

## **Wroxham Neighbourhood Plan – proceeding to referendum**

Report by Planning Policy Officer

### **Summary:**

The Wroxham Neighbourhood Plan and the representations received on the submitted Plan during the publication stage have been subject to an independent examination by a suitably qualified individual.

The examiner's report had not been received at the time of writing this report, but in the interest of enabling a referendum in March (rather than May as a result of purdah and the elections) the findings of the report will be fed back verbally to Planning Committee.

### **Recommendation:**

Subject to the verbal reporting of the examiner's report, it is recommended that if the report concludes the Neighbourhood Plan should proceed to referendum, the Planning Committee support this recommendation.

## **1. Introduction**

- 1.1 The submitted Wroxham Neighbourhood Plan was approved by the Broads Authority at Planning Committee<sup>1</sup> in November 2018. This was followed by a statutory six week publication period in which the Plan and its supporting documents were made available to the public and consultation bodies via:
  - Broadland District Council website ([www.broadland.gov.uk/neighbourhoodplans](http://www.broadland.gov.uk/neighbourhoodplans))
  - Broadland District Council offices
  - The Broads Authority offices & website
  - Wroxham Library
- 1.2 During the six week publication period, a total of 61 representations from 12 different organisations/individuals were received (see Appendix 1 for details). These representations were submitted, along with the Neighbourhood Plan and supporting information, to the independent examiner, Mr Richard High. The examination was conducted via written representations during January/February 2019 (the examiner deciding that a public hearing would not be required).

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<sup>1</sup> <http://www.broads-authority.gov.uk/about-us/committees/planning-committee/planning-committee-9-november-2018>

- 1.3 In choosing an independent examiner, a local planning authority must appoint someone who:
  - is independent of the parish/town council
  - has no interest in any land that may be affected by the draft plan, and
  - has appropriate qualifications and experience
- 1.4 Following the six week publication period, the examiner appointed by Broadland Council and the Broads Authority, in liaison with Wroxham Parish Council, was sent a copy of the published Neighbourhood Plan and supporting documents, as well as copies of each of the representations received.
- 1.5 Legislation directs that an examiner must only consider:
  - a) whether the draft plan meets the 'basic conditions' of a Neighbourhood Development Plan,
  - b) whether the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan,
  - c) whether the area for referendum should extend beyond the neighbourhood area, and
  - d) whether the draft plan is compatible with the Convention rights.
- 1.6 Planning legislation states that once a local planning authority has been issued with an examiner's report, they must consider the recommendations. If the authority is satisfied with the examiner's recommendations then any specified modifications should be made before the Plan proceeds to referendum.
- 1.7 Local planning authorities can also decide to extend the area in which the referendum is to take place, should it wish, or it could decide that it is not satisfied with the plan proposal, with respect to meeting basic conditions, compatibility with Convention rights and the definition and provisions of the Neighbourhood Plan, even if modified.
- 1.8 If the Broads Authority and Broadland Council are satisfied then they will need to publicise their decision (a decision statement) and move to a referendum (should that be what the examiner recommends). If they are not satisfied, then they must refuse the plan proposal and publicise their decision. This decision would be subject to a further six week consultation, with a possibility of a further independent examination.

## **2. The Examiner's Report**

- 2.1 At the time of writing this Planning Committee report, the examiner's report had not been received. The findings of the examiner's report will be presented to Planning Committee verbally as well as a recommendation.
- 2.2 The decision to proceed in this way is based on the fact that if Planning

Committee endorse the Neighbourhood Plan to proceed to referendum<sup>2</sup> in February (should that be the recommendation of the examiner), the referendum can be held in March and then subsequently ‘made’ by Broadland Council and the Broads Authority thereafter. That means the Neighbourhood Plan will be in place prior to the elections in May and prior to the purdah period<sup>3</sup>. To delay the decision of the Planning Committee to the March Planning Committee (8 March 2019) would mean that the referendum could not be held until later and the decision by Broadland Council to make the Neighbourhood Plan would not be until later in May.

### **3 Next Steps**

- 3.1 Should the examiner’s recommendations be met with full approval by Broadland Council and the Broads Authority, then a decision statement will then be produced which will be published, along with the examiner’s report, on the Broads Authority and Broadland Council’s website and made available in the other locations.
- 3.2 Should the recommendation be to proceed to a referendum, then the next steps will involve Broadland Council publishing information and giving at least 28 days’ notice of the referendum (not including weekends, bank holidays, days of public thanksgiving). Again, this information will be made available on the Broadland Council and Broads Authority websites and at the Broadland District Council offices and at the alternative locations.
- 3.3 Given this period of notice, should Broadland Council and the Broads Authority approve the examiner’s recommendations, then it is anticipated a referendum could be held in March 2019.
- 3.4 If more than half of the people who vote in this referendum vote in favour of the proposal then Broadland Council and Broads Authority must adopt/make the Neighbourhood Plan as soon as reasonably practicable, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 3.5 This means that, should the referendum yield positive results for the Neighbourhood Plan, then the Plan would be subject to Broadland Council

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<sup>2</sup> The NPPG says ‘If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made by the local planning authority within 8 weeks of the referendum’. <https://www.gov.uk/guidance/neighbourhood-planning--2#the-neighbourhood-planning-referendum>

<sup>3</sup> **Purdah** is the pre-election period in the United Kingdom, specifically the time between the announcement of an election and the final election results which affects civil servants. This affects Broadland Council’s ability to make decisions like making the Neighbourhood Plan.

and the Broads Authority ratification before it is ‘made’, although the NPPG says that ‘A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum’.

3.6 Should the local planning authority propose to make a decision that differs from the examiner’s recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authority about a particular fact) then they:

- Are required to notify all those identified in the consultation statement about this position and invite representations;
- May refer the issue to an independent examination if they think it appropriate.

#### **4 Financial Implications**

4.1 Officer time in assisting Broadland Council with the Neighbourhood Plan process. Referendum and examination costs have been borne by Broadland Council.

#### **5 Conclusion**

5.1 Subject to the verbal reporting of the examiner’s report, it is recommended that if the report concludes the Neighbourhood Plan should proceed to referendum, the Planning Committee support this recommendation.

