

Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan

**Response of Croxton and Brettenham & Kilverstone Parish Councils to Independent
Examiner's Clarification Note.**

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?

Parish Council Response:

This policy is specifically aimed as a general design policy that can be as easily applicable both inside and outside of the SUE. The elements it covers are relevant to development both inside and outside of the SUE and therefore putting those aspects together in one policy reduces the need for repetition in policies. Policy JNP4 is a policy specifically covering issues only relevant to the SUE. The Parish Councils are also mindful that an outline permission for the SUE is in place and that Policy TH20 of the Thetford Area Action Plan (TAAP) already sets out the strategic design principles for the SUE and therefore this does not need repeating in the JNP. The important element for us in this policy is that where new development edges are to be created that they are sufficiently soft to enable their sensitive assimilation into the countryside e.g. through the use of planting and landscaping

If the Examiner is minded to make a clear distinction between the two we would not object provided this point is not lost.

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

Parish Council Response:

Yes.

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?

Parish Council Response:

We don't believe that they stifle innovation nor are they onerous. But they do challenge developers to think creatively and positively and are pushing for innovation which is what creating new design is all about. Both elements of the policy referred to above have been retained in other Neighbourhood Plans within Breckland e.g. Yaxham. Both elements contribute towards creating dwellings that people will want to live in. It is not unreasonable

to provide sufficient outside space to accommodate the needs of the new residents in terms of their health and wellbeing – this will depend upon the size of the house, number of bedrooms, whether it is a family house etc. Clearly where flats are proposed this criterion may not be applicable. In terms of the second criterion given the widespread use of wheeled bins for waste collection it is perfectly reasonable to expect an alternative access to a rear garden either at the side or the rear rather than expecting them to be wheeled through a house. The same for other common garden items e.g. sheds, patio furniture, paving, trampolines, swings etc. Again, where a rear garden is not proposed this criterion would not apply.

Regard has been had to the NPPF; paragraph 60 talks about not imposing architectural styles or tastes or stifling innovation. We don't believe that asking for alternative access to a rear garden or sufficient outside space to accommodate the needs of the residents is inconsistent with this paragraph. What the policy does try to do is create an environment and a form of development that meets the needs of its inhabitants and provides sufficient access and space to contribute to their wellbeing. This is consistent with para 58 of the NPPF which refers to creating safe and accessible environments and to creating attractive and comfortable places for people to live, work and visit.

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.

Parish Council Response:

Agree to recommended modification provided that the spirit of what is trying to be achieved here is not lost.

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?

Parish Council Response:

Policy recognises that there is already a permission in place for the SUE (3PL/2011/0805/O) which has an indicative density plan attached to it and therefore scope to influence density is limited as overall numbers have been agreed. Paragraph 20.6 of the Adopted Thetford Area Action Plan refers to an average density across the SUE of 37dph net and the indicative density plan has a range of densities from 25-30dph to 50-60dph. The density plan currently shows higher densities towards the centre of the development and where new development immediately adjoins the built-up area of Thetford the density mirrors that of the adjoining

existing development. Where development is proposed adjacent to open countryside the densities are lower. This policy seeks to maintain that lower density at the edges of the proposed SUE where it interacts with open countryside, mindful that a detailed application/reserved matters could seek to amend that current density plan.

The Character Appraisals produced for each parish also refer to the scale, form and orientation of each of the Character Areas.

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?

Parish Council Response:

This policy takes its lead from Policy TH20 of the TAAP, under Townscape criterion iv) in relation to the SUE and from the indicative Density Plan for 3PL/2011/0805/O). Dwellings that are proposed to be closer to proposed community facilities and services will be at a higher density to ensure as many people can easily and sustainably access those facilities as possible and that dwellings on the edges of the site or further away from those facilities will be at a lower density to reduce the number of people who may need to access them using less sustainable transport options. The services and facilities envisaged are the primary centre shown on the indicative density plan and existing facilities in the area such as Tesco on Norwich Road and the Thetford Academy School site on Croxton Road.

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?

Parish Council Response:

No, agree to modification provided that the importance of a gradual transition of density is not lost.

