

## Mattishall Neighbourhood Plan

### Submission Plan for Regulation 16 Consultation

Representation	Ref	Page and Policy/ Paragraph No	Comment	Amendments
Anna English	01/01		I have read the plan in detail and agree with all of its policies and recommendations.	-
Kenneth Jenkins <i>(Neighbourhood Plan Working Group Member)</i>	02/01	Para 8.6 & p29 Policy HOU2	In the five years to April 2016, no development levies raised by Section 106 clauses had made their way back to Mattishall for developments within the Parish. This shows how unfair this method of collecting levies is (or how poor Breckland is at distributing them).	Section 106 should be scrapped in favour of Commuality Infrastructure levies. These are recommended by the Government, are fairer, more transparent, and guarantee that some money gets back to the parish affected.
NP4Yaxham <i>(Yaxham neighbourhood Plan Working Group)</i>	03/01	p 21, Policy ENV5	A clear visual break must be retained between Mattishall and nearby villages and settlements eg Clint Green/Yaxham. Development that significantly reduces this separation will not be permitted". NP4Yaxham Working Group gives its wholehearted support to this policy	-
“	03/02	p 21, Policy ENV6	Residents value the dark skies and there should be no further street lighting. NP4Yaxham Working Group gives its wholehearted support to this policy so that our rural landscape is not subject to more urbanisation	-
“	03/03	p 38, Policy COM3	The objective is to support the appropriate growth of medical facilities to meet the developing needs of the parish. Many Clint Green/Yaxham residents are registered with the Mattishall surgery and NP4Yaxham WG would thoroughly support any future plans to expand the medical/dental facilities in Mattishall which could make visits to the overstretched NNU Hospital unnecessary. This would help elderly residents with travel arrangements as well as alleviating pressure on the outpatient departments.	-
Anglian Water	04/01	p 11, Vision & Aims	Anglian Water supports aim 3 – to reduce the impact of development on infrastructure.	-

“	04/02	p 13, Environment and Landscape objectives	Anglian Water supports objective 3 – to ensure new developments do not create flood risk problems with sewerage and surface water drainage.	-
“	04/03	p24, Projects b. Community Planting of roadside trees	We are pleased to see reference to underground infrastructure.	-
“	04/04	p25, Policy ENV 9	We support policy ENV9, however we suggest that foul drainage strategies are required to be submitted at planning application stage which will be implemented prior to occupation. Anglian Water offers a pre planning service which includes a capacity check to determine the impact of sewerage from a proposed development. We will also work with the developer or landowner during this process to develop foul and surface water (where applicable) drainage solutions which will not cause a detriment to our existing customers or future customers.	We would encourage the prospective developer to contact us at the earliest convenience to discuss drainage proposals to serve the development. Details regarding this service can be found at: <a href="http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx">http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx</a>
Andy Maule (Vice - Chair Neighbourhood Plan Working Group)	05/01		The Working Group have consulted very widely to achieve this document that summarises the thoughts, preferences and ambitions of the community. Much of it is common sense with respect to planning for a rural community. The major policy that might not sit well with developers is the aim to keep developments to a small and appropriate scale. This was supported widely by the community and allows for organic growth that has traditionally led the expansion of villages. This is an excellent policy. I fully commend the Plan.	-
Norfolk County Council (comments ordered in the order they appear in the	06/01	p 11 to 13 – General Comments	The County Council supports the Vision, Aims and Objectives set out in the Plan (pages 11 to 13). In particular the County Council supports objective 9 with reference to ensuring key infrastructure such as schools and health facilities improved and supported to grow. Support is also given to the aims and objective 2 and 3 relating to the protection of the	-

<i>plan, rather than the order they were made)</i>			environment and objective 11 supporting businesses and employment in the parish.	
“	06/02	p 25, Policy ENV9	The Plan will help contribute towards strategic multi-agency efforts to reduce the risk of flooding from all sources in the Mattishall area. It identifies known trouble spots and seeks to promote a range of assessment and mitigation measures that will ensure that any future development (or redevelopment) will have a neutral or positive impact on flooding. Fundamentally the Plan should require that any future development (or redevelopment) proposals show there is no increased risk of flooding from an existing flood source and mitigation measures are implemented to address surface water arising within the development site.	The County Council suggest the following points should be included in the relevant sections to reinforce the objectives and aims of the plan with respect to Flood Risk and Surface Water Management ( <i>see Appendix A</i> ).
“	06/03	p 28, para 8.6	The County Council welcomes paragraph 8.6 under Housing and the Built Environment relating to new developments contributing to infrastructure through CIL and/or S106/s278 agreements.	Norfolk Fire and Rescue Service advocates the installation of sprinklers in all new developments. Sprinklers have a proven track record to protect property and lives. It would therefore be helpful if the emerging Neighbourhood Plan could refer to the installation of Sprinklers in new developments.
“	06/04	p 34, Policy HOU9.	Could be enhanced to address the issue of needing to cater for indiscriminate parking where it is likely to occur. Often, despite high levels of private off road parking, residents still like to park outside their house. In view of this on street parking should be anticipated and catered for to avoid indiscriminate parking (e.g. on the outside of unnecessary bends in the road that block footways and cause difficulties for cars to pass).	Possible solutions are straight roads with sufficient width to allow for parked cars.
“	06/05	p 45, Policy TRA1: Section c.	Could be enhanced to provide adequate off-road parking and provision for on-street parking to ensure no undue hindrance to traffic or safety issues. As most residents will use on-	-

			street parking regardless of parking spaces provided within the development.	
“	06/06	Omission	<p>The plan mentions churches, listed buildings and two conservation areas and, although the objectives do not specifically mention the historic environment, these are covered in the text for objective 1 and policy ENV1. However, the plan does not consider undesignated heritage assets (such as those recorded in the Norfolk Historic Environment Record). As the National Planning Policy Framework covers undesignated heritage assets, the County Council would expect neighbourhood plans to take them into consideration. Historic England’s published guidance on the preparation of neighbourhood plans (<a href="https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/">https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/</a>) encourages the consideration of undesignated heritage assets and suggests ways in which this can be achieved. These ways include those responsible for preparing the plan directly consulting the relevant Historic Environment Record and local authority historic environment advisers, something that does not appear to have happened during the preparation of the Mattishall Neighbourhood Plan.</p>	<p>Before the Mattishall Neighbourhood Plan is submitted to an examiner the Historic Environment Service recommends the authors undertake further work to ensure it meets the National Planning Policy Framework and Historic England’s published advice. The County Council recommend they follow these steps:</p> <ol style="list-style-type: none"> <li>1. Study Historic England’s published guidance and consider how the plan can be amended to take its advice on board.</li> <li>2. Contact the Norfolk Historic Environment Record and request information on heritage assets within Mattishall parish. The NHER can be contacted at <a href="mailto:heritage@norfolk.gov.uk">heritage@norfolk.gov.uk</a>.</li> <li>3. Consider the full range of heritage assets within Mattishall parish and identify those they feel are most significant. They may wish to prepare a local list of heritage assets they believe should be protected and enhanced and put this to the community for consideration.</li> <li>4. Directly consult the Historic Environment Service’s planning advice team (<a href="mailto:hep@norfolk.gov.uk">hep@norfolk.gov.uk</a>). The County Council can provide advice on which heritage assets are most significant and ways in which they can be protected and enhanced.</li> <li>5. Update the plan</li> </ol>
Gladman Developers Ltd	07/01		<i>See Attached letter - Appendix C</i>	-
David Piper (WG Member)	08/01		The neighbourhood plan was been very well research and constructed. The NP working group has consulted with the residents of the village, and taken account of the comments	-

			from Breckland Council. The layout is clear and effective and the policies accurately reflect the needs of the village to control yet permit defined development without destroying the rural character and charm of the village. There is strong alignment with the draft Local Plan. I fully support the plan.	
Natural England	09/01		Natural England welcomes the plan, which contains many policies that are likely to benefit the environment. In particular, we are pleased that the plan includes policy to ensure there is sufficient green infrastructure to support residents.	-
Breckland Council	10/01		<i>See Appendix B</i>	-
<b>LATE</b>				
Sally Barret	11/1		For brevity, I would simply like to state that in my opinion this entire Neighbourhood Development Plan is a superb piece of work, undertaken by a small working party who have made every effort to involve all residents of Mattishall at every stage. Each of the objectives within is clearly stated and quantified and all issues involved, - legal environmental, practical, etc have been thoroughly addressed. This is exactly the way in which Mattishall should grow and develop over the next twenty years.	-
Historic England	12/1		Unfortunately due to our current staffing capacity we have been unable to respond to this consultation in detail.	-

