at four points along the road's length. Those points are shown on Figure 1. Their approximate distances from the junction with Hills Road and corresponding widths are tabulated below and show that the LHA width requirement may be complied with.:

Position	Approximate distance from junction with Hills Road	Access road width
A	5.0m	5.0m
B	18.0m	4.85m
C	32.0m	4.5m
D	60.0m	4.5

We additionally note that in correspondence relating to an earlier (subsequently withdrawn) planning application for the site, in correspondence with the owner, the LHA accepted that adequate access could be provided at the site, in accordance with its guidance (see Site Selection Report, Appendix B2).



**Figure 1: Location points for width measurements taken on 14 April 2021**

**5.0 Ref: Para 13 Policy 20 – Site Allocation STNP15, Richmond Road**

**Examiner’s question:**

I note that the Traffic Report, states that the Highway Authority, at that stage objected to the allocation, until it has been demonstrated to the satisfaction of the LHA, that an acceptable access can be provided. Can the Parish Council confirm that the LHA is now satisfied that an acceptable access can be delivered based on the site access and visibility splays contained with the document?

**Response:**

In its response to the second Regulation 14 consultation (August-October 2019), at which stage no specific site access point was indicated, but we believe was assumed by the LHA to be the existing drive way to the current house on the site (about 40-45m from the bend in Richmond Road to the east), the LHA objected to STNP15 with the proviso *“Unless evidence can be provided that a safe access can be formed to its satisfaction”*. STNP responded by advising its site policy requirement for visibility splays no less than 2.4 x 59m (subsequently moved to Policy 2F), and by advising that could be achieved by creating a new site access point close to the western boundary of the site, which was measured as in excess of 59m from the start of the bend in Richmond Road to the east (i.e. the point of concern). This was relayed to the LHA in an exchange of emails following the consultation. In response the LHA advised it still had doubt, but in stating that, it had incorrectly assumed the existing dwelling on the site would remain, which the site policy stated not to be the case. The LHA asked that a scale plan of the access be presented in order to overcome its objection. Such a plan was provided, and is included in the Consultation Statement (page 287), and also included in the supporting text to Policy 2O. The scale plan provided by AECOM in the Transport study was also provided to the LHA and included in the Consultation Statement and in Policy 2F (Policy Map 2F.8). That policy map clearly shows that adequate visibility splays are achievable at the site.

Despite providing what the LHA requested, in its response to the third Regulation 14 consultation (June-August 2020), it maintained its objection to STNP15, because in its opinion we had not demonstrated that adequate visibility could be achieved.

We repeat the assertion we made in the Consultation Statement (page 389) that we have demonstrated that adequate visibility may be provided, by virtue of scale drawings based on physical measurements.

Furthermore P2O.2 was added to the site policy, and states *“A scale plan of the proposed site access and visibility splays in accordance with Policy 2F and to the satisfaction of the Local Highways Authority shall be submitted with a planning application for this site”*.

Despite this, the LHA again objected to the site in response to the Regulation 16 consultation. But with due respect, the LHA’s objection to the site at that stage made a statement that is plainly erroneous: *“The plan submitted demonstrates that acceptable visibility cannot be achieved to the west indicating only 8m can be achieved, which is well below the required standard”*. The Plan in no way indicates visibility to the west is limited to 8m, that dimension is clearly labelled as the distance between the proposed site access point and the site boundary with the neighbouring property to the west.

In our response to your initial comments, dated 15 February 2021, we provided our response to that LHA objection (in para. 1.11 (c)), and for convenience repeat that below:

*With regard to the comment on STNP15, the LHA has misinterpreted a scale plan included at its earlier request in T2O.11. The 8m referred to in the comment is not a visibility splay; it simply demonstrates that access to the site – with satisfactory visibility splays in accordance with LHA requirements – is achievable while maintaining an 8m distance to the boundary of the adjacent property. 2.4m x 59m visibility splays are confirmed for site STNP15 on Policy Map 2F.8. We would agree to update the illustration in question for additional clarity.*

Site allocation Policy STNP15 requires, inter alia, the following criteria to be met:

- provision of safe access to and from the site by means of a private shared driveway joining Richmond Road, of width of no less than 4.5m; and

- the submission of a scale plan of the proposed site access and visibility splays in accordance with Policy 2F and to the satisfaction of the Local Highways Authority.

In addition, policy 3C applies, and site STNP15 is in compliance with that policy.

The information provided in the Neighbourhood Plan including Policy Map 2F.8 demonstrates that the above policy requirements can be met on this site. We established with AECOM that to prepare a significantly more detailed access plan for the site would cost £1400 +VAT (January 2020 quote), and consider that given the evidence already provided, that would have been an unreasonable and unnecessary cost for the either the Parish Council or site owner to bear in advance of a planning application for the site, which is not expected for 10 plus years.

We also note there is a precedent for the LHA having an objection to a site allocated in the Plan, but then accepting a planning application for the site. The case in point is site STNP9, for which in response to the third Regulation 14 consultation, the LHA maintained its earlier objection in to that site, despite evidence we submitted to it to demonstrate the objection was not valid. However, when a planning application for the site was submitted (3PL/2020/1080/F), that complied with the allocation policy but explicitly did not address the LHA objection to the site policy, the LHA raised no objection to the application, which was approved on 9 December 2020.

