

Necton Neighbourhood Development Plan 2023-2036

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

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Executive Summary

- 1 I was appointed by the Breckland District Council in January 2024 to carry out the independent examination of the Necton Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 19 February 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on two specific matters. The first is the proposed designation of a series of Local Green Spaces. The second is a detailed policy on design. The Plan has been prepared in short order.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the 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
19 April 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Necton Neighbourhood Development Plan 2023-2036 ('the Plan').
- 1.2 The Plan was submitted to Breckland District Council (BDC) by Necton Parish Council (NPC) 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) in 2012, 2018, 2019, 2021 and 2023. 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 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 indirectly from 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 and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and setting.
- 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 be used to determine planning applications within the neighbourhood area and will form a part of the wider development plan.

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 NPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BDC and NPC. 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. I have 41 years' experience either in various local authorities at either Head of Planning or Service Director level or more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

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 should proceed 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 Section 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 plan 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 and am satisfied that they have been met.

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 BDC SEA/HRA screening reports (June 2023).
- the Appraisal of Views.
- the Local Green Spaces Assessment.
- the Local Heritage Assets report.
- the Design Guidance and Codes.
- the Housing Needs Assessment.
- the representations made to the Plan.
- NPC's responses to the clarification note.
- the adopted Breckland Local Plan (2023).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 19 February 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan.

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 concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the detail within the package of submission documents.

3.4 The NPPF was updated in both September and December 2023 after the Plan had been submitted. Plainly this was outside NPC's control. For clarity, I have assessed the Plan against the December 2023 version of the NPPF for the way in which it has regard to national policy.

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 (as amended), NPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is helpfully underpinned by a series of detailed appendices. Sections 3 and 4 of the Statement summarise very effectively the approach which NPC took on consultation and engagement. Paragraph 3.1 of the Statement comments about the way in which the community was engaged in the wider process.
- 4.3 Section 4 provides specific details on the consultation processes that took place on the pre-submission version of the Plan (March to May 2023).
- 4.4 Appendix 6 summarises the comments received on the pre-submission version and provides the details of the ways in which the Plan was refined because of this process. This helps to describe the way in which the Plan evolved.
- 4.5 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. 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.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by BDC. It ended on 4 December 2023. This exercise generated representations from the following organisations:
- Norfolk County Council
 - Natural England
 - Norfolk and Waveney Integrated Care System
 - Norfolk Wildlife Trust

- Waste Water Alliance
- National Highways
- Norfolk Gardens Trust
- Breckland District Council

4.7 I have taken account of the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Necton. Its population in 2021 was 2138 persons living in 986 households. It was designated as a neighbourhood area on 16 March 2021.
- 5.2 The parish is located between Swaffham and Dereham. Necton village is located to the immediate south of the A47 trunk road. As the Plan describes, the village sits within a wider landscape of arable fields that are separated by occasional woodland fragments.
- 5.3 The village has well-defined edges. Its development pattern has evolved from a linear formation to an increasingly nucleated form due to recent developments. It has developed along link roads such as Tuns Road, Hale Road, North Pickenham Road, Chantry Lane and School Road/Ketts Hill. The village lies 200m north of the River Wissey which is a small chalk-fed stream, rising in Shipdham and flowing in a westerly direction before joining the Great Ouse at Fordham.

Development Plan Context

- 5.4 The development plan for the District consists of the Breckland Local Plan. It was adopted in November 2019 and following a single policy update was modified in September 2023. It is this broader development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 Policy GEN03 of the Local Plan sets out a settlement hierarchy for the District. Necton is identified as one of a series of Local Service Centres. Policy HOU2 distributes new housing growth to the various settlements identified in the settlement hierarchy. In this context the Local Plan allocates two sites for housing development in the parish.
- 5.6 The following other policies in the Local Plan are particularly relevant to the submitted Plan:
- Policy HOU09 Specialist Housing
 - Policy HOU11 Residential Replacement, Extension and Alteration
 - Policy ENV04 Open Space, Sport & Recreation
 - Policy ENV10 Renewable Energy Development
- 5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its

local planning policy context. The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

