

# **Mattishall Neighbourhood Plan 2017-2036**

**A report to Breckland Council on the Mattishall  
Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I have been appointed by Breckland Council to carry out the independent examination of the Mattishall Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the Neighbourhood Plan area on 4 April 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding local character and identifying open spaces and a local green space. It proposes a range of policies to promote a flourishing a diverse local economy. It also sets out a context within which the strategic housing requirements for the Plan area can be met.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Mattishall Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the Neighbourhood Plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**16 May 2017**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Mattishall Neighbourhood Plan 2017-2036 ('the Plan').
- 1.2 The Plan has been submitted to Breckland Council (BDC) by Mattishall Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both BDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 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; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area; and
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have

made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 Since February 2015 the Neighbourhood Plan regulations require one of two reports to be an integral part of a neighbourhood plan proposal. Either an environmental report should be submitted or a determination from the responsible body (in this case BDC) that the Plan is not likely to have significant environmental effects. In order to comply with the Basic Condition relating to European obligations BDC prepared a SEA screening report. This exercise was carried out at the pre-submission stage of the Plan. The report highlighted (in its paragraph 3.1) that the emerging Plan was consistent with the approach adopted in the Local Plan and the Site-Specific Proposals and Policies document. In particular, it highlighted that the Plan was not promoting a higher level of development. A summary of the key environmental designations was also included. The conclusion of the draft screening opinion was that there were no significant environmental effects as a result of the production of the Plan and that accordingly did not require a Strategic Environmental Assessment. The required consultation was carried out with the three prescribed bodies. The relevant responses are usefully included within the report.
- 2.7 The Parish Council took a separate and voluntary decision to prepare a Sustainability Appraisal. A representation made to the Plan comments that the sustainability appraisal does not address the proper requirements of a strategic environmental assessment. This may reflect the voluntary basis on which that appraisal was produced. Nevertheless it is clear that SEA was not required. Based on the evidence available to me as part of the examination I am satisfied that environmental assessment process has been undertaken in accordance with the Environmental Assessment Regulations 2004. In particular, BDC has concluded that SEA is not required. Its screening determination is robust and the approach adopted has been proportionate to the policies and proposals set out in the Plan itself.
- 2.8 BDC has also undertaken a Habitats Regulations Assessment (HRA) Screening Report of the Plan. This assessment is particularly important given the proximity of the Norfolk Valley Fens SAC to the Plan area. This report follows the same robust approach as that taken by the SEA screening report. It concluded that there are likely to be no significant effects on this European designated site arising from the policies in the Plan. On this basis, a full habitats regulations assessment was considered not to be required. This conclusion was supported by Natural England.
- 2.9 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 with regard to either Plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 2.10 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.

*Other examination matters*

- 2.11 In examining the Plan I am also 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.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

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

- the submitted Plan
- the Basic Conditions Statement
- the Consultation Statement
- the BDC Screening report
- the BDC HRA Screening opinion
- the representations made to the Plan
- the Breckland Core Strategy and Development Control Policies Development Plan Document (DPD) 2009
- the Breckland Site Specific Policies and Proposals DPD 2012
- the emerging Breckland Local Plan 2011-2036
- the National Planning Policy Framework (March 2012)
- the Planning Practice Guidance (March 2014 and subsequent updates)
- relevant Ministerial Statements

3.2 I carried out an unaccompanied visit to the Plan area on 4 April 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Some parties making representations to the Plan asked to participate in a hearing if one was required. One party suggested that a hearing was necessary given the need for the Plan to address housing growth. Nevertheless, having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. In doing so I was able to rely heavily on the very detailed and helpful representations. I advised BDC of this decision part way through the examination process.

## 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. I am satisfied that the Statement meets the requirements of the regulations. In particular, it describes the people and organisations who were consulted, it summarises the consultation process and it sets out how the emerging Plan took account of the comments received.
- 4.2 The Statement is well-presented and is proportionate to the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan (July-September 2016). The Statement helpfully sets out in general terms how the emerging Plan took account of the various comments and representations. It provides a link to the Plan website. This provides specific comments on how each representation was addressed. The various appendices describe the four principal stages of the consultation process.
- 4.3 The earlier parts of the Statement set out details of the wider consultation events that were carried out to raise awareness as part the evolution of the Plan. Details are provided about:
- Stage 1: The recruitment of a working group and the production of Terms of Reference and a project plan
  - Stage 2: The identification of key themes through the circulation of Questionnaire 1 and the development of a draft vision, aims and objectives
  - Stage 3: The development of policy ideas through the circulation of Questionnaire 2, consultation conversations, open feedback sessions and village events
  - Stage 4: The consultation process on the pre-submission stage of the plan
- 4.4 The Consultation Statement provides very useful information on these and other matters. It helpfully includes several photographs that provide a flavour of the well-attended events that were arranged to seek community views on what should be included in the Plan. Section 3 of the Statement provides a useful summary of the approach adopted to communication. It includes information about the use of posters and banners, the door to door delivery of information and the use of existing events to raise awareness of the production of the Plan. It also advises that information was sent home in primary school book bags.



- 4.5 It is clear to me that consultation has been an important and integral part 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. Consultation and feedback has been a key part of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the range and detail of the representations received to the submitted Plan (see paragraph 4.8 below).
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. BDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

*Representations Received*

- 4.8 Consultation on the submitted Plan was undertaken by the BDC for a six-week period that ended on 15 March 2017. This exercise generated comments from the following organisations:
- Breckland Council
  - Norfolk County Council
  - Gladman Developments Limited
  - Anglian Water
  - Natural England
  - Historic England
  - Anna English
  - Kenneth Jenkins
  - NP4Yaxham
  - Andy Maule
  - James Ellis
  - David Piper
  - Sally Barrett

## 5 The Plan Area and the Development Plan Context

### *The Plan Area*

- 5.1 The Plan area covers the whole of Mattishall parish. The area is very well displayed in Figure 6 of the Plan. It was designated as a neighbourhood area on 30 March 2015. The Plan area sits in the countryside between Norwich (21 km to its east) and Yaxham (6km to its west).
- 5.2 The character of the Plan 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 Plan area and provides the principal access through Mattishall village.
- 5.3 The village itself reflects includes the once individual villages of Mattishall and Mattishall Burgh. These two historic cores are reflected in their separate conservation areas. There are several listed buildings clustered around All Saints Church. In 2011, the population of the Plan area was 2617 people. At that time, it had 1160 dwellings.