## **6.0 Ref: Para's 14 and 15 Policy 2P – Site Allocation STNP16, Richmond Hall**

### **Examiner's questions:**

I note that the access to the open space proposed through Policy 2Q is proposed to be via a narrow pedestrian link adjacent to the Richmond Hall boundary. I am assuming that this large area of publicly accessible parkland will attract people from the rest of the village, beyond walking distance and indeed possibly residents of Watton. Has any thought been given by the Parish Council as to where these users of the open space would park? With the masterplan, as shown in Map 2G.2, would they just rely on street parking? [para 14]

Does the Parish Council propose that there should be a policy linkage between the delivery of the housing on Site STNP16 and the granting of the public rights of access, to the open space proposed in Policy 2Q and would the Parish Council welcome such a policy requirement, that could then be incorporated into a Section 106 Agreement? [para 15]

### **Response:**

When the amenity land was put forward by the owner of site STNP16 we carefully considered how it might best be accessed, as well as maintained. We also investigated potential ways in which policies 2P and 2Q might be linked to strengthen both of those aspects.

In doing so it was necessary to fully account for the owner's wishes and intentions, which were explained to us thus:

- He will retain ownership of the amenity land covered under Policy 2Q, and Richmond Hall, its remaining extensive garden (excluding the area to be developed as Site STNP16 and the area already granted planning permission for the development of 5 dwellings);
- He will sell the development site to a developer and thereafter take no part in its development;
- He plans to continue to manage and maintain the amenity land as he does now, and sees its opening to the public as an extension of the present visits by school parties he allows;
- He does not wish to allow public access to the amenity land via what will remain his private garden.

Opening the amenity land up for public access will provide welcome additional opportunities for residents to take informal exercise and walk their dogs along trod paths that already exist. The owner does not intend to provide further amenities. The land is offered as a low-profile additional village amenity and is not expected to serve large numbers of people at any one time.

There are two options should visitors arrive by car:

- Park on the street of the developed site; or
- Park in the layby on the west side of Richmond Road, about 150m north of the entrance to STNP16, which has space for approximately 5-6 vehicles (excluding the stretches of layby giving access to adjacent properties via dropped curbs).

At present there is linkage between Policies 2P and 2Q, as set out in P2P.1 (c) and P2Q.2. In addition, Policy Map 2G.2, which shows the preferred masterplanning for the site, includes the location for the proposed footpath between the development site and the amenity land. The Parish Council does propose there should be a policy linkage between the delivery of the housing on Site STNP16 and the granting of the public rights of access to the open space. The Parish Council would welcome such a policy requirement that could then be incorporated into a Section 106 Agreement.

## **7.0 Ref: Para 16 Policy 3C – Site Access and Onsite Street Layout**

### **Examiner's question:**

Is it the Parish Council's expectations that the access requirements set out in the site allocation access plans, Maps 2F1- 2F-9 and the access requirements set out in the masterplans should take precedence over Policy 3C(a) even if the LHA still objects to the allocation?

### **Response:**

The requirements of the various policies dealing with this subject are mutually compatible.

P3C.1 (a) is overarching as clearly highway safety is paramount and LHA requirements are fundamental to achieving that (noting that such requirements may be varied by agreement between the LHA and a developer at planning application stage).

Site-specific requirements given in the site allocation policies were established by a combination of information provided in the Transport Study, which took full account of LHA requirements, and in some cases, advice provided by the LHA at earlier stages when certain allocated sites were the subject of planning applications (the latter were before work on the Plan started; examples of criteria arising from them are P2H.1 (e) and (f)).

By applying LHA requirements to each site, the Transport Study established achievable, compliant access solutions for each site. In practice, for some sites there are further limits on flexibility to locate access points:

- STNP1: The LHA dictates that access must be at eastern end of the site (rather than at the present entrance to the pig farm) to avoid that access being at the junction of Page's Lane and Hills Road;
- STNP2: The only possible access is the existing access from Hills Road;
- STNP16: The only possible access is the existing access from Richmond Road.

That notwithstanding, Policy criterion P2F.5 requires only broad compliance with the site access drawings given in Policy Maps 2F.1 to 2F.9, which are termed 'indicative'. This allows scope for final details to be established by a developer, while ensuring compliance with LHA requirements

and addressing specific site constraints. We believe this is a useful aid to developers, who may not perform their own transport studies or research site constraints.

We believe the information given in Policies 2F and 2G represents practical and achievable access solutions that fully accord with LHA requirements and therefore comply with Policy 3C.

## **8.0 Ref: Para 17 Policy 3D - Parking**

### **Examiner's question:**

Does the Parish Council have a view whether I should recommend introducing a policy to require facilities for the on-site charging of electric vehicles, being incorporated for new development?

### **Response:**

The Parish Council would welcome this and considers it will give clarification to the intentions otherwise set out by the Plan in:

- Policy 1, which in P1.3 supports proposals that add to and enhance electric vehicle infrastructure;

Policy 3A, which in P3A.1 requires use of the Parish Design Guide to guide proposals. The design guide encourages provision of electric vehicle charging points.