

Mattishall Neighbourhood Development Plan Review 2024-2036

**A report to Breckland District Council on the
Mattishall Neighbourhood Plan Review**

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Executive Summary

- 1 I was appointed by Breckland District Council in October 2024 to carry out the independent examination of the review of the Mattishall Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 7 November 2024.
- 3 The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date and includes a variety of policies to bring forward positive and sustainable development in the neighbourhood area. It proposes a series of new Local Green Spaces.
- 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 review of the Mattishall Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
6. I recommend that the referendum area coincides with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
4 February 2025

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review Mattishall Neighbourhood Development Plan 2024-2036 ('the Plan').
- 1.2 The Plan was submitted to Breckland District Council (BDC) by Mattishall Parish Council (the MPC) in its capacity as the qualifying bodies 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, 2023 and 2024. 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 because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan (and a review of a 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 is distinctive and seeks to provide a context in which the neighbourhood area can maintain its character and setting in the wider landscape. It proposes a series of additional proposed Local Green Spaces.
- 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.

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 MPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BDC and MPC. 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 42 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 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 and its various appendices.
- the Design Guide and Code (October 2023).
- the Modifications Statement
- the Open Spaces Assessment.
- the BDC SEA/HRA screening reports.
- the representations made to the Plan.
- MPC's responses to the clarification note.
- the adopted Breckland Local Plan.
- the National Planning Policy Framework (December 2023 and December 2024).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 7 November 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

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 the representations and the professional way in which the Plan has been developed.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission

granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or

- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.6 The Modifications Statement comments that the modifications to the policies constitute a minor material amendment to the Plan which require examination but not a referendum.

3.7 I have considered the conclusions made by MPC very carefully and have concluded that the significance or substance of the modifications proposed to the Plan by MPC is such that both an examination and a referendum are required. In this context, I have concluded that the proposed modifications are so significant as to change the nature of the Plan. I have reached this decision given that Policy ENV4 of the Plan proposes the designation of a package of additional Local Green Spaces. Such designations would have an important effect on the use of the parcels of land concerned within the Plan period.

3.8 MPC acknowledged this conclusion and agreed that the examination of the Plan should proceed on this basis.

The update of the NPPF

3.9 The NPPF was updated on 12 December 2024. Paragraph 239 of the NPPF 2024 sets out transitional arrangements for plan-making. It comments that the policies in the Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.

3.10 On this basis, the examination of the Plan against the basic condition that it should have regard to national policies and advice contained in guidance issued by the Secretary of State is based on the 2023 version of the NPPF. Plainly the Plan was submitted in 2024 in that context. Where NPPF

paragraph numbers are used in this report, they refer to those in the December 2023 version.

- 3.11 Paragraph 6.2 of this report sets out the full extent of the basic conditions against which a neighbourhood plan is examined.

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), MPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a good example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices. It also sets out the way in which MPC engaged with statutory organisations.
- 4.3 Sections 3-6 of the Statement records the various activities that were held to engage the local community. Whilst the process reflects the nature of the review of the 'made' Plan, the engagement was both thorough and significant.
- 4.4 Section 7 of the Statement provides specific details on the consultation processes that took place on the pre-submission version of the Plan (November 2023 to January 2024).
- 4.5 Appendices 17 and 18 respectively identify the comments received at that stage and the way in which both the policies and the supporting text were revised as an outcome of the consultation feedback on the pre-submission Plan. This helps to advise how the Plan has evolved.
- 4.6 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 have concluded 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

- 4.7 Consultation on the submitted plan was undertaken by BDC. It ended on 15 September 2024. This exercise generated representations from the following organisations:

- Sport England

- Norfolk Wildlife Trust
- National Highways
- Historic England
- Breckland District Council
- Environment Agency
- Bellway Homes
- Natural England
- Norfolk County Council

4.8 Representations were also received from several individuals (one of which was from a landowner commenting about one of the proposed Local Green Spaces affecting that ownership)

4.9 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, this report refers to 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 Mattishall. It includes the once individual villages of Mattishall and Mattishall Burgh. Mattishall is 21km west of Norwich and 6km east of Dereham. Except for the village, the parish is mostly arable farmland with scattered woodland. The character of the neighbourhood area is defined by the strong functional and visual relationship between the village and its agricultural hinterland. The Norwich/Mattishall/Yaxham Road runs in an east-west direction through the parish and provides the principal access through Mattishall village. The population of the parish in 2021 was 2741 persons. It was designated as a neighbourhood area in 16 March 2015.
- 5.2 The village itself reflects the former villages of Mattishall and Mattishall Burgh. The village has two separate conservation areas. There are several listed buildings clustered around All Saints Church.
- 5.3 This parish enjoys a range of infrastructure and resources. They include a doctors' surgery and pharmacy, a Post Office, shops, and primary school. There are also important not-for-profit community facilities such as the Memorial Hall and the Sports and Social Club. Other commercial services include a public house, cafés, pre-school nurseries, car repairs, hairdressers, Poultec Training and South Green Park conference centre.

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. Mattishall 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 does not allocate 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 for the period up 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 7 November 2024. I approached it from Dereham to the north and 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 Dereham Road and Norwich Road. The prominence of All Saints Church was self-evident. I saw the concentration of commercial and community facilities in this central part of the village.
- 5.11 I looked carefully at the proposed Local Green Spaces and the identified views in the Plan.
- 5.12 I then walked along Burgh Lane to Mattishall Burgh and along Church Lane to St Peter's Church. I noted that the character of this part of the neighbourhood area was different to that of Mattishall.
- 5.13 I left the neighbourhood area on Mattishall Road and drove to East Tuddenham. This part of the visit helped me to understand the relationship between the various settlements along the road corridor leading into and out of Mattishall.

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;
 - not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; 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 Mattishall Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the adopted Breckland Local Plan;
 - 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 updates the Plan to take account of changes in national policy and emerging local policies since it was made. In addition, it responds positively to the national agenda to secure good design through the development management process.
- 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. 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. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic

dimension, the Plan include a package of policies for economic development (Policies ECON1-3). In the social dimension, it includes a series of policies on community matters (Policies COM1-5). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has a batch of environmental policies (Policies ENV1-9), and specific policies on design (Policy HOU3), and on sustainable design and construction (Policy HOU5). 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 Breckland 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 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 2024 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 in June 2024. It assesses the potential impact of the Plan's policies on a series of protected sites. The Assessment is thorough and comprehensive.
- 6.16 The HRA 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. In specific terms, it advises that it is not considered that there will be likely significant effects on the Norfolk Valley Fens SAC, The Broads SAC, or the River Wensum.

- 6.17 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 about neighbourhood plan obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan and national regulations.