## **Appendix A - Norfolk County Council**

*Any new development or significant alteration to an existing building within the Mattishall area should be accompanied by an assessment which gives adequate and appropriate consideration to all sources of flooding and proposed surface water drainage. Any application made to a local planning authority will be required to demonstrate that it would:*

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

*Proposals must demonstrate engagement with relevant agencies and seek to incorporate appropriate mitigation measures manage flood risk and to reduce surface water run-off to the development and wider area such as:*

- *Inclusion of appropriate measures to address any identified risk of flooding (in the following order or priority: assess, avoid, manage and mitigate flood risk).*
- *Where appropriate undertake sequential and /or exception tests.*
- *Locate only compatible development in areas at risk of flooding, considering the proposed vulnerability of land use.*
- *Inclusion of appropriate allowances for climate change*
- *Inclusion of Sustainable Drainage proposals (SuDS) with an appropriate discharge location.*
- *Priority use of source control SuDS such as permeable surfaces, rainwater harvesting and storage or green roofs and walls. Other SuDS components which convey or store surface water can also be considered.*
- *To mitigate against the creation of additional impermeable surfaces, attenuation of greenfield (or for redevelopment sites as close to greenfield as possible) surface water runoff rates and runoff volumes within the development site boundary.*
- *Provide clear maintenance and management proposals of structures within the development, including SuDS elements, riparian ownership of ordinary watercourses or culverts, and their associated funding mechanisms.*

**Mattishall Neighbourhood Plan**  
**Draft Plan for Regulation 16 Consultation**

- The Neighbourhood Plan for Mattishall (NP) is the second in Breckland to reach this point and has been produced as a result of research and knowledge with significant consultation, which is to be greatly welcomed.
- The Council supports the principle of the Mattishall Neighbourhood Plan. However, there are a number of outstanding issues raised by the Council in its previous representations which have still not been addressed in the submission version.
- A number of policies repeat wording of the emerging Local Plan policies without adding much additional detail or are based upon little evidence, despite this being raised at the previous Regulation 14 consultation.
- Objective 4 and HOU2 are considered overly restrictive; phasing of development that has not been justified and is contrary to the strategic aims of the Local Plan and the NPPF. Consider the removal of phasing policies or refer to phasing within the Local Plan.
- HOU 1: This policy has weak wording and ‘preferred’ development sizes will have little weight. As previously stated, further evidence should be provided to justify the policy or be removed/re-worded. In the absence of deliverable sites within the settlement, the present policy wording would be overly restrictive and could have implications around the strategic policies within the Local Plan, and is considered to be in conflict with the NPPF. Further evidence needs to be provided to show that small sites can come forward to meet the need, or, failing this, the policy should be removed from the NP.
- HOU 4: The policy wording at present is too restrictive and further work needs to be included to identify a need ( the justification) for a housing development to exceed the affordable housing target set in the Local Plan.
- ENV 04: Seeking to allocate Local Green Space that is contrary to the NPPF criteria. This proposed allocation should be removed from the NP.

Page and Policy/ Paragraph No	Comment	Justification	Suggested Amendments (in bold or strikethrough)
Whole Plan	As previously advised, the evidence for a number of the policies is weak. There has been an emphasis on the inclusion of qualitative data at the cost of quantitative data.	Planning Practise Guidance (PPG), Neighbourhood Planning, Preparing a Neighbourhood Plan or Order, para 040 "...Proportionate, robust evidence should support the choices made and the approach taken..."	Although this has been amended in a number of places, there is still the need for evidence to be placed either before or after the relevant policy to justify the position taken.
Whole Plan	As previously advised, development viability does not seem to have been taken account of at any point in this plan. How are the authors able to demonstrate there is nothing in the plan that will inhibit development?	The Local Plan 'whole plan viability assessment' will need to take account of viability burdens. This could reduce Affordable Housing requirement.	Need to demonstrate evidence for this.
p3, para 1.3, last sentence	As previously advised, technically the Local Plan will be "adopted" rather than "in place" and will supersede the whole Local Development Framework (LDF), not just the "Core Strategy" development plan document.	Would benefit from use of technical wording and reference to correct documents.	Would be beneficial to include the technical wording as well e.g. " <i>The Local Plan will be in place (<b>adopted</b>) from 2017 and will supersede Breckland Council's existing <b>Local Development Framework Core Strategy.</b></i> "
p4, 1.9	As previously advised, no reference is made to how quantitative data has been used to justify policy. This will risk undermining the robustness of the evidence used.	See Section 2 in "How to gather and use evidence" (Planning Aid) regarding p6 " <i>Review gaps in evidence base</i> ".	Include justification in summary, where missing.
p5, 2. How the Plan was Prepared	As previously advised, it would have been more appropriate to use this chapter as the basis for the Consultation Statement.		
p6 para 2.7.1- 2.7.3	As previously advised, the text duplicates the Consultation Statement.		
p11, Aim 5	As previously advised, in what respects does viability refer to? Economic viability of local businesses?	Viability in the context of the aim is rather broad and undefined.	Rewording of Aim to either ' <b>vitality</b> ' or ' <b>sustainability</b> '.



Page 12 Paragraph 5.1	Text refers to the draft Local Plan, but does not specify which stage.	The Local Plan has not yet been adopted and is subject to change; therefore clarity is required as to the number which the Mattishall Neighbourhood Plan is agreeing with.	Consider changing the wording to <i>'in the emerging Local Plan'</i> or <i>'in the Preferred Directions and Settlement Boundaries iteration of the emerging Local Plan'</i> .
p13, Objective 4	As previously advised, see comments made on policies HOU1 and HOU2. Both these require amendment alongside the wording of this Objective. Unless there is justification for phasing of the development through the emerging Local Plan or current Core Strategy, whilst it may be preferred, it would be unreasonable for the development numbers proposed.	.	Remove the word "phased": <i>'To deliver sensitively planned developments <del>phased</del> over the plan period.'</i>
p13, Objective 8	As previously advised, the existing Core Plan policy in the LDF protects the services that define a Local Service Centre.		Would be useful to confirm that this is the same approach taken in the Core Strategy DC18 (last sentence).
p13, Objective 13	Wording has been amended from "maintain" to "sustain". It has still not been justified how can broadband connectivity be enforced?		Reword <i>'To develop <del>and sustain</del> efficient and effective broadband ...'</i> .
p16, 20, 23,26 & 30 Maps	As previously advised, some of the font size on these maps is a bit small.	This would make it much easier for them to be used.	Increase the size of these maps.
p17, ENV1: Conservation Areas and Heritage	As previously asked, where is the evidence that the wording 'must' should apply in all circumstances?	PPG, Neighbourhood Planning, Preparing a neighbourhood plan or Order, para 040 regarding evidence.	Evidence is required to justify this position.
p17, ENV1: Conservation Areas and Heritage	As previously advised, not 'all' development proposals may necessarily justify a statement.		Still need to justify when one is required in evidence, such as having a threshold.
p17 ENV2: Important views and vistas	As previously identified, the first paragraph takes the same approach as emerging Local Plan policy ENV 05 and is a supporting statement.	<i>"Avoid duplication – there is little point in addressing issues that are already covered by the policies in your Local Plan"</i> Writing Planning Policies (Locality). See PPG, Neighbourhood Planning, Preparing a neighbourhood plan or	Remove first part of sentence from the policy, and include it as text.