Policy JNP3

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

Parish Council Response:

"Unsuitable" development" is development that would not comply with the policies of the plan and is therefore not sustainable. The word "unsuitable" is superfluous and could be removed.

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?

Parish Council Response:

This policy is central to the Plan. The aim is to create a development that respects both the urban form of Thetford but also the rural character of the plan area and to do this through variations of density (hence why no prescriptive figure is contained within the policy) and the concept of a gradual transition between the current urban edge (where you would expect higher densities or those compatible with the adjoining existing development), higher densities around key services and facilities as outlined above and lower densities at the edge of the development where there is the interface between urban and rural. The indicative density plan that is approved under 3PL/2011/0805/O reflects this mix and variation of density (although it could be improved at the rural edges). (See also response to JNP 2 above)

- In this context how practical is the first paragraph of the policy?

Parish Council Response:

The first paragraph is fully practical and implementable. We accept it sets a high bar for creativity but the creation of a development of circa 5,000 houses will have a significant impact and great care around its assimilation into its environment will need to be taken. There is nothing in first paragraph that is not achievable. The form, style and character of the relevant parish have been documented in the Character Appraisal and are set out in JNP12 and JNP15. They are not overly prescriptive but provide enough information for a developer to take a lead from.

- 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?

Parish Council Response:

Clearly the SUE will need to reflect the urban form of Thetford however it is being created on a green field site on the edge of a rural market town with a wide rural hinterland. This element of the policy is referring to the edges of the development – it might aid clarity if the word "rural" was included before "edges" as the policy is seeking to dissuade the use of overtly

urban design elements here (e.g. 2m close boarded fencing, large tracts of walling, paving, gate pillars) in favour of softer more rural elements (tree planting, low fences or walls, verges, grassed areas) consistent with the points made about transition and density above.

Policy JNP5

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

Parish Council Response:

The second paragraph is process orientated however, we consider that this issue is a very important one for the JNP area and wanted to enshrine in policy precisely how we expect the policy to be interpreted and give developers and applicants help in achieving its implementation. This policy is supported by Historic England.

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

Parish Council Response:

Yes

Policy JNP6

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

Parish Council Response:

We don't agree that it reads like supporting text. It is an introductory paragraph to a policy which provides context and background, and which clearly sets out the what the policy is requiring and why.

Policy JNP7

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

Parish Council Response:

This policy has been amended because of representations made at Informal Stage or REG 14. Agree that this policy lacks specificity although it sets out the intentions in relation to transport issues. The policy is seeking to influence developers at an early stage and to encourage them to think about the potential impacts on traffic in rural areas that could be generated by their developments.

Recent local traffic surveys in all three parishes have highlighted an increase both in traffic numbers and in vehicle speed.

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?

Parish Council Response:

Agree that paragraphs 5 and 6 could be streamlined. Developers through early engagement with local communities and the highway authority, could identify where current rat running is occurring and then ensure their proposals are designed not to exacerbate existing problems but possibly to even alleviate them.

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.

Parish Council Response:

This paragraph has been amended as a response to previous consultations which suggested more specificity. Breckland does not currently have a CIL and the Local Plan is currently at Examination. It is unclear from the current Local Plan Examination process when or if a CIL for Breckland may be introduced. It may be some time before a CIL is in place and previous work carried out in 2013 indicated that a CIL for Breckland might exclude the Thetford SUE because of the infrastructure costs associated with the development coming forward. The Examiner may find it helpful to clarify this point with Breckland.

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

Parish Council Response:

Agree it is a process point however, the Parish Councils were not included in any discussions about S106 contributions for outline permission for the SUE and were keen to use any mechanism to ensure that the situation does not reoccur. We would not object if the Examiner wished to move it to 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?

Parish Council Response:

Accept the point.

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?

Parish Council Response:

Agree that this would aid clarity to identify the sites both in the policy and on a map. Access to and creation of maps has been problematic for the Parish Councils throughout this process so any assistance from Breckland Council in providing this would be greatly appreciated

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)?

Parish Council Response:

Yes

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?