Human Rights

- 6.18 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

- 6.19 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 neighbourhood area. The wider community and MPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all the policies in the Plan. It highlights the policies which are updated from the made Plan and those which are new.
- 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 makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction (Section 1) sets the scene for the Plan. It identifies the Plan period in paragraph 1.4. Section 2 advises about the preparation of the Plan. It overlaps with the Consultation Statement. Section 3 comments about the parish. Map 1 defines the neighbourhood area.
- 7.10 Section 4 set out The Plan's Vision and Aims. The Vision is that:

'Mattishall will continue to thrive and, through sympathetic and sustainable development, will meet the needs of a modern community whilst preserving

and enhancing its village character and its connection to the surrounding rural landscape.'

7.11 Section 5 identifies the Objectives of the Plan. A key success of the approach taken is the way in which the Plan arranged around the identified Objectives as follows:

- Environment and Landscape;
- Housing and the Built Environment;
- Community;
- Economy; and
- Transport.

This helps all concerned to navigate their way through the Plan.

7.12 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.

General comments on the Plan and the format of its policies

7.13 The Plan is a first-class example of a review of a neighbourhood plan. It helpfully consolidates the review of the Plan into the structure of the 'made' Plan. This results in a series of new policies and the retention of existing policies in the 'made' Plan. The review of the Plan is supported by appropriate research and evidence.

7.14 For the purposes of this report, I do not comment in detail on the retained policies other than where they may have been affected by updates in national planning policy. In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (and which has matured since the Plan was made).

7.15 The Modifications Statement helpfully identifies which policies are new and which are modified. I have used its summaries to provide a context to each policy.

7.16 The Plan helpfully includes a description at the end of each policy about the way in which it has changed from the equivalent policy in the made Plan (or the issues addressed in a new policy). This has been very helpful as the Plan has been prepared and for examination purposes. However, once the review of the Plan is made such information will no longer have a specific purpose. As such I recommend that the explanatory boxes are deleted. This accords with MPC's approach to this matter as described in its response to the clarification note.

Delete the explanatory changes to the policy boxes

MNP ENV1 Conservation Areas and Heritage

- 7.17 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy seeks to protect and enhance the Conservation Areas and historical assets which provide an historical backdrop to the character of the Parish and sense of place.
- 7.18 The policy is well-constructed and is impressively underpinned by the supporting text. I am satisfied that it has regard to Section 16 of the NPPF.
- 7.19 The policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

MNP ENV2 Important views and vistas

- 7.20 The policy is significantly updated. Two of the three existing views needed updating due to development that had taken place since the Plan was made. Six additional views are identified and are supported by the details in a new appendix.
- 7.21 The policy aims to ensure that development proposals are designed in a manner that not only respects and responds positively to, but also enhances the existing landscape and settlement setting of Mattishall, key features, and views from the edge of the settlement looking out to the countryside and views from the countryside looking into the settlement.
- 7.22 In its response to the clarification note, MPC commented about the way in which the new views had been identified as follows:

'In evaluating the appropriate methodology to review these suggested views and vistas, the Parish Council undertook pre-site assessment work which involved consideration of written material and/or discussions with CPRE Norfolk (Mattishall Parish Council is a member organisation); Norfolk Wildlife Trust; The Open Spaces Society; and our planning consultants.

A team comprising members of the Neighbourhood Plan Steering Group supported by residents undertook the survey work. Each potential site was carefully assessed during site visits noting the key landscape features, whether there were public rights of way and the contribution the view made to the sense of place. The Steering Group was also cognisant of the village characteristics and landscape features which highlighted key views and vistas in the Mattishall Design Guidance and Code Report 2022.'

- 7.23 In its representation, Bellway Homes advise that it:

'object(s) to the proposed identification of Important View and Vista 4 in Draft Submission Policy MNP ENV2. It is noted that in the Regulation 14 version of the MNP Review, Important View and Vista 4 was described as a "locally valued view looking inwards towards the settlement," but in the Regulation 16 version, it has been redefined as a "locally valued view looking out over open countryside." Despite this shift in description, the location of Important View and Vista 4 has not changed, and the Parish Council has provided no explanation for altering the view's direction.'

7.24 In its response to the representation, MPC comments that:

'Our robust approach to testing and identifying views and vistas is detailed in the response to the examiner. This is evident in the approach to Policy ENV2 Important views and Vistas where a number of additional proposed locations were identified as a result of the community engagement and consultation process. View 4 (Para 7.18) has been refined to more accurately describe this important view and we would not agree with Bellway Homes' conclusions that the view is limited. The Parish Council considers View 4 should be retained as it provides: - Views across fields towards open countryside - Landscaping provided by tree belt that reaches taller than the houses and therefore providing visual screening - Key off-road route from West to East end of village on Public Footpath.'

7.25 I looked at the proposed view carefully during the visit (and from the beginning of the footpath into the agricultural land to the south of Cedar Close). Based on all the available evidence, I am satisfied that the proposed view has been appropriately identified. It highlights the relationship between the village and the surrounding countryside. In addition, it is a view which is appreciated by those who use the footpath network in the part of the parish.

7.26 In the round, I am satisfied that the policy has been prepared in a positive and professional way. The views reflect the close relationship between the village and the surrounding countryside. In addition, the policy is not prescriptive in the way in which it comments that proposals for new development must take account of the relationship between Mattishall village and its surrounding hinterland, and that development proposals should respect and must not adversely impact upon the key features of the identified views. Nevertheless, within this broad context I recommend the following modifications to the policy to bring the clarity required by the NPPF and to allow BDC to be able to implement its contexts through the development management process:

- a revision to the wording in Part 1; and
- a recasting of the second part of the policy so that it takes an approach whereby development proposals should respond positively to the identified views.

- 7.27 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'

Replace the opening element of the second part of the policy with: 'Development proposals should respond positively to the key features (as described Appendix 3) of the views shown on Map 5 and listed below:'

MNP ENV3 Trees, hedgerows, and boundaries

- 7.28 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy seeks to protect the rural character of the village by protecting the network of trees and hedgerows which line the roads and permeate the village.
- 7.29 In general terms, the policy takes a positive approach to this matter and has regard to Section 15 of the NPPF. In this broader context, I recommend two specific modifications to the wording in the policy to bring the clarity required by the NPPF and to ensure consistency with the wording used in other policies in the Plan.
- 7.30 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In part 3 of the policy replace 'be resisted' with 'not be supported' and 'will normally be expected to' with 'should'

In part 4 of the policy replaced 'permitted' with 'supported'

MNP ENV4 Open and Local Green Spaces

- 7.31 This policy is updated to designate eight new Local Green Spaces (LGSs) and it brings forward the Local Green Space from the made Plan. As such the policy identifies nine Local Green Spaces where land will be protected from inappropriate development. The approach taken is underpinned by the Local Green Space Assessment, which assesses each parcel of land against the criteria in paragraphs 105 and 106 of the NPPF. The supporting text also summarises the findings of the Assessment.
- 7.32 The policy also identifies twelve open spaces that will be safeguarded for the contribution they make to the recreational or amenity value.
- 7.33 I am satisfied that the existing LGS (LGS6) continues to meet the criteria for the designation of LGSs in the NPPF.