		Order, para 040 regarding evidence.	
p17 ENV2: Important views and vistas 2 <sup>nd</sup> para, 2 <sup>nd</sup> sentence	As previously stated, this requires amending. Wording within the policy appears overly restrictive.	Set out a more positive policy approach.	Amend: <i>“Development <del>within</del> <b>should respect the importance of these views and vistas that is overly intrusive, unsightly or prominent, to the detriment of the views and vistas as a whole will not be permitted</b>’.</i>
p19, ENV3: Trees, hedgerows and boundaries, para 1 & 3	As previously identified, most of the first paragraph copies emerging Local Plan policy ENV 06. It is always the intention to incorporate good quality trees within new developments.	See reference to Locality publication above re duplication. The council should work within the recommendations of BS5837:2012. <i>“Trees in relation to design, demolition and construction”</i> , which allows trees to be categorised and does not attempt to retain all trees, only the better quality ones.	Delete duplicate sentence as previously advised. Add after “Given limited open and green Space within the village, trees and significant hedge masses ... overriding Benefits in accepting their loss: ... <b>where possible category A and B trees (as defined by BS5837:2012 Trees in relation to design, demolition and construction) and significant hedge masses should be retained as an integral part of the design of any development</b> ’.
p19, ENV3: Trees, hedgerows and boundaries para 1 & 3	As previously advised, Planting should be appropriate for a rural setting in such circumstances. Often too much emphasis is put on the use of “native” re para 3.		Preferable that <b>‘species suitable for a rural setting’</b> was used rather than restricting planting to <i>‘native ...species’</i> only.
p20, ENV4: Open and Local Green Space	As previously advised, this effectively duplicates Core Strategy Policy DC11 Open Space. Also in the 1st paragraph, the end two sentences copies emerging Local Plan policy ENV 01.		Delete or reword as suggested to develop the policy. Delete Local Plan duplicate sentences.

p20, ENV4: Open and Local Green Space	As previously advised, needs to be clear whether their definition of green infrastructure includes private gardens or do they mean private playing pitches? As drafted, could rule out development in gardens.		Clarification still required.
p20, ENV4: Open and Local Green Space, 1 <sup>st</sup> para, 2 <sup>nd</sup> sentence.	As previously advised, policy amendment still required.	Set out a more positive policy approach which has consistency with Para 74 of NPPF.	<i>‘Where it is demonstrated through assessment that a development will have a detrimental impact on the quantity or function of existing green infrastructure, <del>then</del> the development <del>will not be permitted unless</del> <b>will be expected to demonstrate suitable replacement(s)</b> provision is made that is of equal or greater value...’</i>
p20, ENV4: Open and Local Green Space	As previously advised, it has not been demonstrated how the playing field to the south of the school meets the criteria set out in Paragraph 77 of the NPPF and PPG in order to be designated as Local Green Space.	Paragraph 77 of the NPPF states that “The Local Green Space designation will not be appropriate for most green areas or open space. The site meets the first criteria as it is within close proximity to the community it serves. The site is a private school recreation field and therefore does not meet the second criteria of being demonstrably special to a local community. The site itself is 3.2 hectares and should be considered an extensive tract of land.	The site should not be designated as Local Green Space.
p20, ENV4: Open and Local Green Space & Figure 13	Land at Parkers Road (labelled Amenity space) is under the ownership of BDC, but is not classed as open space in the development plan policy map.		Breckland Council have no objection to this designation.
p21, ENV5: Distinct villages	As previously advised, the second sentence is too vague.		Criteria are needed to assess this against.
p21, ENV6: Tranquillity and dark	As previously advised, the first part of the sentence up until “...and its dark skies..” is		This should be used as supporting text rather than

skies	still a supporting statement, not policy.		planning policy. Also supporting text could identify examples of noise & light pollution.
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p21, ENV6: Tranquillity and dark skies	As previously advised, the second part of the sentence is vague. <i>'should not significantly disturb'</i> , is difficult to use and assess proposals against. Inevitably there will be some degree of disturbance. It should include criteria for assessing certain applications, i.e. residential developments, business developments. Also how do you define <i>'excess noise increases'</i> ? Would this be less than the statutory environmental health guidelines?	Paragraph 32 of NPPF states " <i>Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are <b>severe</b></i> ". Article 10.1 of EU directive 2002/49/EC sets out noise thresholds that could then be used to measure what excessive noise could then be defined as?	Reword policy: <i>'Any new developments should not significantly disturb this tranquillity through <b>obtrusive or insensitive lighting or excessive noise intrusion either by the developments operation or by associated transport impacts through the creation of excess noise, inappropriate increases in traffic or light pollution.</b>'</i>
p23, ENV7: Protecting and enhancing the local environment	There will be problems in enforcing this policy as it is difficult to determine that any development will not have an adverse impact. This can only apply where it can't be mitigated against.	Conflicts with NPPF 118.	Reword <i>'Development should not <b>significantly</b> adversely impacts on ...'</i> . Also a new sentence is needed where if there is an adverse impact, this should be mitigated against.
p23, ENV7: Protecting and enhancing the local environment	Which ponds and watercourses are of particular local ecological importance?		Add some more detail or list watercourses and habitats and areas or indicate particular areas on a plan.
p23, ENV7: Protecting and enhancing the local environment	As previously advised, the overall biodiversity value, robustness and diversity are also important.		Consider overall biodiversity value of the site and area, not just connectivity and networks.
p23, ENV7: Protecting and enhancing the local environment	As previously advised, some of the supporting text above the policy could also go into the policy given its importance.		Add supporting text (p21, 1 <sup>st</sup> para, 4 <sup>th</sup> & 5 <sup>th</sup> sentences add after the 1 <sup>st</sup> sentence in the policy. <i>'Given the Rural nature of the Parish ...'</i> and <i>'in recognition of the number of mature trees ....'</i>
p24, ENV8: Walking, cycling	As previously advised, add a reference to policy, to make a distinction between		Reword policy " <i>...new development <b>to link into</b></i>

and horse riding	existing network and creating new pedestrian and cycle networks, where feasible.		<b>existing pedestrian and cycle routes surrounding site and make provision for new links, where practicable feasible....'</b>
p25, ENV9: Flood risk and drainage	As previously advised first paragraph is unclear and appears to be more restrictive than the requirements of NPPF with regard to Flood risk assessments (FRAs).	See para 100 NPPF re the sequential, risk-based approach to the location of development to avoid where possible flood risk.	Reword 1 <sup>st</sup> para: ' <i>All developments are required to demonstrate that...subject to surface or fluvial water flooding or <b>should avoid areas at risk of flooding from any source, but where development is necessary; demonstrate that these risks can be adequately managed.</b></i> '
p25, ENV9: Flood risk and drainage	As previously advised, needs to reflect EA standing advice for different types of development.		Reference and use of various 'Sustainable Drainage Systems (SDS)' guidance & standards should be used. Also various different types of SDS, not just ponds, swales, ditches, greywater; also rainwater harvesting, infiltration.
Page 25, ENV9 Final sentence	Last sentence makes reference to "freestanding" areas.	Unclear.	Amend to say " <i>used on <b>hardstanding</b> areas,</i> "
p26, Figure 16	As previously advised, reference to the LDP Policies Map regarding Flooding maybe useful. Could also be useful to refer to Environment Agency (EA) flood risk maps – surface water flood risk; fluvial flood risk maps; etc.		Cross refer to the LDP Policies Map to put situation into perspective.
p28, 6.2 Housing and the built environment	As previously advised, an opportunity missed to carry out a detailed character assessment of Mattishall. This could define the character and sense of place for		Consider including a detailed character appraisal for the village which will provide the evidence base and reinforce