Background papers: Wroxham Neighbourhood Plan – Submission Version can be found here <https://wroxhamplan.files.wordpress.com/2018/11/wroxham-np-submission-version-final-revised-01-11-18-low-res.pdf>

Author: Natalie Beal

Date of report: 25 January 2019

Appendices: **APPENDIX 1:** Wroxham Neighbourhood Plan –Response Summary

**APPENDIX 2** Wroxham Neighbourhood Plan - Examiner's Report

**APPENDIX 3:** Wroxham Neighbourhood Plan - LPA response

# Wroxham Neighbourhood Plan Publication - Response Summary

## General

ID	Name	Dept/Job Title	Organisation	Agent
W37	Miss Natalie Beal		Broads Authority	
	<b>Comments:</b>	<p>The Authority requests again that the final plan has paragraph numbers and bullet points in policies are numbered. This document will be used by Development Management Officers and such referencing is important when decisions refer to policies. It is a simple formatting change with great benefits. The term 'should' is used throughout the plan. It is a weak word and the test or requirement to which it relates can be easily ignored as a result. Wording like 'needs to' or 'must' is much stronger. We have raised this before. We are aware that there are intentions to expand the cemetery but this is not mentioned in the Neighbourhood Plan and there is no policy relating to it such as an allocation. It is not clear why the cemetery extension site is not included in the Neighbourhood Plan.</p>		
W1	Mr Dick Wolsey	Architectural Liaison Officer	Norfolk Constabulary	
	<b>Comments:</b>	<p>The following is a summary. Please see the enclosed response for full details. Expertise in crime prevention processes, products and criminal methodology helps the police fight crime; protect properties, businesses and visitors from unnecessary loss. I recommend Wroxham's Neighbourhood Development Plan includes the security principles of deterring, delaying, denying and detecting criminal activity across all strands of development but in particular residential, commercial and recreational/amenity expansion. Designing in good security processes with developers and builders at the outset is essential to combat criminality and its consequences.</p>		
W61		Environment Agency		
	<b>Comments:</b>	<p>Thank you for your consultation dated 09 November 2018. We have reviewed the Regulation 16 Submission Draft for the Wroxham Neighbourhood Plan, and with regards to our comments provided to the Parish at the Regulation 14 Consultation, we are satisfied that our advice has been incorporated into the Plan document. We provide the following comments on the progress of the Plan. We note our flood risk comments have been included, and have no further comments to make as the Plan currently does not allocate any specific sites for development. Future growth plans and development in the parish should refer to the need to apply the sequential approach to direct development to areas of lowest flood risk. We consider Policy ENV2 and ENV3 important to the protection and improvement of the natural environment within the Parish. And any future proposed development should seek net gains in biodiversity wherever possible. The latest update to the National Planning Policy Framework, Paragraph 170 section d) states 'planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure'.</p>		

W7	Mr Edward James	Historic Places Advisor	Historic England
<b>Comments:</b>		We welcome the production of this neighbourhood plan, and are pleased to note that the historic environment of the parish is referred to throughout. Aside from congratulating those involved, we do not wish to provide detailed comments at this time. We would refer you to our previous advice submitted at Regulation 14 stage, and for any further information to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan.	
W6	National Grid Plc		
<b>Comments:</b>		National Grid has identified the following high-pressure gas transmission pipeline as falling within the Neighbourhood area boundary: FM05 – Bacton to Yelverton. From the consultation information provided, the above gas transmission pipeline does not interact with any of the proposed development sites. Whilst there are no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites.	
W5	Spatial Planning Team	Broadland District Council	
<b>Comments:</b>		- Page 24: Fourth paragraph – ‘Thorpe St Andrews’ should read ‘Thorpe St Andrew’. - Page 28: In the first paragraph ‘the Avenue’ should read ‘The Avenue’. - Page 34: ‘Whilst it is recognised this is an important’ – ‘in’ should	
W39	Mr Stephen Faulkner	Principal Planner	Norfolk County Council
<b>Comments:</b>		The officer-level comments below are made without prejudice, the County Council reserves the right to make to any further comments the County Council may have on future iterations of the emerging Neighbourhood Plan. The County Council welcomes the opportunity to comment on the emerging Neighbourhood Plan and recognises the considerable amount of work and effort which has been put into developing the Plan to date. The County Council supports the Aims and Objectives set out in the Plan (pages 19 - 20).	
W47	Consultation Service	Natural England	
<b>Comments:</b>		Natural England does not have any specific comments on this draft neighbourhood plan.	
W53	Parish Clerk	Salhouse Parish Council	
<b>Comments:</b>		Salhouse Parish Council is broadly supportive of the aims and objectives of Wroxham Neighbourhood Plan. Our comments are intended to address the main concerns which specifically affect the residents and parish of Salhouse. Wroxham is identified as a Key Service Centre, despite the fact that most of the services are only available in Hoveton. As Salhouse is one of the local villages served by this service centre, any measures (for example traffic restrictions, new roads) which negatively affect the accessibility of services by residents of Salhouse would not be supported. Salhouse Parish Council endorse the community action projects, ensuring settlement gaps are adhered to, takeaways and hot food outlets not to be encouraged, provision of holiday dwellings to be discouraged and no loss of community amenities.	

## 2. Wroxham Parish

ID	Name	Dept/Job Title	Organisation	Agent
W10	Miss Natalie Beal		Broads Authority	
<b>Comments:</b>		Page 10: the revised NPPF has now been published and text could be amended to reflect this.		
W9	Miss Natalie Beal		Broads Authority	
<b>Comments:</b>		Page 8: second paragraph says that the mean age of North Norfolk residents is comparable but older at 47.5 years... but that is younger than the mean age of Wroxham residents at 52 years. It is recommended that this paragraph is corrected to better reflect the situation.		

## Vision

ID	Name	Dept/Job Title	Organisation	Agent
W8	Miss Natalie Beal		Broads Authority	
<b>Comments:</b>		'Special wildlife' could be added to the Vision for Wroxham 2038 in order to reflect and link to Objective 8. It would read as follows: 'Wroxham parish must remain a unique and beautiful waterside community. It will have a variety of good quality homes, improved community services, effective traffic management, and a range of businesses, developed in a way that are sensitive to its iconic location, special wildlife and the Conservation Area'.		

## Objective 1: Housing and the Built Environment

ID	Name	Dept/Job Title	Organisation	Agent
W54		Parish Clerk	Salhouse Parish Council	
<b>Comments:</b>		Objective 1 correctly describes the Wherry Gardens development as a large development for the size of Wroxham but goes on to say that residents would support further development to the south of that development, describing it as "in keeping with the character of that part of the Parish". This can hardly be described as a true statement, as the character of that part of the parish is of gently undulating fields leading down to Wroxham Broad. Any further southwards development would have a huge visual impact on the character of the rolling landscape in this area as it would be visible from a considerable distance from both the road and rail. It would also leave Salhouse hemmed in by development on the Wroxham side, being only 'a field away' from the Salhouse parish boundary. This would conflict with Policy 2 of the JCS as it would fail to maintain the strategic gap between the communities of Wroxham and Salhouse and damage the landscape settings of the two villages and their approaches. This development would also conflict with Broadland Policy EN 2 Landscape which refers to the local Landscape Character Assessment and the protection of gaps between settlements, particularly in this case the valley forms of the river Bure and unique geological/geomorphological landforms in this area, which need appropriate protection.		