- 5.8 BDC is working on a new Local Plan. It will roll the existing Plan forward to 2046. Once adopted, it will replace the existing development plans. The Local Development Scheme (November 2023) advises that the emerging Plan should be adopted in late 2026.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 19 February 2024. I approached it from Swaffham to the west. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.
- 5.10 I looked initially at the historic core of the village based around All Saints Church and School Road. I then looked at the other parts of the village.
- 5.11 I looked carefully at the proposed Local Green Spaces and the community and recreational facilities identified in the relevant policies in the Plan.
- 5.12 I left the neighbourhood area on the A47 and drove to Dereham. This part of the visit helped me to understand the relationship between the various settlements along the A47 corridor.

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 in the preparation of this section of the report. It is an informative and well-presented document.

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 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.

I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

6.3 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 December 2023 (NPPF).

6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Necton Neighbourhood Development Plan:

- a plan-led system - in this case the relationship between the neighbourhood plan and the Breckland Local Plan (2023);
- building a strong, competitive economy;
- 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;
- highlighting the importance of 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.

- 6.5 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.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy, including Planning Practice Guidance and the recent ministerial statements.
- 6.7 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 subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on development and environmental matters.
- 6.8 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 was reinforced with the publication of 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. The Guidance also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. Most 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

- 6.10 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. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy for the mix of housing developments (Policy NTN1). In the social dimension, it includes policies on Local Green Spaces (Policy NTN3), and on community facilities (Policy NTN9). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on landscape (Policy NTN2) and design (Policy NTN5). This

assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the District in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted 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.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) 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.
- 6.14 In order to comply with this requirement, BDC undertook a screening exercise in June 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

Habitats Regulations Assessment

- 6.15 BDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. The Assessment addresses the potential impact of the Plan's policies on a range of protected sites (as listed in paragraph 2.2 of that document). The Assessment concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.16 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. None of the statutory consultees have raised any concerns on this matter. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this the relevant regulations.

Human Rights

- 6.17 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

- 6.18 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. 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 in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes 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 Plan area. The wider community and NPC 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. The Plan is presented in a very attractive fashion. It makes excellent use of maps, photographs, and colour. This enhances its overall legibility. In addition, several of the policies in the Plan are directly supported by detailed background documents. This is best practice and provides assurance to all concerned that the Plan has been properly prepared.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. It also includes a series of Community Aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Aspirations are considered briefly thereafter.
- 7.6 For clarity, this section of the report comments on each of the policies in the Plan.
- 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 parts of the Plan

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.10 The Introduction comments on the national agenda for neighbourhood plans and the way in which the submitted Plan has been prepared. It also defines the neighbourhood area. Whilst the Plan period is shown on the front cover of

the Plan, I recommend that it is referenced in this part of the Plan so that it meets the prescribed conditions (as set out in paragraph 2.6 of this report).

At the end of paragraph 1.2 add: 'The Plan period is 2023 to 2036'

7.11 Section 2 sets out details of the neighbourhood area and its history to very good effect. It helps to explain the context to some of the resulting policies.

7.12 Section 3 comments about the planning policy context within which the Plan has been prepared. It advises about the NPPF and the Local Plan.

7.13 The section on the Plan's Vision and Objectives is very helpful. It makes a strong functional relationship between the various issues and, in several cases, they set a useful context for the resulting policies. The objectives are arranged around the five themes in the Plan. The Vision neatly summarises the approach taken as follows:

'In 2036 Necton will be a thriving and sustainable community, meeting the housing needs of all ages, providing a good quality of life for all its residents supported by appropriate levels of services and infrastructure while its unique heritage and environmental assets will be protected and enhanced.'

7.14 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 NTN1 - Housing Mix

7.15 This policy sets out a proposed housing mix for new residential developments. It is underpinned by the submitted Housing Needs Assessment (HNA). It provides detailed advice about the mix of house sizes for development sites which would deliver ten or more homes.