7.34 Furthermore, I am satisfied that proposed LGS2 (Mattishall Community Woodland), LGS3 (Land off Back Lane) and LGS9 (South and west of Ivy Way) meet the criteria for LGS designation in paragraphs 105 and 106 of the NPPF.

7.35 Several comments have been received on some of the other proposed LGSs. To understand better the way in which the LGS had been assessed, I sought advice from MPC. In its response to the clarification note it commented that:

'the Neighbourhood Plan review's starting point was to consult with our local community. Central to this was to consult on the proposal to designate sites consistent with the approach taken at the Breckland Council Local Plan Call for Local Green Spaces process. The well attended community consultation event and associated survey questionnaire in April 2023 gave overwhelming support for the continued designation of the school playing fields and the addition of a further eight sites. The consultation event elicited further evidence of how each site firmly met the NPPF designation criteria. Additional assessment evidence was subsequently obtained from site survey work. The Parish Council is mindful of the current review of the Breckland District Council Local Plan (paused). Breckland District Council is committed to ensuring that there is a wide range of high-quality open spaces across the district. As part of its "Call for Sites" process in 2022 Breckland District Council, through an open invitation process, sought proposals for sites to be designated as Local Green Spaces.'

7.36 In this context, I comment on the other proposed LGSs as follows:

LGS1 Dereham Road / Howes Lane

7.37 The proposed LGS is a parcel of agricultural land on the western edge of the village. The Plan advises that proposed LGS is:

'a field, north of Dereham Road on the approach into Mattishall from the west. The site highly valued by the community due to its openness, view, and vista. Its principal function as a Local Green Space is through providing strong rural character, at the village gateway.'

7.38 I looked at the proposed LGS from public vantage points during the visit. Based on all the evidence, I am satisfied that it is in close proximity to the community (NPPF 106a), and local in character (NPPF106c). I have considered the extent to which it is demonstrably special and holds a particular local significance (NPPF 106b) very carefully. On the balance of the evidence, and based on my own observations, I am not satisfied that it meets this test. Whilst the site provides a gateway to the village from the west, it has no other demonstrably special features. In addition, the role of the site as a visual gateway to the village is addressed more generally in Policy ENV2. As

such it does not meet the high tests for LGS designation. On this basis I recommend the deletion of this proposed LGS.

LGS4 Rayner's Way / Dereham Road.

- 7.39 The proposed LGS is a rectangular open parcel of land on the corner of Rayner's Way and Dereham Road. The Plan advises that proposed LGS is:

'an attractive open space with 5 trees with Tree Preservation Orders on them and other significant groups of attractive trees, in an otherwise built-up frontage along Dereham Road. Community consultation reveals that residents value the site due to its beauty, tranquillity and richness of its wildlife. The principal function of this Local Green Space is as a visually pleasing area of open land, planted with mature trees in an otherwise built-up area along Dereham Road.'

- 7.40 A representation from the owner of the proposed LGS comments that:

'In our opinion, our land does not meet (any) of the required criteria set out in Paragraph 106 of the NPPF which make it demonstrably special to the local community

This is the smallest site by far of all the sites proposed in Mattishall. The land is a rectangle of grass, less than an acre in size. It is flanked by native hedging and trees. The hedging was replanted by us roughly 6 years ago and it is still growing. The hedge is now almost tall enough to screen the land entirely from view, which was the reason for planting it in the first place, to offer more privacy in our garden. Only a hedge is now visible to people passing from most angles. It therefore cannot be argued that the land contributes to character or sense of place as only a hedge is visible. The land does not make an important contribution to the physical form and layout of the village and it does not link to any other open space or allow views to anything of significance. The hedge is not under threat, even if the land were to be developed in future, the hedge would still remain and would be managed.'

- 7.41 In its response to the clarification note, MPC responded to the owner's representation as follows:

'Local Green Space 4 is in close proximity to the community it serves being immediately located to the south of Dereham Road and Rayners Way. The site is clearly defined, well related to the village, local in character, and is not an excessive tract of land

The site is highly valued for its wildlife including seasonal nesting birds, roosting site for Pipistrelle bats, mature trees – range of broadleaf and conifer, bounded by wildlife rich hedgerows. An Inspector considering an appeal on

the site concluded that 'I am unable to conclude that it would not lead to harm to protected or priority species and habitats'.

The Parish Council acknowledges that there are three trees with TPOs on the site with an additional TPO designated tree immediately adjacent to the site (Ref 2005 No.21 T1, T2, T3, T4.

The site is demonstrably special to the community for its contribution to beauty. It should be noted that regrettably a number of the site's trees were felled in August 2024, but that the key characteristics of the site are set out in detail in the "Open Spaces Assessment" submitted at Regulation 16 stage.

The site has enormous visual importance to the residents of the village- a natural space with attractive clusters of trees. It forms a pleasant view of a former farmhouse and associated agricultural buildings from both Rayner's Way and Dereham Road and is an important green space within the built residential area of the village. 66% of respondents felt this was an important "Beauty" site."

The Parish Council considers this site to be demonstrably special to the local community and worthy of LGS designation.'

- 7.42 BDC also comments that the proposed LGS does not meet the tests for such designation in the NPPF.
- 7.43 I looked at the proposed LGS from public vantage points during the visit. Based on all the evidence, I am satisfied that it is in close proximity to the community (NPPF 106a), and local in character (NPPF106c). I have considered the extent to which it is demonstrably special and holds a particular local significance (NPPF 106b) very carefully. On the balance of the evidence, and based on my own observations, I am not satisfied that it meets this test. Whilst the site creates a break in the streetscape between built development, it has no other demonstrably special features. As such it does not meet the high tests for LGS designation. On this basis I recommend the deletion of this proposed LGS.
- 7.44 This conclusion is based on my assessment of the performance of the proposed LGS against the relevant paragraphs of the NPPF for such designations. It offers no comments on the site owner's previous or current proposals for the possible development of the site.

