

New Buckenham Neighbourhood Development Plan 2017-2036

**A report to Breckland District Council on the New
Buckenham Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Breckland District Council in October 2021 to carry out the independent examination of the New Buckenham Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 25 October 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and heritage assets. The Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the New Buckenham Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
31 January 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the New Buckenham Neighbourhood Development Plan 2017-2036 (the 'Plan').
- 1.2 The Plan has been submitted to Breckland District Council (BDC) by New Buckenham Parish Council (NBPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive and to be complementary to the Breckland Local Plan.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then become part of the wider development plan and be used to determine planning applications within the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BDC, with the consent of NBPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BDC and NBPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA screening report;
- the HRA screening statement;
- the Landscape and Heritage Report;
- the Preliminary Ecological Assessment;
- the responses to the clarification note from NBPC;
- the representations made to the Plan;
- the adopted Breckland Local Plan 2036;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance (March 2014 and subsequent updates);
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 25th October 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised BDC of this decision once I had received NBPC's responses to the clarification note.

3.4 The Plan was prepared in the context of the 2019 version of the NPPF. This is reflected in the Basic Conditions Statement. Since the Plan was submitted for examination, the NPPF was updated in July 2021. Where it is necessary to do so, I comment on the relationship between the most current version of the NPPF and the policy concerned in Section 7 of the report.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 NBPC has prepared a Consultation Statement. The Statement is extensive in the way it sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the three open days;
 - the information gathering events;
 - the village survey (SURVEY 17);
 - the four focus groups;
 - the business forum;
 - the housing and design event;
 - the survey of landowners;
 - the tourism and visitors' survey; and
 - regular updates to and engagement with the Parish Council.
- 4.4 The Statement also provides details of the way in which NBPC engaged with statutory bodies in general, and with BDC in particular. It is clear that the process has been proportionate and robust.
- 4.5 The Statement also provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan (December 2019 to February 2020). It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 A local landowner has raised specific concerns about the nature of the consultation process and the way in which those involved in the preparation of the Plan had sought to engage the views of people who owned land and/or

property in the neighbourhood area but who lived or work elsewhere on a permanent or a part-time basis. Plainly it has been easier for full-time residents of the neighbourhood area to become involved in the preparation of the Plan. Nevertheless, I am satisfied that NBPC has used a variety of engagement techniques and at different times of the year in its attempts to engage as many people as possible in the process. In this instance, it is also clear that the person concerned has taken the opportunity to comment on the Plan at its formative stages.

- 4.7 In summary I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. BDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.9 Consultation on the submitted Plan was undertaken by BDC. It ended on 9 September 2021. This exercise generated comments from a range of organisations as follows:
- Sport England
 - National Highways
 - Historic England
 - Natural England
 - Old Buckenham Parish Council
 - Norfolk County Council
 - National Grid
 - Breckland District Council
- 4.10 Representations were also received from five local residents.
- 4.11 I have taken account of all the representations on preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of New Buckenham and that part of the New Buckenham Conservation Area which extends into Old Buckenham. Its population in 2011 was 460 persons living in 228 houses. It was designated as a neighbourhood area on 30 March 2017. It is predominantly rural area of irregular shape approximately four miles to the south and east of Attleborough.
- 5.2 New Buckenham is the principal settlement in the parish. It has a very attractive urban environment. Its historic core is a designated conservation area. As the Plan describes New Buckenham's planned layout of Norman origin has resulted in a built environment characterised by numerous tightly-packed historic buildings, regularly-aligned streets, crossroad junctions and long thin tenement plots. The historic and natural environment of New Buckenham contributes greatly to the significance and character of the parish. The most important heritage assets are the extensive earthworks and ruins of the medieval castle, and the associated planned town laid out in the 12th century and the Church (mid-13th century). Taken as a whole, the castle and town with the deer park to its north and rabbit warren and dovecote to the south, are an excellent surviving example of Norman town planning. The archaeological value of the Plan's designated area is high. The significance of New Buckenham's heritage is reflected in the high concentration of designated heritage assets in the Plan's area including two scheduled monuments (the Castle and St. Mary's Chapel) and more than forty listed buildings.
- 5.3 The remainder of the neighbourhood area consists of very attractive rural hinterland to the north, south and east of the village itself. The majority of the land is open in its landscape character and is rich in wildlife habitat.

Development Plan Context

- 5.4 The development plan covering the neighbourhood area is the Breckland Local Plan 2036. The Local Plan sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. It was adopted in November 2019.
- 5.5 The Local Plan includes a comprehensive range of policies. It focuses new development in Thetford and Attleborough. Attleborough's population is set to double by 2026 to 20,000 with at least 4,000 new homes and an £18 million new southern link road on the eastern side of the town. Continued expansion

is anticipated along the A11/M11/A14 corridors as the growth of regional centres like Norwich and Cambridge is promoted.