7.16 BDC raises a series of comments both on the policy and on the supporting text. It advises that:

'(On the policy) policies with the Breckland Plan such as the GEN 03 prioritise new sustainable development to be within the settlement hierarchy including the Local Service Centre Necton and this is to utilise existing infrastructure. The proposal of Policy NTN1 does not include 2-bedroom housing, this therefore conflicts with the overall housing needs of the authority, even if local housing needs in Necton have been met. The policy would be acceptable for schemes meeting only the need of Necton, such as exception sites or similar over-provision. However, there is a very significant need district wide for 2 bed homes, particularly affordable homes. It is reasonable for a service centre village such as Necton to take on some of that district wide need – noted that Necton has already done some heavy lifting in this respect over the past few years.'

(On the supporting text) that paragraph 5.17 asserts that no further affordable housing is required in Necton. Again, the point (on the policy itself) applies – Necton is not an island, and as a sustainable service centre village it should be expected that some district wide need is met in the village. It is also noted that this point has not been put forward as a policy. Therefore, it is considered that this should be regarded as subservient to the adopted district wide policy, although it is noted the parish will not give support for any schemes such as exception sites in the village, based on this paragraph

- 7.17 I sought NPC's comments on the prescriptive nature of the statistics in the policy (based on the findings of the HNA) and the extent to which it could realistically be implemented through the development management process. In its response to the clarification note, it advised as follows:

'The requirements set out in the policy reflect the conclusions of the Housing Needs assessment as identified on page 57 therein, where Table 5-9 sets out the "Suggested dwelling size mix to 2036" This concludes that 31.8% of new housing should be 1 bedroomed dwellings and 47.3% should be 4+ bedroomed dwellings.

The figures in the policy are backed up by robust methodology used in the preparation of the Necton Housing Needs Assessment by AECOM as part of the Locality support programme for neighbourhood plans. The Housing Needs Assessment provides locally specific data appropriate to the neighbourhood area, rather than relying on data covering the 500 square miles of Breckland district. It is also important to note that there is flexibility in the policy in criteria i. and ii. which enable proposals to move away from the mix where certain circumstances can be met.'

- 7.18 I have considered the various issues very carefully. There are clear tensions on the policy. On the one hand, it is directly underpinned by the HNA and there has been no direct challenge to the integrity of its details. As such, the policy is clearly evidence-based. On the other hand, the figures used are very prescriptive and would be impractical to apply at the lower end of the size threshold used in the policy. I recommend that the detailed figures in the policy are modified so that they have a less mathematical and precise format. I also recommend that the policy is modified to allow development proposals to deliver two-bedroom homes where an applicant can demonstrate that the overall package to be delivered would achieve development plan policies.
- 7.19 On the supporting text issue, I recommend that the final section of paragraph 5.17 of the Plan is deleted. It adds little to the factual comments in that

paragraph and makes a partial policy statement rather than applying supporting text to underpin the associated policy.

- 7.20 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘32%’ with ‘approximately 35%’

Replace ‘21%’ with ‘approximately 20%’

Replace ‘47%’ with ‘approximately 45%’

At the end of the policy add (as a new paragraph): ‘Development proposals which would incorporate two-bedroom homes and a revised split between house sizes as shown in this policy will be supported where it can be demonstrated that the overall package would deliver development plan policies and otherwise be consistent with the findings of the Necton Housing Needs Assessment 2022.’

Delete the final sentence of paragraph 5.17.

Policy NTN 2 - Protecting Necton’s Landscape Character

- 7.21 This is an important policy which celebrates the landscape character of the parish. It is underpinned by the Necton Landscape Assessment and the Assessment of Key Views.
- 7.22 The policy advises that as appropriate to their scale, nature, and location and to ensure that they conserve the essential landscape, heritage and rural character of the parish, development proposals should demonstrate how they have regard to, and conserve, or enhance, the landscape character and the setting of the parish, as referenced in the Necton Landscape Assessment. It also advises that proposals should ensure that there is no unacceptable impact on the key features of the important views identified on the Policies Map.
- 7.23 In the round I am satisfied that the policy has been well considered. It addresses key features of the parish’s landscape character to good effect. The two supporting documents ensure that the approach taken is evidence-based. In reaching this conclusion, I have taken account of BDC’s comments on the policy.
- 7.24 As submitted the two parts of the policy overlap. I recommend the deletion of the first part to remedy this matter.

