

Yaxham Neighbourhood Plan Review (2025) - Regulation 16

Examiners Report Recommendations

Policy / Para no.	Current Reg 16 Policy	Examiners Proposed Recommendations	Consideration of Recommendations & Action to be Taken
Para 1.4	<i>The Neighbourhood Plan Designated Area covers the whole of the civil parish of Yaxham as shown in Map 1 on Page 2. NP4Yaxham2 Policy Maps where required accompany the specific policy i.e. STR1 on page 37 and ENV3 on page 51.</i>	<i>At the end of paragraph 1.4 add: 'The Plan period is 2016 to 2036.'</i>	<p>Whilst the front cover identifies the Plan period, the Examiner recommends that the relevant dates are included in the Introduction.</p> <p>Accept modification</p>
STR 1	<p><i>1. The objective of this policy is to direct development in such a way as to respect and retain the generally open and undeveloped nature of the gaps between settlements to help prevent the coalescence and retain the separate identity of the settlements of Yaxham and Clint Green from the neighbouring settlements of Dereham and Mattishall and from each other.</i></p> <p><i>2. Within the Strategic Gap between Yaxham and Dereham defined on Map 10 development will only be permitted if:</i></p> <p><i>a) it is consistent with policies for development in the countryside;</i></p>	<p><i>Delete the first part of the policy.</i></p> <p><i>At the beginning of the second part of the policy (as submitted) add: 'The Plan identifies a gap between Yaxham and Dereham (as shown on Map 10).'</i></p> <p><i>In the second and third parts of the policy replace 'permitted' with 'supported'</i></p>	<p>Opening element of the policy is deleted as it explains the purpose of the policy and is already adequately addressed in the supporting text. The Examiner recommends that the second part of the policy (as submitted) is supplemented by a sentence to clarify that the Plan identifies one of the two Strategic Gaps. It is also recommended that the wording used throughout the policy has the clarity required by the NPPF and acknowledges the role of a neighbourhood plan within the wider development plan.</p> <p>Accept modification</p>

	<p><i>b) it would not undermine the physical and/or visual separation of Yaxham and Dereham;</i></p> <p><i>c) it would not compromise the integrity of the strategic gap, either individually or cumulatively with other existing or proposed development; and</i></p> <p><i>d) it cannot be located elsewhere.</i></p> <p><i>3. Development that would, individually or cumulatively with other development, substantially undermine the physical and / or visual separation of Clint Green and Mattishall or Yaxham and Clint Green will only be permitted where the harm would clearly be outweighed by the benefits of the development.</i></p>		
HOU 1	<p><i>In principle, new residential development will be permitted on suitable sites within the settlement boundary (see Map 5 – Yxham and Map 6 – Clint Green). Proposals for new residential development outside the settlement boundary will generally not be permitted unless:</i></p> <ul style="list-style-type: none"> <i>• They are in accordance with the other policies in this Neighbourhood Plan;</i> <i>• They fall within the categories of development which the NPPF identifies as appropriate for the countryside:</i> <i>• It is a rural exception site for affordable homes;</i> 	<p>Replace the opening part of the policy with:</p> <p>‘Proposals for residential development on suitable sites within the settlement boundary (Map 5 – Yaxham and Map 6 – Clint Green) will be supported where they comply with relevant development plan policies.</p> <p>Proposals for new residential development outside the settlement boundary will not be supported unless:’</p> <p>Replace the fourth bullet point with:</p>	<p>The Examiner recommends that the opening element of the policy is recast so that it has the clarity required by the NPPF and acknowledges the role of a neighbourhood plan within the wider development plan. They also recommend that the opening part of the policy is broken down into its separate elements. The recast policy includes the correct spelling of Yaxham. They also recommend that the fourth bullet point is modified so that it is consistent with the approach taken in the Local Plan.</p> <p>The Examiner recommends that a similar approach is applied to the final part of the policy. Otherwise, the policy meets the basic conditions. It will contribute to</p>