	Mattishall and feed into what is considered appropriate high quality design for the village. For example is there a uniform character or do certain parts have their own distinctive character?		any policy requirement for size and character of new development e.g. HOUS3, HOUS5 & HOUS6.
p28, HOU1: Size of individual developments	As previously advised, the policy wording ' <i>preferred</i> ' development sizes will have little weight. It is also too restrictive and does not account for innovative design solutions which may allow for more units to be sensitively accommodated on a small site. The emerging Local Plan does not identify enough smaller sites (of the size set out in the aspirations of the NP) and therefore it would be difficult to see how the plan would either support the strategic needs set out in the Local plan or plan positively to support local development.	In line with Paragraph 16 of the NPPF, neighbourhood plans should support the strategic needs set out in the Local Plan and plan positively to support local development. Recent appeal decision (APP/F2605/W/16/3147186) restricts development along Thynnes Lane. Norfolk County Council Highways have concerns regarding development adding traffic movements to Mill Street/Church Plain.	Delete policy or provide further evidence.
p28, HOU1: Size of individual developments	As previously advised, there is still no reflection of Mattishall's role as a service centre in meeting wider needs of the district. Also need to bear in mind development viability. Justification for this approach is needed, such as having different criteria for assessing schemes of different sizes; additional infrastructure requirements?	Only promoting small sizes is unlikely to secure any affordable housing. Only schemes of 11 or more, or in excess of 1,000 sq metres, will provide for affordable dwellings. Therefore, no incentive for applicants to provide sites of 11 or 12 when they could provide 10 and not have to provide affordable housing.	Reflect comments in rewording of policy.
p28, HOU1: Size of individual developments	As previously stated lack of incentive to provide schemes that secure affordable housing.	Lack of affordable housing provision in Mattishall.	Consideration should be given to encourage or allow larger schemes that provide for Affordable Housing.
p29, HOU2: Phasing of development	As previously identified, in the first sentence, how can planning applications be granted " <i>in the relation to the rate of delivery</i> " throughout the plan period? Sites	See PPG on Neighbourhood Planning, Preparing a neighbourhood plan or Order, para 040 regarding evidence Paragraph 16 of the NPPF states that Neighbourhood Plans should	Evidence is still required to justify this position.

	are likely to respond to market forces at the time. The Council would have difficulty refusing site that came forward at 'wrong' time and only developing 5-6 dwellings per annum. Also refer to comments for Objective 4 re phasing of development.	<i>'develop plans that support the strategic development needs set out in Local Plans, including policies for housing...'</i> It is contradictory therefore for the NP to phase development on an arbitrary basis over the plan period.	
p29, HOU2: Phasing of development	As previously advised, it is not possible to stop applications for outline planning permission.	Full applications being favoured over outline applications will be given little weight.	Delete reference to this.
p30, HOU3: Housing types	As previously advised, a broad variety of house types is to be welcomed. It is noted that no mention is made of 1-bed homes, probably the most suitable for the 1 <sup>st</sup> time buyers you consider a priority.		Consider redrafting policy to take account of this.
p31, HOU4: Affordable housing	As previously advised, the first & third sentences say different things e.g. support additional housing above Local Plan level, but it also needs to be justified in meeting a local need.	These two sentences also say different things.	Either delete one of the sentences or reword to make consistent and justify.
p31, HOU4: Affordable Housing, 3 <sup>rd</sup> paragraph	As previously advised, other than "exceptions sites", homes are to meet district wide need and can't be restricted to purely local people. Housing need is not static and changes in tenure, need and other factors will need to be taken account of, as future SHMAs are issued during the plan period. The inclusion of the local lettings criteria is in conflict with policy DC4 of the adopted Local Plan which seeks to ensure that Affordable Housing is secured to meet the affordable housing needs of Breckland as identified in the Strategic Housing Market Assessment. The reason set out/evidence base referred	Housing authorities are required by the Housing Act 1996 s166A (as amended by the Homelessness Act (1996) and the Localism Act (2011) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation. The Allocation Policy must set out who can access the housing register and how accommodation is allocated in the District. All applicants who are accepted onto the Housing Register will have their application assessed and awarded a priority band based on an assessment of their housing need in accordance with the allocations scheme. This is to ensure that the Council meets its legal	Removal of 1 <sup>st</sup> sentence in 3 <sup>rd</sup> paragraph and from "... including the local letting cascade." "in the 2 <sup>nd</sup> sentence. Also replace "local letting cascade" with "Affordable Housing" in the 2nd sentence. Not only does it prevent the Local Authority from complying with legal requirements it also in in conflict with the adopted Councils Local Plan. Should be also be partly covered by an effective redraft of Hou1.



	to in para 8.14 is not a robust substantive evidence base on which to assess the need for affordable housing as set out above. Further it should be noted that reference to starter homes in policy Hou4 does not fall within the NPPF definition of affordable housing and therefore should not be accepted as affordable housing.	obligations as set out in the Housing Act (1996) amended by the Homelessness Act (2002). The Councils Allocation policy is set in accordance with the legal requirements and then approved and agreed by the Council. To add further local connection criteria outside of the policy would not only be contrary to the Councils allocation policy but also contrary to the legislation to which Local Authorities must conform to. In addition paragraph 47 (of the Allocations Policy) requires local planning authorities to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Policy DC4 of the Councils adopted plan fulfils this. Additionally paragraph 50 of the NPPF requires LPAs to ensure that plans deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities.	
p31, HOU4: Affordable housing	As previously advised, as a service centre, Mattishall would be expected to largely meet its own need as well as take an element of district arising need i.e. overspill from surrounding parishes.		Reword to reflect Mattishall's service centre status. Reference also needs to be made to Local Plan Policy DC4.
p31, HOU4: Affordable housing, 3 <sup>rd</sup> para	Introduction of 20% for those with a " <i>local connection</i> " contravenes previous advice and lacks justification.	Is a strategic conformity issue.	Provide evidence to support this approach.
p33, HOU5: Complement & enhance existing character of the village	Para 2: As previously advised, reference to " <i>Sense of place</i> " needs clarifying. Should this still just apply to housing? There is potential conflict as the policy asks for proposals to complement and enhance the historic character, but also asks for proposals to respond to neighbouring dwelling styles, which as the supporting	To make the policy clearer.	Clarify in the text what this means locally. It might be more appropriate and clearer to request high quality design that responds positively to the existing appearance and character. Suggest rewording of policy,

	text explains, many are relatively modern (1970-80s). Also refer to comments made in relation to <b>Conservation Areas And Heritage EVV1</b> and the use of the word sympathetic.		<i>“Applications should demonstrate how their design complements and enhances ...”. Or “<b>The design of developments shall complement and enhance ... to ensure the village’s strong and established sense of place in the heart of rural Norfolk is retained</b>”.</i>
p33, HOU5: Complement & enhance existing character of the village	Replace ‘developers’ with more appropriate word to cover all eventualities and applications.	Overly specific wording.	Replace “Developers” with “Applicants”.
p33, HOU6: High quality and Energy efficiency	As previously advised, what kind of development viability has been undertaken to support this? Any increase in standards causes a cost to developers which may cause issues with development viability.		The approach to viability needs clarifying and previous comments regarding policy requirements affecting the quantity of Affordable Housing apply in this instance.
p34, HOU7: Building for Life	As previously advised, what kind of development viability has been undertaken to support this. Whilst ideally 12/12 is the score to be achieved, any increase in standards causes a cost to developers which may cause issues with development viability. Also some schemes may not be able to achieve maximum rating.	It will not be possible to object to development on the basis of a mere aspiration.	The approach to viability needs clarifying and previous comments regarding policy requirements affecting the quantity of Affordable Housing still apply. Suggest adding “.... and why a higher rating is not feasible or viable.”
p34, HOU8: Single dwellings, alterations & extensions, para (b)	Criteria b is not clear as to accessibility to what?	Hard to enforce as leaves open for debate as to degree of accessibility.	Add further detail on what is meant by accessibility.
p34, HOU8: Single dwellings,	As previously advised, consider adding additional point if not covered by other		Consider comments.

