Broadland District Council

Spixworth Neighbourhood Plan Examiner’s Report - Decision Statement

1. Summary

Following an independent examination, Broadland District Council has received the examiner’s report relating to the Spixworth Neighbourhood Plan. The report makes a number of recommendations for making modifications to policies within the Neighbourhood Plan. Broadland District Council proposes to accept each of the examiner’s recommendations, as set out below.

2. Background

Following the submission of the Spixworth Neighbourhood Plan to Broadland District Council in November 2019, the Neighbourhood Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place in December 2019 and February 2020.

The local planning authority, with the approval of Spixworth Parish Council, subsequently appointed an independent examiner, Peter Biggers, to conduct an examination of the submitted Neighbourhood Plan and conclude whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner’s report concludes that, subject to making certain recommended modifications, the Neighbourhood Plan meets the Basic Conditions and should proceed to a Neighbourhood Planning referendum.

3. Decision

Having considered each of the recommendations in the examiner’s report and the reasons for them, Broadland District Council has decided to approve all of the recommended modifications. This is in accordance with sections 12 of Schedule 4B to the Town and Country Planning Act 1990. The Council considers this decision will ensure that the Neighbourhood Plan meets the basic conditions.

The following table sets out each of the examiner’s recommended modifications, the Council’s consideration of those recommendations, and the Council’s decision in relation to each recommendation;
<table>
<thead>
<tr>
<th>Section</th>
<th>Examiner's recommendation</th>
<th>Council consideration of recommendation</th>
<th>Council decision</th>
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<tbody>
<tr>
<td>General Form and Content of the Plan</td>
<td><strong>Recommendation 1</strong> – 1A – Relocate the ‘Projects and Actions’ listed at the end of each policy theme in the plan to a new Appendix 1 at the end of the plan. Adjust the introductory text at the end of each section in 8.56, 9.44 and 10.12 and in paragraph 7.6 to simply signpost the list of community projects and actions in Appendix 1. Make consequent changes to the table of contents inserting the new Appendix 1. 1B – Update the Foreword and Sections 1 and 2 of the plan in respect of the process and stage reached. 1C – Replace and enlarge mapping within the plan ideally ensuring plans are at A4 size.</td>
<td>The Council agrees with the examiner’s rationale that in order to make a distinction between the policies and projects these modifications are necessary.</td>
<td>Accept examiner’s recommended modification.</td>
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<tr>
<td>Wider Spatial Context and Strategic Policy Context</td>
<td><strong>Recommendation 2</strong> 2A – Update SNP Map 5 on page 24 to be the same version as that used in Map 1 of the GTAAP. 2B – Amend paragraph 6.20 after the words ‘put forward’ to read “which is in Crostwick Parish but adjoins Spixworth village. See Map 7” 2B - Make new subheading to follow Map 7 “6.22 Spatial Vision” as for other subheadings in the section. 2C – Delete the last 2 lines of current paragraph 6.22 which will become 6.23 and replace with the following: “the intended response of the Spixworth Neighbourhood Plan to each JCS objective is set out in green” 2D- For the table text to provide a clear statement of the SNP intent there are a number of typographical/grammatical corrections that need to be made – see Appendix 2 below.</td>
<td>The Council agrees with the examiner’s rationale to correct errors and resolve the ambiguity whilst setting the spatial and policy context.</td>
<td>Accept the examiner’s recommended modification.</td>
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<tr>
<td>Neighbourhood Plan Policies</td>
<td><strong>Recommendation 3</strong> Reword the last sentence of paragraph 7.6 to read: “These potential projects are set out in Appendix 1 at the end of the plan to prevent the ideas........funding becomes available”</td>
<td>The Council agrees with this recommendation as it is linked to changes made in recommendation 1 to provide consistency.</td>
<td>Accept examiner’s recommended modification.</td>
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</tbody>
</table>
| Policy 1 Traffic Impact | **Recommendation 4**  
4A – Reword start of Policy 1 to state:  
"Major development proposals (10 or more dwellings and commercial floorspace in excess of 1000m2) will be expected to…."  
4B – Amend the start of paragraph 2 of Policy 1 to state:  
"Major development proposals will also…."  
| The Council agrees with examiner’s rationale that the policy, as originally worded, it is not clear and confused as to where it would be applied. The proposed recommendations address this issue. | Accept examiner’s recommended modification to the policy wording. |
| Policy 2 Sustainable Transport | **Recommendation 5** - Reword Policy 2 to read:  
"All new development should create opportunities to encourage the use of sustainable transport through the provision of footpath and cycle access within the site and which connects to the existing network of footpaths and cycleways, in particular where these link to schools, community facilities and recreational spaces.  
*All major development proposals should be located where there is access to public transport services."*  
| The Council agrees with the examiner’s recommendation, that as originally worded, the policy is not clear and unambiguous and places an unrealistic expectation on new development.  
The modification places a reasonable requirement on development and now meets basic conditions. | Accept examiner’s recommended modifications. |
| Policy 3 Flood Risk | **Recommendation 6**  
6A – Amend Policy 3 to delete the words ‘be accompanied by an appropriate flood risk assessment which gives’. Amend text to read  
"….hard surfacing should give adequate and appropriate …."  
6B – Insert at the end of the paragraph introducing the bullet points:  
"...including consideration to all of the following:"  
6C – Second bullet reword to read:  
"only locating development in areas at risk from flooding where the vulnerability of the proposed land use has been considered and it is compatible with the risk"  
| The Council agrees with examiner’s rationale that the original policy wording tried to set a higher test than that in the NPPF (para 163 & footnote 50) by requiring site-specific flood risk assessments (FRA) to be carried out on all sites. BDC agrees with the examiner that the NPPF Section 14 makes it clear what the requirement is for site-specific FRA and it is not necessary for that requirement to be repeated and exceeded in the Neighbourhood Plan. Therefore that element of the policy should be deleted.  
The modifications also seek to clarify that all bullet points in the list should be considered. | Accept examiner’s recommended modification. |
| Policy 4 Biodiversity | **Recommendation 7**  
7A – Delete the words ‘deliver a net gain in’ in line 1 of Policy 4 and replace with the word ‘enhance’.  
7B – Reword line 3 of Policy 4 to state:  
| The Council agrees with the examiner’s rationale that there is significant overlap between Policy 4 and 9 and therefore a rewording of | Accept examiner’s recommended modification to the policy wording. |
…to enhance connectivity for wildlife via links from the site to existing footpath and cycleway connections to the wider parish and countryside.”