	<ul style="list-style-type: none"> • <i>It is of an appropriate scale and design to the settlement and does not increase the size of the settlement by more than 5% of its existing dwellings; and</i> • <i>It can be clearly shown that the benefits clearly outweigh the adverse impacts, especially those impacts on the strategic gaps, the rural landscape and the open countryside.</i> <p><i>Development within or outside the settlement boundary will not be permitted where it has a significant adverse impact, whether direct or indirect, on the Badley Moor SSSI or the Nar Valley Fens SAC.</i></p>	<p>'It is of an appropriate scale and design to the settlement and does not increase the size of the settlement by significantly more than 5% of its existing dwellings; and'</p> <p>In the final part of the policy replace 'permitted' with 'supported'</p>	<p>the local delivery of each of the three dimensions of sustainable development</p> <p>Accept modification</p>
HOU 2	<p><i>In keeping with the generally low density within the parish, the density of new residential development will not normally exceed approximately 20 dwellings per hectare, unless there are material considerations which clearly justify a higher density, which may include the need for the development to be viable or the quality of the design of the proposal. The need for an appropriate density is particularly important for proposals which are within or abutting the Conservation Area.</i></p>	<p>Replace 'will' with 'should'</p>	<p>The Examiner recommends a specific modification to the wording of the policy so that it clearly sets out requirements for development proposals.</p> <p>Accept modification</p>

HOU 3	<i>Residential development that is of an appropriate scale commensurate with the existing development pattern and rural nature of the parish and its settlements will be supported. All developments will need to be designed to avoid or mitigate likely significant effects to the Norfolk Valley Fens SAC, both individually or cumulatively. Development on a single site that would increase the size of the settlement by more than 10% will only be permitted if it is necessary to provide affordable homes, or to make the development viable, is clearly the most advantageous way of providing for local housing need, or it can be demonstrated in some other way that the benefits clearly outweigh any adverse impacts.</i>	Replace 'permitted' with 'supported'	<p>The Examiner recommends that the wording used acknowledges the role of a neighbourhood plan within the wider development plan.</p> <p>Accept modification</p>
HOU 4	<i>HOU 4 – Existing Land Use When deciding between potential development sites, those sites that make use of brownfield land or which can be considered as in-fill should in general be given preference over sites that are on agricultural land or on land where new development would lead to an encroachment into the open countryside.</i>	<p>Replace the policy with: 'Wherever practicable, proposals for residential development should be focused on sites that make use of brownfield land, or which are in-fill sites within the settlement boundary.'</p> <p><i>Change the title of the policy to read: 'Brownfield sites'</i></p>	<p>The Examiner recommend that the policy is recast so that it advises that, wherever practicable, proposals for residential development should be focused on sites that make use of brownfield land or which are in-fill sites within the settlement boundary. Such an approach would complement the approach taken in Policy HOU1. It is also recommended the title of the policy is modified so that it reflects the revised approach.</p> <p>Accept modification</p>