## Section 6.1 Housing and the Built Environment

ID	Name	Dept/Job Title	Organisation	Agent
W17	Miss Natalie Beal		Broads Authority	
	<b>Comments:</b>	Page 26: last sentence of last paragraph. Not sure this is meant to be in the Neighbourhood Plan as worded as it seems a verbatim request from Norfolk County Council.		
W12	Miss Natalie Beal		Broads Authority	
	<b>Comments:</b>	Page 24, footnote 11: the NPPF 2018 is now in place. To avoid confusion and to future proof the Neighbourhood Plan (and we acknowledge that submission of the Plan is within the transition arrangements of the 2018 NPPF) it is strongly recommended that 'small scale' definition is aligned with the definition of major development in the 2018 NPPF. The policy would then perhaps be 9 or less as major development is defined as ten or more.		
W11	Miss Natalie Beal		Broads Authority	
	<b>Comments:</b>	Page 23: where there is reference to flood risk, the Flood Risk SPD of the Broads Authority needs to be referenced: <a href="http://www.broadsauthority.gov.uk/__data/assets/pdf_file/0006/917844/Broads-Flood-Risk-SPD-Final-March-2017.pdf">http://www.broadsauthority.gov.uk/__data/assets/pdf_file/0006/917844/Broads-Flood-Risk-SPD-Final-March-2017.pdf</a>		
W58		Parish Clerk	Salhouse Parish Council	
	<b>Comments:</b>	The Site Allocations DPD area WR01 which is part of the area for the delivery of 100-200 houses under JCS Policy 14 & 6.49 & 6.59. These houses have already been delivered. The associated infrastructure improvements however have not. It needs to be identified that the houses have been delivered to help support new policy HBE1 for small scale development. Call for sites from 2016 areas GNLP0504 & GNLP0041 are mentioned, but there is no specific mention of the additional call for sites 2018 sites GNLP2131 & GNLP2135 - both of these sites are in very close proximity to the Salhouse Parish boundary. The scale of development would not be in accordance with policy HBE1 and would not deliver the type and scale as defined in policy HBE2. They also do not help to promote policy HBE5 to prohibit village creep. Salhouse has a 'dark skies' policy within its own Neighbourhood plan and developments closer to the Parish boundary of Salhouse may have an adverse effect on this.		
W13	Miss Natalie Beal		Broads Authority	
	<b>Comments:</b>	Page 25 and Appendix B: there are no instructions to Development Management Officers about what to do with these design standards. There is no mention of them in HBE2. Should the design standards be included in the policy?		

**Comments:**

The Neighbourhood Plan in its current form makes some reference to Flood Risk in Section 6.1, Objective 1 which is welcomed. However, there is no mention of Flood Risk in the Policy HBE1. Therefore, the LLFA considers that a flooding policy should be included in the Plan, as advised during the Reg 14 consultation, the following policy is advised; INTENTION The Plan seeks to contribute towards strategic multi-agency efforts to reduce the risk of flooding from all sources in the Wroxham area. It 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. POLICY: FLOODING The Plan requires 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. Any new development or significant alteration to an existing building within the Wroxham area should be accompanied by an appropriate 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.

**Comments:**

Given the accepted relationship between Hoveton and Wroxham, it is important to understand the projected housing numbers in this combined settlement. The Neighbourhood Plan provides no clarity on the housing need or dwelling numbers for Wroxham. Although the plan discusses historical residential development rates – it is silent, in policy terms, on what the housing need is for Wroxham and what the housing numbers should be over the plan period. Neither does the plan come to a view on whether the Broadland Joint Core Strategy 2026 dwelling target of between 100 and 200 dwellings this has been delivered.

**Comments:**

I write following the above consultation on behalf of NHS England Midlands and East (East) (NHSE) and North Norfolk Clinical Commissioning Group (CCG). We have reviewed the information available and note that there is reference to the access of local healthcare services for the current and future population of Wroxham. It is also noted that there is ambition for the provision of supported living and retirement housing to cater for an aging population, the provision of such services will have an increased impact on primary care services in the area. Wroxham is currently serviced by one GP practice; the Hoveton and Wroxham Medical Centre GP which is located within 2km of Wroxham. The plan identifies the preference for housing developments with smaller numbers of dwellings rather than large developments. Please bear in mind that the planning obligations that can be gained from a larger number of smaller developments will not always have as much benefit as one large development. This will limit the options available for the provision of additional community infrastructure to be delivered as part of a scheme and NHSE have limited funding available to invest in creating additional capacity as a result of development growth. We would welcome the addition of a simple statement, to confirm that Wroxham Parish Council will support NHSE in ensuring suitable and sustainable provision of Primary Healthcare services for the residents of Wroxham. NHSE and the CCG would welcome the opportunity to discuss with the Parish Council potential solutions to ensure the sustainable of Primary Care services for the local community.

**Policies HBE1, COM1, Policy ENV2 & ENV4**

ID	Name	Dept/Job Title	Organisation	Agent
W38			Hopkins Homes	Wood Plc

**Comments:**

Hopkins Homes welcomes the opportunity to comment on the Neighbourhood Plan and appreciates the effort that has been made in preparing this Plan. Hopkins Homes supports the Plan's vision including the need to provide a variety of good quality homes and improved community facilities. Hopkins Homes also support other policies of the Plan including: • Policy COM1 (approaches to Wroxham) which states new developments on approaches to the village should improve the gateway. This could be achieved through new high-quality development to the south of the village. • Policy ENV2 (Local Green Space) which allocates the existing play area/open space at Wherry Gardens as Local Green Space. The open space has now been completed and is an important community asset. Hopkins Homes supports the identification of this as Local Green Space. • Policy ENV4 (important views and vistas) which identifies important local views. We agree that this has identified the correct important views which are along the western settlement edge and the south eastern settlement edge towards Wroxham Broad. Whilst it is understood that the Neighbourhood Plan will not allocate housing sites, or amend the settlement boundary, it is being prepared in the context of the current Development Plan which includes the Greater Norwich Joint Core Strategy. This identifies Wroxham as being suitable for development of 100-200 dwellings and it does not place a limit on the size of developments. Housing allocations will be determined by the Greater Norwich Local Plan (GNLP) which is currently being prepared and once adopted will form the area's strategic plan but is still at a relatively early stage of its development. Therefore, the Council's thinking in terms of the overall spatial strategy and the likely allocations for Wroxham in the GNLP are not yet known. However, as this is one of the main service centres in Broadland District, it is highly likely that Wroxham will have an important role to play in housing delivery to meet the significant GNLP housing targets and to boost housing supply. In this context, we support Objective 1 'to support a sustainable number and range of housing types for a vibrant mixed community' and believe that allocations made through the emerging GNLP can support this aim. We also support the explanatory text to the policy which states that "public opinion shows that any largescale development that may occur should be south of the current Wherry Gardens development". The land has been submitted for consideration in the emerging GNLP (along with Land east of Salhouse Road). The site represents a logical extension to the existing Wherry Gardens development and can deliver a quality development to assist in meeting the development needs in Wroxham, including providing a mix of housing to meet a range of needs.

W14	Miss Natalie Beal	Broads Authority
<b>Comments:</b>	The requirement for residential development to not be holiday homes seems to be in conflict with some of our policies such as DP14, DP15, DP18, DP21 of the Development Management DPD (which are rolled forward and amended slightly in the emerging Local Plan). These policies say that tourism use is preferred and set tests for market residential in these areas. This is of concern to the Broads Authority.	

### Policy HBE2: Housing for older people

ID	Name	Dept/Job Title	Organisation	Agent
W55		Parish Clerk	Salhouse Parish Council	
<b>Comments:</b>	Suggest some form of restriction to enable properties intended for elderly people to remain designated exclusively for them, and not being subsequently allocated to people on the general housing register, as happened in Salhouse.			