LGS5 Thynne's Lane

- 7.45 The proposed LGS is an irregular parcel of land between the Settlement Boundary (to the north) and Thynne's Lane (to the south). The Plan advises that proposed LGS is:

‘an agricultural field north of Thynnes Lane, east of Welgate, south of Cedar Rise noted for its richness in wildlife. There are distinctive views to the south – see View 4 in Policy ENV2. A well-used footpath dissects the site. The principal function of this space is as a publicly accessible (footpath only) open space and through the visual amenity it provides to walkers.’

- 7.46 Bellway Homes has an interest in the site which it has proposed for residential development in the Call for Sites exercises associated with the emerging Local Plan. Its representation comments that:

‘Bellway Homes consider that the proposed designation of Site 5: Thynne’s Lane as a Local Green Space is contrary to NPPF Paragraph 105.

Breckland District Council have commenced a Full Update to the adopted Local Plan and are seeking to make provision for additional growth in the District, including at Local Service Centres such as Mattishall. Thynne’s Lane has been submitted to the Call for Sites exercise supporting the Breckland Local Plan Full Update process, and it is considered to be a strong candidate for allocation for residential development given its close proximity to the village centre and accessibility of services, in particular when compared to other limited options in the village.

Designation of Thynne’s Lane as a Local Green Space would limit the potential to deliver sustainable development and restrict Breckland District Council’s ability to allocate sufficient sites to meet emerging housing requirements. Indeed, the Site was submitted to the Local Plan Full Update process as a potential Local Green Space, reference 034: Thynne’s Lane, Mattishall, and was not considered appropriate for Local Green Space designation in the Preferred Options (June 2024)

Much of the Parish Council’s evidence supporting consideration of whether Thynne’s Lane holds particular local significance due to its beauty, recreational value, tranquillity and richness of its wildlife is reliant on the views of local residents from the April 2023 engagement event as opposed to the views of any qualified body.’

- 7.47 In its response to the clarification note, MPC commented the Bellway Homes representation as follows:

‘(it) is satisfied that the proposed Local Green Spaces appropriately comply with the tests in the relevant paragraph of the NPPF. The proposed designation meets the basic conditions. Local Green Space 5 is in close proximity to the community it serves being immediately adjacent to Thynnes Lane, Welgate and Cedar Rise and crossed by PROW giving access to other parcels of land to the south and east. The site is a contained field with some valued mature hedgerows. It is a clearly defined site, well related to the

village, local in character, and is not regarded as an “excessive tract of land”. The site is demonstrably special to the community for its contribution to recreation, tranquillity, and richness of its wildlife.’

- 7.48 BDC advises that it has begun a Full Update to the adopted Local Plan. It also comments that this site was submitted to the Call for Sites as being suitable for development. It was also proposed for designation as a Local Green Space. The representation then comments the site was not allocated for development nor was it identified as a Local Green Space in the Regulation 18 Draft Local Plan (2024).
- 7.49 I looked at the site carefully during the visit both from the north (at Cedars Close) and from the south (from Thynnes Lane). I saw its accessibility via the footpath network and its agricultural use. I have also looked carefully at the details in the Open Spaces Assessment.
- 7.50 Based on all the available information, I have reached the following conclusions based on national policy as set out in paragraphs 105 and 106 of the NPPF. For convenience, I take the two paragraphs in reverse order.

NPPF 106 a Reasonably close proximity to the community it serves – I am satisfied that the proposed LGS meets this test. It is located immediately to the south of the Settlement Boundary.

NPPF 106b Demonstrably special – I have noted the differing interpretations on this issue from Bellway Homes and MPC. My own observations are that it is a pleasant parcel of agricultural land which provides opportunities to use the various footpaths. Nevertheless, I am not convinced that the site is demonstrably special. There is little to distinguish it from other parcels of land on the edge of the Settlement Boundary or elsewhere in the parish. In addition, the footpaths within the proposed LGS are protected by separate legislation and would need to be safeguarded should any development take place.

NPPF 106c Local in character – the Open Space Assessment advises that the proposed LGS is 6.039ha in size. Whilst I note that the Assessment uses 20ha as the threshold for the local in character test, such a figure has no basis in national policy (Planning practice guidance ID: ID: 37-015-20140306) which leaves this assessment to local judgement. In my view the proposed LGS is at the margin between what is local in character and what is an extensive tract of land.

NPPF 105 The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services – plainly a degree of judgement is required on this point. Nevertheless, based on the decisions which BDC will

need to take on the emerging Local Plan, it would not be reasonable to conclude that the designation of the proposed LGS would meet this test. In this context, the assessment of this proposed LGS against this test is very different to the same assessment for proposed LGSs 2, 3, 6 and 9 where their designation is clearly consistent with the local planning of sustainable development.

NPPF 105 LGSs should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period - plainly the proposed LGS meets the first test. However, at this point, there is no certainty that the proposed LGS can meet the second test. Bellway Homes is promoting the site for residential development in the emerging Local Plan. I also note that BDC advises that whilst it is not suggesting that the site is or is not a suitable development site at this time it considers that it should be allowed to consider this site as part of the plan-making process (for the emerging Local Plan). This acknowledges that the designation of LGSs should not be pursued in isolation and should be consistent with the local delivery of sustainable development (as described in the previous element of this report). Where appropriate, this may include the delivery of new housing in the parish. The matter will be addressed in the emerging Local Plan.

- 7.51 Based on these conclusions I am not satisfied that the proposed LGS meets the tests for such designations in the NPPF. As such, I recommend that it is deleted from the Plan.
- 7.52 This conclusion is based on my assessment of the performance of the proposed LGS against the relevant paragraphs of the NPPF for such designations. It offers no comments on the site owner's promotion of the site in the Call for Sites exercise associated with the Local Plan Full Update. Plainly BDC will come to its own judgement on this and other housing sites proposed through the Call for Sites exercise.

LGS 7 South of Norwich Road

- 7.53 The proposed LGS is a parcel of agricultural land on the eastern edge of the village. The Plan advises that proposed LGS is:

'an open field to the east of Malt House Farm and South of Norwich Road. The openness and rural character of the land contributes to the setting of the both the Conservation Area and of the All Saints Church. A locally valued view, a "Gateway Vista" is identified in MNP1 along Norwich Road. This is brought forward as view 6 in MNP2. View 3 in MNP2 is also applicable (see Policy ENV3). Part of the field falls within the Church Plain Conservation Area. The principal function of this Local Green Space is through providing an appropriate setting to the Church and Conservation Area, helping to conserve

the significance of those heritage assets. The space also provides great visual amenity to visitors and residents alike.'