### *Development Plan Context*

- 5.4 The development plan context is very comprehensively set out in the Basic Conditions Statement. In summary, it consists of:
- the Breckland Core Strategy and Development Control policies (2009)
  - the Site Specifics Proposals and Policies Document (2012)
  - various elements of minerals and waste policy documents including the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (2011) and the Norfolk Minerals Site Specific Allocations Development Plan Document (2013)
- 5.5 The Basic Conditions Statement (in its section 3) usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 The submitted Plan is in general conformity with the strategic policies of the development plan. In particular, it continues the process of concentrating new development within the built environment of the village. It also produces a suite of policies to safeguard the environment and community facilities.
- 5.7 The submitted Plan has also been produced within the context of the emerging Local Plan. This plan is being produced within the context of the NPPF and more recent national planning policy. Consultation on the Preferred Site Options and Settlement boundaries took place in October 2016. In process terms the submitted Plan is assessed against the adopted development plan and not against the emerging Local Plan. This reflects the

uncertainty of the eventual outcome of the latter. Nevertheless, Planning Practice Guidance requires that in these circumstances the submitted Plan takes account of the emerging Local Plan. This has been the case and is reflected in the commentary in the Basic Conditions Statement. Some of the representations also refer to this emerging Plan.

- 5.8 It is clear that the submitted Plan has been prepared to be complementary both to the adopted development plan and to the emerging Local Plan. It sets out to add value by virtue of its more detailed approach to development matters in the Plan area. In doing so it has relied on up to date information and research. This is good practice which reflects key elements in Planning Practice Guidance on neighbourhood planning.

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 4 April 2017. I was fortunate in having chosen a dry and very pleasant day.
- 5.10 I drove into the Plan area from the east along the Mattishall/Norwich Road. I was able to see the important view into the village from the east as shown in Figure 12. The importance and scale of the All Saints Church tower within the wider landscape is immediately obvious. I parked by the Church in the village centre.
- 5.11 I walked to the south along Mill Street and South Green as far as the South Green Business Park and Mattishall Hall. In doing so I saw the transition between the traditional village core and the more modern dwellings along these routes. I saw the recent residential development of Middleton Close adjacent to the aptly-named Chimney Pots.
- 5.12 I then traced my steps back into the village centre. I appreciated the townscape in Church Plain and its attractive vernacular buildings with their pantile roofs. The combination of this townscape together with the commercial uses provides a wonderfully quintessential village environment. At various points during my visit I saw the character and appearance of the two distinctive conservation areas in the village.
- 5.13 I then carried on to the north along Burgh Lane and then into Back Lane. I saw the cemetery and the allotments in Burgh Lane. Both are beautifully-maintained and a credit to the village.
- 5.14 I then walked along Dereham Road to the western edge of the village. I looked at the preferred housing site proposed in the emerging Local Plan.
- 5.15 I then walked back into the village centre. In doing so I saw the various traffic calming measures along the Mattishall/Norwich Road that represents the spine of the transport network in the Plan area. I saw the school, the Post Office opposite Old School Green and the chemist shop. It was clear that the

village is precisely the Local Service Centre as identified in the emerging Local Plan. At various points on my walk around the village I saw many of the identified community facilities as identified in figure 21 and Policy COM2 and the proposed open spaces.

- 5.16 I took some time to look at the Village Green adjacent to Old School Green. The 2014 War Memorial is an impressive reminder of the village's social and building heritage. It is properly the focal point of this open space at the heart of the community.
- 5.17 I then walked along the footpath from Church Plain running to the west so that I could see the rear of the school and the proposed local green space to its south.

## 6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted Plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document that carries out its task in a balanced and proportionate way.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

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

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted local plan
- proactively driving and supporting sustainable economic development (to deliver homes, business and infrastructure)
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings
- conserving heritage assets in a manner appropriate to their significance
- actively managing patterns of growth to make the fullest possible use of public transport

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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 relevant 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 in general terms. It sets out a positive vision for the future of the plan area with a focus on safeguarding its character and appearance. It also includes policies to promote appropriate employment in the Plan area. Section 3 of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

- 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Planning Practice Guidance 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. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan has regard to 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. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan sets out to deliver new housing (policies HOU1-3) and employment development (policies ECON1-3). In the social role, it includes a suite of policies to safeguard community facilities. It also promotes safe and sustainable transport and Broadband and mobile facilities. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it includes policies on flooding (policy ENV9) and to safeguard designated sites (policy ENV 7).

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider BDC area 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. Section 3 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the adopted development plan and in

the emerging local plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended 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 thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan includes both land uses policies and other proposals which are not land use based. This approach departs from Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land. I address this point on a policy-by-policy basis.
- 7.5 The same paragraph however identifies that the neighbourhood planning process can inspire local people to consider ways to improve their neighbourhood other than through the development and use of land. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land uses matters should be clearly identifiable. The general approach adopted in other such plans is that non-land use policies and proposals are positioned in a separate part of the Plan away from the main land use policies. In this case, however I am satisfied that there is benefit in the two elements sitting side-by-side. They stem from the same supporting text and the natural flow of the Plan is maintained.
- 7.6 I have addressed the policies in the order that they appear in the submitted Plan. In some cases, there are overlaps between the different policies.
- 7.7 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.8 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 sections of the Plan (Sections 1-6)*

- 7.9 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.
- 7.10 Section 1 provides very clear context to the neighbourhood planning process. It helpfully sets out the reasoning that has underpinned the decision of the Parish Council to produce the Plan. It also provides a useful connection to national policy and the emerging Local Plan (paragraph 1.3 and figure 1).
- 7.11 Section 2 sets out how the Plan was prepared. It reproduces a very effective Roadmap on page.5. It also sets out the five key community engagement stages. This overlaps with the Consultation Statement.
- 7.12 Section 3 provides a context to the Plan area. It describes its strategic location and its size. Paragraph 3.5 helpfully provides a planning context to the production of the Plan. The significance of the village as a Local Service Centre is incorporated into several of the policies in the Plan.
- 7.13 Sections 4 and 5 set out the Vision, Aims and Objectives of the Plan. Thirteen detailed objectives follow based around five categories. These helpfully flow into the policies in the Plan.
- 7.14 Section 6 makes a useful distinction between land use policies and non-land use projects. The text in paragraph 6.5 identifies that the projects are identified in a separate colour in the Plan and will be taken forward by the Parish Council outside the neighbourhood plan process. This reflects the approach to this matter in Planning Practice Guidance. The remainder of this section of the report addresses each policy in turn in the context set in paragraphs 7.6 to 7.8 in this report.