- 5.6 In the rural areas, individual settlements have been assessed for their inherent sustainability based on the availability of five key community and retail facilities. New Buckenham is identified in the Local Plan as a settlement lacking a number of basic facilities. As such, new development is limited in the neighbourhood area, apart from where it would comply with other policies within the development plan and meets a series of criteria as set out in Policy HOU 5 (Development in smaller villages and hamlets outside of defined settlement boundaries).
- 5.7 The following policies in the Local Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy GEN 03	Settlement Hierarchy
Policy GEN 02	Promoting High Quality Design
Policy HOU 05	Smaller villages and hamlets
Policy HOU 07	Affordable Housing
Policy ENV 02	Biodiversity Protection and Enhancement
Policy ENV 04	Open Space, Sport and Recreation
Policy ENV 05	Protection and Enhancement of Landscape
Policy ENV 06	Trees, Hedgerows and Development
Policy ENV 07	Designated Heritage Assets
Policy ENV 08	Non-designated heritage assets
Policy COM 04	Community Facilities

- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 25th October 2021.
- 5.10 I drove into New Buckenham from Thetford, the A11 and Old Buckenham to the north and north-west. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted its connection to the strategic road system.

- 5.11 I looked initially at Chapel Street. I saw its interesting range of buildings including the converted former school, Corner Cottage and Crawfords (interesting jettied timber-framed cottages), the Chapel itself and the former George public house.
- 5.12 I then walked into Church Street and looked at St Martin's Church. I saw its light and airy internal appearance and its attractive and weathered wooden door. I also appreciated the interesting Heritage Map in the porch. I saw the interesting village book stall.
- 5.13 I then took time to walk along Cuffer Lane to the immediate north of the village. I saw the allotments and the graveyard to the east of the Lane.
- 5.14 I walked along Moat Lane to the Village Hall. I saw the Cricket Ground to its south and east. I then took the opportunity to walk along the footpath to the immediate north of St Martin's Lane up to the northern side of the Castle. I was able to appreciate its scale and significance in its own right and its relationship with the village.
- 5.15 I then looked at Market House, King's Street and Boosey's Walk. In their different ways they displayed the excellent way in which the historic buildings in the village had been maintained.
- 5.16 I finished the visit by looking at the part of the neighbourhood area to the immediate east of the village based around New Buckenham Common. I saw its relationship with the B1113 and Wymondham Road. It provided an attractive rural setting to the village to the east. I left the neighbourhood area along the B1113 to the north and east.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.

6.5 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the New Buckenham Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Breckland Local Plan 2036;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies that address the scale and nature of the village and its heritage assets. It also seeks to safeguard the quality and nature of its landscape setting and proposes the designation of a local green space.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for business and tourism (Policy BT 3) and for residential development (LH 3 and LH 4). In the social role, it includes policies on community facilities (Policies RHC 1 and RHC 2) and community infrastructure (Policy BT 1). In the environmental dimension, the Plan

positively seeks to protect its natural, built and historic environment. It has specific policies on historic buildings (Policy LH 1), the layout of the village (Policy LH 3), the natural environment (Policy CE 1) and dark areas/external lighting (Policies DS 1 and DS 2). NBPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Breckland District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation – Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement BDC undertook a screening exercise (March 2021) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. It reached this conclusion on the basis that:
- the Plan does not allocate any sites for development that have not already been appraised through the sustainability appraisal of the Breckland Local Plan;
 - whilst the neighbourhood area does contain sensitive environmental assets the impact of the Plan would not result in any significant environmental effects beyond those already assessed as part of the preparation of the Breckland Local Plan; and
 - the proposed policies in the Plan seek to avoid or minimise environmental effects when determining development proposals and are unlikely to result in any additional environmental impacts.

European Legislation – Habitats Regulations Assessment

- 6.16 BDC produced a separate Habitats Regulations Assessment (HRA) screening report in March 2021. It concludes that the Plan is not likely to have significant

environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.

- 6.17 The HRA report is very thorough and comprehensive. It took appropriate account of the Norfolk Valley Fens Special Area of Conservation. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

European Legislation – Human Rights

- 6.19 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and NBPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID: 41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of well-developed Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary, I have identified the inter-relationships between the policies. It addresses the Actions after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Section 1)

- 7.8 The introductory parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional fashion. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text.
- 7.9 Sections 1.1 to 1.3 provide background information on neighbourhood planning in general and the way in which the submitted Plan will complement the wider development plan. Section 1.1.1 defines the Plan period.

- 7.10 Section 1.4 comments about the neighbourhood area. It describes its history and its current profile. It also comments about the evidence used in the preparation of the Plan.
- 7.11 Section 1.5 comments about the planning policy context within which the Plan has been prepared. Section 1.6 supplements this information in commenting about what the community wants for New Buckenham in 20 years' time.
- 7.12 This links seamlessly into Section 1.7 which identifies nine aims of the Plan.
- 7.13 Section 1.8 comments about the way in which the Plan was prepared. It helpfully overlaps with the submitted Consultation Statement.
- 7.14 Section 1.9 describes the neighbourhood area. It includes an excellent map of the neighbourhood area (Figure 4). Section 1.10 describes the Conservation Area and its importance.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy LH 1: Change of use and extensions to historic buildings

- 7.16 This policy sets out to safeguard the historic buildings in the neighbourhood area. It comments that alterations to historic buildings should conserve the building concerned in a manner appropriate to its significance.
- 7.17 In its response to the clarification note NBPC advised that the policy is intended to add local distinctiveness to national policy in its cross references and connections to the Landscape and Heritage Report. I am satisfied that this is the case.
- 7.18 As submitted the first part of the policy (2.2.13) is a land use policy and the second part (2.2.14) is supporting text (in the way in which it comments on the information required in planning applications). I recommend that the second part of the policy is deleted and repositioned into the supporting text. I also recommend that the reference to the Landscape and Heritage Report is repositioned into the retained first part of the policy. Finally, I recommend modifications to the first part of the policy so that the nature of the works to be supported is clear. Otherwise, the policy meets the basic conditions and will contribute to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with:

'Development proposals which involve the appropriate ongoing preservation of heritage assets either through conservation, renovation, remodelling, extension or adaptive reuse will be supported where the

works are appropriate to the significance of the heritage asset and respond positively to its importance as set out in the Landscape and Heritage Assessment.'