W15	Miss Natalie Beal	Broads Authority
<b>Comments:</b>	<ul style="list-style-type: none"> <li>Our emerging Local Plan policy referred to lifetime homes, but Waveney Council pointed out that this has merged with the optional building regulations standard M4(2) which our emerging policy includes as a requirement. No particular request from the Broads Authority, just sharing that we will not refer to lifetime homes in the Local Plan.</li> <li>Would 'smaller retirement properties' meet the government's guidance on technical housing standards? Could this policy result in cramped design? Perhaps smaller needs to be better defined. Would the Neighbourhood Plan want to incorporate the guidance below (potentially for all residential development) <a href="https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard">https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard</a> - to be taken into account this guidance needs to be adopted in plans. Criterion e might be better if worded smaller retirement properties designed specifically for downsizing. – This would make the second sentence more relevant.</li> <li>How is it proposed to prevent the smaller homes being extended? – removal of PD rights would be required; we have mentioned this before.</li> </ul>	

W2	Spatial Planning Team	Broadland District Council
<b>Comments:</b>	This policy requires some clarification of the scale of development that this would apply to. It is unfeasible to expect a development of 1 or 2 houses to meet the requirements as they are set out. We suggested a change at the Reg.14 stage and would reiterate this at the Reg.16 stage that an addition of 'where appropriate' or an explanation of scale would be required. Any scale used, would of course need the appropriate evidence and justification.	

### Policy HBE3: High quality design

ID	Name	Dept/Job Title	Organisation	Agent
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W48	Mr Stewart	Patience	Anglian Water Services Ltd
<b>Comments:</b>		Anglian Water is supportive of Policy HBE3, as it states that developments should not contribute to further drainage issues and adopt the principles of sustainable urban drainage where appropriate. Anglian Water is in support of the incorporation of Sustainable Drainage Systems in all developments within the Parish unless it can be shown to be technically unfeasible. This is consistent with the surface water hierarchy and would help to ensure that new developments do not increase the risk of surface water or sewer flooding.	
W16	Miss Natalie	Beal	Broads Authority
<b>Comments:</b>		<ul style="list-style-type: none"> <li>Would recommend amending to something like 'Have substantial and diverse tree planting throughout, appropriate to the locality.'</li> <li>(j) May benefit from being worded more positively.</li> <li>Specify when Design and Access Statements are required as part of applications as this policy states where appropriate, and pre-amble states that "the Conservation Area Appraisal should be referred to within all planning application regardless of the scale and location within Wroxham parish". The PPG doesn't require Design and Access Statements for all applications, and this policy seems to suggest this is required in all planning applications, even outside of the Conservation Area.</li> <li>This policy does not have any mention of either future occupants'/or neighbours' amenity being protected. This might seem implicit in dealing with housing, however an explicit policy, particularly linked to future occupant amenity, which can often be overlooked due to other considerations of residents etc already living in the area.</li> <li>Does the reference to holiday accommodation in first para conflict slightly with aspiration of HBE1?</li> <li>Criterion c – will the preferred method of achieving additional development - "infilling" which is identified earlier in the document conflict with this?</li> <li>Criterion f – should this read maintain "the" village character instead of "a" village character?</li> <li>Criterion g is in part (if not wholly) achieved by the implementation of criteria c and d.</li> </ul>	

#### Policy HBE4: Conservation Area and listed buildings

ID	Name	Dept/Job Title	Organisation	Agent
W18	Miss Natalie	Beal	Broads Authority	
<b>Comments:</b>		Is the statement required in addition to a design and access statement and or Heritage statement?		

#### Policy HBE5: Gaps between settlements

ID	Name	Dept/Job Title	Organisation	Agent
W56		Parish Clerk	Salhouse Parish Council	
<b>Comments:</b>		The further development of Wherry Gardens southwards would be in conflict with Wroxham NP policies HBE5 and ENV4.		

#### Section 6.2 Business and Employment

ID	Name	Dept/Job Title	Organisation	Agent

W59

Parish Clerk

Salhouse Parish Council

**Comments:**

Section 6.2 states: "As Rackheath and Salhouse grow substantially in terms of service provision with planned housing growth....". This is an incorrect statement. There is currently minimal housing growth and no growth of service provision planned in Salhouse. Also surprised there is no mention of Norfolk Broads Yacht Club, which surely brings substantial business into the village.

W20 Miss Natalie Beal

Broads Authority

**Comments:**

Page 33 – happy for the Neighbourhood Plan to quote our Local Plan in relation to live work units, but perhaps make the text more general. The text is taken from a policy about one specific development of live/work units that have all these things (like off road parking and moorings) – not all live/work units will be like that and by using that wording, it implies that all live/work units need to have all those things. Much of the quote can be used as it talks about the benefits of such uses, but a verbatim quote does not seem to make sense.

**Policies BUS1 and BUS2**

ID	Name	Dept/Job Title	Organisation	Agent
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W57

Parish Clerk

Salhouse Parish Council

**Comments:**

These policies encourage new businesses, but not shops or takeaways. However, as Wroxham is a Key Service Centre serving Salhouse and Rackheath (among others), the development of new retail offers on the south side of Wroxham would serve these communities (and any new developments) without the need for traffic to pass through Wroxham into Hoveton (supporting Policy TRA1). This might also give the opportunity for a new 'village heart' to be developed away from Hoveton (Objective 4).

W19 Miss Natalie Beal

Broads Authority

**Comments:**

The emerging Local Plan for the Broads will have a generic retail policy. North Norfolk Local Plan is likely to have a retail policy in their Local Plan that reflects evidence on retail. Broadland will probably have a retail policy in the emerging Greater Norwich Local Plan. Strongly recommend that this retail policy (BUS1) acknowledges the NPPF section on retail about town centre first as well as the potential for impact assessments and also potential for any locally set threshold of the impact assessment. How would a small scale hot-food proposal in line with the other criteria of the policy harm the character of the village?

W3	Spatial Planning Team	Broadland District Council
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**Comments:**

We commented at the Reg.14 stage on this policy, and despite an addition to the supporting text to discuss the proximity of takeaways in Hoveton, we feel that our original comment still stands. A planning policy should not reject all takeaways in principle unless there is adequate justification and evidence to support this. With this in mind, we would suggest that some conditional wording is added to the end of the sentence, such as '...unless it can be demonstrated that the proposal will not have a significant harmful impact on the character of Wroxham.'

## Policy BUS2: New businesses

ID	Name	Dept/Job Title	Organisation	Agent
W4		Spatial Planning Team	Broadland District Council	
<b>Comments:</b>		In the Reg.14 stage we commented on this policy. There has been no change to the text so we would reiterate our comments. The last sentence 'holiday dwellings will not be encouraged', is unclear. It also overlaps with HBE1. Nevertheless, the only supporting evidence for this statement is a reference to it being the preference of residents. There does not appear to be any quantitative or factual evidence to support that statement. If there is no evidence to support the policy, then we would suggest that this statement is removed from the policy and placed in supporting text. The statement also conflicts with BUS3 on sustainable tourism which states that holiday dwellings will be supported.		