***Environment and Landscape Policies***

Policy ENV1: Conservation Areas and heritage

- 7.15 This policy sets out to safeguard the character and appearance of the two conservation areas in the Plan area. I looked at both of these areas as part of my visit to the Plan area.
- 7.16 The initial part of the policy translates national policy into the submitted Plan. This approach is entirely appropriate. At the same time, it introduces a degree of uncertainty by referring to the settings of other designated heritage assets without specifying them either in the supporting text or showing them on the policies map. The Parish Council has clarified that this refers to listed buildings. There is a strong association between listed buildings and the two conservation areas. I recommend a modification to address this matter. It will bring the clarity required by the NPPF.

- 7.17 The second part of the policy requires that a statement must be provided to support all development proposals that affect conservation areas and heritage assets (listed buildings as clarified). BDC comment that not all development proposals will justify this approach. Plainly there will be a variety of development proposals that may affect these assets during the Plan period. Some may be minor and require only listed building consent or conservation area consent rather than the traditional planning application. I recommend a modification that introduces a level at which a detailed statement would be required. This approach may need to be reviewed during the Plan period based on the scale and nature of development proposals that come forward. This may be particularly important within the conservation area around the Church (known locally as the Church Plain conservation area) which contains a variety of commercial properties.

**In the first paragraph of the policy delete ‘and their settings’ and replace ‘other...assets’ with ‘listed buildings’**

**Replace the initial part of the second paragraph of the policy with: ‘Development proposals that involve the construction of new buildings or the demolition of existing buildings within the conservation areas or the demolition or part demolition of a listed building should provide a statement with the associated applications to set out:’**

Policy ENV2: Important Views and Vistas

- 7.18 This policy identifies particular views and vistas that are considered to be particularly important in the Plan area. They represent views into the village from the surrounding countryside to the west, south and east.
- 7.19 I sought clarification from the Parish Council on the connections that it sought to draw between the policy and the Breckland District Settlement Fringe Landscape Assessment (July 2007). The Parish Council acknowledged that no specific technical analysis had been undertaken. It commented that the views identified represent the views of the community as articulated through the production of the Plan.
- 7.20 Within this context the policy comments that development within these views that is overly intrusive, unsightly or prominent to the detriment of the views or vistas as a whole will not be permitted. This approach has attracted a representation from a developer.
- 7.21 There are three areas where this policy approach fails to have regard to national policy. In the first instance, it fails to provide any definitive evidence about the significance of the views identified. In particular, there is no evidence to suggest that the views are of such significance as to warrant the very prescriptive approach as set out in the policy. In the second instance the views shown in Figure 12 are somewhat of a general nature. The arrows as

displayed would not allow the decision-maker to apply the policy with any degree of consistency. In the third instance the policy offers no guidance on the scale of development that would be regarded as ‘sufficiently intrusive, unsightly or prominent’ to warrant the refusal of planning permission on the basis of this policy. Nevertheless, I looked at the generality of the three viewpoints and can understand the basis on which the community has chosen to include them in the Plan. They provide three very clear and obvious contextual relationships between the village and its surrounding agricultural hinterland.

- 7.22 Taking all these factors into account I recommend a series of modifications to both the policy and the text. Their combined effect would be to identify the three views and vistas concerned and to require that any proposed development takes them into account. In this respect, the generality of the viewpoints would be seen within the round of the wider series of policies in the Plan. The views should help to define the design and orientation of development that would otherwise be policy-compliant rather than being seen as an absolute barrier to development.

**Replace the policy with the following:**

**‘Proposals for new development should take account of the relationship between Mattishall village and its surrounding hinterland.**

**Proposals for new development should address any relationship or effect that it will have on the following views and vistas as shown diagrammatically on Figure 12:**

- a) Approaching Mattishall along Norwich Road from the east;**
- b) Approaching Mattishall along Dereham Road from the west;**
- c) View of Mattishall from Thynnes Lane from the south.’**

*Include the following additional supporting text at the end of paragraph 7.6:*

*Policy ENV2 sets out a policy approach to ensure that the relationship between the village and its hinterland is properly addressed in development proposals. The preparation of the Plan has also identified three important vistas. These are set out in the policy. It is expected that any development proposals that may impact on these vistas should take them into account. Where appropriate new development should either be designed, or arranged to safeguard the vistas identified and the contribution that they make to the setting of the village.*

### Policy ENV3: Trees, hedgerows and boundaries

- 7.23 This policy establishes the Plan’s approach to the protection of trees and hedgerows in the village. It reflects the importance that they have in the local landscape.
- 7.24 BDC has made a series of representations on the policy. In particular, it recommends the deletion of a part of the policy that duplicates an equivalent policy in the emerging Local Plan and recommends a degree of clarification to range of trees to be protected. Given the emerging status of the Local Plan it would not be appropriate to recommend a modification on the first point. I recommend a modification on the second matter in both the policy and the supporting text.

**In the first paragraph of the policy delete ‘Given the...village’. Replace ‘trees and significant’ with ‘Significant trees and’.**

*Include the following additional supporting text at the end of paragraph 7.7:*

*Policy ENV3 sets out the Plan’s approach to safeguarding these important components of the local landscape. Significant trees are defined as category A and B trees as specified in BS 5837:2012 Trees in relation to design, demolition and construction.*

### Policy ENV4: Open and Local Green Space

- 7.25 This policy identifies open spaces and a local green space in the village (in Figure 13) and seeks to safeguard them against development. The Parish Council has clarified that the range of open spaces within the village are those identified in the Breckland Open Space parish schedule 2015. The proposed local green space (the School playing field) is one which has come forward separately through the preparation of the Plan.
- 7.26 Paragraphs 76-78 of the NPPF set out the circumstances in which local green spaces can be designated and the significance of doing so. I looked at the site carefully on my visit to the Plan area both in its own right and given the representation of BDC about its designation. Whilst the information in the submitted Plan is not extensive I am satisfied that the proposed designation of the site meets the three criteria in paragraph 77 of the NPPF. It is clearly in close proximity to the community it serves. In addition, it is demonstrably special to the local community – it adds value to the recreational and social use of the wider school site which is very much at the heart of the Mattishall community. I am also satisfied that it is local in nature and not an extensive tract of land. Whilst it is larger than most of the identified open spaces it would have been impractical to have designated only a part of the site for this purpose.

- 7.27 The policy itself makes an appropriate distinction between the open spaces and the local green space. Nevertheless, the two elements of the policy are both lengthy and unclear about how decision-makers should react to proposals for development within such areas. In addition, the first part of the policy suggests its applicability to all types of green space within the Plan area rather than those identified in figure 13. For these reasons the policy as submitted does not have the clarity required by the NPPF.
- 7.28 I recommend a series of modifications to address these matters. In particular, they make an appropriate distinction between policy and supporting text, apply the different elements of the policy to the identified sites and identify the basis on which proposals for development will be assessed and determined.