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

Delete the first part of the policy.

Policy NTN 3 - Local Green Spaces

- 7.26 This policy proposes the designation of eight local green spaces (LGSs). The policy is underpinned by the LGS Appraisal. I looked at the proposed LGSs carefully during the visit.
- 7.27 BDC suggest that proposed LGS Folly View (LGS3), Briar Close (LGS5) and Elizabeth Drive (LGS7) are deleted from the Plan due to a lack of evidence for their proposed designations. It draws my attention to a recent examination of another neighbourhood plan in the District where the examiner commented on the available evidence.
- 7.28 In this broader context, I sought NPC's comments on the justification for the four smallest proposed LGSs. In its response to the clarification note it advised as follows:

'Site 3 - Folly View amenity open space: This space provides man important amenity space in the otherwise dense residential development of Masons Drive, Bengey's Road, Farm Walk and Oaks Drive of bungalows with relatively small gardens. The green area contains two mature trees and is an area of recreational and amenity open area valued by residents.

Site 4 - Masons Drive/Hale Road amenity open space: Another open space that provides a small amenity space and footway linking Hale Road and Masons Drive. It contains mature trees and a secluded tranquil space for residents.

Site 5 – Briar Close amenity open space: A grassed area with trees fronting 5 to 18 Briar Close. Residents do not have access to green space on the near vicinity and provides an area of tranquillity for residents.

Site 6 – Jubilee Way amenity open spaces: As noted by Breckland District Council, it has a "large number of trees" and has potential biodiversity value as well as providing tranquillity within a residential area.

- 7.29 Based on all the available evidence, I recommend the deletion of the proposed LGS at Jubilee Way (LGS6). In my judgement it is incidental open space within a residential development and falls short of the standard expected for LGS designation. I am however satisfied that the larger scale of Briar Cloise (LGS5) justifies NPC's view that it is demonstrably special to the local community and holds a particular local significance.

The other proposed LGSs

- 7.30 I am satisfied that the other proposed LGSs meet the three criteria in paragraph 106 of the NPPF. In reaching this conclusion I have taken account of BDC's comments on the matter. I am satisfied that the level of information provided by NPC on the proposed designations is proportionate to the parcels of land concerned and is consistent with that provided in other equivalent neighbourhood plans.
- 7.31 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do 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 LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.32 The policy properly takes the matter-of-fact approach as set out in paragraph 107 of the NPPF.
- 7.33 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete the proposed LGS at Jubilee Way (LGS6).

Delete LGS6 from the Policies Map

Policy NTN 4 - Local Heritage Assets

- 7.34 This policy proposes the identification of seventeen Local Heritage Assets. The approach taken is underpinned by the Local Heritage Assets Assessment.
- 7.35 I looked at some of the proposed Local Heritage Assets during the visit. The reasons for their identification were self-evident. The policy itself is a local variation of the approach on non-designated heritage assets in paragraph 209 of the NPPF.
- 7.36 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy NTN 5 - Development Design

- 7.37 This is another important policy in the Plan. It comments that proposals for all new development must reflect the local characteristics and circumstances of the site by creating and contributing to a high quality, safe and sustainable environment. It also advises that planning applications should demonstrate how they satisfy the requirements of the Development Design Checklist in Appendix 4 of the Plan and comply with a series of design principles.
- 7.38 In the round this is an excellent policy. In addition, it is a first-class local response to Section 12 of the NPPF. The Design Checklist is a very effective way of presenting the practical implications of the work undertaken on the Design Guidelines and Codes.
- 7.39 I recommend a very specific modification to the wording of the first part of the policy so that it is consistent with that used in the second part.
- 7.40 I am satisfied that the detailed design principles are distinctive to the parish and capable of being applied in a proportionate way through the development management process. Nevertheless, I recommend that deletion of the final two principles (on broadband access and the delivery of electric vehicle charging facilities) as these matters are now managed through the Building Regulations.
- 7.41 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘must’ with ‘should’

In the second part of the policy delete 9 and 10.