alterations & extensions	planning policies e.g. implications for amenity on adjacent properties and land such as outlook, loss of light or privacy.'		
p34, HOU9: Parking spaces for new properties	As previously advised, would benefit from making reference to the parking policy requirements in Local Plan as not clear whether there is a greater parking need, or less?		Refer to LDF Policy DC19 and Appendix D Parking Standards.
p37, COM2: Community facility change of use	As previously advised, this takes a very similar approach to part of emerging policy COM 04.	See reference to (Locality) above. See PPG on Neighbourhood Planning, Preparing a neighbourhood plan or Order, para 040 regarding evidence.	Delete policy or justify why this policy is required.
p37, COM2: Community facility change of use	Need to justify why no other alternative community use would not be viable?		Provide evidence in the plan.
p38, COM3: Medical facilities and COM4 Early years and school expansion	As previously advised, include a reference in the text to planning contributions that could be sought towards these from major developments in the text.		Address as advised.
p38, COM3: Medical facilities and COM4 Early years and school expansion	As previously advised, also for the future growth, the expansion of these facilities in terms of expansion of location should be clarified, otherwise the current approach will have little weight unless outlined how this will be achieved or mechanisms will be used for achieving this?		Include in the policy what scale of development is sought and where directed to, i.e. primary school, surgery etc. or new facility?
Pages 37-8, COM3: Medical facilities; COM4: Early years and school expansion COM5: Supported living and care facilities	It is noted that these policies that these policies do not have criteria to assess them by, unlike other policies in the plan.		
p40, ECON1: New businesses and	As previously advised, the consideration of traffic mitigation and car parking should		<i>Applications should demonstrate that the local</i>

Employment	also be included in the policy as one of the positives of a successful business can be its impact on surrounding areas.		<i>road network can accommodate any associated increased traffic <b>or that there are suitable mitigation measures; and sufficient car parking is well integrated into the layout.</b></i>
Pages 45, TRA1	What defines 'good access to public transport'?	Will be difficult to interpret and enforce. Also difficult to achieve as public transport provision by bus operators is beyond powers of applicants for the scale of development appropriate in Mattishall.	Suggest rewording to allow either good access to public transport, or amenities are readily and safely accessible by pedestrians and cyclists.
Pages 45, TRA2	Unclear policy and objectives.	Lacks clarity and teeth and unclear how to interpret and use this policy.	Reword or remove.

***Appendix C - Gladman Developers Ltd***

Gladman Developments Ltd

**Mattishall Neighbourhood Plan**

**Regulation 16 consultation**



**March 2017**

# 1 INTRODUCTION

## 1.1 Context

1.1.1 These representations provide the response of Gladman Developments Ltd (hereafter referred to as “Gladman”) to the current consultation held by Breckland District Council (BDC) on the submission version of the Mattishall Neighbourhood Plan (MNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

1.1.2 Through these representations, Gladman seeks to clarify the relationship of the MNP to both national and local policy requirements. This submission provides an analysis of the neighbourhood plan as currently proposed, highlighting areas in which we feel the document currently lacks clarity and would benefit from amendments to several policies to ensure the Plan accords with the provisions required by national planning policy and guidance.

1.1.3 **The Parish Council will be aware of Gladman’s land interest in Mattishall at land off Dereham Road.** Gladman submit that this site would assist in housing delivery in Mattishall, an identified Local Service Centre in the emerging BLP and a settlement identified for further growth to meet objectively assessed housing needs. Indeed, the emerging BLP identifies land off Dereham Road as **its preferred approach to meeting the district’s housing needs.** As such, it would be prudent if this site was included within the neighbourhood plan to minimise any potential conflicts with the emerging BLP going forward.

1.1.4 Gladman recommend that the Parish Council take this time to consider this response prior to progressing the Plan to examination to ensure the Plan is able to meet the basic conditions. In this regard, Gladman would welcome the opportunity to discuss the neighbourhood plan and the delivery of land off Dereham Road and invite the Parish Council to contact us in this regard.

## 2 **LEGAL REQUIREMENTS, NATIONAL POLICY & JUDGMENTS**

### 2.1 Legal Requirements

2.1.1 Before a neighbourhood plan can proceed to referendum, it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic conditions that the MNP must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
- d) The making of the order contributes to the achievement of sustainable development;
- e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

### 2.2 National Planning Policy Framework

2.2.1 **The National Planning Policy Framework (the Framework) sets out the Government’s planning policies for England and how these are expected to be applied.** In doing so, it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet identified development needs.

2.2.2 At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

2.2.3 The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that qualifying bodies preparing neighbourhood plans should develop plans that support



strategic development needs set out in Local Plans, including policies for housing development that plan positively to support local development.

2.2.4 Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

2.2.5 Paragraph 184 of the Framework makes clear that the ambition of the neighbourhood plan should be aligned with the strategic needs and priorities of the wider area. To facilitate this, local planning authorities (LPAs) will need to set out clearly their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. Where a neighbourhood plan proceeds in advance of the adoption of a Framework-compliant Local Plan, this will create uncertainty as to whether the neighbourhood plan provides an appropriate basis for the spatial approach contained in its administrative area.

## 2.3 Planning Practice Guidance

2.3.1 It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

2.3.2 On 11<sup>th</sup> February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan. In particular, the changes to the PPG stress the importance of considering housing reserve sites, and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise and are not overridden by a new Local Plan. In this circumstance we refer to the emerging BLP.

2.3.3 On 19<sup>th</sup> May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

2.3.4 Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. Accordingly, the MNP will need to be updated so that it takes into account the latest guidance

issued by the Secretary of State so that it can be found in compliance with basic condition (a), (d) and (e).

### 3 DEVELOPMENT PLAN

#### 3.1 Adopted Development Plan

3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in an adopted Local Plan.

3.1.2 The current Development Plan relevant to the preparation of the MNP consists of the adopted Core Strategy (2009) and the Site Specific Policies and Proposals Development Plan Document (2012). The adopted Development Plan covers the period to 2026 and was prepared in accordance with a previous era in national planning policy and guidance. The Framework supersedes the contents of the adopted Development Plan requiring local planning authorities to identify and meet its objectively assessed needs (OAN) for housing in full. Accordingly, in the absence of a Framework and PPG compliant Local Plan the requirements of the Framework take precedence.

#### 3.2 Emerging Breckland Local Plan

3.2.1 To meet the requirements of the Framework, the Council has commenced work on its new Local Plan in order to meet its full OAN. To achieve this, the emerging BLP will set out the overarching planning strategy for the district and will set out the spatial planning policies for development to 2036 in order to meet identified development needs.

3.2.2 Gladman have been actively involved through the preparation of the emerging BLP. The Council previously consulted on its Preferred Sites and Settlement Boundaries Plan in October 2016. This consultation identified Mattishall as a Local Service Centre (LSC) through the locational strategy and will see 10% growth through the plan period, providing an additional 141 dwellings over the plan period to 2036. The consultation identified a residual housing target of 105 dwellings to be delivered over the plan period. **The allocation of land off Dereham Road as the Council's preferred** location for growth will make a valuable contribution towards delivering the requirements of the settlement. In this context, it is currently anticipated that the site will deliver approximately 50 dwellings (once flood mitigation measures are incorporated).