HOU 5	<i>New residential development should provide a mix of housing types to meet local housing needs, as evidenced by the latest published Strategic Housing Market Assessment or local housing needs survey. The provision of smaller affordable dwellings with one or two bedrooms will be particularly encouraged.</i>	In the second part of the policy replace ‘encouraged’ with ‘supported’	<p>The Examiner states that the reference to provision of smaller affordable dwellings with one or two bedrooms will be particularly ‘encouraged’, does not have the clarity required by the NPPF. Therefore, recommends the modification accordingly.</p> <p>Accept modification</p>
Examiner	<p><i>In order to meet the housing needs of the parish all new housing developments providing Affordable Homes will make provision, by way of a s106 agreement, for the Affordable Homes to be made available first to eligible households on the Breckland District Council Housing Register with a local connection to the Parish of Yaxham for the lifetime of the development using the following cascade criteria in order of priority for allocation is defined as;</i></p> <ol style="list-style-type: none"> <i>1. Resident of the Parish of Yaxham;</i> <i>2. People who need to move to the Parish of Yaxham to give or receive support to or from close family*;</i> <i>3. People who work in the Parish of Yaxham; and</i> <i>4. People who were a former resident of the Parish of Yaxham.</i> <p><i>* Close family is defined for this policy as – parent, spouse, civil partner, sibling, child,</i></p>	<p>Delete the policy</p> <p>Delete the supporting text</p> <p>Replace the policy with: ‘The provision of affordable housing/shared ownership housing will be supported where it is commensurate with the scale and nature of need for such housing locally.’</p> <p>Replace the supporting text with:</p> <p>‘The need for affordable housing became apparent during consultation and from housing needs data. The issue is addressed in Policy HOU 07 of the adopted Local Plan. The policy applies to developments which deliver 10 or more homes or where the site area is greater than 0.5 hectare. The policy also advises that 25% of the housing delivered should be affordable housing. Paragraph 345 of the Plan comments that eligibility for affordable housing will be in line with the Council’s allocation policies and Housing Strategy. Intermediate products such as housing for sale and rent</p>	<p>The Examiner recommends deletion for two main reasons: The first is that the Plan does not provide any direct mechanism for the delivery of new housing (either market or affordable) in the Plan period. As such, its approach is slightly academic. The second is that the proposed policy is at the interface between a land use policy and a process matter. The delivery of affordable housing is a land use matter and is managed by national and local planning policies (through the Planning Acts). The allocation of affordable housing is a parallel process which is administered by BDC (through the Housing Acts).</p> <p>The Examiner is satisfied that the Plan should express its general support for the delivery of affordable homes.</p> <p>It is also recommended that the supporting text from the made plan is associated with modified policy, at to reflect the adoption of the Breckland Local Plan and provides the clarify required by the NPPF.</p>

	<p>grandchild, or grandparent.</p> <p>If at the time of letting there are no eligible households with a local connection, and/or the pool of eligible applicants with a local connection has been exhausted, allocations will be made in accordance with the Local Housing Authority's prevailing housing allocation policy and associated district-wide local connection criteria.</p>	<p><i>at a cost above social rent, but below market levels, can include shared equity schemes and shared ownership and other low-cost homes for sale and intermediate rent.</i></p> <p><i>The continuity of affordable housing is also seen as crucial to the community's ability to provide affordable opportunities in the future. Yaxham has a significant proportion of what has previously been known as social housing i.e. that which has been built with a public subsidy. Within this the model is primarily for general rent and there is little/no shared-ownership. As a result of this tenure structure the number of properties that become available for re-letting is low. Breckland has a housing allocation policy based on defining local need as having a connection with the district – it does not allow for more local community priority (Breckland Housing Allocation Policy 2015). There is concern locally that there are not enough affordable homes available.</i></p> <p><i>Public consultation as part of NP4Yaxam was reinforced this point and has led to the development of the following policy and parish action point.'</i></p>	<p>Accept modification</p>
<p>ENV 2</p>	<p><i>New development in the parish near or close to the following assets (as shown in the current Yaxham Heritage Register⁹²):</i></p> <ul style="list-style-type: none"> - <i>In or adjacent to the Conservation Area;</i> <i>and</i> - <i>Near or close to</i> • <i>the six Listed Buildings;</i> 	<p><i>Replace the first reference to 'Heritage Statement' with 'a proportionate Heritage Statement'</i></p>	<p>The Examiner recommends that the policy's reference to a Heritage Statement is modified so that the policy can be satisfied by the development industry and implemented by BDC in a proportionate way. This approach will avoid the policy placing unnecessary burdens on domestic and minor development proposals.</p>