7C – In Line 1 of paragraph 9.35 of the supporting text delete the words ‘an alternative’ and replace with the words “an additional provision…”

7D Delete the central section of Policy 4 from the words ‘Landscape proposals’ down to ‘landscape plans’ and the last sentence of the policy along with relevant supporting text from Section 9 of the SNP to Section 11. See recommended revised wording of both Policies 4 and 9 at Appendix 3 below.

Delete the words ‘prior to first occupation’ in the last sentence of Policy 4 when it is relocated and replace with the words ‘in the first planting season following occupation’.

Appendix 3 Recommended Revised Wording of Policy 4

“Policy 4 Biodiversity
Where green infrastructure is provided as part of any new development it should enhance biodiversity and connections with existing open space in and around Spixworth. All new development should maximise opportunities to enhance connectivity for wildlife via links from the site to existing footpath and cycleway connections to the wider Parish and countryside.
Features in developments that encourage flora, fauna, habitat and wildlife (such as ponds, hedgehog friendly fencing, bird boxes and bat tiles, etc.) will be supported”

Policy 5 Designation of Local Green Space

**Recommendation 8**

8A – Insert in the first line of Policy 5 after the word ‘Map’ the number ‘10’ so that it reads ‘as shown on Map 10 and Appendix 1…’ (Note - This will now be Appendix 2 if Recommendation 1 is applied)

8B – Delete sites 5 and 6 from Policy 5.