3.2.3 It is disappointing that the MNP has not taken account the direction of the emerging Local Plan. The PPG specifically states that

'...although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- The emerging neighbourhood plan
- The emerging Local Plan
- The adopted development plan

with appropriate regard to national policy and guidance.'

- 3.2.4 The lack of consideration given to the **emerging BLP is a key failing of the MNP's preparation and** whether it is able to contribute towards the delivery of sustainable development (basic condition (d)) and its regard to the advice and guidance issued by the Secretary of State (basic condition (a)).

## 4 MATTISHALL NEIGHBOURHOOD PLAN

### 4.1 Context

4.1.1 These representations are made in response to the current consultation on the submission version of the MNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This section highlights the key points that Gladman would like to raise with regard to the content of the neighbourhood plan as currently proposed.

### 4.2 Neighbourhood Plan Policies

#### Policy ENV2: Important Views and Vistas

4.2.1 Gladman is disappointed to see that this policy has remained largely unchanged since the previous Regulation 14 consultation and take this opportunity to reiterate our previous concerns.

4.2.2 Gladman consider that new development opportunities can often come forward without eroding the loss of openness and character of the surrounding area and would therefore question whether the purpose of this policy is to prevent the delivery of otherwise sustainable and deliverable housing sites coming forward to meet housing needs.

4.2.3 **The advice and guidance issued by the Secretary of State is clear that ‘all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.’<sup>1</sup> As previously highlighted, policy ENV2 states that ‘Development within these views and vistas that is overly intrusive, unsightly or prominent, to the detriment of the views and vistas as a whole will not be permitted.’ This approach is considered to be in conflict with the advice contained in the PPG and also the requirements of the Framework which refers to the need for criteria based policies in relation to proposals affecting protected wildlife or geodiversity sites or landscape areas, and that protection should be commensurate with their status and gives appropriate weight to their importance and contribution to wider networks<sup>2</sup>.**

4.2.4 There is no evidence identify why the identified views are considered to be of particular importance. As such, they lack proportionate, robust evidence to support the choices made and the approach taken<sup>3</sup>.

4.2.5 Accordingly, this policy raises tension between the MNP and the direction contained in the emerging BLP to deliver housing need. Gladman recommend that this policy is deleted in its current form.

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<sup>1</sup> PPG Paragraph: 001 Reference ID: 50-001-20160519

<sup>2</sup> NPPF Paragraph 113

<sup>3</sup> PPG Paragraph: 040 Reference ID: 41-040-20160211

#### Policy ENV5: Distinct Villages

- 4.2.6 This policy seeks to retain a clear visual break between Mattishall and nearby settlements and villages. This policy states that development that significantly reduces this separation will not be permitted.
- 4.2.7 Despite Gladmans previous recommendations, the Working Group has decided to continue with the approach contained in the draft neighbourhood plan. Gladman submit that this policy is overly restrictive and would serve to act as a blanket approach to development beyond Mattishall despite the clear guidance issued by **the Secretary of State which states that 'blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'** There is no robust and proportionate evidence supporting the above policy.
- 4.2.8 Gladman submit that new development can often be located on the edge of settlements without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character.
- 4.2.9 Furthermore, this policy does not identify the extent of Policy ENV5 on a policies map. As such, this **policy is not in accordance with paragraph 154 of the Framework which states that 'only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.'** Accordingly, **this policy will likely lead to inconsistencies in the decision making process as a decision maker will unlikely be able to apply this policy consistently and with ease.**
- 4.2.10 Gladman recommend that Policy ENV5 is deleted as it is inconsistent with basic conditions (a) and (d).

#### Policy ENV6: Tranquillity and dark skies

- 4.2.11 Impacts arising from light pollution can be addressed through good design. Some forms of lighting are likely to be necessary to support the infrastructure associated with development proposals, for example lighting in relation to highway safety.
- 4.2.12 **Whilst Gladman accept that 'tranquillity' is referred to in §123 of the Framework, Policy ENV6 provides no clarity on how this will be applied in a consistent manner through the development management policies. This policy does not identify specific areas but instead would cover the neighbourhood plan area in its entirety. Gladman recommend reference to 'tranquillity' is deleted.**

#### Policy ENV9: Flood risk and drainage

- 4.2.13 Whilst the aspirations of this policy are noted, development with regard to areas at risk of flooding are already adequately dealt with through the requirements of the Framework. The application of

these requirements will therefore be taken into consideration through the development management process when determining planning applications.

- 4.2.14 The areas identified as areas at risk of localised flooding can be mitigated and should not be a reason to refuse future planning applications. Indeed, detailed discussions with the Lead Local Flood Authority (LLFA) **with regards to 'Junction of Old Hall Road and Dereham Road' are ongoing and a drainage solution is likely to be demonstrated to the LLFA's satisfaction** that parts of the site at land off Dereham Road can be released for development without increasing the risk of flooding elsewhere.
- 4.2.15 Further, developers are not required to solve existing infrastructure issues (i.e. drainage) and are only required to mitigate the adverse impacts of development in accordance with §204 of the Framework. Any improvements in this regard will be dealt with by the respective sewerage undertaker.

#### Policy HOU1: Size of individual developments

- 4.2.16 **Policy HOU1 states that 'Small-scale proposals of up to 12 homes are preferred. Proposals of 13-24 are potentially acceptable and those over 24 are not acceptable.'** Gladman submit that HOU1 unnecessarily restricts the scale of development proposals coming forward to meet identified housing needs. At present, the emerging Local Plan confirms a need for 141 dwellings and this should be read in conjunction with the minimum housing target confirmed in emerging Policy PD02.
- 4.2.17 Indeed, it is important to note that the preferred option for development identified land south of **Dereham Road as the Council's preferred option for future development in the local area. As such,** the MNP should have had regard to the direction of the emerging Local Plan as advised by the PPG.
- 4.2.18 Gladman do not consider the proposed approach to be in accordance with the basic conditions. The MNP does not seek to identify land for housing development and brings in to question whether there is sufficient parcels of land capable of meeting the housing target for the local area. Gladman also question why development over 24 dwellings are not acceptable. The direction of the emerging BLP is clear that development of up to 65 dwellings<sup>4</sup> is appropriate at land south of Dereham Road, whereas Policy HOU1 as currently drafted, would seek to limit sustainable growth opportunities contrary to basic conditions (a) and (d).
- 4.2.19 Gladman recommend that this policy be deleted.

#### Policy HOU2: Phasing of Development

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<sup>4</sup> Once flood mitigation is incorporated, it is likely that the land south of Dereham Road will be able to deliver approximately 50 dwellings.

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- 4.2.20 Policy HOU2 outlines the intention to phase the delivery of housing over the plan period to no more than 5-6 dwellings per annum. The result of this policy will act to artificially suppress the delivery of development in the early years of the plan period and is not an effective response to delivering sustainable development. The Framework is clear in its intention to boost significantly the supply of housing. The Government's **intention to stimulate housing growth is further enshrined in the recent Housing White Paper. Indeed, this matter is further supported by the BDC's decision to allocate land south of Dereham Road for residential development.** The intentions of national policy are clear therefore, and the application of a phasing policy without proper evidence is in conflict with the very principles of national policy.
- 4.2.21 In addition, Gladman consider that the phased approach to development would threaten the overall deliverability of the Plan. Indeed, this policy as proposed allows no flexibility or opportunity to ensure the housing target for Mattishall can be met in full. Indeed, we would question how this policy can be brought into force when there is housing need not being addressed by the neighbourhood plan.
- 4.2.22 Gladman submit that policy HOU2 is inconsistent with basic conditions (a) and (d) and should be deleted.