**Replace the policy with the following:**

**‘The open spaces identified in Figure 13 will be safeguarded for the contribution that they make to the character and appearance of the village. Proposals for built development on the identified open spaces will not be supported unless replacement provision is made of equal or greater value than the existing site.**

**The playing field to the south of the School as identified on Figure 13 is designated as a Local Green Space. Development proposals within this local green space that will harm the permanent open character of the land will only be supported in very exceptional circumstances.’**

*Include the following additional text at the end of paragraph 7.8:*

*The open spaces shown in figure 13 are those included in the Breckland Open Space parish schedule 2015.*

Policy ENV5: Distinct villages

- 7.29 This policy looks to safeguard the separate identity of the village. Residents have identified the importance of retaining the separation between Mattishall and Clint Green/Yaxham (to the west), Welborne (to the south), East Tuddenham (to the east) and North Tuddenham (to the north). I saw aspects of the wider relationship of the villages in the local landscape as part of my visit to the Plan area.
- 7.30 In response to my clarification questions the Parish Council has confirmed that the policy is intended to apply throughout the Plan area and highlights the relatively short distances between Mattishall and the settlements concerned. My attention is also drawn to the report of the independent examiner of the Yaxham Neighbourhood Plan (to the west of the Plan area) and which addressed a similar range of issues.

- 7.31 I have considered this matter carefully and considered the various representations made to this policy. I am satisfied that there is a need for a proportionate policy that adds value to the application of more general countryside policies in the Plan area. The Plan area in general, and the setting of Mattishall in the wider agricultural hinterland in particular, is an important element of its attractiveness and character. I recommend a series of modifications so that the policy takes on a similar format to that adopted in Yaxham. In addition, it identifies the particular areas to which the policy would apply. Those areas are identified in paragraph 7.29 in this report.

**Replace the policy with:**

**‘Development should respect and retain the generally open and undeveloped nature of the separation between Mattishall and Clint Green, Welborne, North Tuddenham and East Tuddenham. Development that would individually or cumulatively with other development substantially undermine the physical or visual separation of these settlements will only be supported where the harm would be clearly outweighed by the benefits of the proposed development.’**

Policy ENV6: Tranquillity and dark skies

- 7.32 This policy reflects the lack of street lighting in the Plan area. The Plan indicates that this is highly valued by local residents.
- 7.33 The first part of the policy is descriptive supporting text rather than policy. In addition, the second part of the policy is unclear in its ambitions and would be difficult to apply consistently through the development management process. I recommend modifications to bring the clarity to this policy as required by the NPPF.

**Delete ‘Given the...dark skies’.**

**Replace ‘any’ with ‘Any’ and ‘this tranquillity’ with ‘the tranquillity of the Plan area’ and ‘the creation...light pollution’ with ‘obtrusive or insensitive lighting or excessive noise intrusion either by the operation of the development concerned or by associated transport impacts’.**

Policy ENV7: Protecting and enhancing the local environment

- 7.34 This policy sets out to safeguard and enhance the local environment. The supporting text at paragraphs 7.12 to 7.14 describes some key elements of the rich ecological significance of the Plan area. Figure 15 identifies two Sites of Special Scientific Interest and a County Wildlife Site.
- 7.35 The wording of the first paragraph of the policy as submitted does not fully have regards to national policy. Firstly, it fails to address paragraph 118 of the NPPF and potential mitigation measures. Secondly it fails to provide any

clarity on the impact that may or may not be acceptable on environmental resources as a result of development. Thirdly the policy then seeks to apply a degree of protection to a wide range of unidentified ecological features such as watercourses, significant ponds and wildlife corridors. In response to a clarification point the Parish Council identify that whilst a detailed survey has not been carried out of such features, the expectation is that the developer would take such matters into account and establish the ecological significance of any such sites. Whilst I have a degree of sympathy with this approach it does not provide any clarity to developers. In any event the matter is capable of being addressed in a general fashion through BDC's day to day exercise of its development management process.

- 7.36 The second part of the policy sets out that proposals should seek to maintain connectivity in the ecological network. This part of the policy meets the basic conditions. It is of a general nature rather than a policy that sets out to apply to specific sites or habitats.
- 7.37 To address the matters I have identified in respect of the first paragraph of the policy I recommend a series of modifications. In particular, the recommended modifications to the policy reflect the contents of the NPPF, and to the supporting text reflect the nature of the Plan area and the policy context provided by the NPPF.

**Replace the first part of the policy with the following:**

**(Re-order the policy so that the second part of the policy becomes the first part of the policy)**

**'Proposed development on land within or outside the sites identified on figure 15 likely to have an adverse impact on their ecological importance (either individually or in combination with other developments) will not be supported. Where an adverse effect on the site's ecological importance is likely an exception will only be made where the benefits of the development, at the site concerned, clearly outweigh both the impacts that it is likely to have on features of the site that make it of special scientific or ecological interest.'**

*In the first sentence of 7.12 replace 'green space, mostly farmland' with 'located outside the built-up area of the village and is for the most part in agricultural use'.*

*Include the following additional supporting text at the end of paragraph 7.14: 'Policy ENV7 provides a policy context to safeguard the key features of the local environment. It provides protection for the two SSSIs and the County Wildlife Site within the framework established by paragraph 118 of the NPPF. The first part of the policy also sets out a general presumption that other elements of biodiversity and ecological importance should be maintained and*

*enhanced. Decisions will be made on planning applications on a case -by-case basis.'*

Policy ENV8: Walking, cycling and horse riding

- 7.38 This policy provides a mechanism for new developments to incorporate access into the wider countryside.
- 7.39 This approach is distinctive to the character of the Plan area and the relationship between the village and its hinterland. I recommend modifications to clarify the applicability of the policy and to place its supporting text in the appropriate location.

**Delete 'To improve...well-being'**

**Insert 'and appropriate to its layout and position within the village' between 'feasible' and 'for'.**

*Include at the end of paragraph 7.16: 'Policy ENV8 sets out the Plan's approach that where appropriate new developments should provide improved access into the surrounding countryside. This will represent good planning and will have health and well-being benefits to the wider community'.*

Policy ENV9: Flood risk and drainage

- 7.40 This policy sets out the Plan's approach to flood risk and drainage. The supporting text identifies the circumstances that exist in the Plan area in spells of heavy rain. In its representation, the County Council comments that the Plan will help to contribute towards strategic multi-agency efforts to reduce the risk of flooding in the Mattishall area. The representation goes on to comment that the principal approach should be to require that any future development proposals show that there is no increased risk from flooding. The County Council proposes a revised version of the policy that articulates these issues.
- 7.41 In its representation Gladman Developments argue that drainage issues are already addresses in the NPPF and that developers are not expected to resolve existing infrastructure issues (including drainage). The representation also advises on progress that is being made on resolving technical issues with its current planning application off Dereham Road.
- 7.42 It is important that this policy properly has regard to national policy (mainly NPPF paragraphs 100-104) and at the same time addresses the very specific and distinctive issues found in the Plan area. It is on this basis that I recommend the replacement of the policy with one which addresses the sequential test as set out in the NPPF, which recognises the appropriate responsibilities of developers and which provides guidance to the decision-maker over the potential approaches that developers could adopt to safeguard the local environment from additional flooding risks.