Delete the second part of the policy.

At the end of paragraph 2.2.9 add: 'As appropriate to the significance of the heritage asset concerned development proposals should be accompanied by information about the buildings and their settings to demonstrate the way in which they would affect local heritage assets, taking into account any relevant findings in the New Buckenham Landscape and Heritage Assessment. Where appropriate, such information could be incorporated within the design and access statement submitted with a planning application.'

Policy LH 2: New Buildings

- 7.19 This policy comments about the relationship between any new buildings and the historic fabric of the neighbourhood area. In particular it comments that planning applications should at a minimum conserve or enhance the historic character and fabric of the village, and take account of the New Buckenham Landscape and Heritage Assessment.
- 7.20 The policy takes a positive approach to this matter. I recommend that it is modified to define the importance of the use of good quality materials and good design.
- 7.21 Some elements of the policy are supporting text (in commenting on the information required in planning applications). In this context I recommend that the second part of the policy is deleted and repositioned into the supporting text. Otherwise, the policy meets the basic conditions.

Replace the policy with:

'New buildings should be well-designed and use good quality materials which reflect other materials to be found in the immediate locality of the application site. New buildings should also reflect and take account of the setting of any nearby heritage assets. Where appropriate, proposals for new buildings should also respond positively to the importance of the immediate locality as set out in the Landscape and Heritage Assessment.'

At the end of paragraph 2.2.10 add: 'Policy LH 2 provides a context for new development to come forward. Given the importance of heritage in New Buckenham relevant information should be submitted with planning applications to identify how design and materials have been applied. This should can be demonstrated through submission of a range of drawings,

including detailed plans showing the proposal in relation to the setting of the surrounding street scene and landscape.’

Policy LH 3: New development and layout of the village

- 7.22 This policy seeks to ensure that new development respects and celebrates the layout of the village. It comments that all development proposals should demonstrate an awareness of and respect for the historic boundaries of the village, including the line of the town ditch. In particular it sets out that the medieval street grid layout and individual tenement plots should be preserved and take account of the New Buckenham Landscape and Heritage Assessment.
7. 23 The policy takes account of important elements of the built and historic environment in the parish. I recommend a series of modifications to address the following related matters:
- the policy’s approach that proposals should demonstrate an ‘awareness’ of the issue – this is both unclear and could result in unintended consequences to the extent that a development could demonstrate an awareness of the issues without directly addressing them in the proposed development;
 - the need for clarity about the preservation of the street grids layout in relation to the development management process (rather than an ambition that it is ‘preserved’); and
 - the application of the Landscape and Heritage Assessment as it is relevant to the proposal concerned.
- 7.24 Otherwise the policy meets the basic conditions. It will make a positive contribution to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘Development proposals should respect the historic boundaries of the village, including the line of the town ditch. In particular proposals should respect the medieval street grid layout and individual tenement plots and respond positively to the findings of the New Buckenham Landscape and Heritage Assessment as appropriate to their scale, nature and location.’

Policy LH 4: New development and open countryside setting

- 7.25 This policy reflects the close relationship between the village and its surrounding countryside. It has two related parts. The first comments that development should maintain and, where possible, enhance the special

quality of the open countryside setting of the village, especially the relationship between the Castle and the planned settlement and take account of the New Buckenham Landscape and Heritage Assessment.

- 7.26 The second identifies a series of important village views. They are shown in Figure 13 (in map format) and in Figure 14 (in photographic format). Paragraph 2.2.11 comments that ‘views and vistas reinforce a sense of place. In this village particularly they define the context and character of the settlement, are an incentive to recreational walking, and make the village an attractive and popular place to visit’.
- 7.27 The first part of the policy takes an appropriate approach to the relationship between the village and its surrounding countryside. I recommend a detailed change to the wording of the policy so that it has the clarity required by a development plan policy. I also recommend the deletion of the part of the policy which requires that the relationship between the Castle and the village remains ‘as originally designed’. The submitted approach is too restrictive and looks backwards rather than forwards. In any event, it would be impracticable to speculate how the relationship between the Castle and the village was originally designed.
- 7.28 I looked at several of the views during my visit. I am satisfied that the important village views identified in the second part of the policy have been carefully-considered. In several cases they are iconic features in the local landscape. As paragraph 2.2.12 comments the viewpoints are taken from publicly accessible points or from points which enjoy discretionary access. However, as submitted, this part of the policy focuses on process matters rather than outcomes. I recommend a modification to remedy this matter. In doing so, I recommend that the modified policy takes account of the nature of proposals in a proportionate fashion. I also recommend that elements of supporting text in the submitted policy are relocated into the supporting text. This reflects the response of NBPC to the question on this matter in the clarification note.
- 7.29 Otherwise the policy meets the basic conditions. It will do much to safeguard the setting of the village and its distinctive relationship with the surrounding countryside. It will contribute towards the delivery of the environ dimension of sustainable development.