## Policy BUS3: Sustainable tourism

ID	Name	Dept/Job Title	Organisation	Agent
W21	Miss Natalie Beal		Broads Authority	
<b>Comments:</b>		Both policies BUS3 and ENV3 say that something will not be 'encouraged'. This wording does not work in policies. Usually 'will not be supported' is used and has meaning in such policies. It is not clear how Development Management Officers can encourage or not encourage something. Using the word 'support' is a clearer direction. We have raised this before. • What is small scale? This needs to be explained so the Development Management Officers know how to apply the policy. • Where it says 'Do not displace a potential residential or other business use' how will that be judged as this test is not set out? It is not clear how Development Management Officers will be able to apply this part of the policy. • Last bullet point – there is an and/or and this makes the intentions of the policy not clear. There is another policy relating to car parking so it is not clear why that is mentioned in the policy. How will a Development Management Officer apply this part of the policy? We have raised this before. • Is the policy not slightly contradictory with the clear desire for residential over holiday expressed earlier in the document?		

## Section 6.3 Community and Services

ID	Name	Dept/Job Title	Organisation	Agent
W44	Mr Stuart Harrison	Senior Planning Officer (Policy)	North Norfolk District Council	
<b>Comments:</b>		We note the Consultation Statement response regarding our previous comments.		

## Policy COM1: Approaches to Wroxham

ID	Name	Dept/Job Title	Organisation	Agent
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W22	Miss Natalie Beal	Broads Authority
<b>Comments:</b>	• In addition to aesthetics, consideration needs to be better given to species diversity, wildlife benefit and ease of maintenance. We have raised this before. • Is there scope to address Objective 6 'Walking and Cycling' into design of these gateways as well?	

## Policy COM2: Community amenities

ID	Name	Dept/Job Title	Organisation	Agent
W23	Miss Natalie Beal		Broads Authority	
<b>Comments:</b>	As part of the examination into the Local Plan, we have revised our wording in relation to PUBDM43: Visitor and community facilities and services. The changes we propose may be of relevance to the Wroxham Neighbourhood Plan. These are listed below. Please note that they are yet to be endorsed by the Planning Inspector. Note in particular the first one; our approach was a bit too permissive and we wonder if the Wroxham Neighbourhood Plan's approach is too? See table at the end of this response.			
W51	Gordon Terry			
<b>Comments:</b>	I repeat my comments on this policy which I made in the previous consultation. I agree with the policy of improving existing amenities (paras 1 & 2), but the policy does not state how this would be funded. The parish council can use CIL money to fund the capital costs of an improvement, but this does not cover ongoing support and maintenance. The policy should clarify how any ongoing maintenance and support will be funded and show that improvements will not lead to inevitable increases in the council tax precept.			
W41	Mr Stephen Faulkner	Principal Planner	Norfolk County Council	
<b>Comments:</b>	NPS would like to reiterate its comments from Norfolk County Council's comments on the Regulation 14 NP, which should be incorporated into the NP. Policy COM2 (page 39) refers to Wroxham Fire Station as a community amenity. But the Fire Station is not similar in nature to the other amenities in this category, for example, it is not a publicly accessible building. When read in conjunction with the others in the list it appears different in nature and function and therefore should be omitted from the category.			

## Policy COM 3: New public open space

ID	Name	Dept/Job Title	Organisation	Agent
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**Comments:** I repeat my comments on this policy which I made in a previous consultation. My comments on policy COM 2 concerning ongoing support and maintenance funding also apply to COM 3. In addition, I understand that with today's budgetary pressures local authorities are refusing to adopt new public open spaces, unless the developer will commit funding for ongoing maintenance etc. I disagree with a policy to expand the parish council's "footprint" without a clear policy statement on how ongoing support etc will be funded. I believe that the parish council should focus on improving the existing amenities. This could include addressing the concerns raised over Caen Meadow.

## Section 6.4 Transport and Access

ID	Name	Dept/Job Title	Organisation	Agent
W24	Miss Natalie Beal		Broads Authority	

**Comments:** Page 41: there is reference to the impact on congestion of through traffic, but nothing about car trips originating from Wroxham. We have raised this before.

W60		Parish Clerk	Salhouse Parish Council
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**Comments:** Salhouse Parish Council would support measures to alleviate congestion for residents of Wroxham which would also improve air quality, but however, would NOT support any bypass or relief road which adversely affected the environment of the Bure valley or which encouraged additional traffic onto the B1140.

## Policy TRA1: Traffic volume and congestion

ID	Name	Dept/Job Title	Organisation	Agent
W25	Miss Natalie Beal		Broads Authority	

**Comments:** We note the reference to support for a relief road, but that no firm proposals or alignment are suggested. We are not aware of a budget for this in the Highways Authority's forward programme or any feasibility work having been recently undertaken, so note that this is likely to be an aspiration. This is likely to be a difficult project to deliver, particularly without having a significant and adverse impact on the character and quality of the area and the level of development required to fund it would be likely to be very substantial. Wrt. TRA1 a), is a proposal for one dwelling to be required to produce a transport assessment? To what size scheme is this requirement relevant to?

## Policy TRA2: Parking Provision

ID	Name	Dept/Job Title	Organisation	Agent
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**Comments:**

We note the contents of the Consultation Statement regarding the previous comments. However, we re-iterate the comments regarding parking. The response in the Consultation Statement states that "there is no public parking provision in Wroxham". This is incorrect as the Wroxham Bridge pay and display car park is located within the Wroxham parish. Although, privately operated – it is a public car park. The comments below are a relevant consideration. Tourist parking is perceived as a problem in the Neighbourhood Plan , however, the parking provision policy TRA2 does not mention provision/management of tourist/public car parking in Wroxham. There are additional large free long stay car parks and other parking provisions in Hoveton, is signage/information sufficient (through Wroxham) to direct people to these car parks? Congestion is partly caused by traffic moving through Wroxham to park in Hoveton for tourism and to access the services. Provision of additional dedicated car parking in Wroxham could reduce vehicle movements along the congested main route and could alleviate "inconsiderate" on-street parking in both Wroxham and Hoveton

**Policy TRA3: Walking and cycling**

ID	Name	Dept/Job Title	Organisation	Agent
W26	Miss Natalie Beal		Broads Authority	

**Comments:**

TRA1 and TRA3 seem to not address objective 6 in a strong manner. TRA1d is quite weak as it uses 'encourage' whereas TRA3 uses the word 'must' and is a bit stronger. How do these two policies work together? There could be scope for Objective 6 to be part of Objective 5.