- 7.54 I looked at the proposed LGS from public vantage points during the visit. Based on all the evidence I am satisfied that it is in close proximity to the community (NPPF 106a), and local in character (NPPF106c). I have considered the extent to which it is demonstrably special (NPPF 106b) very carefully. On the balance of the evidence, and based on my own observations, I am not satisfied that it meets this test. The site provides a gateway to the village from the east, and part of the setting of the Conservation Area and of All Saints' Church. Nevertheless, the protection of these important features of the village are already addressed in national and local planning policies, and by the designation of the Conservation Area (which includes the western part of the proposed LGS) In addition, the role of the site as a visual gateway to the village is addressed more generally in Policy ENV2 of the Plan. As such, it does not meet the high tests for LGS designation. On this basis I recommend the deletion of this proposed LGS.

LGS8 North of Norwich Road

- 7.55 The proposed LGS is a parcel of agricultural land on the eastern edge of the village. The Plan advises that proposed LGS is:
- 'an important gateway site, north of Norwich Road and approaching Mattishall from the east. The site contains a natural pond. Western edge of site features dense mixed hedges. The principal function of this Local Green Space is through providing an appropriate setting to Mattishall Burgh including St. Peter's Church, helping to conserve the significance of this important heritage asset. The space also provides visual amenity to visitors and residents alike.'*
- 7.56 I looked at the proposed LGS from public vantage points during the visit. Based on all the evidence I am satisfied that it is in close proximity to the community (NPPF 106a), and local in character (NPPF106c). I have considered the extent to which it is demonstrably special (NPPF 106b) very carefully. On the balance of the evidence, and based on my own observations, I am not satisfied that it meets this test. The site provides a gateway to the village from the east, and part of the setting of All Saints' Church. Nevertheless, the protection of this important feature of the village is already addressed in national and local planning policies. In addition, the role of the site as a visual gateway to the village is addressed more generally in Policy ENV2 of the Plan. As such it does not meet the high tests for LGS designation. On this basis I recommend the deletion of this proposed LGS.

Other Protected Open Spaces

7.57 I am satisfied that the Protected Open Spaces have been carefully identified by MPC. I am also satisfied that they have a different character to that of the proposed LGSs.

The policy wording

7.58 The policy wording for the LGS designations (part 2 of the policy) goes beyond the matter-of-fact approach set out in paragraph 107 of the NPPF. I recommend a modification to remedy this issue and to bring the clarity required by national policy.

7.59 I am satisfied that the policy wording for (part 3 of the policy) for the other protected open spaces meets the basic conditions. It properly takes a different approach to that for LGSs (in part 2).

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

In part 1 of the policy delete LGSs 1/4/5/7/8.

Replace Part 2 of the policy with: ‘Development proposals on the identified Local Green Spaces will not be supported other than in very special circumstances.’

In paragraph 7.26 delete the sections which relate to the deleted LGSs.

Remove the deleted LGSs from Map 7.

MNP ENV5 Landscape and settlement character

7.61 This policy replaces Distinct Villages from the made Plan. It is now a landscape-focused policy. It is supported by updated evidence base provided in the Breckland Landscape and Settlement Assessment 2022.

7.62 The policy aims to ensure that development proposals are designed in a manner that not only respects and responds positively to, but also enhances the existing landscape and settlement character of the local area as set out in the Breckland Landscape and Settlement Assessment (2022) and the Mattishall Design Guide and Code (2023).

7.63 In general terms the policy takes a positive approach and has regard to Section 15 of the NPPF. In addition, it is evidence-based and is underpinned by the Breckland Landscape and Settlement Assessment.

- 7.64 I recommend a series of clarity and grammatical modifications to Parts 1-3 of the policy.
- 7.65 I also recommend a recasting of the fourth part of the policy so that it more clearly relates to the criteria/principles in the third part of the policy.
- 7.66 Finally I recommend modifications to the fifth and sixth parts of the policy to bring the clarity required by the NPPF. I recommend that the need for landscaping in the sixth part of the policy is applied in a proportionate way.
- 7.67 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In part 1 delete 'All'

In parts 2a and 2b replace 'Development' with 'Development proposals'

In 3b and 3c replace 'it' with 'they'

Replace part 4 with: 'Where potential impacts on Mattishall's distinctive landscape and settlement character are identified, development proposals should demonstrate accordance with the principles in the third part of this policy through the provision of an assessment of landscape and visual impacts (proportionate to the scheme proposed) and drawing on guidance and recommendations in the Breckland Landscape and Character Assessment 2022.'

Replace part 5 with: 'Development proposals on the settlement fringe, including on the eastern and western approaches to the village, should integrate sensitively with respect to its countryside and open setting. The exposure of built development in the settlement fringe from surrounding areas should be minimised.'

Replace part 6 with: 'As appropriate to their scale, nature and location, development proposals should set out measures that will be taken to mitigate landscape impact including an appropriate level of native tree and hedge planting, as appropriate. Development proposals that would have an unacceptable impact on the landscape setting of the settlement, or the character and appearance of the open countryside, will not be supported.'

MNP ENV6 Tranquillity and Dark Skies

- 7.68 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy aims to preserve the tranquillity of the parish by resisting obtrusive or

insensitive lighting or excessive noise intrusion. It also establishes guidance for external lighting.

- 7.69 The policy takes a positive approach to this matter and has regard to Sections 12 and 15 of the NPPF. However, and in this context, I recommend two specific modifications to the wording in the policy to bring the clarity required by the NPPF and to be consistent with the wording used in other policies in the Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In part 1 of the policy replace ‘Any new developments’ with ‘Development proposals’

In part 2 of the policy replaced ‘permitted’ with ‘supported’

MNP ENV7 Biodiversity, ecological networks, and habitat connectivity

- 7.70 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy seeks to retain and enhance features of biodiversity value, and locally valued sites including the connectivity between them. It also addresses biodiversity net gain.
- 7.71 In general terms the policy takes a positive approach to these important matters and has regard to Section 15 of the NPPF and to the requirements for biodiversity net gain in the Environment Act 2021. However, to bring the clarity required by the NPPF and to allow BDC to deliver the policy effectively through the development management process, I recommend the following modifications:
- a restructuring of the wording in part 1;
 - bringing clarity to the second part of the policy by describing the sites shown on Map 11 and taking a more proportionate approach to development which may affect them based on the status of their designations; and
 - deleting the fifth part of the policy and its relocation into the supporting text. This acknowledges that it addresses a process rather than functioning as a land use planning policy.
- 7.72 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace part 1 with: ‘Development proposals should retain and enhance features of existing biodiversity value, ecological networks, and habitat

connectivity (as shown on Maps 11, 12 and 13). In accordance with national policy provide development proposals should provide at least a 10% increase net gain in biodiversity, and to ensure successful recovery of nature in Norfolk, aim to achieve a 20% net gain. Proposals which result in a net loss of biodiversity will not be supported.'