In the first part of the policy replace ‘possible’ with ‘practicable’ and delete ‘as originally designed’

Replace the second part of the policy with ‘As appropriate to their scale, nature and location the design, massing and orientation of new development proposals should respect the important village views as

identified in Figures 13 and 14. Development proposals which have an unacceptable impact on the identified important village views will not be supported.'

At the end of paragraph 2.2.12 add: 'Policy LH 4 addresses this important matter. Relevant planning applications should be accompanied by proportionate information which demonstrates the way in which the development proposed has sought to respect the relevant important views as shown in Figure 13.'

Policy CE 1: Developments and natural environment

- 7.30 This policy has two related elements. The first comments that all new developments and major alterations of existing properties should demonstrate that building work will at least maintain and, if possible, enhance biodiversity and protect wildlife habitats and networks in areas without specific designation. The second offers support for developments which makes a positive contribution to the existing green infrastructure or provide an increase in the amount of publicly available green space.
- 7.31 The first part of the policy is unclear in two respects. The first is its scope (the policy refers to new development and major alterations to existing properties). The second is that the policy seeks to make a distinction between the designated natural environment and other aspects of the natural environment. I recommend modifications to remedy these matters. They include an approach which would allow the policy to be applied on a proportionate basis. This acknowledges that the policy will affect different proposals in different ways. Finally, I recommend that elements of supporting text in the policy are repositioned into the text. In reaching this conclusion I have taken account of NBPC's response to the clarification note.
- 7.32 I am satisfied that the second part of the policy meets the basic conditions.

Replace the first part of the policy with: 'As appropriate to their scale, nature and location, development proposals should maintain and, where practicable, enhance biodiversity and protect wildlife habitats and networks.'

At the end of paragraph 2.3.21 add: 'Policy CE 1 addresses these important matters. Developers are encouraged to submit appropriate details on how proposals would respond to the first part of the policy. Information on green space and landscaping strategies would be very helpful in allowing Breckland Council to determine planning applications.'

Policy CE 2: Loss and restitution of important habitats

- 7.33 This policy comments that proposed developments that result in the loss or deterioration of important habitats will not be supported unless there is compelling evidence that these are outweighed by public benefit. It also comments that trees and hedgerows should be protected and conserved unless their long-term survival is compromised by their physical condition or there are exceptional overriding public benefits in accepting their loss. Other elements of the policy comment about the improvement of green habitats and works carried out by statutory undertakers.
- 7.34 I have considered the role and purpose of the policy very carefully. On balance I recommend that it is deleted for the Plan for the following reasons:
- the policy is largely a natural continuation of Policy CE 1 (and the recommended modifications to that policy set out above);
 - the approach is unclear about the definition of an important habitat; and
 - the overall effect of the policy would not bring any parish-level or distinctive value beyond that already provided by national and local policies on the matter.
- 7.35 In reaching this conclusion I have taken account of NBPC's response to the question on Policy CE 1 in the clarification note.

Delete the policy

Policy CE 3: Green living plan requirement

- 7.36 This policy comments that proposals for new residential development, whether new build or major conversions, will be required to submit a Green Living Plan with planning applications in order to contribute to a coordinated approach to sustainable living. Items for inclusion in the Green Living Plan are provided in Local Design Guide B: Green Living checklist.
- 7.37 The policy takes an ambitious yet non-prescriptive approach to this matter. It is underpinned by the work undertaken in the preparation of Local Design Guide B.
- 7.38 As submitted the policy includes elements of policy and supporting text. I recommend that the supporting text is deleted from the policy and repositioned into the supporting text. Otherwise, it meets the basic conditions. It will do much to contribute to the social and environmental dimensions of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature and location proposals for new residential development should be accompanied by a Green Living Plan which would assist in contributing to a coordinated approach to sustainable living in New Buckenham.’

At the end of paragraph 2.3.4 add: ‘Policy CE 3 sets out a policy approach towards a more sustainable way of life in the neighbourhood area. It is based on the contents of the Local Design Guide B. Items for inclusion in the Green Living Plan are provided in Local Design Green Living checklist of the Guide.’

Policy CE 4: Designation of local green spaces

- 7.39 The policy proposes the allocation of the pond and its immediate surroundings adjacent to the cricket pitch as a Local Green Space (LGS). In its response to the clarification note NBPC commented about the work has recently been undertaken by the community and the pond’s owner (Norfolk Wildlife Trust). At the time of my visit, I saw that much of the surrounding vegetation as shown in Figure 19 of the Plan had been removed. I am satisfied that these works have neither affected the assessments made by NBPC on the proposed LGS or its wider integrity.
- 7.40 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also indicates the way in which NBPC considers that the proposed LGS meet the criteria for such designation in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.41 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGS comfortably complies with the three tests in the paragraph 102 of the NPPF and therefore meet the basic conditions. It is an attractive green space which complements the adjacent sports fields. I am also satisfied that the proposed LGS designation will be an important additional safeguard beyond that provided by its location within the New Buckenham Conservation Area. In particular, conservation area legislation has a focus primarily on the built rather than the natural environment.
- 7.42 In addition, I am satisfied that the proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designation is consistent with the local planning of sustainable development. It does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGS is capable of enduring beyond the end of the Plan period. Indeed, it is an established

element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green space would not endure beyond the end of the Plan period.