**Section 6.4 Environment and Landscape**

ID	Name	Dept/Job Title	Organisation	Agent
W31	Miss Natalie Beal		Broads Authority	
		<b>Comments:</b>	Page 51: the reference to two County Wildlife Sites makes it sound as if Norfolk Wildlife Trust is responsible for the management of these sites. Amend to say that the landowner is responsible.	
W28	Miss Natalie Beal		Broads Authority	
		<b>Comments:</b>	P46 add the suggested final paragraph to provide detail on what these designations mean to the reader: ' Within these areas the Broads National Park has a quarter of the UKs species of conservation priority, with otter, bats, kingfisher and marsh harrier all visible within the neighbourhood'.	
W29	Miss Natalie Beal		Broads Authority	
		<b>Comments:</b>	P46 add the suggested final paragraph to provide detail on what these designations mean to the reader: ' Within these areas the Broads National Park has a quarter of the UKs species of conservation priority, with otter, bats, kingfisher and marsh harrier all visible within the neighbourhood'.	

W30	Miss Natalie	Beal		Broads Authority
<b>Comments:</b>		P49: there is little evidence, or examples in this plan of how further development in Wroxham provides an opportunity to enhance biodiversity through the creation of ecological networks. Could this be expanded upon?		
W34	Miss Natalie	Beal		Broads Authority
<b>Comments:</b>		Page 51: please amend the following so it is a better reflection of the situation. We have already requested this change but it has not been made - 'The Broads Authority has management plans to deal with invasive non-native species. Care should be taken that development does not contribute to the spread of these plants and animals.' To this suggested version: 'The Norfolk Non-Native Species Initiative, which include the Broads Authority, provide advice to landowners. It is the responsibility of landowners to prevent invasive non-native plants on their land from spreading into the wild and causing a nuisance. Care should be taken that development and associated use activities do not contribute to the spread of these plants and animals.'		
W42	Mr Stephen	Faulkner	Principal Planner	Norfolk County Council
<b>Comments:</b>		The Historic Environment Service is aware that a search of the historic environment record was undertaken during the preparation of the Reg 14 NP. Therefore, the lack of reference to undesignated heritage assets within the main body of the Reg 16 NP is unexpected. The Historic Environment Service recommends that the Historic Environment strategy and advice team are consulted (email hep@norfolk.gov.uk). The team can provide advice on which heritage assets are most significant and ways in which they can be protected and enhanced, advice can also be given on the wording of historic environment policies. Also, the authors of the NP should be aware that the Norfolk Historic Environment Record data is not static and may be subject to change and enhancement within the lifetime (up to 2039) of the Plan. New discoveries are made and existing sites and buildings can be reinterpreted. The implementation of new nationally or locally derived guidance and policies can lead to reassessment of the significance of individual or groups of heritage assets.		

## Policy ENV2: Local Green Space

ID	Name	Dept/Job Title	Organisation	Agent
W27	Miss Natalie	Beal		Broads Authority
<b>Comments:</b>		We note that one incidence of 'open space' has been changed to 'Local Green Space' and reflects our initial comment, but the third part of the policy refers to open space. Note that the Greater Norwich Local Plan will have reference to open space and the Broadland District Development Management DPD has policy on open space. Note that the Broads local Plan will have a policy on open space too. So what does this add to those policies? Also it may be lost and not used by Development Management Officers as it is under a policy called 'Local Green Space'. Is this part better to be in the design policy?		

## Policy ENV3: Bio-diversity

ID	Name	Dept/Job Title	Organisation	Agent

W32	Miss Natalie	Beal	Broads Authority
<b>Comments:</b>	Bio-diversity policy could be expanded to include the examples (integrated nesting boxes within buildings, native hedge planting for boundaries, flower-rich meadow areas), and therefore be more similar to ENV6: Climate change. The policy does not really say anything as worded. We have raised this before.		

### Policy ENV4: Important local views and vistas

ID	Name	Dept/Job Title	Organisation	Agent
W33	Miss Natalie	Beal	Broads Authority	
<b>Comments:</b>	Confused by 'in addition to those identified in the Wroxham Conservation Area Character Statement' – are you saying there are other important views? For ease of use by Development Management Officers as well as to be clear in the intentions of the policy, all important views need to be included rather than a reference to another document. We have raised this before. Defining these views is useful but the photos could do with being bigger to be easily understood.			
W46	Mr Stuart	Harrison	Senior Planning Officer (Policy)	North Norfolk District Council
<b>Comments:</b>	We note the contents of the Consultation Statement regarding our previous comments.			

### Policy ENV6: Climate change

ID	Name	Dept/Job Title	Organisation	Agent
W49	Mr Stewart	Patience	Anglian Water Services Ltd	
<b>Comments:</b>	Anglian Water is supportive of Policy ENV6, as it states that grey water will be used where possible. The Anglian Water company area has been classified as an area of 'serious water stress' by the Environment Agency, and so we welcome actions such as this to make water use more sustainable.			

### Appendix B

ID	Name	Dept/Job Title	Organisation	Agent
W35	Miss Natalie	Beal	Broads Authority	
<b>Comments:</b>	Point 4, typo: '5' after research			

## Appendix C

ID	Name	Dept/Job Title	Organisation	Agent
W36	Miss Natalie Beal		Broads Authority	
<b>Comments:</b>		Page 60 states in the character area 5 that Beech road terminates with views across privately owned meadows to the Broad - Is this correct? Page 61, character area 6, second bullet refers to "at the southern end". Should "of the Avenue" be added here for clarity? Appendix C only describes what is there now. It does not state the kind of characteristics that are important to the area that should be protected or enhanced. It is not clear how Development Management Officers will use Appendix C. We have raised this before.		

# **Wroxham Neighbourhood Plan**

**2019-2039**

**The Report by the Independent Examiner**

Richard High BA MA MRTPI

1 February 2019

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## **Summary**

I have concluded that, if the modifications that I have recommended are made:

- The Wroxham Neighbourhood Development Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and will be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to **recommend that the Wroxham Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have not received any representations or seen any other evidence to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. **I therefore conclude that there is no need to extend the referendum area.**

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## **Introduction**

1. The Localism Act 2011 has provided local communities the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Wroxham Parish Council (WPC) is the qualifying body for the Wroxham Neighbourhood Plan (WNP), which I shall refer to as the WNP or the Plan.
3. Wroxham is a large village on the south bank of the River Bure about 8 miles north-east of the centre of Norwich on the A1151. The village is also served by the railway line running from Norwich to Cromer and Sheringham on the North Norfolk coast. Part of the Parish lies within the Broads Authority Executive Area and the Broads has a status equivalent to a National Park. Together with Hoveton the neighbouring village on the north bank of the River Bure, it is an important centre for boat-hire and related businesses on the Broads. However, away from the busy A1151, the village has a quiet, secluded residential character.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

## **Appointment of the Independent Examiner**

5. I have been appointed by Broadland District Council (BDC), with the agreement of WPC and the Broads Authority (BA) to carry out the independent examination of the WNP.
6. I confirm that I am independent of both BDC and the BA. I have no interest in any land which is affected by the WNP. I have never had any other professional involvement in Wroxham, but I carried out independent examinations of the neighbourhood plans for the nearby parishes of Salhouse and Rackheath in 2017.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 30 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

## **The Scope of the Examination**

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
  - i. Decide whether the Plan complies with the provisions of Sections 38A and 38B of

the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.

- ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
- iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.