Replace policy with the following:

**‘Any new development should give adequate and proportionate consideration to its likely effects on all sources of flooding and surface water drainage. Development proposals will be supported where they would:**

- **Not increase the flood risk to the site or its wider setting from fluvial, surface water, groundwater, sewers or artificial sources; and**
- **Have a neutral or positive impact on surface water drainage**

**Proposals should incorporate any or all of the following measures insofar as they are applicable both to the site and to the development concerned:**

- **The incorporation of sustainable drainage proposals with appropriate discharge locations; and**
- **The priority use of permeable surfaces, rainwater harvesting and storage or green roofs and walls; and**
- **The attenuation of greenfield surface water runoff rates and volumes within the development site boundary; and**
- **The provision of maintenance and management proposals of structures within the development including its sustainable drainage elements.’**

#### Non-land use projects

- 7.43 The Plan proposes a range of projects in this part of the Plan. In summary, they include a community orchard, community planting of roadside trees, the better maintenance of footpaths and improving or creating additional footpaths.
- 7.44 All these initiatives have a strong and positive relationship with the Plan area.

#### ***Housing and the Built Environment Policies***

##### Policy HOU1: Size of individual developments

- 7.45 This policy responds strongly to the feedback from community consultation. As part of this process there was greater support for smaller rather than larger developments. Paragraph 8.8 also comments that smaller residential developments are more likely to create opportunities for local builders and associated businesses and generally to support local employment. The policy sets out a preference for proposals up to 12 homes. It goes on to comment that proposals of over 24 homes would not be acceptable.

- 7.46 This approach is set within the context provided by the emerging Local Plan. That plan sets out a target level of growth of 141 dwellings up to 2036. Paragraph 8.10 of the submitted Plan sets out the healthy progress that has been achieved either through completions or commitments since the start of the Local Plan period (2011).
- 7.47 The submitted policy has attracted representations from BDC and Gladman Developments. BDC comment that the preferences set out in the policy will have little practical weight in the development management process. It also queries the extent to which the policy would assist in the delivery of the strategic target apportioned to Mattishall in its emerging Local Plan. It also queries the extent to which the restrictive nature of the policy positively reflects the status of the village as a local service centre.
- 7.48 Gladman Developments consider that the policy does not meet the basic conditions. In addition, it suggests that the effect of the policy would be unnecessarily to restrict the scale of housing coming forward. It queries the evidence for the 24-threshold figure and draws attention to the site off Dereham Road which is a preferred site for residential development in the emerging Local Plan.
- 7.49 I also consider that the policy as submitted does not have the clarity required by the NPPF. It makes no reference to the need to deliver the current draft strategic target in the Plan area, and it provides only preferences rather than detailed policy guidance that could be applied consistently by the decision-maker.
- 7.50 The Parish Council has provided a degree of clarification on its approach in response to my queries on this policy. It is acknowledged that the policy is an attempt to identify the size of sites that should come forward in the Plan period to meet the residual element of the current draft strategic figure of 141 dwellings. Information is provided on its views about the acceptability or otherwise of a series of potential housing sites. In response to my clarification note the Parish Council indicates that its approach has been not to identify and allocate housing sites in the submitted Plan. To this extent, it has relied on BDC to identify any allocated sites in its emerging Local Plan.
- 7.51 I have considered all these different approaches carefully. As submitted I find that the submitted policy fails to meet the basic conditions due both to its lack of clarity and its restrictive approach. I recommend modifications to the policy rather than its deletion. This reflects the importance of housing delivery in the Plan area and its role as a Local Service Centre. However, I am satisfied that the relationship between the submitted Plan and the emerging Local Plan takes account of recent guidance in Planning Policy Guidance 41-009-20160211. Whilst the Plan may have taken a different approach to how the

growth is delivered it does not seek to challenge the overall level of growth required.

- 7.52 In recommending modifications to the policy I have focused on its need to have regard to national policy and to be both in general conformity with the strategic policies of the development plan and to take account of the emerging Local Plan. These matters are addressed in recommending a positive approach to delivery and one which would provide a context to deliver a minimum strategic target of 141 dwellings. I recommend consequential modifications to the Introduction to the Plan where this matter is also addressed.

**Replace the policy with:**

**‘The neighbourhood area will deliver a minimum of 141 dwellings in the period up to 2036.**

**Proposals for new dwellings within or adjacent to the village will be supported subject to the following criteria:**

- **They are of a scale that is appropriate to the size of the village and its rural setting;**
- **Where appropriate they create an attractive and well-landscaped interface with the surrounding countryside;**
- **Their design and layout has regard to their immediate surroundings; and**
- **They are in accordance with Policy ENV1 of this Plan’**

*Delete paragraphs 8.7-8.10 and replace with the following:*

*‘The Plan area has been identified to accommodate a minimum of 141 dwellings within the emerging Breckland Local Plan. That plan has an operational effect from 2011 to 2036. This Plan does not identify any specific housing sites or allocations. The Parish Council has concluded with Breckland Council that in all the circumstances the Local Plan is the best place for this activity to take place. The Plan reached its Preferred Site Options and Settlement boundaries stage in October 2016 and identified two preferred housing sites. One is at the western end of the village off Dereham Road and the other is a site on Norwich Road to the east of All Saints Church.*

*Significant progress has already been made in achieving the minimum delivery figure since 2011. At the end of March 2017 21 dwellings had already been constructed. Commitments also exist for another 54 dwellings through sites with planning permission. At the same time, there were two current planning applications which together, if approved, would contribute a further 73 dwellings. One of these sites was for the development of the preferred housing site in the emerging Local Plan off Dereham Road (for 50 dwellings).*

*In all these circumstances Policy HOU1 sets out a positive context within which future planning applications can be considered. It sets out the need to deliver the minimum strategic target. It also identifies the criteria against which future proposals will be considered.*