	<ul style="list-style-type: none"> • trees with Tree Preservation Orders; and • non-heritage assets in the parish, as listed in the current Yaxham Heritage Register, should take account of the historic fabric of the area and preserve or enhance the character or appearance of the Conservation Area, the Listed Buildings, protected trees and/or other heritage assets. In doing so a “Heritage Statement” shall be provided in support of all development proposals within or adjacent to the Conservation Area, Listed Buildings or other heritage assets. Such Heritage Statements should outline the significance of any heritage assets affected and any adverse impacts that the development may have on heritage assets. It shall also include any proposed mitigation measures, as well as how the proposed development will contribute to the character and setting of the relevant Conservation Area, Listed Buildings and other heritage assets(s). 		Accept modification
ENV 3	<p>Local Green Spaces Designation</p> <p>In line with the NPPF Paragraph 106, 107 and PPG96 NP4Yaxham designates the following local green spaces:</p> <p>Sites 1-5 as marked on map 12.</p> <p>1. Recreation Ground and Beech Avenue, in Yaxham.</p>	<p>Delete LGS 5</p> <p>In paragraph 10.8 delete the commentary about Site 5</p> <p>On Map 12 delete LGS 5 (and the associated heading ‘New’)</p>	<p>Following consideration, the Examiner concluded that the proposed LGS does not meet each of the three criteria in paragraph 106 of the NPPF. Furthermore, the designation of any LGS is based on its current use and character rather than its future potential to deliver a local objective. Finally, the designation of a LGS does not place any</p>

<p>2. Pinn’s Corner between Yaxham and Clint Green.</p> <p>3. Central Site – known locally as the Old Green and Village Pond, Yaxham.</p> <p>4. Parochial Church Charity Land, Yaxham – triangle of land between Stone Road and Norwich Road.</p> <p>5. East of St Peter’s Close - adjacent to the existing footpath leading to Mill Lane. (see Appendix A for site assessment)</p> <p>Development will only be permitted on the sites designated as Local Green Spaces where it is consistent with the character and use of the spaces.</p> <p><i>Rights of way & footpaths</i></p> <p>New developments will be required to contribute to the provision of improved pedestrian links which will help to develop and coherent network connecting different parts of the parish, where the legal requirements for such contributions are met.</p> <p><i>Hedgerows</i></p> <p>In order to minimise further opening up of the landscape, all road fronting hedgerows in Yaxham affected by development requiring consent should be protected and, wherever possible, enhanced.</p>	<p><i>Delete Appendix A</i></p>	<p>requirement on a landowner to manage or use the land concerned in a different way.</p> <p>The Examiner recommends that the proposed additional LGS is deleted from the Plan.</p> <p>It is also recommended consequential modifications to the supporting text and Map 12.</p> <p>Accept modification</p>
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ECN 1	<p><i>New economic development that comprises a micro or small business will be encouraged and supported in principle. Planning permission for any proposal for an employment generating use, including the expansion of existing businesses, will be granted where it can be demonstrated that it will:</i></p> <ul style="list-style-type: none"> <i>• not have an unacceptable effect on residential amenity;</i> <i>• not have an unacceptable effect on the transport network;</i> <i>• be able to accommodate all parking within its site;</i> <i>• not have any other unacceptable environmental impacts, including impacts on</i> 	<p>Replace the opening element of the policy with:</p> <p>'Proposals for micro or small business will be supported where they otherwise comply with development plan policies. Proposals for employment-generating uses, including the expansion of existing businesses, will be supported where it can be demonstrated that they will:'</p>	<p>The Examiner recommends the policy si recast to address two issues:</p> <ul style="list-style-type: none"> the initial reference to micro or small business being encouraged and supported in principle. This does not have the clarity required by the NPPF and encouraged has little if any weight in a planning policy; and the reference to employment-generating use being 'granted' does not reflect the role of a neighbourhood plan within the wider development plan. <p>Accept modification</p>