10. The Plan meets the basic conditions if:

- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
- ii. The making of the Plan contributes to sustainable development;
- iii. The making of the Plan 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);
- iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations.

11. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.

12. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.

13. The main documents to which I have referred in the examination are listed below:

- Wroxham Neighbourhood Plan 2019-2039 Submission Version November 2018
- Wroxham Neighbourhood Plan Consultation Statement November 2018
- Wroxham Neighbourhood Plan Basic Conditions Statement November 2018
- Wroxham Neighbourhood Plan Strategic Environmental Assessment Screening Report July 2018 amended October 2018
- Wroxham Neighbourhood Plan Habitats Regulations Assessment Screening Report November 2018
- Wroxham Neighbourhood Plan Sustainability Appraisal Scoping Report November 2017 amended February 2018
- Wroxham Neighbourhood Plan Sustainability Appraisal July 2018 amended October 2018
- Responses to Regulation 16 publicity on the Submission Plan
- Comments of WNP Steering Group on the responses to regulation 16 publicity

- Joint Core Strategy for Broadland, South Norfolk and Norwich adopted in January 2014 (JCS)
  - Broads Authority Core Strategy Development Plan 2007 (BA CSDP)
  - Broads Authority Development Management Policies Development Plan Document 2011
  - Broads Authority Site Specific Policies Local Plan 2014
  - Emerging Local Plan for the Broads, publication version for pre-submission consultation, November 2017 to January 2018 and proposed modifications submitted to examination (emerging BA LP)<sup>1</sup>
  - Broadland District Council Site Allocations Development Plan document 2016
  - Broadland District Council Development Management Development Plan document 2015
  - Emerging Greater Norwich Local Plan Regulation 18 Consultation, Site Proposals and Growth Options (GNLP)
  - Emerging Local Plan for the Broads submission version March 2018
  - The Neighbourhood Planning (General) Regulations 2012 as amended which are referred to as the NPR
  - The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
  - The Conservation of Habitats and Species Regulations 2017 (CHSR)
  - The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
  - The National Planning Policy Framework 2012 which is referred to as the NPPF and the new edition of the Framework issued in July 2018 (NPPF2)
  - National Planning Practice Guidance referred to as PPG
14. The documents submitted include all of those that are required to be submitted under regulation 15 of the NPR. As the Plan was submitted prior to 24 January 2019 it will be examined against the policies in the 2012 NPPF.<sup>2</sup>
15. I made an unaccompanied visit to Wroxham on 16 January 2019 to familiarise myself with the area. I spent several hours walking round the village and visiting all the key sites referred to in the Plan's policies. I also visited Hoveton to understand the relationship between Wroxham and Hoveton.
16. During the examination I sought clarification on some issues by email. My emails and the response to them have been posted on the BDC website.

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<sup>1</sup> Consultation commenced on modifications to the emerging Plan including modifications arising from the examination of the emerging BA LP as I was completing my examination.

<sup>2</sup> NPPF2 paragraph 214

## **The Preparation of the Plan**

17. WPC made an application for the designation of the parish of Wroxham as a neighbourhood area on 5 May 2017, together with a map of the area to be designated. The designation was confirmed by Broadland District Council and the Broads Authority on 26 May 2017. The Parish Council established a steering group made up of parish councillors and local residents (WNPSG) to manage the preparation of the Plan.
18. The Planning and Compulsory Purchase Act 2004 requires that the Plan clearly states the period to which it relates. The Submission Plan shows clearly that the plan period is 2019-2039.
19. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the Town and Country Planning Act 1990. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
20. I am also satisfied that the Plan does not relate to more than one neighbourhood area.

## **Public Consultation**

21. The Consultation Statement sets out in detail the 5 stages of consultation that were undertaken during the preparation of the Plan.
22. The first stage involved two awareness raising events: the Hoveton Summer Fete in August 2017 and the Wroxham Church Christmas fair in December 2017. These events were to make people aware that the Plan was being prepared and to find out what people liked and disliked about Wroxham.
23. Between these two events, a Community Workshop was held to establish key themes for the Plan. The event was very well attended with 84 people attending. Between November 2017 and April 2018, the WNPSG met and corresponded with local groups and stakeholders to gain an understanding of the issues which concerned them. In March 2018 two workshop events were held to check whether ideas on emerging policies were supported. Again, these were well attended with over 100 respondents including those who responded online.
24. Pre-submission consultation in accordance with regulation 14 of the NPR took place from 21 July to 1 September 2018. Copies of the draft Neighbourhood Plan, the Sustainability Appraisal and the consultation response form were available online, at the Library, The Hub, St Mary’s Church and the Church Hall. An event was also held to launch the consultation at The Hub on 21<sup>st</sup> July. Emails inviting a response were also sent to a long list of statutory consultees, including all those likely to be affected from the list at Schedule 1 to the NPR, and to local organisations.
25. The Consultation Statement sets out the comments received, and the action taken by the qualifying body in response to them. The response to most of the policies was generally very 10

positive, but some changes were made to both the policies in the Plan and the supporting text to reflect comments made, particularly by BDC and the Broads Authority (BA).

26. I am satisfied that the measures taken to publicise the Plan were very thorough and clearly meet the requirements of regulation 14 of the NPR. The Consultation Statement also clearly sets out the measures taken and meets the requirements of regulation 15(2) of the NPR.

## **The Basic Conditions Test – The Plan taken as a whole**

27. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

***"having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan"***

28. National policy is set out in the National Planning Policy Framework (NPPF). The NPPF was first published in 2012. A revised version of the NPPF was issued in July 2018 (NPPF2). However, Annex 1 of NPPF2 indicates that neighbourhood plans submitted in accordance with Regulation 15 of the NPR on or before 24 January 2019 should be examined against the 2012 edition of the NPPF.
29. There are two important points to emphasise in relation to this basic condition. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase "*having regard to*". This means that I must consider national policy and advice, but it does not mean that each policy should be in absolute conformity with it. PPG explains that "*having regard to national policy*" means that "*a neighbourhood plan must not constrain the delivery of important national policy objectives.*"<sup>3</sup> The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
30. Also, relevant to this element of the basic conditions test is "...guidance issued by the Secretary of State" as set out in PPG. This contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans<sup>4</sup> some of which I have already referred to. It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. "*A policy in a neighbourhood plan should be clear and unambiguous.*

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<sup>3</sup> PPG – what does having regard to national policy mean? Reference ID: 41-069-20140306

<sup>4</sup> PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

*It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared*<sup>5</sup>. Also “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...*”<sup>6</sup>