*This policy also needs to be read with other policies in the Plan. One of the criteria identifies the relationship between any proposals in the village centre and their impacts on the two designated conservation areas (Policy ENV1). Another important component will be the consideration of any proposals with regards to their impact on the distinction between Mattishall and its surrounding settlements. This is reflected in Policy ENV5. This is an important factor that reflects the setting of the village in its wider agricultural hinterland.'*

*Delete paragraph 1.7*

*Add the following sentence at the end of paragraph 1.6: Policy HOU1 and its supporting text (in Section 8 of this Plan) identify the mechanisms by which this strategic growth will be delivered. It also provides a context to the housing completions and commitments at the time of the preparation of the examiner's report.*

#### Policy HOU2: Phasing of Development

- 7.53 This policy continues the approach set out in the overall supporting text in this part of the Plan in general, and Policy HOU1 in particular. In summary, it proposes that there is a close relationship between build rates and the granting of planning permission for additional dwellings over and above those already committed. The policy suggests that additional allocations will be limited to 5-6 dwellings per year.
- 7.54 This policy has attracted significant representations. BDC contends that the proposed approach is both contrary to national policy and that in any event it would be impractical to prevent the submission of planning applications throughout the lifetime of the Plan. Gladman Developments argue that the approach will suppress the delivery of housing in the early years of the Plan period and is not an effective response to the delivery of sustainable development.
- 7.55 I have given significant weight to these concerns. In addition, I also take the view that the policy would be very difficult if not impractical to implement during the Plan period. BDC will have little if any control over the rate at which development takes place on both committed sites and other sites that may achieve permission in the future. There is also no detailed mechanism for the Parish Council's proposal to relax its proposed phasing restriction within the Plan period should this course of action be required.

- 7.56 The Parish Council has provided further clarification on this point in response to my questions on the operation of this policy. I can understand the statistical approach that has been adopted and the underpinning desire to ensure that new residential development is gradually incorporated into the social and community fabric of the village throughout the Plan period. Nevertheless, the approach adopted is both contrary to national policy and in any event, would be impractical for BDC to implement. Paragraph 47 of the NPPF very clearly sets out the need to boost significantly the supply of housing. This is further reinforced in paragraph 49 which highlights that housing applications should be considered in the context of the presumption of sustainable development. Given this approach to national policy and my recommended modifications to Policy HOU1 I recommend that this policy is deleted. In the same way that BDC will come to its own decisions on a case-by-case basis in relation to the number of houses that are delivered within the Plan period it will also come to a related decision on the impact or otherwise of the likely phasing of development on the three dimensions of sustainable development.

### **Delete Policy**

#### Policy HOU3: Housing Types

- 7.57 This policy offers support to residential developments that demonstrate a varied approach to the type, size, layout and tenure of dwellings. It reflects feedback from community surveys. It also addresses key elements of the NPPF.
- 7.58 The policy indicates that developers should incorporate a range of needs in the design of their proposals. The provision of plots for self-build housing is one of these requirements. This approach may be appropriate to some but not all sites. On this basis, and to bring clarity to the policy on this point I recommend a modification that identifies self-build development within a separate paragraph of the policy rather than as part of its second paragraph.

**In the second paragraph delete ‘d. Plots for self-build’.**

**Insert a third paragraph in the policy to read:**

**‘Proposals that incorporate plots for self-build development will be supported’.**

#### Policy HOU4: Affordable Housing

- 7.59 This policy sets out the Plan’s approach to the delivery of affordable housing in the Plan area. It does so by relying on the 2011 Census results and the community survey. It supports smaller developments that would include affordable housing, it requires proposals to include a range of affordable housing tenures wherever feasible and it requires that 20% of all new

affordable housing is allocated to persons with a local connection to Mattishall.

- 7.60 There are a variety of practical issues associated with this policy. These practical issues overlap with its conformity with strategic policies in the development plan. In the first instance the policy offers support for proposals that exceed the district level requirement for affordable homes and strong support for proposals for developments of up to 12 houses that contain an element of affordable houses. I can see the relationship that this policy has with the submitted policy HOU1 on the size of residential developments. Nevertheless, the policy does not have the clarity required by the NPPF and has the potential to confuse rather than to clarify the requirements that developers have to meet. In any event, there are no provisions to prevent developers providing over and above BDC requirements should they wish to do so.
- 7.61 In the second instance the policy requires that 20% of all new affordable housing in the Plan area will initially be allocated to people who have a local connection to the Plan area. BDC make a representation on this aspect of the policy. It comments that its current approach is based on its requirements as the housing authority under the provisions of the Housing Act 1996. In doing so it has an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation. This approach is captured in policy DC4 of the adopted Core Strategy 2009. The Parish Council has provided statistical information on its calculations for 20% of affordable housing to be allocated to local people. Whilst I can understand the approach taken it does not alter my assessment of the wider issues addressed in this paragraph.
- 7.62 In order to address these various matters I recommend modifications to the various components of the policy. In relation to the first paragraph I recommend that it requires that residential development in the Plan area provides affordable housing to BDC standards. There are no barriers to a development opting to provide beyond the minimum provision. In relation to the second paragraph I recommend the removal of any reference to starter homes as BDC does not recognise this type of housing as being within the definition of affordable housing. In relation to the third paragraph of the policy I recommend the deletion of the first sentence and the development of a closer relationship of its remaining parts to BDC policy. The overall effect of these modifications will be to bring clarity to both the developers and the decision-maker as required in the NPPF.

**Replace the first part of the policy with:**

**‘New residential development should provide affordable homes to Breckland Council standards’**

**In the second part of the policy delete ‘and starter homes’ and insert ‘and’ between ‘shared ownership’ and ‘shared equity’.**

**In the third part of the policy delete the first sentence. In the second sentence replace ‘local lettings cascade’ with ‘affordable housing policy’ and delete ‘including the ...lettings’.**

Policy HOU5: Village Character

- 7.63 This policy seeks to ensure that new residential development will complement and enhance the existing character of the village. It attempts to fulfil two parallel purposes – to safeguard the role of the village in its rural and historic context and to ensure that proposals respond positively to their immediate surroundings.
- 7.64 The first component of the policy is not written in a policy format. In particular, it does not address the outcomes of the development management process. I recommend a modification to ensure that this part of the policy has the clarity required by the NPPF.