Parish Council Response:

Accept that the phrase is difficult to define although it has been present since the informal draft. Accept that community cohesion could be a better phrase or alternatively the Examiner may wish to remove text between "encouraged" and "provided".

Policy JNP10

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

Parish Council Response:

This policy has been included as a result of consultation response from Norfolk County Council in their role as Lead Local Flood Authority but accept that it is similar to proposed Policy ENV09 in the Emerging Local Plan.

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?

Parish Council Response:

Whilst initially this policy applying to all applications received within the JNP area may seem onerous, in reality this will be very few. The SUE is covered by a single outline application and although further applications will be required they will be of a significant scale and could therefore have significant impacts and will need to consider the issue carefully in any event. Other applications in the rural parts of the three parishes are likely to be small-scale however there are areas of existing concern particularly in The Street in Croxton and therefore even a single dwelling in this location could exacerbate an existing problem and therefore the approach has merit. We would accept that a policy threshold could be used or indeed a spatial one e.g. lower threshold in areas where current localised flooding problems are known to exist. These could be identified through consultation with the Parish Councils.

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?

Parish Council Response:

Whilst the areas are within the "Brecks" which is recognised as an important landscape and is offered a degree of protection in the emerging Local Plan. The Breckland Landscape Character Assessment Settlement Fringe 2007 records the area between Croxton and Thetford, as being of low or moderate sensitivity to the future growth of Thetford and that in the context of the Brecks as landscape as a whole it is not the most important in terms of landscape quality. Therefore, we consider that policies that protect the countryside and landscape in times of a shortage of land supply for Breckland may not on their own be strong enough to prevent further development to the north of the A11. The fact that this area is close to one of the main A11 Thetford Junctions was seen as an advantage by the landowners when it was previously promoted for development.

The second Protected Area (Brettenham/Kilverstone) is identified by the Landscape Study mentioned above as being more sensitive to the future growth of Thetford. However, if the urban area around Thetford is to continue to grow above and beyond the area currently identified as the SUE whilst there are several options for further expansion there are also some key issues associated with them.

Development to the north towards Croxton north of the A11 may present transport constraints, development to the south of the town was previously rejected due to impacts on Stone Curlews. Further options to the south could be restricted due to the county boundary with Suffolk and fall outside of the Breckland administrative area. Therefore, further expansion of the SUE towards the east may become a preferred option and therefore policies that protect the countryside may not on their own be strong enough to prevent development here.

Both the Protected Areas are within the same ownership (Crown Estate and Kilverstone Estate) as land that is currently identified within the SUE. The areas were actively promoted during the early stages of the Breckland Core Strategy and Site Specifics documents and were the subject of consultation options during the early stages of the Thetford Area Action Plan. They have also been put forward for development at early stages of the emerging Local Plan. It has been the stated intention of the agents for both landowners that they wish to see them developed at some point in the future and therefore it is not unreasonable to expect them to be further promoted at a point within this Plan period once the current extent of the SUE is built out or even if it should fail to come forward. The reasons for their rejection during the TAAP process was that more suitable sites were available (those currently identified as the SUE) and they were not therefore needed to meet the housing land targets for Breckland at that time. However clearly if the land supply targets are not being met that situation could change

The Housing land supply is a key influence on any decision for new housing development of any scale and is an important consideration here. Whilst there has been agreement for considerable time over the location of the SUE through the collaborative working during the

development of the TAAP, despite the TAAP being adopted in 2012, outline permission for the SUE wasn't granted until 27th November 2015 and only in outline. There are considerable infrastructure costs and challenges in bringing the site forward and further applications are still anticipated.

Whilst any dwellings have yet to be constructed on the SUE, other sites that had previously been rejected through the TAAP process have now come forward as applications e.g. 3PL/2017/0578/O for 115 dwellings adjacent to Arlington Way which is pending determination. This site has been previously rejected through the TAAP process (in favour of land that is now identified as the SUE) on the grounds of impacts on protected birds principally the Stone Curlew. However, indications from Breckland Council are that the ecological issues can now be mitigated and that the outstanding issues are matters of detail related to highways and drainage. There is some irony, in a plan led system that this previously rejected site could be permitted, and the 115 dwellings constructed before the first tranche of 343 dwellings in the SUE identified in the TAAP (and the emerging Local Plan), is completed (or even begun).