Replace part 2 with: 'The two sites of Special Scientific Interest, and the Roadside Nature Reserve (as shown on Map 11) will be safeguarded as appropriate to the status of their designations.'

Delete part 5 of the policy.

At the end of paragraph 7.41 add: 'Development proposals should identify and assess any potential impact on a Site of Special Scientific Interest, by considering Natural England's Impact Risk Zones. Further details are set out in Appendix 8.'

MNP ENV8 Walking, cycling and horse-riding

- 7.73 This policy includes minor updates from the made Plan. It makes provision for new developments, where appropriate, to improve access to the wider countryside and connect with existing rights of way. It advises that opportunities to improve public and permissive footpaths, cycleways and bridleways are supported.
- 7.74 In general terms the policy takes a positive approach to this matter and has regard to Sections 8 and 9 of the NPPF. However, in this context, I recommend a modification to Part B of the policy so that it acknowledges that the intent of the policy may not always be practicable. I also recommend that the policy incorporates a proportionate element.
- 7.75 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace Part B with: 'Wherever practicable, and as appropriate to their scale, nature and location, development proposals should take opportunities to provide improved and additional public and permissive footpaths, cycleways and bridleways, particularly where they would secure improved connectivity between proposed development and the village centre.'

MNP ENV9 Flood Risk and Drainage

- 7.76 This policy includes minor updates from the made Plan. It seeks to ensure that development coming forward in the parish should give adequate and proportionate consideration to the effects of all flooding and surface water drainage having regard to the Strategic Flood Risk Assessment.

- 7.77 The policy takes a positive approach to this matter and has regard to Section 14 of the NPPF. In this context I recommend two specific modifications to the wording in the policy to bring the clarity required by the NPPF and to be consistent with the wording used in other policies in the Plan.
- 7.78 I also recommend a modification to the wording of part 3 of the policy (on sustainable drainage). A planning policy needs to provide clarity both for the developer and the decision-maker (here BDC) and a preference for a preferred approach will have little weight in the development management process. The recommended modification remedies this matter without changing the approach taken.
- 7.79 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In part 1 of the policy replace ‘Any new developments’ with ‘Development proposals’

In part 3 replace ‘will be the preferred method of surface water disposal on all proposals’ with ‘should be used as the method surface water disposal wherever it is practicable to do so’

In part 4 of the policy replace ‘will be refused’ with ‘will not be supported’

MNP HOU1 A spatial strategy for Mattishall

- 7.80 This is a new policy. It has been designed to provide a neighbourhood plan-level spatial strategy that is consistent with the adopted Local Plan. The policy provides clarity with respect to the settlement boundary and its role in guiding the location of future development. The policy also sets out those land uses that could come forward outside the settlement boundary (including a relocated GP surgery and health centre in line with Policy COM3 of the Plan).
- 7.81 Bellway Homes consider that the Plan should be more proactive in supporting growth in the village to help meet current and future local needs. The representation comments that it is promoting Thynne’s Lane which has been submitted to the BDC Call for Sites exercise which supports the Local Plan Full Update.
- 7.82 In its response to this representation, MPC commented that:

‘(it) has undertaken the preparation of this Neighbourhood Plan in close communication with Breckland District Council through regular meetings and consultation events. The submitted Plan demonstrates that the Parish Council is fully aware of the position with the Breckland Local Plan review (paused)’

and the Government's consultation on possible revisions to the NPPF. How these revisions will impact on Breckland is not yet known. The Neighbourhood Plan must be assessed against the existing strategic framework provided for in the Adopted Local Plan.'

- 7.83 BDC notes the approach taken in the policy. It also advises that there may be a need for new allocations for development on sites outside the settlement boundary as part of the Local Plan Review.
- 7.84 In general terms the policy takes a positive approach in the way in which it defines a spatial strategy for the parish based on the Settlement Boundary. This approach will ensure that new development is in a sustainable location close to the commercial and community services in Mattishall. I am also satisfied that the policy elements about development outside the Settlement Boundary are appropriate and overlap with other policies in the Plan.
- 7.85 The Plan acknowledges that the strategic planning context is changing, and that the eventual adoption of the emerging Local Plan will be an important element in that process. I have recommended a modification to Section 12 (Monitoring and Implementation) of the Plan on this matter in paragraph 7.137 of this report. In the context of the examination of the submitted Plan, I am satisfied that MPC has acted correctly in preparing a Plan based on the adopted Local Plan. The emerging Local Plan is not sufficiently advanced to have a bearing on the examination. In this context I recommend the deletion of Part 4 of the policy. The emerging Local Plan will reach its own conclusions on the scale of any new development in the parish.
- 7.86 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Delete Part 4 of the policy

MNP HOU2 Housing types

- 7.87 This policy includes minor updates from the made Plan. It seeks to inform the type, size, layout, and tenure of new housing within Mattishall Parish. In general terms it does so to good effect and has regard to Section 5 of the NPPF
- 7.88 In relation to the fourth part of the policy (on accessible homes), Bellway Homes comment that:

'(it is) supportive of building to M4(2) accessible and adaptable standards where appropriate, however there may be instances where greater flexibility is required in order to meet local needs. Further, (it) consider that the

introduction of such standards is contrary to the NPPF which is clear at Paragraph 135 f) and Footnote 52 that optional technical standards for accessible and adaptable housing should only be introduced where this will address an identified need for such properties. In the absence of such evidence, (it) respectfully considers that criterion 4 of Draft Submission Policy MNP HOU2 should be amended to encourage consideration of M4(2) accessible and adaptable standards dwellings against need and the local market, or be deleted.'

7.89 In its response to this representation, MPC commented that:

'(it) does not consider Policy HOU2 to be at conflict with NPPF or national guidance. The Policy accepts that there may be instances where the standard cannot be met, but that in these cases they should be evidenced by a financial appraisal.'

7.90 I have considered these different approaches very carefully. Whilst the age profile in the parish might suggest that there is a need for houses to be built at M4(2) standards. there is no direct evidence to suggest that this approach is justified. In effect the submitted policy provides an opportunity for a developer to identify that the provision of such housing would make the proposed development unviable. I recommend that the policy is recast so that it offers support for such provision rather than setting out a specific requirement.

7.91 Otherwise the policy has regard to Sections 5 and 8 of the NPPF, and meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace the fourth part of the policy with: 'Development proposals that incorporate homes built to the accessible and adaptable M4(2) standard in the Building Regulations will be supported.'