Policy NTN 6 - Sustainable Construction Practices

- 7.42 This policy seeks to promote sustainable construction practices. It comments that proposals that incorporate current best practice in energy conservation will be supported where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings. It also advises that development proposals should demonstrate how they meet a series of criteria.
- 7.43 In general terms, the policy takes a positive approach to this important matter and has regard to Section 14 of the NPPF. In this broad context, I recommend that the commentary in the policy about ‘appropriate’ development is repositioned into the supporting text (where it can be more fully explained). I also recommend that the supporting text refers to the Written Ministerial Statement published on this matter in December 2023 after the Plan had been

submitted. I am satisfied that the non-prescriptive approach in the policy is consistent with the Written Ministerial Statement.

- 7.44 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘For all appropriate development,’ with ‘Development’

At the end of paragraph 7.17 add: ‘Policy NTN6 addresses these important matters. The policy will apply to developments which can make practical use of sustainable construction practices. It is acknowledged that the policy approach will not apply to all types of development.’

At the end of paragraph 7.18 add: ‘In December 2023 a Written Ministerial Statement (Local Energy Efficiency Standards) was published on these matters. Policy NTN6 is consistent with its non-prescriptive approach.’

Policy NTN 7 - Renewable Energy

- 7.45 This policy continues the approach in Policy NTN6. In this case, the focus is on renewable energy proposals. The policy advises that such schemes, including those that form part of wider development proposals, will be supported where their scale, siting and cumulative effects would not have a significant adverse impact on a range of environmental matters.
- 7.46 In the round I am satisfied that the policy has been well considered. It addresses this important matter to good effect. Nevertheless, I recommend that the element of the policy on sensitive viewpoints is modified so that it has a clear functional relationship with the views identified in Policy NTN2. In reaching this conclusion, I have taken account of BDC’s comments on the policy.
- 7.47 I also recommend a modification to the final element of the policy so that it will have the clarity required by the NPPF.
- 7.48 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘a significant adverse impact’ with ‘an unacceptable impact’

In ii replace ‘sensitive viewpoints’ with ‘the views as shown on Map 4 and in the Appraisal of Views document’

Replace the final part of the policy with: ‘Where necessary, mitigation measures (such as landscaping) will be required to minimise any

potential unacceptable visual amenity and/or highway impacts from such developments.’

Policy NTN 8 - Flooding and Sustainable Drainage

- 7.49 The Plan helpfully sets out the context to this policy. It advises that the River Wissey flows along the southern boundary of the parish in an east-west direction, intersecting Brown’s Lane and flowing westwards beyond the parish boundary. Whilst much of the parish has a very low flood risk from both seas and rivers, land south of the main built-up settlement (particularly on arable land south of Elizabeth Drive and the Whitby’s Plantation) includes areas with medium and high flood risk.
- 7.50 The policy advises that proposals should, as appropriate include the use of above ground open Sustainable Drainage Systems.
- 7.51 The policy takes a very positive approach to this matter and has regard to Section 14 of the NPPF. However, I recommend that the opening element of the second part of the policy is modified to bring the clarity required by the NPPF. I also recommend that the order of the two parts of the policy is reversed. This will ensure that the principal focus of the policy is supported by related process information.
- 7.52 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the opening element of the second part of the policy with:
‘Development proposals should include the use of above ground open Sustainable Drainage Systems. As appropriate to the scale, nature and location of the development concerned, such proposals could incorporate:’**

Reverse the order of the two parts of the policy.