There is a concern that the with development in the SUE still some way off that a lack of a 5-year land supply in Breckland may encourage developers to submit speculative applications on previously rejected sites and that these may be looked upon more favourably in that context by either the LPA or Inspectors than previously resulting in pressure for development north of the A11 towards Croxton or east of the current SUE along Kilverstone Lane. Development in both locations would lead to continuous development from Thetford town centre into the current built settlement of all three villages and they would lose their distinct identity and character. Therefore, the Parish Councils consider that it is pragmatic to address this situation in the JNP.

In preparing the JNP the Parish Councils have been mindful of the Yaxham NP Examiner's approach.

We are content that there is a need for a gap between Thetford and Croxton and Thetford and Kilverstone and Brettenham. The settlements are currently visually and functionally distinct.

There is strong evidence of development pressure in the area and that sites previously rejected in early development plans are now coming forward as applications and being received more favourably than previously due to a lack of a 5-year land supply in Breckland and progress on the development of the SUE being slow. Both areas have been actively promoted for development in the past. Whilst the areas are protected from development by local and national policies for development in the countryside, evidence suggests that when faced with a shortfall in a 5-year land supply that countryside protection policies alone are given limited weight. Whilst both areas fall within the Brecks which is recognised an important landscape in the emerging Local Plan, the area between Croxton and Thetford in particular is less typical of the Brecks and in the context of the Brecks as a whole is not the most significant in terms of value. Thus, making it vulnerable to development pressure.

In summary:

Croxton – Protected Area 1

- *Previously promoted by Crown Estate for development through Breckland Core Strategy and the TAAP*
- *Located within the Brecks but not typical of it or of the highest landscape quality*
- *Landscape Identified as having lower sensitivity to the future growth of Thetford*
- *Development here would create continuous development between Thetford Town centre and Croxton Village*
- *The character of Croxton would be significantly detrimentally harmed.*
- *Croxton and Thetford are distinctly different settlements*
- *Development of the SUE is taking longer than previously envisaged*
- *Development of Thetford currently retained inside the A11 Bypass- once this perceived barrier is breached further development surrounding the village and engulfing it may follow.*
- *Area lies within Stone Curlew Buffer – although areas to the south of the town have previously been identified as being more suitable for Stone Curlews*
- *A lack of a 5-year land supply could outweigh the countryside protection policies alone should an application be submitted*

Kilverstone/Brettenham – Protected Area 2

- *Previously promoted by the Kilverstone Estate for future development and the next logical phase of the SUE*
- *Development retained inside the A11 bypass*
- *Historic development of Thetford in recent years has largely been to the east of the town and has begun to ribbon along Kilverstone Lane.*
- *Landscape has moderate/high sensitivity to the future growth of Thetford*
- *Area lies within Stone Curlew Buffer - although areas to the south of the town have previously been identified as being more suitable for Stone Curlews*
- *A lack of a 5-year land supply could outweigh the countryside protection policies alone should an application be submitted*
- *Brettenham and Kilverstone are distinct settlements with their own character which would be detrimentally harmed by further expansion of the SUE in this area.*

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?

Parish Council Response:

Agree that the maps could be clearer, and some have annotations in lieu of a key. Map production has been a specific difficulty during the JNP process and any assistance from Breckland Council in improving the maps would be greatly appreciated.

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

Parish Council Response:

Yes, this assessment was undertaken by the consultant who assisted in the drafting of the plan, but we did not include it within the Plan itself. See below

<i>Green Space</i>	<i>Proximity to Community</i>	<i>Local significance: visual, amenity, beauty, historical, tranquillity, wildlife or recreation value</i>	<i>Not an extensive tract of land</i>	<i>Comments</i>
<i>Croxton, High Tree Close</i>	√	√	√	<i>Surrounded by development, central to village; Informal recreation value and visual and amenity value</i>
<i>Brettenham, Village Green</i>	√	√	√	<i>Development immediately adjacent has recreational value – including play equipment (slide)</i>
<i>School Green, Rushford</i>	√	√	√	<i>Central to the village, development immediately adjacent, has visual amenity and historical value</i>
<i>Kilverstone Memorial Green</i>	√	√	√	<i>Central to the village, development immediately adjacent, has visual and historical value as it hosts listed water trough and War Memorial</i>
<i>Kilverstone Green hosting Village Sign</i>	√	√	√	<i>Hosts Village sign and acts as gateway to part of the village, historical value as part of entrance to Kilverstone Hall.</i>

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.