MNP HOU3 Design and Character

7.92 This policy is proposed to be significantly amended with a new policy title. It requires all proposals to adopt a design-led approach and includes Mattishall-specific criteria. The policy is supported and is linked to new evidence base document, the Mattishall Design Guide and Code document (2023).

7.93 The policy also seeks to ensure development is guided by the Mattishall Design Guide and Code and the Breckland Design Guidance. It also comments that major development proposals should be accompanied by a Building for Healthy Life Assessment.

7.94 I sought MPC's views on whether the policy should be applied proportionately. In its response to the clarification note it advised that:

‘since the Plan was submitted, Breckland District Council has adopted the Breckland Design Guide as an SPD. Mattishall’s Design Guidance and Code has been prepared in parallel to the development of the District’s Design Guide and is entirely complementary and consistent with it. Paragraph 8.35 of the Plan states that the requirements of the Design Guidance and Code should be met, where applicable for every development proposal. The Parish Council acknowledges the point about proportionality and accepts that some qualification may be appropriate as set out in paragraph 8.35 of the Plan. The Parish Council would suggest that if the Examiner is minded to qualify the requirement, proportionate may not be an appropriate wording as it may suggest that minor developments such as extensions, boundary treatments etc may not need to consider the Guidance. The Parish Council considers that a more appropriate amendment would be to include ‘where relevant’ to the first sentence of HOU3. The sentence would read - A design-led approach should be taken for all future development, where relevant to the proposal.’

- 7.95 I have considered this matter carefully. I recommend that the first part of the policy is modified to address two issues. The first is the recent adoption of the Breckland Design Guide as a supplementary planning document by BDC. The second is the incorporation of a proportionate element into the policy. I recommend that MPC’s comments about the overall approach to design is captured in expanded supporting text.
- 7.96 I also recommend that the third and fourth parts of the policy are deleted and added into the relevant sections of the supporting text. This acknowledges that they explain how the policy will be applied rather than operating as land use planning policies.
- 7.97 Otherwise. I am satisfied that this policy continues to meet the basic conditions. It will contribute to the social and the environmental dimensions of sustainable development.

Replace Part 1 of the policy with: ‘As appropriate to their scale, nature and location, development proposals should take a design-led approach. In addition, developments proposals should be informed by the Mattishall Design Guide and Code document and the Breckland Design Guidance.’

Delete Parts 3 and 4.

At the end of paragraph 8.37 add: ‘These matters are captured in Policy HOU3. It takes a proportionate approach given that individual proposals will have different impacts on the Design Guide and Codes. Nevertheless, design is universally important and the principles in the policy should be incorporated into all development proposals. Details about the way in which a development

proposal complies with Policy HOU3 should be provided in the associated Design and Access Statement or Planning Statement.'

Replace paragraph 8.38 with: 'To help support future development, Breckland District Council has recently, adopted the Breckland Design Guidance as a Supplementary Planning Document.'

At the end of paragraph 8.42 add 'Major residential development proposals (10 dwellings or more) should be accompanied by a Building for a Healthy Life assessment (as updated or equivalent) that demonstrates how a scheme complies with the Industry Standard.'

MNP HOU4 Residential alterations and extensions

- 7.98 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy seeks to ensure development is guided by the Mattishall Design Guide and Code which ensure that the development enhance the design, character, and quality of the building.
- 7.99 The policy supplements the general design advice in Policy HOU3 to good effect.
- 7.100 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

MNP HOU5 Sustainable design and construction

- 7.101 The policy has been updated considerably and has a new title. The policy reflects the updated context provided by the climate change emergency and BDC's own commitment to reduce the level of greenhouse gas emissions within the district to net zero by 2035. The policy sets out sustainable construction design principles to enable all new development to be compatible with a net zero carbon future by minimising energy demand, maximising the energy efficiency of new buildings, using the best of modern design and technology to minimising the demand for energy and by maximising the supply of energy from low carbon sources.
- 7.102 In generally the policy takes a positive approach to this agenda and has regard to Section 14 NPPF and Written Ministerial Statement – Planning: Local Energy Efficiency Standards (December 2023)
- 7.103 Bellway Homes comments about the first (the energy hierarchy) and third (sustainability statement) parts of the policy.

7.104 I also sought MPC's comment on the extent to which the second and third parts of the policy are supporting text rather than policy. In its response to the clarification note, MPC advised that:

'(the) drafting of this Policy HOU5 was intended to emphasise the importance of meeting best practice guidance around "Net Zero" and sustainability. The Parish Council considers that the policy itself should direct applicants to best practice. However, the Parish Council recognises that it may be more appropriate as supporting text. The Parish Council considers that the requirement for a Sustainability Statement is consistent with approaches taken to other evidenced based documents which are required as part of a development application (Housing Market Assessments, Viability Assessments, Landscape Character Assessment etc set out in the Local Plan). The approach is also consistent with other recently adopted Neighbourhood Plans.'

7.105 I have considered these matters carefully. I recommend the following modifications to bring the clarity required by the NPPF and to allow BDC to be able to apply the policy through the development management process:

- the deletion of the unnecessary reference to the Energy Hierarchy in the first part of the policy;
- the deletion of second part; and
- the application of the need for a Sustainability Statement on a proportionate basis.

7.106 The various deleted elements are already addressed in the supporting text. As such there is no need for their commentary to be repositioned (in whole or in part) into the text.

7.107 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 first part of the policy with: 'Wherever practicable, development proposals should be designed to be compatible with a net zero carbon future.'

Delete part 2 of the policy.

Replace the opening element of part 3 of the policy with: 'As appropriate to their scale and nature, development proposals should be accompanied by a Sustainability Statement that demonstrates:'

MNP HOU6 Parking spaces for new properties

7.108 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy seeks to ensure that development proposals provide in curtilage parking or off-road parking to development plan standards and incorporating Secure by Design principles.

7.109 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

MNP COM1 New Community Facilities

7.110 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy seeks to support new facilities and services for members of the community. The updates to this policy will be very effective for the development management process.

7.111 I am satisfied that this policy continues to meet the basic conditions. It will contribute to the social dimension of sustainable development.

MNP COM2 Community facilities and change of use

7.112 This policy includes minor updates from the made Plan. The policy seeks to protect valued facilities and services for members of the community. The updates to this policy will be very effective for the development management process

7.113 I am satisfied that this policy continues to meet the basic conditions. It will contribute to the social dimension of sustainable development.

MNP COM3 Medical facilities

7.114 The policy is unchanged from the made Plan. The intent of the policy is to support the provision of an extended and improve medical facility to meet the current and future health care needs in Mattishall.

7.115 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social dimensions of sustainable development.

