

Croxton and Brettenham & Kilverstone Joint Neighbourhood Development Plan

Independent Examiner's Clarification Note

Context

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan is well-presented. It provides a clear and distinctive vision for the neighbourhood plan area. Its focus on character, design and open spaces sits comfortably within the strategic context provided for the neighbourhood area by the development plan. The Plan seeks to add value to the proposed SUE.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification. They are designed for the parish councils. The comments that are made on these points will be used to assist in the preparation of my report and any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. Breckland District Council may wish to comment on the second bullet point in JNP11.

Policy JNP1

I can see that the policy extends across the Plan area. Nevertheless, might its clarity be improved if it made a clear distinction between development within the SUE and that elsewhere?

In the first paragraph what is the 'relevant' settlement? Do you mean Croxton, Brettenham and Kilverstone?

In the fourth paragraph are criteria a) and b) too prescriptive? Might they stifle innovation and good design? Have they had regard to paragraphs 56- 60 of the NPPF?

I can understand the approach adopted in the final paragraph of the policy. Nevertheless, as submitted it is not couched in policy language. I am minded to recommend a modification to correct this matter subject to any comments which you may have.

Policy JNP2

To what extent if any does the policy take account of the existing information and intelligence about housing densities in different parts of the neighbourhood area?

What does the final sentence of the first paragraph of the policy mean for development management purposes? What is the intended impact on acceptable densities if services and facilities are greater in one area than another? What are the 'services' and 'facilities' to which the policy refers?

The final paragraph of the policy is supporting text rather than policy. I am intending to recommend a modification accordingly. Do you have any comments?

Policy JNP3

What is 'unsuitable development' as mentioned in the second paragraph of the policy?

Policy JNP4

I can see that this policy is central to the Plan. Within this context I raise the following questions:

- How does the Plan propose to handle the tension between the design/density of an urban extension of Thetford on the one hand and the different rural character of the Plan area on the other hand?
- In this context how practical is the first paragraph of the policy?
- What is meant by 'urban style' elements of the SUE in the third paragraph of the policy? Will the SUE by definition be urban in style?

Policy JNP5

To what extent is the second paragraph more about process than policy?

In the third paragraph are the 'heritage assets' the same as those in Appendix B (see 4.29)?

Policy JNP6

The first paragraph reads as supporting text rather than policy. Was this your intention?

Policy JNP7

Does this policy add any distinctive local value to national or local policy?

Paragraphs five and six appear to be saying the same thing. In any event how could developers identify and mitigate 'rat running' given that it is both difficult to predict and not directly in their control?

Policy JNP8

The first paragraph of the policy reads well. The second part of the policy is more confusing.

Is its first paragraph necessary? Once the Breckland CIL is in place it will determine what developments will and will not contribute towards community infrastructure.

Is its second paragraph more about process than policy? Should it sit as supporting text?

In the final paragraph I understand the sentiments about the availability of facilities to existing and new residents. However, the planning process cannot address directly the community's use of such buildings. I am minded to recommend that the final part of the final sentence is modified so that it refers more loosely to accessibility with the existing wording being relegated to the supporting text. Do you have any comments on this approach?

Policy JNP9

I am minded to recommend that the existing sites should be identified in the policy and on a map base. Do you have any comments?

Is the implication of the first part of the policy that the two sites would be protected by resisting proposals other than for employment uses (where planning permission is required)?

In the second paragraph of the policy what is meant by 'the social fabric of the parishes'? How could this element of the policy be interpreted in a clear and consistent way by the District Council throughout the Plan period?

Policy JNP10

To what extent do you consider that the policy adds local distinctiveness over and above national and local (Breckland) policies?

As I read the opening part of the policy it would apply to the vast majority of planning applications that will be received during the Plan period. Several questions arise:

- Was that your intention?
- If so is the approach both reasonable and proportionate?
- If not, would the basic conditions better be met if the policy identified thresholds at which it would apply?

Policy JNP 11

I can see the intended extent of the Protected Areas on Map 6 and the justification as described in 4.53-4.55. However:

- To what extent is the policy approach necessary over and above the policy approach in national and local policy in relation to the countryside?
- To what extent might the housing land supply position in the District have a bearing on this matter?
- Has the policy approach taken account of the independent examiner's approach on a similar policy in relation to the Yaxham NDP?

Policy JNP13

I am struggling to identify the proposed Local Green Spaces on the maps in the appendices. They refer to Open Spaces. Can they be separately identified?

Has an assessment of the relationship of the proposed LGS to the criteria in paragraphs 76 to 78 of the NPPF been undertaken?

As submitted the policy does not identify the policy implications of designating LGS. Was this the intention of the policy? Otherwise it is not a policy.

JNP 14

The principle of the policy meets the basic conditions. However, some of the criteria in the third paragraph appear to repeat matters addressed in the initial paragraph. Was this your intention?

Representations made to the Plan

Does the Parish Council wish to make any observations on any of the representations made to the Plan?

Protocol for responses

I would be grateful for comments by Friday 18 May 2018. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by Breckland District Council and make direct reference to the policy/issue concerned.

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Independent Examiner

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