

New Buckenham Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area. The relationship between the aims of the Plan and its policies is very clear. It provides a robust structure for the Plan.

The Plan is underpinned by an excellent range of background documents. The Landscape and Heritage Assessment is particularly helpful and directly informs several of the policies in the Plan.

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear. The Plan makes good use of various maps which are produced to a high quality.

Thank you, we are encouraged by these remarks.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy LH1

The policy overlaps with the contents of national policy.

Our Plan is intended to be compatible with national and local policies.

Is the distinctive element of the policy its relationship with the findings of the Landscape and Heritage Assessment?

Yes, the Landscape and Heritage Assessment gives essential local context to existing planning guidance for conservation areas and scheduled monuments and listed buildings.

Policy LH4

As submitted, the second sentence of the second part of the policy (2.2.18) would have a universal effect. Based on their locations within the neighbourhood area, many proposals would not directly impact on many of the issues included in this part of the policy. To remedy this matter, I am minded to recommend that it is applied in a proportionate way taking account of the scale, nature and location of the development concerned.

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Does the Parish Council have any observations on this proposition?

Agree, reasonable to use term 'proportionate'.

Policy CE1

This policy appears to attempt to treat non-designated areas in the same way as protected ecological sites. Please can the Parish Council explain its approach to this matter?

We believe in the importance of ecological safeguarding in all developments, whether or not in protected areas.

Policy CE3

This policy is a good local response to sustainable development and environmentally driven living arrangements.

As submitted, the policy would have a universal effect. As such, many proposals of a minor or domestic nature would not directly impact on many of the detailed considerations in the policy and Design Guide B. To remedy this matter, I am to recommend that it is applied in a proportionate way taking account of the scale, nature and location of the development concerned.

Does the Parish Council have any observations on this proposition?

Agree, reasonable to use term 'proportionate' while remembering that all developments have an environmental impact.

Policy CE4

I saw that the pond had been cleared of vegetation during my visit. Does this affect the Parish Council's judgement about its designation as local green space (LGS)? Alternatively, were the works part of a wider enhancement of the green space?

The work has only just been done following joint input by the community and the pond's owner (Norfolk Wildlife Trust) following pressure from the NP team.

As submitted, the policy is a statement of fact rather than a policy. Should it set out the policy implications of LGS designation?

The implication of such designation is that the LGS's qualifying characteristics should be retained. We agree that this should be stated. We note that wording

elsewhere in the Plan merely suggests the proposal but perhaps should now be changed to a statement of fact that the LGS is now formally designated.

Policy DS1

As I read the policy it refers to the contents of paragraph 2.4.2 rather than paragraph 2.4.1

Is this correct? **Yes.**

If so, should the policy refer to permitted development rights and balance the need for security in certain locations?

There is a breadth of opinion on this subject but there is a growing need to respond to an environmentally friendly agenda that emphasises that lighting should only be used where and when it is needed.

Policy DS2

The approach taken in paragraph 2.4.9 is very appropriate. However, can the matter be controlled through planning legislation?

This Plan is a planning document but also needs to be an accessible resource of Parish Council owned policies on a range of local issues.

Policy HB2

This policy is a good response to the national design agenda. It includes carefully-identified and distinctive local criteria.

As submitted, the policy would have a universal effect. As such many proposals of a minor or domestic nature would not directly impact on many of the detailed design considerations in the second part of the policy and/or in Design Guide A. To remedy this matter, I am minded to recommend that it is applied in a proportionate way taking account of the scale, nature and location of the development concerned.

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Does the Parish Council have any observations on this proposition?

Agree, reasonable to use term 'proportionate'.

Policy HB3

As submitted the policy does not specifically require off-road parking and more generally offers support to proposals which do so.

Was this approach deliberate?

Yes. In older streets with densely packed dwellings creating access to off-road parking may reduce space available to on-road parking, so the gain to the village is diminished. For some sites, however, a single access point could lead to several off-road parking spaces that result in a gain to the village.

Policy HB4

As submitted, the policy would have a universal effect. As such, many proposals of a minor or domestic nature would not directly impact on pedestrian and cycle links. To remedy this matter, I am minded to recommend that it is applied in a proportionate way taking account of the scale, nature and location of the development concerned.

Does the Parish Council have any observations on this proposition?

Agree, reasonable to use term 'proportionate'.

Policy HB5

Does this policy add any value beyond that provided by Policy CE3?

No, agreed. It is repetitive but we are keen that it's not forgotten when developers only look at building policies. The two policies could be cross-referred.

Policy HB6

Should the first sentence of the policy be more prescriptive (rather than simply requiring a consideration of the matter)?

At the same time, is the second sentence too prescriptive?

Agree with both points. Would it be more acceptable to change it to the following?

Applications for development should include green rather than hard boundaries, ideally of mixed species native hedging. If hard boundaries are essential, they should ideally be of good quality brick and flint rather than fence panels, provision always being made for gaps to allow movement of small wildlife such as hedgehogs.

Policy TP1

The policy reads as a community action.

As such, I am minded to recommend that it is deleted as a policy and repositioned as a community action

Does the Parish Council have any observations on this proposition?

Perhaps it's not phrased correctly but it's intended that the Parish Council (rather than the community) has an explicit policy to review traffic issues, be proactive in lobbying, seek grants and make traffic related improvements where possible.

Policy TP2

To what extent does the policy add any parish-based distinctive value to national and local planning policies?

We are not sure and would accept deletion if needed.

Policy RHC1

Are the contents of paragraph 2.8.11 land-use based and/or capable of being delivered through the land use planning system?

Perhaps 2.8.11 could be deleted.

Policy RHC2

The intention of the policy is clear. However, a policy cannot have a preference for a particular outcome. Is the implication of the policy that non-community uses will not be supported?

In any event, is the policy potentially unnecessary as the reoccupation of community facility by another community use may not need planning permission?

We suggest: "...change of use or redevelopment that would be an asset to the community...".

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General matters

The representation from Mr Stimpson comments about the extent to which in which landowners and/or non-residents were engaged in the preparation of the Plan. There is an opportunity later in this note for the Parish Council to respond to this or any of the other representations.

However, more generally, does the Parish Council wish to comment about the extent to which the Plan has secured 'a shared vision for their neighbourhood and shape(d) the development and growth of their local area' as set out in Planning Practice Guidance (ID:41-001-20190509)?

The team members all have a deep working knowledge of the village, gained over many years of being resident. We took professional advice about the construction of the village residents' survey (SURVEY17) and were effective in getting support for its completion. We believe that the survey was more comprehensive than those for most village neighbourhood plans and benefitted from a considerably better response (83%) of individual adult residents.

The Plan's development has been shared with the wider community, publicising each stage. Following a display at the village fête we held three open days as described in the Consultation Statement, again with associated printed and online publicity. The numerous comments made further informed the Plan.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

For convenience we have put any comments in **red text** in the appropriate place in the table of representations.

In particular, does it wish to comment on the representations made by:

- Breckland District Council
- Mr S Stimpson
- Norfolk County Council

Please see our comments in red text in the summary table of representations and Breckland Council's comments table.

Protocol for responses

I would be grateful for responses and the information requested by 22 November 2021. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

New Buckenham Neighbourhood Development Plan.

28 October 2021