- 7.43 The policy itself proposes the pond as a LGS without identifying the policy implications of such an approach. I recommend a modification to remedy this omission. The recommended modification takes the matter-of-fact approach in the NPPF (paragraph 103). It also takes account of the recent case (in relation to Mendip District Council) in the Court of Appeal on the designation of local green spaces.
- 7.44 In the event that development proposals affecting the designated LGS come forward within the Plan period, they can be assessed on a case-by-case basis by BDC. In particular, BDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. I recommend that the supporting text clarifies this matter.

Replace the policy with:

‘The Plan designates the pond and its immediate surroundings adjacent to the cricket ground (as shown in Figure 18) as a local green space. Development proposals within the designated local green space will only be supported in very special circumstances.’

At the end of paragraph 2.3.18 add: ‘Policy CE 4 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green space within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy.’

Policy DS 1: Keeping dark areas dark

- 7.45 This policy seeks to safeguard the dark skies to be found in the parish. It comments that lighting for development should not detract from the unlit environment of the Plan area.
- 7.46 The Plan comments that some parts of the parish are lit and that some recent changes have taken place to their lighting technology and hours of operation. I recommend that the policy is clear that it applies only to the unlit areas. I also recommend that it uses language which brings the clarity required by the NPPF and responds to the suggestions made by BDC. In effect the recommend modification incorporates elements of Policy DS 2. Otherwise, it

meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘External lighting should be designed in a way which does not have an unacceptable impact on the unlit parts of the neighbourhood area.

Development proposals should demonstrate that all appropriate opportunities to minimise light pollution have been taken, and ensure that the measured and observed sky quality in the surrounding area is not unacceptably affected, having due regard to the following hierarchy:

- a. the installation of external lighting is avoided;**
- b. where external lighting cannot be avoided, it is demonstrated to be necessary and appropriate, for its intended purpose or use:**
- c. Any adverse lighting impacts are avoided; or where this is impracticable, the adverse impacts are mitigated to the greatest reasonable extent including restricting the hours of use.’**

Policy DS 2: Outside lighting within and away from built up area

- 7.47 This policy reinforces the contents of Policy DS 1. It comments that permanent outside lighting for a building development or associated with any activity including leisure, recreation and business, should be demonstrated to be essential. It also comments that lighting should be managed in such a way that minimises light pollution, energy usage, impact on wildlife, annoyance to local residents and visual impact on the local character of the area. Finally, it comments that outside lighting design should ideally be fully shielded and enclosed in full cut-off flat glass fittings, directed downwards and not tilted outwards and that White light low-energy lamps should be used such as LED technology adopted by Norfolk County Council.
- 7.48 I have considered the policy very carefully. On balance, I recommend that it is deleted for the Plan for the following combination of reasons:
- it largely reinforces the general contents of Policy DS 1 by way of specific details;
 - in many respects it is supporting text rather than policy; and
 - the final element on the hours of lighting is largely a development management matter to be determined on a case-by-case basis by BDC.

- 7.49 In the circumstances I recommend that key elements of the policy are relocated into the supporting text (and effectively add further detail to the overall importance of Policy DS 1).

Delete the policy.

At the end of paragraph 2.4.2 add: ‘Policy DS 1 addresses this important matter. Permanent outside lighting for built development or activity associated with leisure, recreation and business uses should be accompanied by relevant information to demonstrate that such an approach is essential. In general terms lighting should be managed in such a way that minimises pollution, energy usage, impact on wildlife, annoyance to local residents and visual impact on the local character of the area. Outside lighting design should ideally be fully shielded and enclosed in full cut-off flat glass fittings, directed downwards and not tilted outwards. White light low-energy lamps should be used such as LED technology (as adopted by Norfolk County Council).’

Policy HB 1: Housing types

- 7.50 This policy seeks to ensure that new housing development addresses local needs. It comments that a mix of housing types that reflects local needs and demographic changes will be supported subject to other policies in the Plan. It also comments that the development of smaller, more affordable dwellings is particularly encouraged especially if the quality of their design and materials is high. The policy addresses this important matter in a way which reflects the information in the evidence pack.
- 7.51 The policy takes a positive and evidence-based approach. I recommend that the policy is simplified so that it sets out the way in which new development should respond positively to local housing needs. I also recommend that the policy should have a focus on house types rather than design. That important matter is addressed elsewhere in the Plan.

Replace the policy with: ‘New housing development should respond positively to local needs and demographic changes and to the demand for smaller, more affordable homes.’

Policy HB 2: Housing design

- 7.52 This policy comments that building design and materials, whether traditional or contemporary, should be well-designed and of good quality. In particular it comments that proposals for new development should demonstrate how they respond to their settings in the light of the local heritage assets. The policy comments that specific details on building design are covered in Local Design Guide A. Examples of good modern design are captured in Figure 30.

- 7.53 The Plan has been prepared within the context of the 2019 version of the NPPF. In July 2021 an updated version of the NPPF was published. The principal changes between the two versions of the NPPF relate to design matters. In many respects Policy HB 2 had anticipated the contents of the updated NPPF. It is directly informed by the excellent Landscape and Heritage Assessment (LHA) and the Local Design Guide A. As such, I am satisfied that there the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the updated NPPF.
- 7.54 I recommend a series of modifications to the policy to ensure that it has the clarity required for a development plan policy as required by the NPPF. In particular the modifications address the following matters:
- that the policy will be applied in a proportionate way (second part of the policy);
 - the practicability of development contributing towards public realm enhancement works (third part of the policy); and
 - ensuring that the public realm requirements are captured in a positive rather than a negative fashion.