**Replace the first part of the policy with the following:**

**‘Proposals for new residential development will be supported where they complement and enhance the historic and rural character of Mattishall and its landscape setting.’**

Policy HOU6: High quality and energy efficiency

- 7.65 This policy addresses a range of issues ranging from high quality design to working from home.
- 7.66 The first part of the policy relates to design matters. It meets the basic conditions. In particular, it follows the principles in the NPPF (paragraphs 58/60) around the need for distinctive design that is not over-prescriptive.
- 7.67 The second part of the policy encourages energy efficiency beyond the Building Regulations. The third part of the policy requires developments to demonstrate how they would contribute towards a low carbon future. The fourth part of the policy encourages working from home. I recommend modifications to the second and fourth components of the policy so that they have the clarity for consistent operation through the development management system. In particular, the modification to the home working component of the policy reflects its need to cover both new and existing dwellings and that the majority of such proposals will not in themselves need separate permission. I recommend the deletion of the third part of the policy. It is both unclear in its expectations and how it would be applied consistently in the development management system throughout the Plan period.

**In the second part of the policy replace ‘are encouraged’ with ‘will be supported’.**

**Delete the third part of the policy.**

**Replace the fourth part of the policy with ‘Insofar as planning permission is required proposals for home working or the incorporation of home office space within new dwellings will be supported’.**

Policy HOU7: Building for Life

- 7.68 This policy requires that developers use Building for Life 12 standards. These are industry standards for new housing developments as published by the Design Council in January 2015.
- 7.69 The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This included policies requiring any level of compliance with the Code for Sustainable Homes to be achieved by new development. Plainly this is a matter where the emerging Plan has been overtaken by national policy. Nevertheless, the examination process requires that the Plan is examined against national policy at the time of the examination rather than at the time of its preparation. I have also taken into account the responses that the Parish Council made to my clarification question on this matter.
- 7.70 On this basis, I must recommend that the policy is deleted. However, the deletion of the policy does not in itself prevent the construction of dwellings to standards above the Building Regulations in general, or to Building for Life 12 standards in particular. This will be a matter for commercial judgement.

**Delete policy**

Policy HOU8: Single dwellings, alterations and extensions

- 7.71 This policy provides a positive context for the development of single dwellings in the Plan area. It also addresses alterations and extensions to existing dwellings.
- 7.72 I recommend two modifications to the policy. The first sets out to ensure that it supports other policies in the wider development plan. As drafted in the submitted Plan it has the ability to encourage sporadic development in the countryside which occupies the majority of the Plan area. The second clarifies the accessibility issue in the second criteria of the first paragraph of the policy. The combined effect of these two modifications will bring the clarity required by the NPPF.

**Insert ‘Subject to other policies in the development plan’ at the start of the policy.**



**In criterion b. replace ‘in terms ...accessibility’ with ‘taking account of its accessibility to shops, services and other community facilities in the village’.**

Policy HOU9: Parking Spaces for new properties

- 7.73 The policy requires that new development should provide off-road parking both to meet its own needs and to ensure a well-balanced and safe street scene. The second part of the policy indicates that parking areas should be softened with landscaping and have satisfactory drainage. The approach adopted is entirely appropriate. I saw evidence on my visit to the Plan area of delays on the Norwich/Dereham Road of pockets of on street car parking in the village centre.
- 7.74 I recommend a technical modification to the policy so that it clarifies the level of car parking required. This would be to BDC standards. I have recommended that the policy refers to development plan standards so that the Plan is future-proofed. I reflect the current standards in a recommended modification to the supporting text.

**Replace ‘sufficient’ with ‘to development plan standards’**

*Include the following additional supporting text at the end of paragraph 8.22:*

*Policy HOU9 translates this community concern into a policy. It requires that off road parking is provided to development plan standards. At this point, this is Policy DC 19 of the Core Strategy 2009 and its Appendix D.*

**Community Policies**

Policy COM1: New Community Facilities

- 7.75 This policy offers support for new or improved community facilities in the Plan area. It properly identifies that amenity issues will need to be addressed. The policy reflects the wealth of existing facilities in the Plan area and their importance in the community.
- 7.76 The policy meets the basic conditions.

Policy COM2: Community facility change of use

- 7.77 This policy sets out to resist changes of use from existing community facilities to a non-community use. It properly identifies two exceptions. The first is where the facility has been replaced and the second is where the use is not viable and no alternative community use is viable.
- 7.78 The Plan identifies the existing community facilities in the Plan area (Figure 21). They are concentrated within the village itself. The list is wide-ranging. As well as the traditional community facilities, it includes a variety of commercial uses in the village centre. I can see that these facilities are

important to the community and underpin its strategic role as a Local Service Centre. Their identification as community facilities has not attracted any representations.

- 7.79 I recommend a modification to both the policy and the supporting text that reflect the wide-ranging nature of permitted development rights that now exist for retail and commercial properties. Whilst it would be impractical for the Plan to identify the various permutations it is important nevertheless that the policy reflects this important component of national planning policy. In any event permitted development rights may be amended during the Plan period. I also recommend a modification to the detailed wording of the policy. As submitted its approach is absolute and would restrict the ability of the BDC to take account of all material considerations in the determination of any such planning applications.

**Insert the following at the start of the policy ‘Insofar as planning permission is required’.**

**Replace ‘be resisted’ with ‘not be supported’.**

Policy COM3: Medical facilities

- 7.80 This policy supports extended and improved medical facilities in the Plan area. It reflects community feedback. It also acknowledges that the doctors’ surgery has approximately 8500 patients and covers an area well beyond the Plan area.
- 7.81 BDC comments that the policy could be refined to include the scale of development and potential locations. It also suggests that the text should be expanded to include the potential for planning contributions to be sought from other developments to the expansion of medical facilities. I recommend a modification to the supporting text in relation to the second point. It will assist properly in achieving a consistency between the emerging Local Plan and the Plan throughout the Plan period. In relation to the second point whilst I can see that the suggested changes may improve the policy they are not essential to ensure that it meets the basic conditions.
- 7.82 I recommend a modification to the second sentence of the policy so that its application to the development management process is clear as required by the NPPF

**Replace the second sentence of the policy with: ‘Any redeveloped or relocated facilities should provide convenient and safe accessibility for pedestrians and public and private transport users’.**

*Insert additional text at the end of paragraph 9.9: ‘Planning contributions will be sought from major developments towards the development of medical*

*facilities in accordance with Breckland Council policies in place at the time of the determination of the applications concerned.'*

Policy COM4: Early years and school expansion

- 7.83 This policy offers support to the expansion of early years and primary school provision in the Plan area. It reflects the existing capacity of the school and local concerns about the ability of the school to cope with the increasing population of the village. I saw the school site and its playing field as part of my visit to the Plan area.
- 7.84 The policy as submitted includes commentary about the desirability of all Mattishall children having a school place locally. I can understand this sentiment and can see that it would consolidate the strong sense of community within the village. Nevertheless, the planning system can only control the development, physical extensions and the use of buildings. The allocation of school places is a separate matter for the education authority (Norfolk County Council) and the school governors. Plainly there will be a direct relationship between school capacity and an allocations policy. I recommend a modification to address this point. I am content that the community sentiment can sit in the supporting text.