Policy NTN 9 - Community Facilities

- 7.53 This policy celebrates the importance of community facilities in the parish. I saw first-hand the importance of the various community facilities during the visit.
- 7.54 The policy identifies a range of community facilities to be safeguarded. It also sets out three circumstances where proposals which would involve the loss of existing community facilities may be supported. It properly takes account of potential changes in usage and commercial viability in the Plan period.

- 7.55 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy NTN 10 - Sport and Recreation Facilities

- 7.56 The policy identifies two facilities as important sport and recreational facilities. It advises that proposals for development at these locations will be determined in accordance with Policy ENV4 of the adopted Local Plan or subsequent replacement policy.
- 7.57 I am satisfied that the identified facilities are appropriate to be included in a policy of this type. In addition, the approach taken makes good use of an existing Local Plan policy.
- 7.58 Norfolk County Council comments about the potential restrictions which the identification of the School Playing Field in this policy may have on any future revisions to the School. NPC responded positively to the County Council's suggested revision to the overall approach. I recommend that the matter is addressed in the supporting text and refers to paragraph 99 (a) of the NPPF.
- 7.59 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

At the end of paragraph 8.7 add: 'Policy NTN10 identifies the School Playing Fields as an important sporting and recreational facility. Any proposals for the expansion of the School onto the Playing Fields will be assessed against the approach set out in paragraph 99 (a) of the NPPF. It gives great weight to the need to expand or alter schools within the wider context of meeting the needs of existing and new communities.'

Policy NTN 11 - Public Rights of Way

- 7.60 This policy celebrates the importance of the public rights of way network in the parish.
- 7.61 It advises that measures to improve and extend the existing network of public rights of way and bridleways will be supported where their value as biodiversity corridors is safeguarded. It also comments that, where practicable, development proposals should incorporate measures to enhance biodiversity within the improved or extended public right of way.
- 7.62 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Community Aspirations

- 7.63 The Plan includes a series of Community Aspirations. They have arisen naturally as the Plan was prepared. I am satisfied that they are both appropriate and locally-distinctive.
- 7.64 The Aspirations are set out in the main part of the Plan with the land use policies rather than in a separate section as advised in national guidance. On balance, I am satisfied that the approach taken is appropriate. I have reached this conclusion for two reasons. The first is that the Aspirations are shown in a different format and colour. The second is that in several cases they relate to (and complement) the land use policies.
- 7.65 The Aspirations are:
- Community Aspiration 1 - Central Village Green
 - Community Aspiration 2 - Woodland Recreation Area
 - Community Aspiration 3 - Road verge and green space improvements
 - Community Aspiration 4 - Local Heritage Trail
 - Community Aspiration 5 - Local List of Non-Designated Heritage Assets
 - Community Aspiration 6 - Sports and Play Facilities
 - Community Aspiration 7 - Village Hall Improvements
 - Community Aspiration 8 - A47 Pedestrian Safety Improvements
 - Community Aspiration 9 - Pedestrian and Cycling Connectivity
 - Community Aspiration 10 - St Andrew's Lane Permissive Footpath
 - Community Aspiration 11 - Verge Parking

Other Matters - General

- 7.66 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 because 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 because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for BDC and NPC 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 and the December 2023 version of the NPPF and to accommodate any administrative and technical changes.

Other Matters - Specific

- 7.67 Some of the representations have suggested detailed modifications to the wording of the policies, the supporting text, and the community aspirations. In several instances they would complement the approach taken in the Plan and extend the areas which it addresses. Nevertheless, in the context of my remit (and as described in paragraph 1.4 of this report), I have only recommended modifications in this report which are required to ensure that the Plan meets the basic conditions.

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 to safeguard the character and setting of the neighbourhood area.
- 8.2 Following the independent examination of the Plan, I have concluded that the Necton 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, the Necton Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood 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 the District Council on 16 March 2021.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses from NPC to the clarification note were both detailed and helpful.

Andrew Ashcroft
Independent Examiner
19 April 2024