Replace the policy with:

‘Both traditional or contemporary development should be well-designed and use good quality materials appropriate to their uses.

As appropriate to their scale, nature and location development proposals should demonstrate how they respond to their settings taking account of the local heritage assets and respond positively to the contents of Local Design Guide A.

Improvements to the public areas in and around the village will be supported. Where it is practicable to do so, new development should contribute to enhancement work by the provision of trees, improved shop fronts, high quality surface materials, provision of cycle parking, and a well-designed public realm.’

At the end of paragraph 2.5.18 add: ‘Planning application drawings should clearly show the relationship between a proposed development and neighbouring buildings (or the wider street scene where appropriate) and the surrounding landscape. This approach is consistent with the design-led approach as captured in national planning policy. The Neighbourhood Plan sets out the Parish Council’s approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable.’

Policy HB 3: Housing and local mobility

- 7.55 This policy has two related parts. The first comments that as a result of the existing shortage of parking for residents and visitors, provision of off-street parking will be supported. The second comments that development proposals should support the needs of pedestrians and the use of electric cars, electrically assisted power cycles and scooters.
- 7.56 The policy addresses these matters in a positive way. In its response to the clarification note NBPC advised about the circumstances which caused it to offer support for proposals of off-road parking rather than required such provision for new housing developments. It comments that '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'. This approach is distinctive in the way in which it responds to local circumstances. I recommend a modification which refers specifically to the importance of incorporating new off-road parking in a sensitive fashion in the conservation area.
- 7.57 I also recommend a detailed modification to the second part of the policy so that it requires that development proposals respond positively rather than directly support the needs of pedestrians. This will bring the clarity required by the NPPF.

Replace the policy with:

'The provision of off-street parking will be supported where it complies with the broader approach of the Plan in general, and preserves or enhances the character or appearance of the New Buckenham Conservation Area in particular.

Development proposals should cater for the needs of pedestrians and the use of electric cars, electrically assisted power cycles and scooters.'

Policy HB 4: Low impact access routes

- 7.58 The policy comments that new development proposals should demonstrate how they relate to existing pedestrian and cycle routes. It also comments that any available opportunities should be taken to provide new, or improve existing, convenient, safe and direct links for pedestrians and cyclists to local facilities and surrounding countryside.
- 7.59 The policy takes an appropriate approach to these matters. I recommend two modifications to ensure that it meets the basic conditions. The first will ensure that the policy is applied on a proportionate basis. The second is the

opportunities to improve access should be taken where it is practicable to do so. Plainly different opportunities will present themselves based on individual circumstances.

Replace the policy with:

‘As appropriate to their scale nature and location, development proposal should demonstrate how they relate to existing pedestrian and cycle routes.

Where practicable, opportunities should be taken to provide new, or improve existing direct links for pedestrians and cyclists to local facilities and surrounding countryside.’

Policy HB 5: Green living plan requirement

- 7.60 This policy comments that planning applications should have regard to Policy CE 3 and include a Green Living Plan as set out in Local Design Guide B.
- 7.61 The policy largely repeats Policy CE 3. As such I recommend its deletion. In coming to this conclusion, I have taken account of the responses of NBPC to the clarification note.

Delete the policy

Policy HB 6: Boundaries

- 7.62 This policy comments that applications for development should consider green rather than hard boundaries, ideally of mixed species native hedging. If hard boundaries are essential, the policy comments that they should be of good quality brick and flint rather than fence panels with provision being made for gaps to allow movement of small wildlife.
- 7.63 In general terms the policy takes an appropriate approach to this matter and which respects its distinctive character. In order to ensure that the policy has the clarity required for a development plan, I recommend that the policy should be applied on a proportionate basis which reflects the nature of the development proposal and that elements of the wording are refined. I recommend that the reference to the excellent figure 31 is captured in the earlier supporting text.

Replace the policy with:

‘As appropriate to their scale, nature and location development proposals should include green rather than hard boundaries. The use of mixed species native hedging will be particularly supported.

Where hard boundaries are essential, they should consist of good quality materials (such as brick and flint) and provide gaps to allow movement of small wildlife.'

At the end of paragraph 2.5.17 add: 'An appropriate use of boundary treatments can contribute to achieving high quality and distinctive developments. This matter is addressed in Policy HB 6. Figure 31 provides visual advice on this important matter.'

Policy HB 7: Utilities and signage

- 7.64 This policy comments that visible utilities and signage should be kept to an absolute minimum. Plainly these are important matters. Paragraphs 2.5.22 to 2.5.24 comment about the significance of such matters in the parish and the way in which recent proposals have been managed and mitigated. The Plan specifically comments about the potential significance of such matters in the conservation area.
- 7.65 Notwithstanding the community importance of this matter, I recommend that the policy is deleted from the Plan. In general terms, most works undertaken by statutory undertakers on utilities are controlled under permitted development regimes. In addition, the use of the wording 'absolute minimum' is not defined in the policy and will be difficult to apply consistently by BDC within the Plan period. Furthermore, neither the policy nor the supporting text comment in any detail about 'signage'. However, this matter is dealt with by BDC under parallel legislation - the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended).
- 7.66 I am satisfied that the supporting text can remain in the Plan without an associated policy. It sets out the importance of these matters in a general and non-prescriptive way.