8C – Correct entries in Appendix 1 (Note - This will now be Appendix 2 if Recommendation 1 is applied) so entries correctly refer to the sites in Policy 5.

8D – Insert larger scale mapping for each LGS in the Appendix so that the boundaries and extent of the LGS are clear.

*Please note the numbering in the table entries at Appendix 1 of the policy to clarify the enhancement of biodiversity for wildlife and address timing issues for landscape proposals, leaves the intent of the policy unchanged and allows it to meet the basic conditions.

The Council agrees with the examiner’s recommendations to remove sites 5 & 6 from the policy for lack of evidence that they are demonstrably special as set out in the paragraph 100 b) of the NPPF.

The Council is also in agreement with the changes to the annotation in line with these modifications and the inclusion of detailed maps for each site.

Accept examiner’s recommendation to modify the policy.
| Policy 6 Open Space Management | SNP appears to be wrong as site 6 in the table appears not to relate to site 6 on Map 10 but to site 7 and this needs to be corrected. | The Council notes the examiner’s endorsement. | No modification necessary. |
| Policy 7 Great Places to Live | **Recommendation 9**
9A – Add after the references to specific documents in the introductory paragraph and clauses 1 and 8 of Policy 7 the following or similar wording: “… or subsequent updated documents and standards that replace these”
9B – Amend the start of clause 5 to read: “ensuring all new development which requires a new/additional connection to….”
9C - After the word ‘development’ in line 2 delete the rest of the sentence and replace with: “…or that capacity can be provided in time to serve the development.”
Note – see also minor typographical and grammatical corrections in Policy 7 at Appendix 2 below. | The Council agrees with examiner’s rationale and agrees that the modifications clarify points raised in the Regulation 16 response. | Accept examiner’s recommended modification. |
| Policy 8 Home Design | **Recommendation 10**
Modify the wording of Policy 8 as follows:
- After the word ‘including’ in line 1 add “those created through”
- Add at the end of clause 2 – “For conversions and flatted developments shared provision of external amenity space will be acceptable”.
- In clause 3 delete bracketed section at the end.
- In clause 4 after the word ‘within’ reword to read – “…the property curtilage and encouraged to include electric vehicle charging points and…”
- In clause 5 delete the words ‘each property’s curtilage and replace with – “the property curtilage”
| The Council commented that the appropriateness and proportionality of the requirements needed clarification, and it agrees with the examiners rationale that the modifications proposed will provide a clear and unambiguous policy. | Accept the examiner’s recommended modification. |
| Policy 9 Housing and Its Setting | **Recommendation 11**
11A – Retitle Policy 9 as – “Landscaping Development to Preserve and Enhance Its Setting”
11B - Relocate the text from the central section of Policy 4 of the SNP to Policy 9 to remove any duplication. (See the suggested wording of both policies at Appendix 3). | The Council notes the examiner’s rationale that the overlap with Policy 4 as originally worded fails to provide clear and unambiguous advice required the by the NPPF. | Accept examiner’s recommended modification to the policy wording. |
11C – Add justification as to the importance of protecting landscape character and setting into the supporting text to Policy 9 in Section 11 of the plan.

Appendix 3 Recommended Revised Wording of Policy 9

“Policy 9 Landscaping Development to Preserve and Enhance Setting

All new development (including through conversions, extensions and infill) should preserve and, where possible enhance the village of Spixworth and its landscape setting by:

1. Incorporating landscape proposals as an integral part of any development design in order to mitigate any visual impact of the development.
2. Seeking to retain mature trees and existing hedgerows. (Development that damages or results in the loss of ancient trees or trees of good arboricultural and/or amenity value will not be supported unless justified by a professionally prepared tree survey and arboricultural statement).
3. Replacing trees of similar amenity value within the Parish where removal of trees of recognised importance has been justified.
4. Ensuring boundary treatments reflect the distinct local character in relation to materials, layout, height and design. In areas where there is no boundary treatment and gardens are unenclosed, new development should seek to replicate this openness.
5. Major developments of 10 or more dwellings are encouraged to plan for at least 20% tree canopy coverage on open green spaces within the development’s landscape plan.