	<p><i>the historic environment; and</i></p> <ul style="list-style-type: none"> <i>• not conflict with other development plan policies.</i> 		
TRA 1	<p><i>All new developments should include consideration of the need to promote sustainable transport and minimise the generation of traffic. Proposals that include measures to facilitate walking and cycling by residents will be considered favourably. Importantly, new development will be expected to connect with the existing footway network where possible so as to facilitate walking. Any adverse impacts arising from the residual traffic generated should be mitigated where this is viable, and the measures are of a scale that is commensurate with the development.</i></p>	<p>Replace the first three sentences with:</p> <p>'As appropriate to their scale, nature and location development proposals should incorporate measures to promote sustainable transport and to minimise the generation of traffic. Proposals that include measures to facilitate walking and cycling will be supported. In addition, development proposals should connect with the existing footway network where it is practicable to do so.'</p> <p>Reposition the fourth sentence so that it is a separate element of the policy.</p>	<p>The Examiner recommends the following modifications to bring the clarity required by the NPPF and to allow BDC to implement the policy through the development management process:</p> <ul style="list-style-type: none"> the inclusion of a proportionate element into the initial part of the policy. This will ensure that the policy does not place an unacceptable burden on minor and domestic proposals; the replacement of wording in the second and sentences to bring clarity; and the separation of the two elements of the policy. <p>Accept modification</p>
TRA 2	<p><i>Where parking provision is made to the front of the property, its impact on the street scene should be mitigated by appropriate boundary treatment and planning and, where possible, the provision of an equal area of landscaped front garden. In the interests of crime prevention and protecting the rural character of the area rear parking courts will be discouraged. Secure and convenient cycle storage should be provided of a quantity consistent</i></p>	<p>Replace 'will be discouraged' with 'will not be supported'</p>	<p>The Examiner recommends the modification stating the reference to 'discouraged' does not have the clarity required by the NPPF and encouraged/discouraged has little if any weight in a planning policy.</p> <p>Accept modification</p>

	<i>with the number of bedrooms to encourage increased cycle usage.</i>		
COM 1	<p><i>Where application for change of use are submitted involving a potential loss of existing facilities they will only be permitted where the developer can demonstrate:</i></p> <p><i>1) They will be satisfactorily relocated to elsewhere in the parish;</i></p> <p><i>2) Adequate other facilities of the same service offering exist within a reasonable walking distance of the majority of Yaxham residents to meet local needs; and</i></p> <p><i>3) No reasonable prospect of continued viable use which can be demonstrated through:</i></p> <p><i>a) Twelve months of marketing for the permitted and similar uses, using an appropriate agent; and</i></p> <p><i>b) Confirmation that it has been offered on a range of terms (including price) agreed to be reasonable on the advice of an independent qualified assessor.</i></p>	<p>Replace the opening part of the policy with:</p> <p>'Development proposals which would result in the loss of existing community facilities they will only be supported where it can be demonstrated that:'</p>	<p>The Examiner recommends that the opening element of the policy is recast so that it has the clarity required by the NPPF and acknowledges the role of a neighbourhood plan within the overall development plan.</p> <p>Accept modification</p>
13.2, bullet 5	<p><i>As a minimum the Parish Council will initiate a formal review of the NP4Yaxham every five years and report on its findings to the LPA.</i></p>	<p>At the end of the fifth point in paragraph 13.2 add:</p> <p>'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</p>	<p>The Examiner states in the report, "The fifth point of paragraph 13.2 advises that the Plan will be reviewed every five years. BDC is reviewing the Local Plan and 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</p>

		<p><i>review of the Neighbourhood Plan within six months of the adoption of the emerging Local Plan.'</i></p>	<p>both generally and as a review of the Local Plan will be adopted within the Plan period. In this context I also recommend that YPC 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."</p> <p>Accept modification</p>
<p><i>Other Matters - Specific</i></p>		<ul style="list-style-type: none"> • <i>005 (Clause 2.1)</i> • <i>006 (Settlement boundary Map 5)</i> • <i>007 (Clause 7.1)</i> • <i>008 (Clause 7.5)</i> • <i>009 (Clause 7.13)</i> • <i>010 (Clause 7.17)</i> • <i>011 (Clause 7.23)</i> • <i>013 (Clause 9.10)</i> 	<p>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.</p> <p>Accept modification</p>