Policy HOU3: Housing types

- 4.2.23 In principle, Gladman support the intention to ensure that a varied approach to the type and size of dwellings is delivered. However, the MNP does not identify what the specific housing needs are and how developers are expected to meet this requirement. Instead it is recommended that policy HOU3 is replaced with the following wording

**'Development proposals will be supported where they assist in the delivery of housing that encompasses a sustainable mix of dwelling types and sizes**

In particular, development proposals will be supported where they assist in delivering a wide choice of high quality homes such as opportunities to downsize, upsize or assist in the delivery of housing **for first time buyers.'**

- 4.2.24 In addition, we would question the requirement to provide plots for self-build. No evidence supporting the need for self-build **is included in the Plan's evidence base for demand for this type** of housing. As such, Gladman recommend the deletion of criteria d). It may be more suitable if a **separate policy was included which instead seeks to 'encourage'** self-build opportunities.

Policy HOU4: Affordable housing

- 4.2.25 Gladman recognise the importance of this policy to deliver affordable housing to meet local needs. The policy as currently drafted is unclear however and should be redrafted to make clear that support should be given to proposals that meet the district level requirements of affordable



housing. Requiring in excess of policy requirements may not be CIL compliant or financially viable for the developer. In this context, it is noted that the local plan affordable housing policy targets have to be subject to detailed viability testing.

## 5 OTHER MATTERS

### 5.1 General Comments

5.1.1 Notwithstanding the comments made in section 4.1, Gladman supports many of the objectives and **aspirations of the plan. In particular, we support the Plan's intention to improve many of its services** and facilities which are needed to ensure the viability and vitality of the settlement continues for future generations. It is therefore to see concerning that the Plan does seek to allocate any land for housing or economic development that will assist in the delivery of these aspirations and brings into question whether these aspirations will be delivered without the appropriate level of financial contributions that can be brought about via residential development.

### 5.2 Consultation statement

5.2.1 Gladman note the Mattishall Neighbourhood Plan – Community Responses to the Draft Neighbourhood Plan dated October 2016 acknowledges the representations previously submitted by Gladman to the Regulation 14 consultation. However, it is disappointing to see that the Working Group have not sought to address any of the issues raised by Gladman in our previous submission. Outstanding objections to the Plan therefore remain and have not been resolved.

5.2.2 The principles of fair consultation proceedings have been set out for many years and recently confirmed by the Supreme Court in R(Moseley) v LB Haringey [2014] UKSC 56. In this instance, the Supreme Court endorses the Sedley principles which state that in order for a consultation to be fair, a public body must ensure:

1. That the consultation must be at a time when proposals are still at a formative stage;
2. That the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
3. That adequate time is given for consideration and response; and
4. That the product of consultation is conscientiously taken into account when finalising the decision.

5.2.3 The fourth Sedley requirement is pertinent to this current consultation as the supporting **consultation statement does not make any reference to Gladman's earlier submission**, nor have the Working Group considered the contents of the response. It does not 'reveal the quality and effectiveness of the consultation that has informed the plan proposals'<sup>5</sup> or 'representations made during the pre-examination publicity period.'<sup>6</sup>

5.2.4 This is a fundamental breach of the fourth Sedley requirement set above (as followed in R(Silus Investments SA) v LB Hounslow [2015] EWHC 358 (Admin), [57]) and a breach of the PPG

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<sup>5</sup> PPG Paragraph: 007 Reference ID: 41-007-20140306

<sup>6</sup> PPG Paragraph: 082 Reference ID: 41-082-20160211

requirements under 41-047, 41-088 and 41-080 which collectively make clear that all representations must be taken into account.

- 5.2.5 As Gladman have demonstrated, we had previously sought to engage with the Parish Council yet these concerns have not been addressed nor have they been properly considered by the Working Group. These concerns are still outstanding and need to be addressed through the withdrawal of the neighbourhood plan and consideration of the issues presented and effective consultation prior to submitting the Plan to examination.

## 6 STRATEGIC ENVIRONMENTAL ASSESSMENT/SUSTAINABILITY APPRAISAL

### 6.1 Context

6.1.1 The preparation of neighbourhood plans falls under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations), that may require a Strategic Environmental Assessment (SEA) **to be undertaken where a Plan's proposals would likely result in** significance adverse environmental effects.

### 6.2 Preparation of Sustainability Appraisal

6.2.1 The preparation of Neighbourhood Plans falls under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), that require a Strategic Environmental Assessment (SEA) **to be undertaken where a Plan's proposals would likely result in significant** adverse environmental effects. Gladman commend the Parish Council for undertaking a Sustainability Appraisal (SA) incorporating the SEA requirements into a single document to help demonstrate how the Neighbourhood Plan will contribute to the achievement of sustainable development.

6.2.2 Through the SA/SEA, the Parish Council should ensure that the results of the SEA/SA process clearly justify its policy choices. In meeting the development needs for the area it should be clear from the results of this assessment why some policy options have progressed and others have been rejected.

6.2.3 The SEA/SA is a systematic process that should be undertaken at each stage of a Plans preparation. **It should assess the effects of a neighbourhood plan's proposals and whether they would be likely** to have significant environmental effects and whether the Plan is capable of achieving the delivery of sustainable development when judged against all reasonable alternatives.

6.2.4 The SEA/SA should be able to clearly justify its policy choices and it should be clear from the results of the assessment why some policies have been progressed, and others have been rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, **in the same level of detail for both chosen and rejected alternatives. The Parish Council's decision** making and scoring should be robust, justified and transparent.

### 6.3 Mattishall Neighbourhood Plan – Sustainability Appraisal

6.3.1 Whilst Gladman previously commended the Parish Council for undertaking a Sustainability Appraisal (SA) incorporating the SEA requirements into a single document to help demonstrate how the Neighbourhood Plan will contribute to the achievement of sustainable development, we still consider that this document is inadequate and is not sufficiently robust to meet the requirements of SA. The Draft SA is far too simplistic, minimalist and appears more to be a tick box exercise, rather than an informative approach to plan preparation.

- 6.3.2 Gladman believe the SA is fundamentally flawed in relation to the assessment of reasonable alternatives, with a very limited narrative at paragraph 4.2 and very little evidential analysis or scoring that underpins the choices, and clarity of the decision that it makes.
- 6.3.3 **The SA report only purports to assess two options the preferred approach and a ‘do nothing’ alternative** i.e. if there was no Neighbourhood Plan. Gladman consider that the SA merely provides **a cursory assessment of the Plan’s preferred approach with no consideration of a ‘do nothing’ approach** or any other reasonable alternative i.e. reasonable alternatives in terms of individual potential housing allocations. No assessment of reasonable alternatives has therefore been undertaken and therefore this piece of evidence is not a qualifying SA.
- 6.3.4 It is therefore fundamental to the Plans progression that reasonable alternatives are explored through the SEA/SA process in a meaningful manner, to ensure that the plan does not, as it would appear to do so through the use of several policies, restrict the deliverability of sustainable housing growth in suitable location. It is with regret that this will likely mean that the neighbourhood plan will need to be subject to further SEA work before the Plan can progress to meet its legal compliance.