MNP COM4 Early Years and school expansion

7.116 The policy is unchanged from the made Plan The intent of the policy is to support the provision of Early Years and school expansion.

7.117 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

MNP COM5 Supported living and care facilities

- 7.118 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy supports the provision of supported living and residential nursing care facilities to meet the need in Mattishall or its neighbouring parishes where the proposal would be in accordance with the spatial policy for Mattishall. The updates to this policy will be very effective for the development management process.
- 7.119 I am satisfied that this policy continues to meet the basic conditions. It will contribute to the social dimension of sustainable development.

MNP ECON1 New businesses and employment

- 7.120 This policy includes minor updates from the made Plan. The policy seeks to support new business development subject to safeguarding criteria which ensures the design is appropriate to the locality, does not adversely affect the local environment, the amenity of nearby occupiers is protected and the development would not have an adverse impact upon the highway network.
- 7.121 The policy takes a positive approach to this matter and has regard to Section 6 of the NPPF. Within this context, I recommend that the final criterion is modified so that it has a positive rather than a negative approach. This also removes the issue about defining an unacceptable impact on the highway network.
- 7.122 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the final criterion with: ‘The development can be safely accommodated within the capacity of the local highway network.’

MNP ECON2 Agricultural businesses

- 7.123 This policy includes minor updates from the made Plan. It seeks to support the development and diversification of agriculture related businesses.
- 7.124 In general terms the policy takes a positive approach to this matter and has regard to Section 6 of the NPPF. I sought MPC’s comments on the issue that the first of the two new criteria may (directly or indirectly) prevent competition between existing and proposed new businesses. In its response to the clarification note, it advised that:

‘(the) policy seeks to ensure that the impact upon the vitality and viability of existing services and facilities in the settlement is considered as part of any proposal for agriculture related businesses. The Parish Council is mindful of Mattishall’s role as a Service Centre and paragraph 97 of NPPF – parts c and

d which seek to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities, and services are able to develop and modernise, and are retained for the benefit of the community. Additionally, paragraph 88 of NPPF part d seeks the retention and development of accessible local services and community facilities such as shops.'

7.125 I have considered this issue. I recommend that the criterion concerned is modified so that it has a more general effect and that any diversification proposals are of a scale that would complement the shops and services located within Mattishall's settlement boundary.

7.126 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the first bullet point with: 'Are of a scale that would complement the shops and services located within Mattishall's settlement boundary, and'

MNP ECON3 Home-based and small businesses

7.127 This policy includes minor updates from the made Plan. The policy supports home based and small businesses, business incubator uses, office facilities, training facilities or live-work units for small businesses.

7.128 The policy takes a positive approach to this matter and has regard to Sections 6 and 8 of the NPPF. Within this context, I recommend that the third criterion in the third part of the policy is modified so that it has a positive rather than a negative approach. This also removes the issue about defining an unacceptable impact on the highway network.

7.129 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the third criterion in the third part of the policy with: 'The development can be safely accommodated within the capacity of the local highway network.'

MNP TRA1 Safe and sustainable transport

7.130 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy requires development to demonstrate that they have good access to public transport and ensure that pedestrians and cyclists have good access to the village's amenities. The policy advises that proposals that have an

unacceptable impact on road safety after considering mitigation will be refused.

- 7.131 The policy takes a positive approach to sustainable transport and has regards to Section 9 of the NPPF.
- 7.132 I recommend the deletion of the third part of the policy and its repositioning into expanded supporting text. This acknowledges that the issue is already addressed in the NPPF. MPC agreed to this recommended modification in its response to the clarification note.
- 7.133 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Delete the third part of the policy

At the end of paragraph 11.8 add: 'Policy TRA1 provides a general context within which development proposals can be assessed. It has been designed to supplement Section 9 of the NPPF. In accordance with national planning policy, proposals that will have an unacceptable impact on road safety after considering mitigation will not be supported.'

MNP TRA2 Public Parking

- 7.134 This is one of a series of policies which have been updated to reflect the current policy context and the availability of updated evidence. The policy supports new public car parking in the village centre. It also advises that new community facilities in the village centre or extension to facilities should provide parking to development plan standards.
- 7.135 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Monitoring and Review

- 7.136 Section 12 of the Plan addresses the implementation and monitoring of the Plan in a very positive way.
- 7.137 The Plan advises that the Local Plan is being reviewed. Plainly this may affect the strategic planning context in the District both generally, and as BDC assesses the implications of the 2024 version of the NPPF. I recommend that the Plan acknowledges this issue, and that MPC considers the need or otherwise for a further review of the neighbourhood plan once the emerging Local Plan has been adopted. This would be best practice.

Add a new paragraph (12.4) to read: 'The District Council is preparing a full review of the Local Plan. This may change the strategic planning context for

Breckland in general, and as that Plan responds to the publication of the 2024 version of the NPPF. The Parish Council will assess the need or otherwise for a further review of the Neighbourhood Plan within six months of the adoption of the emerging Local Plan.'

Other Matters - General

7.138 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 the MPC 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 to accommodate any administrative and technical changes.

Other Matters – Specific

7.139 BDC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.

7.140 I also recommend the following other modifications to the general text of the Plan based on BDC's comments insofar as they are necessary to ensure that the Plan meets the basic conditions. In the main, they would bring the Plan up-to-date. MPC responded to BDC's comments in its response to the clarification note. Since that time, the 2024 version of the NPPF has been published. My recommended modifications reflect these various matters and my own judgements.

At the end of paragraph 1.6 add:

'Breckland District Council is preparing a Local Plan Review. It will cover the period from 2021 to 2046. This review will include new allocations for development to comply with the National Planning Policy Framework and other statutory requirements.'

Replace paragraph 8.9 with:

'The District Council has completed consultation on issues and options, the Development Strategy and a Regulation 18 consultation on its Local Plan Review. In July 2024 the Government announced major changes to planning policies, including bringing back compulsory housebuilding targets. The housing figure for Breckland is approximately 300 more per annum than that used in the recent consultations. As a result of this the Council has paused work on the review of the Local Plan. The most recent version of the NPPF was published in December 2024. This will provide the broader context for the Local Plan and in particular the Development Strategy and allocations.'

Paragraph 8.10 – modify as suggested by BDC

8 Summary and Conclusions

Summary and Conclusion

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Mattishall Neighbourhood Development Plan Review meets the basic conditions for a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.
- 8.4 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 Mattishall Neighbourhood Development Plan Review should proceed to referendum.

Referendum Area

- 8.5 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 submitted Plan should proceed to referendum based on the neighbourhood area as approved by Breckland District Council on 16 March 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to the clarification note were both comprehensive and timely.

Andrew Ashcroft
Independent Examiner
4 February 2025