Delete the policy.

Policy TP 1: Highway developments

- 7.67 This policy comments that NBPC will continue to work towards improving highway safety and take opportunities to minimise or slow down traffic.
- 7.68 The intention of the policy is very appropriate. Nevertheless, the policy is a community action (describing what NBPC will do) rather than a land use policy. As such, I recommend that it is deleted and repositioned as a community action. In reaching this conclusion I have taken account of NBPC's response to the clarification note.

Delete the policy.

Reposition its contents as an additional community action.

Policy TP 2: Impact of new building

- 7.69 This policy comments that development proposals will be expected to ensure there is no detriment to highway safety and, where possible, should contribute to a reduction in risk. It also comments that the provision of off-street parking will be supported.
- 7.70 In its response to the clarification note NBPC acknowledged that the policy did not offer any added value beyond that in national or local planning policy. There is no need for a neighbourhood plan to repeat or restate such policies. As such, I recommend its deletion.

Delete the policy.

Policy TP 3: Pedestrian safety

- 7.71 This policy comments that new developments routes should give safe access for pedestrians and cyclists, both within the site and connecting to the village. It also comments that such designs could, where safe, allow all pedestrian and vehicular traffic to share access space.
- 7.72 The policy takes an appropriate and inclusive approach to this matter. I have taken account of the representation from BDC. However, the policy has an in-built mechanism only to support shared surfaces where the solution is safe. I recommend that the policy is modified to address the safety issue in a clearer fashion and to recognise that in some cases it will not be practicable to connect new development directly to the amenities in the village. Nevertheless, given the overall content of the Plan, any new development would be likely to be within the village itself and therefore have immediate access to its excellent pedestrian networks.

Replace the policy with:

‘New developments should provide safe access for pedestrians and cyclists both within the site and as it connects to the wider pedestrian and vehicular network. Where it is safe to do so, access routes should allow pedestrian and vehicular traffic to share access and circulation areas.’

Policy BT 1: Communications infrastructure

- 7.73 This policy comments that proposals to provide access to a super-fast broadband network to serve the village and other properties in the local countryside will be supported. It also comments the installation of new overhead wires will be supported where they follow existing overhead wire

routes using existing poles or can be discretely located against buildings. Finally, it comments that outside the Conservation Area any above-ground network installations, if essential, should be sympathetically chosen and designed to reflect the character of the local setting.

- 7.74 The context of the policy is that business in the village faces significant problems, not least the lack of a useable mobile phone signal. There is a fast fibre broadband service in the neighbourhood area but there is no 'fibre to the home'.
- 7.75 The first part of the policy provides a general context for the roll out a Broadband in the parish. It meets the basic conditions.
- 7.76 The second part of the policy comments about guidance for the installation of overhead wires. However, the installation of overhead wires (or their replacement underground) is a matter carried out by statutory undertakers under separate legislation. As such, I recommend that it is deleted from the policy. However, I recommended that NBPC's approach to this matter is incorporated at the end of paragraph 2.5.24 which provides a general explanation of the impact of overhead wiring in the parish.

Delete second part of the policy.

At the end of paragraph 2.5.24 add: 'Whilst such matters are controlled by other legislation, the Parish Council would encourage sensitive approaches to the installation of overhead infrastructure. In the Conservation Area, the installation of any new overhead wires should follow existing overhead wire routes using existing poles or be discretely-located against buildings. Outside the Conservation Area any essential above-ground network installations should be sympathetically-chosen and be designed to reflect the character of their local settings.'

Policy BT 2: Better communications for individual homes and businesses

- 7.77 This policy comments that applications for new development must contain a connectivity statement to demonstrate easy connection to telecommunication and broadband services.
- 7.78 The approach is well intentioned. However, its approach is universal, takes no account of its impact on commercial viability and provides no advice on the content required for a connectivity statement. In these circumstances I recommend that it is deleted from the Plan.

Delete the policy.

Policy BT 3: Support for Business and Tourism

- 7.79 This policy seeks to support local businesses. It has two related parts. The first comments that business and tourism development initiatives that support locally-based businesses, will be supported. The second part comments that new business proposals that support homeworkers, enhance tourism and the visitor experience within the village and conservation area will be encouraged.
- 7.80 The policy takes an approach which has regard to national policy in general. However, I recommend modifications to address two matters. The first relates to the first part of the policy which could have unintentional consequences in supporting business proposals which did not take account of the scale of the village. The second relates to the wording used in the second sentence
- 7.81 Otherwise, meets the basic conditions. It will make a major contribution to the delivery of the economic dimension of sustainable development.

At the beginning of the first sentence of the policy add: ‘Sensitively designed and appropriately scaled’ and then delete ‘thus’.

In the second sentence replace ‘encouraged’ with ‘supported’.

Policy RHC 1: Local facilities for community life

- 7.82 This policy seeks to promote community activity. It has two related parts. The first is that development proposals which would enhance community life in New Buckenham will be supported. The second is that wherever possible the wish by local businesses to promote new village activities and enhance community life will be supported.
- 7.83 The first part of the policy is general in nature. It meets the basic conditions.
- 7.84 The second part is more about offering support to local businesses as they seek to promote activities which would assist the community. In its response to the clarification note NBPC acknowledged that this ambition was not a land use planning matter. As such, I recommend its deletion from the policy.