Parish Council Response:

We do not agree – the implications are that these areas have some form of local significance and contribute to the character of the area. The policy makes it clear that through their

designation as Local Green Spaces they will be protected from development. However, the Parish Councils would agree to another form of wording/modification to satisfy the Examiner's point and make the implications clearer. We feel the areas are important and they do not currently enjoy policy protection.

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?

Parish Council Response:

Agree the wording could be clearer and there is some repetition. It was not the specific intention to repeat matters but to emphasize them. We would not object to a modification from the Examiner on this point.

Representations made to the Plan

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

Representations made by Norfolk Geodiversity Partnership

The Parish Councils are aware that the Geodiversity Partnership is a small organisation and that it sadly lost one of its key personnel during the JNP production process and therefore did not respond to the REG 14 consultation despite being consulted. It is regretted that the comments made at REG16 stage had not been made at REG 14, as the Parish Councils would have sought to amend the policies to accommodate many of the points made. We would therefore not object if the Examiner was minded to make modifications to address any appropriate points made as he sees fit.

Representations made by Thetford Town Council:

The Examiner may be aware that a Community Governance consultation on Parish Boundaries in the Thetford area was being undertaken at the same time as the REG16 Consultation on the JNP. The first stage public consultation ran from 8th January 2018 until 16th March 2018. The second stage consultation is currently ongoing beginning on 16th April 2018 and closing on 22nd June 2018. The issue of the Parish Boundary of Thetford has been one that had been discussed for some time – the issue being that the limits of the built development will now extend beyond the existing Thetford parish boundary into Croxton, Brettenham and Kilverstone. This ongoing issue will have influenced many of the comments made by Thetford

Town Council and many of comments relate to governance; predominantly which organisation will receive/manage any developer contributions relating to the SUE, rather than land use planning matters. Other comments relate to issues outside of the JNP Area e.g. Thetford Railway station. The Parish Councils and Thetford Town Council are working together as part of the Greater Thetford Development Partnership which is the mechanism through which many of the non JNP comments can be addressed. We note that some of the comments made by Thetford Town Council are diametrically opposed to those of Breckland Council.

We invite the Examiner to come to his own conclusions on these matters.

Representations made by Andy Cruse:

Mr Cruse is a resident of Rushford. He recently stood for election to the parish council but was unsuccessful. This may have influenced his comments particularly those about specific Councillors.

He was invited to be part of the Character Appraisal Survey team having shown an interest in the subject at the Steering Group meeting when it was first discussed as an idea. He did contribute information to the Character Appraisal for Rushford although he used a different form of template to that used by the other survey teams. He has been credited with a contribution to the development of the Character Appraisal as some of his words and photographs were used. He has asked for his name to be removed from the credits in the Character Appraisal document.

Mr Cruse has attended Steering Group meetings and has expressed views on a wide range of issues; he attended the public exhibition at the informal consultation stage. He submitted comments at the informal consultation stage and also at REG16 but not at REG 14. His comments have all been considered in detail by the Steering Group and a response to each comment made is included in the Consultation Statement, which he has seen. Mr Cruse believes that his comments have been ignored and disregarded. This is not the case and it has been explained to him that his views have been considered very carefully but that in many cases the Steering Group (the two Parish Council's sitting jointly) did not agree with the points he made or felt they could not be accommodated within the JNP and therefore did not make changes to the JNP that he might have expected to see. The two are subtly different points and his comments have not been ignored.

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.

Andrew Ashcroft

Independent Examiner

Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan

2 May 2018