**Delete 'to ensure...locally'**

*Insert additional text at the end of 9.10 to read: 'This will help to ensure that all Mattishall children will be able to have a place at the Primary School. This is seen as an important component in the community functioning of the village both in its own right and as a Local Service Centre'.*

Policy COM5: Supported living and care facilities

- 7.85 The policy establishes support for supported living and residential/nursing care facilities in the Plan area. It reflects the age profile of the local population. It will be a key element of the delivery of the social element of sustainable development in the Plan period.
- 7.86 The policy meets the basic conditions.

Non-land use projects

- 7.87 The Plan proposes a range of projects in this part of the Plan. In summary, they include the development of unspecified new community facilities and a new children's play area and adult exercise area at Old School Green.
- 7.88 These proposals are commendable. They will consolidate the already impressive range of community facilities. The new works adjacent to Old School Green will serve to add to the importance of this area at the heart of the village.

## ***Economy Policies***

### Policy ECON1: New businesses and employment

- 7.89 This policy identifies a series of criteria against which proposals for new business development will be assessed. The policy is underpinned by strong community support to stimulate businesses to diversify and to provide additional employment. There has also been support for the development of small businesses and for new business start-ups. The implementation of the policy will be a major component of the delivery of the economic dimension of sustainable development.
- 7.90 I recommend that the policy is modified so that supporting text contained within the policy is removed and that the criteria are clear and capable of being applied consistently through the development management process.

#### **Replace the policy with:**

**‘Proposals for new business development will be supported subject to the following criteria:**

- **The design is responsive to the scale and character of the locality of the site;**
- **The development can be accommodated without significant adverse impacts on the local environment and the amenities of local residents; and**
- **The development can be satisfactorily accommodated within the local road network’**

*Insert new supporting text at the end of paragraph 10.9 to read: ‘New business development will enhance employment opportunities and the long-term viability of a dynamic community.’*

### Policy ECON2: Agricultural businesses

- 7.91 This policy continues on from the approach adopted in policy ECON1. It offers support to the development of or the diversification of agricultural businesses. It reflects the rural setting of the Plan area.
- 7.92 I recommend a modification to the policy so that it makes an appropriate distinction between policy and supporting text and provides clarity to the operation of the development management process. This will ensure that it conforms with the approach required by the NPPF.

#### **Replace the policy with the following:**

**‘Proposals for the development and/or diversification of agriculture-related businesses will be supported where they are not in conflict with other policies in the Plan.’**

Policy ECON3: Home-based and small businesses

- 7.93 This policy continues the economic theme in the Plan. It offers support for home based and small businesses. The supporting text in paragraph 10.13 highlights the importance of business leaders having the flexibility to remain in Mattishall.
- 7.94 The policy has two parts. The first is one that provides general support to home and small businesses. The second addresses small businesses in association with other types of economic development. I recommend a series of modifications to the policy so that these distinctions are clear and to allow the policy to be applied consistently through the development management process. In particular, the first part overlaps with recommended modifications to policy HOU6.

**Replace the policy as follows:**

**‘Insofar as planning permission is required proposals for the development of home based and small businesses will be supported**

**Proposals for the development of business incubator uses, office facilities, training facilities or live work units that would assist in the safeguarding, extension or diversification of home based or small businesses will be supported. In all cases the proposed development should be appropriate to the character of the Plan area in terms of design, should provide the appropriate car parking to development plan standards and should not have an unacceptable impact on the capacity of the local highway network’.**

***Transport and Telecommunications Policies***

Policy TRA1: Safe and sustainable transport

- 7.95 This policy requires that new developments should demonstrate good access to public transport and that amenities in the village can be safely accessed by pedestrians and cyclists. In addition, it also requires that new developments can be safely incorporated into the road network.
- 7.96 I recommend a modification to the policy so that it is clear which types of proposals will and will not receive planning permission. As submitted the policy simply requires that applicants should demonstrate that access to public transport is in place. I also recommend a similar modification to that recommended for Policy HOU9.

**Replace ‘should’ with ‘will be supported where they can’ and ‘there is’ with ‘they have’. In criterion c. delete ‘adequate’ and insert ‘to development plan standards’ after ‘parking’.**

Policy TRA2: Public parking

- 7.97 This policy seeks to provide public car parking at key village facilities. In response to my questions of clarification the Parish Council has commented that the policy is intended to apply both to the parking requirements of individual village facilities whilst also providing a context for the delivery of wider public parking facilities. It was also clarified that no specific sites for public car parking had been identified.
- 7.98 As submitted the policy is unclear. I recommend a series of modifications so that it offers support to potential new public car parking facilities and requires that any new or expanded village/community facilities provide the required level of car parking. Given that the centre of the village lies within the conservation area known locally as Church Plain I recommend that the policy addresses the requirement for new development to preserve or enhance its character and appearance.

**Replace the policy with the following:**

**‘Proposals for the delivery of new public car parking facilities in the village centre will be supported where they would preserve or enhance the character and appearance of the Church Plain conservation area.**

**Proposals for the development of new community facilities in the village centre or for the extension of existing facilities should provide off street car parking spaces to development plan standards.’**

Policy TRA3: Broadband and mobile facilities

- 7.99 The policy offers support for the delivery of improved Broadband and mobile connectivity. The supporting text at paragraphs 11.11/11.12 provide a healthy justification for the policy approach adopted.
- 7.100 The policy offers support for such facilities provided that they ‘do not conflict significantly with other policies in this Plan’. The Plan does not offer any guidance on the nature of the significance of any conflict. Whilst I accept that it will be difficult to define this matter in a satisfactory way that would reflect all circumstances that may arise throughout the lifetime of the Plan, I recommend a modification to provide an appropriate degree of judgement to be applied by the decision-maker on a case by case basis

**Insert at the start of the policy ‘Subject to the provisions of other policies in the development plan’ and delete ‘provided.... Plan’**

Non-Land use projects

- 7.101 The Plan proposes a range of projects in this part of the Plan. In summary, they include the introduction of enhanced pedestrian and cyclist access to village facilities, improvements in public transport and road safety measures.

7.102 These proposals all have the ability to make the village a safer and more vibrant and community-focused centre for all concerned.

## 8 Summary and Conclusions

### *Summary*

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

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to BDC that subject to the incorporation of the modifications set out in this report that the Mattishall Neighbourhood Plan 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 Plan should proceed to referendum based on the neighbourhood area as approved by the BDC on 30 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.

**Andrew Ashcroft**

**Independent Examiner**

**16 May 2017**