Delete the second part of the policy.

Policy RHC 2: Reducing the impact of local facilities

- 7.85 This policy comments that where it is demonstrated that an existing community use is not viable, preference will be given to change of use or redevelopment to alternative community use where planning permission is required.

7.86 In its response to the clarification note, NBPC acknowledged that the reoccupation of premises by other community facilities may not need planning permission. As such, it proposed an alternative form of wording.

7.87 I have considered this matter very carefully. Having taken account of the information available to me I recommend that the policy is deleted for two reasons. The first is that it provides no added value beyond that within Policy COM 4 of the Local Plan. The second is that its approach is based on a preference for alternative uses rather than on any specific policy approach.

Delete the policy.

Community Actions

7.88 The Plan includes a series of Community Actions. They are non-land use issues which have naturally been developed as part of the plan-making process. They are captured with the land use policies within the main body of the Plan on a topic-by-topic basis.

7.89 Planning Practice Guidance recommends that such Actions are incorporated in a separate part of the Plan. I have considered this matter carefully. On balance, I am satisfied that the format of the Plan is acceptable taking account of the following matters:

- section 2.1.1 of the Plan makes a clear distinction between the policies and the Actions;
- the matter is clearly highlighted by the use of different colours for the policies (blue) and Actions (green) throughout the Plan; and
- in several cases, the Actions will complement the delivery of the land use policies and their presentation in different sections would detract from the public's wider understanding of the Plan.

7.90 The Actions include:

- Landscape and heritage;
- Countryside and environment;
- Housing and building;
- Traffic and parking;
- Business and tourism; and
- Recreation, health and leisure.

7.91 I am satisfied that the various Actions are both appropriate and distinctive to the neighbourhood area.

Other matters - General

- 7.92 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for BDC and NBPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters - Specific

- 7.93 BDC makes several detailed comments in its helpful representation on the Plan. NBPC has commented on the representations in its responses to the clarification note.
- 7.94 In some cases, I have recommended modifications to the policies concerned which incorporate some or all of the BDC suggestions. In other cases, I have concluded that the policy should be deleted rather than to attempt to reconfigure it to take account of the BDC comments.
- 7.95 BDC also suggests a series of changes to the detailed wording of the supporting text. I have found its comments and the responses of NBPC in the clarification note very helpful. Other than where I have separately recommended modifications and/or additions to the supporting text, I recommend that the supporting text is modified to take account of the contents of BDC's Appendix A (BDC comments) and NBPC's responses to those comments (Appendix 1 of this report) with the exception of the two following areas:
- policy referencing – the connection between policies and objectives is helpful for the lay person to understand the structure of the Plan; and
 - the repositioning of Policy HB 4 - it is not within my remit to rewrite or restructure the Plan unless it is required to ensure that it meets the basic conditions. I am not convinced that the change suggested by BDC is required to ensure that the Plan meets the basic conditions.

Incorporate the suggested changes to the supporting text as set out in BDC's representation (Appendix A) into the Plan with the exception of the comments on policy referencing and the repositioning of Policy HB 4 and as refined in

Appendix 1 of this report to take account of BPC's responses to the comments.

Other Matters raised in the representations

- 7.96 One of the local landowners who commented on the Plan proposed the offer of land to facilitate a community land trust whereby local people can remain within parish and rent houses from the trust. Proposals of this nature have merit and have been used elsewhere both generally and in neighbourhood plans.
- 7.97 However, I am satisfied that the Plan meets the basic conditions without the inclusion of a policy relating to a community land trust (either generally or on a site-specific basis). Every qualifying body makes an informed judgement about the contents of its neighbourhood plan. In this context I am satisfied that NBPC has approached the wider contents of its Plan in a responsible way. In any event, proposals for community-based housing have the opportunity to be promoted as exception sites where they comply with national and local planning policies. Any such proposals or planning applications which may come forward in the Plan period will be considered by BDC based on such policies and any other material considerations.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination, I have concluded that the New Buckenham Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Breckland District Council that subject to the incorporation of the modifications set out in this report that the New Buckenham Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Breckland District Council on 30th March 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
31st January 2022

Appendix 1

Detailed modifications to the supporting text of the Plan

This appendix supplements the information in paragraph 7.95 of this report.

In particular it identifies the modifications which should be made to the supporting text where they differ from those suggested by BDC in its representation to the Plan or where the BDC representation provided options.

Recommended modifications

Incorporate the proposed changes to the supporting text as set out in BDC's representation to the submitted Plan with the following exceptions:

The Plan

Paragraph 1.3.3 Remove the second 'however'

Paragraph 2.1.2 Proceed with the second of the two options

Paragraph 2.2.12 Proceed with NBPC's revision of the proposed change

Paragraph 2.3.33 Add footnote as suggested by NBPC

Paragraph 2.4.2 Add the commentary suggested by NBPC

Paragraph 4.1.3 Proceed with the second of the two options

Figure 16 Show the Open Spaces precisely as shown in the Local Plan.

Local Design Guide

Paragraph 8.1 Proceed with NBPC's revision of the proposed change

Paragraph 8.2 Proceed with NBPC's revision of the proposed change