## 7 SITE SUBMISSION

- 7.1.1 **The Parish Council will be aware of Gladman's land** interests in Mattishall at land off Dereham Road. A location plan is contained in Appendix 1 of this submission.
- 7.1.2 The site is considered suitable, achievable and sustainable and is capable of accommodating sustainable growth to meet housing needs. An outline planning application (ref: 3PL/2014/1143/O) was validated by the Council on 29<sup>th</sup> October 2014 for up to 90 dwellings. This application was **reported to the Council's Planning Committee and refused on 19<sup>th</sup> January 2015.**
- 7.1.3 **Despite the Council's reasons for refusal** a second outline application (ref: 3PL/2015/0498/O) has been submitted to the Council for a reduced scheme of up to 65 dwellings and associated community infrastructure. The current application proposals directly respond to the issues raised by Breckland District Council in its formal decision notice on the earlier planning application. It is important to note that the Council raises no issue in respect of development in this location and is **now a preferred approach to meeting Mattishall's housing needs** in the emerging BLP.
- 7.1.4 It is noted that there is an outstanding issue in relation to the site in respect of flooding and the LLFA objected to the application proposal for up to 65 dwellings. Detailed consultations with the LLFA are ongoing but it is anticipated that the site will be able to deliver approximately 50 dwellings acceptably along with flood mitigation.
- 7.1.5 The proposals offer the opportunity to deliver sustainable growth to meet housing needs for market **and affordable housing. Further, the delivery of the scheme will help assist delivering the MNP's** wider aspirations and goals. The delivery of the proposed development at land off Dereham Road will bring real benefits to the local community, including:
- The delivery of market and affordable housing in a sustainable location to meet identified housing needs. This will enable members of the local community to access the housing market locally rather than being forced to move away due to a lack of available housing.
  - The provision of new public open space that is not currently available to residents along with more informal recreational space and landscaping to meet the needs of existing and future residents.
  - The scheme will be kept open enhancing existing landscape views.
  - The creation of a high quality residential development which provides enhanced permeability within the local area, through the creation of footpath and cycle links whilst respecting the character of the surrounding area.
  - The delivery of this scheme will result in significant benefits for the local community and the surrounding area including the provision of New Homes Bonus payments, increasing the economic activity of the area through the construction phase and increased patronage to local services and facilities. This will help ensure that the operational capacity of the services and

facilities in Mattishall contributing to the overall viability and vitality of the local area for future generations.

- 7.1.6 The above outlines only some of the key benefits that development in this location will provide and we therefore request that the Parish Council give its full regard to the pending planning application and its potential to be included within the Neighbourhood Plan as a housing allocation.

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## 8 CONCLUSIONS

### 8.1 Assessment against the basic conditions

8.1.1 Gladman recognise the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national policy and the up-to-date strategic requirements for the wider local authority area.

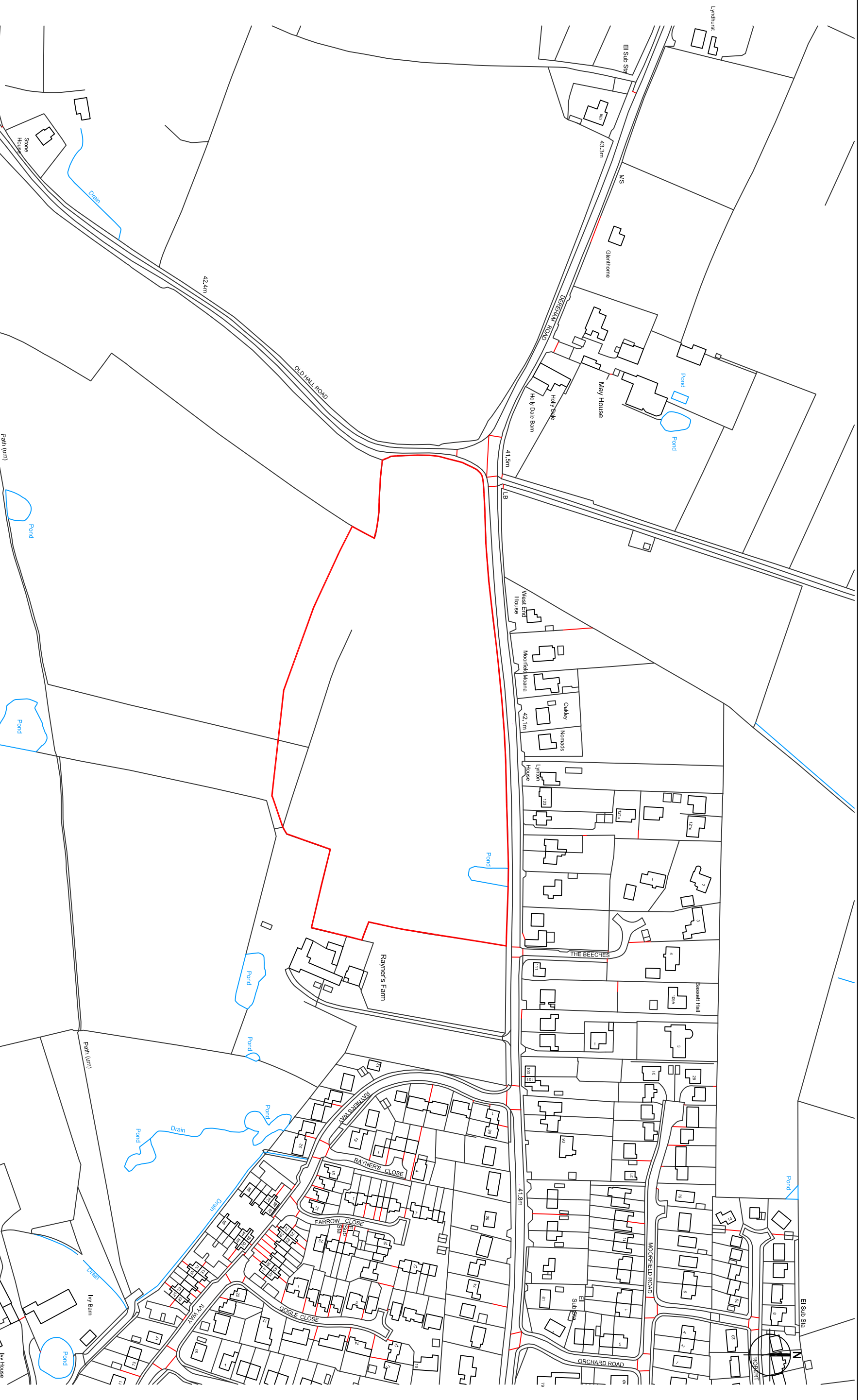
8.1.2 Through this consultation response, Gladman have sought to reiterate the comments previously raised in our response to the Regulation 14 consultation. It is not considered appropriate for the MNP to progress to Examination in its current form. These issues could have been addressed **through the consideration of Gladman's representations submitted to the Regulation 14 consultation. Whilst the 'MNP Community Responses to the draft Neighbourhood Plan' (October 2016) identifies that the Working Group acknowledge receipt of Gladman's previous representations**, there has been no consideration of the issues raised and steps needed to be taken to address the contents of the neighbourhood plan.

8.1.3 Through this consultation response, Gladman have sought to clarify the relationship of the MNP as currently proposed with the requirements of national planning policy and the wider development needs and strategic policies set out in the emerging Breckland Local Plan. Whilst the MNP is being brought forward before an up-to-date Framework and PPG compliant Local Plan is in place for the wider authority area, the Parish Council should have regard to the direction the emerging Local Plan is seeking to take through collaboration with Breckland District Council in order to minimise the potential conflicts that can arise as the Local Plan progresses.

8.1.4 As highlighted throughout this response, the Council's **preferred approach to meeting housing** needs is the delivery of land off Dereham Road. However, the Plan makes no provision for this site. Accordingly, the Plan is not considered to have sufficient regard to the direction in the emerging Local Plan and is therefore considered contrary to basic conditions (a) and (d). Gladman recommend that the Working Group take this time to address these issues and that a further round of Regulation 16 consultation is undertaken. Gladman take this opportunity to reiterate our offer to assist the Parish Council in preparing the draft neighbourhood plan and invite the Parish Council to contact us in this regard.

8.1.5 Notwithstanding the above, should the Plan proceed to Examination in its current form then it is considered that a hearing will be required to address these issues in a public format.





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Status	Rev	Date	By	Revision notes
	A	03/07/14	PG	Site area increased
	Site area increased			

Project	<b>Dereham Rd Mattishall</b>
Title	<b>Location Plan</b>

Drawn by	Issue date
Pg	08/04/14
Scale(s)	1:2500 @ A3
Drawing No	2014-055-002