All landscape schemes should be implemented no later than the first planting season following occupation.”

It also agrees with the proposed modifications to reword Policy 9 and relocate supporting text to provide clarity.

<table>
<thead>
<tr>
<th>Policy 10 Roads and Parking</th>
<th><strong>Recommendation 12</strong></th>
<th>The Council acknowledges the examiner’s rationale for these modifications in order to provide clarity and resolve conflict with the basic conditions.</th>
<th>Accept examiner’s recommended modification.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>12A Insert full stop after the word ‘guidance’ in line 2 of Policy 10 and insert: “Development should enhance the highway and transport network in Spixworth by:”</td>
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</tbody>
</table>
conflict”…. Insert full stop after the word ‘play’ in line 3 and delete the rest of the sentence.

12C - Insert after the table in clause 4 the following: “In cases where the development site is in a location with good accessibility and good proximity to public transport a lower off-street parking standard may be accepted”.

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<thead>
<tr>
<th>Policy 11 Employment Opportunities</th>
<th>Policy 11 meets Basic Conditions a), d) and e) and there is no need for modification.</th>
<th>The Council notes the examiner’s endorsement.</th>
<th>No modification necessary.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 12 Commercial Premises</td>
<td>The Policy meets the Basic Conditions and there is no need for any modification.</td>
<td>The Council notes the examiner’s endorsement.</td>
<td>No modification necessary.</td>
</tr>
</tbody>
</table>
| Delivery, Implementation and Monitoring | **Recommendation 13**  
13A – Insert in paragraph 13.6 Line 1 after the words ‘Neighbourhood Area’ the words “in accordance with the policies of the SNP”  
13B – Insert in paragraph 13.15 Line 2 after ‘S106’ the words “planning obligations” and delete the phrase ‘and through planning obligations’ later in the line. | The Council agrees with the examiner’s rationale that these modifications are to provide clarity. | Accept examiner’s recommended modification. |
| Glossary                           | **Recommendation 14**  
In the definition for Community Infrastructure Levy insert at the end a new sentence as follows: “A ‘made’ neighbourhood plan enables the parish council for the neighbourhood area to allocate 25% of the CIL collected from developments in the area.” | The Council agrees with the examiner’s rationale that this modification is to provide clarity. | Accept examiner’s recommended modification. |
| Appendix 2                         | **Recommendation 15**  
Add at the end of the line at reference 1 the following: “creating new ones while also respecting existing buildings and land uses around the development site”. | The Council agrees with the examiner’s rationale that this modification is to provide clarity. | Accept examiner’s recommended modification. |
| Typographical and Formatting Corrections | **Recommendation 16** – Make typographical and grammatical corrections as set out in Appendix 2 of the examiner’s report. | The Council agrees with the examiner’s typographical and grammatical corrections. | Accept examiner’s recommended modification. |
4. **Next Steps**

This Decision Statement and the Examiner’s Report into the Neighbourhood Plan will be made available at the following locations:

- **Broadland District Council website** [www.broadland.gov.uk/neighbourhoodplans](http://www.broadland.gov.uk/neighbourhoodplans)

- **Spixworth Parish Council facebook page**

As soon as the restriction imposed due the Covid-19 pandemic allow the Council to do so, copies of these documents will be placed in **Sprowston Library** (currently closed) and at the **Broadland District Council offices** (currently only open for essential visits).

The next stage is for the Neighbourhood Plan to proceed to a referendum within the neighbourhood area. However, new regulations linked to the Coronavirus Act 2020 mean that **no elections or referendums can take place until 6 May 2021**. This includes neighbourhood planning referendums. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.

Until this time, and in accordance with recent amendments to Government guidance, the publication of this Decision Statement ensures that the Neighbourhood Plan policies will receive significant weight in the determination of any planning applications, so far as they are material to the application.