31. Table (a) in the Basic Conditions Statement sets out for each policy its relationship to both the NPPF and NPPF2. This is very helpful and I have taken these comments into account in my consideration of each policy which is set out later in this report. However, there is one important strategic issue which I need to refer to here and will return to later. One of the important considerations for a neighbourhood plan is that they “...should not promote less development than set out in the Local Plan or undermine its strategic policies”.<sup>7</sup> The Basic Conditions Statement does not refer to that requirement or explain how the Plan relates to it. The Plan itself is also not very explicit on this point.
  32. Some of the modifications I have made have been because the policies, or parts of them do not add significantly to national or Local Plan policy and are thus not “*distinct*”. In other cases, there is no clear justification for all or part of the policy, or it is not expressed clearly enough to provide useful guidance to a decision maker. Subject to these modifications and more detailed consideration of the issue of the amount of housing, there is no serious conflict between the policies of the Plan and national policy and guidance.
- “The making of the Plan contributes to sustainable development”***
33. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that “*the purpose of the planning system is to contribute to the achievement of sustainable development and the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.*”<sup>8</sup>
  34. The NPPF then spells out the three dimensions of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the Plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached. Policies which fail to demonstrate that they contribute to sustainable development are likely to require modification or deletion. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.<sup>9</sup>
  35. Table (d) of the Basic Conditions Statement identifies the WNP policies that will contribute to

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<sup>5</sup> PPG Reference ID: 41-041-20140306

<sup>6</sup> PPG:What evidence is needed to support a neighbourhood plan or Order? Reference ID: 41-040-20160211

<sup>7</sup> NPPF paragraph 184

<sup>8</sup> NPPF Paragraph 6

<sup>9</sup> NPPF Paragraph 10

each strand of sustainable development. This is a clear and concise approach which I have found helpful. However, it is somewhat over-simplified as each policy is only referred to in relation to one strand of sustainable development. It is of course possible for a policy to contribute, positively or negatively, to more than one dimension of sustainable development and it would be helpful to identify where this is the case. For instance, Policies HBE3, HBE4, ENV2 and TRA3 all relate to both the social and environmental objectives. However, the Plan is also accompanied by a Sustainability Appraisal (SA) which is intended to assess how the Plan contributes to sustainable development. The SA is based on the framework used for the JCS. A Scoping Report was prepared early in the process and was the subject of consultation with the statutory consultation bodies, Norfolk County Council, Broadland District Council and the Broads Authority. The report identifies sustainability appraisal objectives and considers:

- The compatibility of the sustainability appraisal objectives with the neighbourhood plan objectives;
- The compatibility of the sustainability appraisal objectives and the neighbourhood plan policies;
- The specific effects of policies taking account of short, medium and long-term effects and identifying alternative options.

36. The SA does not identify any conflicts between the sustainability appraisal objectives and WNP objectives and policies and shows that the Plan policies will have positive effects when measured against indicators and targets identified in relation to each SA objective.
37. The contribution of each of the policies of the Plan to sustainable development is considered later in my report. However, taken as a whole and subject to the modifications recommended, I am satisfied that the Plan contributes to sustainable development.

***"The making of the plan is in general conformity with the strategic policies contained in the development plan for the area"***

38. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of "*general conformity*" is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.<sup>10</sup> It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.
39. The adopted development plan documents for Wroxham are:
  - The Joint Core Strategy for Broadland, South Norfolk and Norwich, January 2014 (JCS)

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<sup>10</sup> PPG What is meant by 'general conformity'? Reference ID 41-074-20140306

- Broads Authority Core Strategy Development Plan 2007 (BA CSDP)<sup>11</sup>
  - Broadland District Council Site Allocations Development Plan Document 2016 (SADP)
  - Broadland District Council Development Management Development Plan Document 2015 (DMDP)
  - Broads Authority Site Specific Policies Local Plan 2014
  - Broads Authority Development Management Policies DPD 2011
  - Norfolk County Council Minerals and Waste Core Strategy and Development Management Development Plan Document 2010-2026
40. In addition, the emerging Local Plan for the Broads is at an advanced stage of preparation as it was submitted in March 2018 and was the subject of examination during late 2018. The emerging Greater Norwich Local Plan, which will replace the JCS and extend the planning horizon to 2036 is at an early stage of development. While the Plan is not required to be in general conformity with emerging plans, “*...the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the evidence base 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.*”<sup>12</sup>
41. Table (a) of the Basic Conditions Statement describes the relationship of each policy of the Plan to the JCS the BA CSDP and the emerging BA LP. However, it does not refer to either the SADPD or the DMDPD or the BA DMDPD and BA SALP, in which there are several strategic policies of relevance to Wroxham, I have therefore had to explore these relationships myself.
42. With regard to the Minerals and Waste Plan, the parish of Wroxham lies within Mineral Safeguarding Area for sand and gravel. However, as the Plan does not make allocations for new development it does not conflict with this policy. Any future permissions may be subject to requirements regarding site investigation and prior extraction of minerals deposits.

***“The making of the order does not breach and is otherwise compatible with EU obligations”***

Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

43. PPG indicates that “*In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment*”<sup>13</sup>, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.
44. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:  
*“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or*

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<sup>11</sup> The Basic Conditions Statement incorrectly gives a date of 2017 for this document

<sup>12</sup> PPG Can a neighbourhood plan come forward before an up-to-date Local Plan is in place Reference ID: 41-009-20160214

*(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*

45. The submission documents include a SEA Screening Opinion dated July 2018 and amended in October 2018 to take account of changes to the Plan following Regulation 14 consultation. This is consistent with good practice. It contains a Screening Assessment which has been prepared in accordance with regulations 9 and 10 of the EAPPR which concludes that the Plan is unlikely to have significant environmental effects. The draft Screening Assessment, as required by the EAPPR, was subject to consultation with The Environment Agency, Historic England and Natural England. All three bodies replied to confirm that they considered that the Plan would be unlikely to have significant environmental effects.
46. I am satisfied that section 4 of the Screening Report provides the statement of reasons required by the EAPPR to support a conclusion that a SEA is not necessary.
47. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read that:  
*“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”*. Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:  
*“(1) Where a land use plan -  
is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*  
Regulation 106 of the CHSR requires that:  
*“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”*
48. The submitted documents include a Habitats Regulations Assessment Screening Report dated November 2018. The report refers to three European designated sites which border the parish of Wroxham to the east:
  - The Broads Special Area of Conservation
  - The Broadland Ramsar Site and
  - The Broads Special Protection Area.
49. The report concludes that the policies of the Plan are unlikely to have any significant environmental effects on these areas and that an Appropriate Assessment under The Habitats

Regulations is therefore not necessary. Natural England have been consulted on this conclusion and their reply makes no comment. I am satisfied that an Appropriate Assessment is not required.

50. Although neither SEA or Appropriate Assessment under the Habitats Regulations are required a Sustainability Appraisal has been submitted with the Plan which I have already referred to in more detail in paragraphs 35-36.

### **Human Rights**

51. Nothing in the Plan suggests that there would be any breach of the European Convention on Human Rights.

### **Vision**

52. Section four of the Plan sets out the vision for Wroxham. While the vision does not carry any weight as it is not a policy, it is intended to help shape the policies by setting out what they are intended to achieve. It is therefore important that it does not point in a direction that may lead to conflict with the basic conditions. The vision for Wroxham is:

*"Wroxham parish must remain a unique and beautiful waterside community. It will have a variety of good quality homes, improved community services, effective traffic management, and a range of businesses developed in a way that are sensitive to its iconic location and the Conservation Area."*

53. I find the Vision generally consistent with sustainable development except that it treats Wroxham in isolation and does not acknowledge that it is part of the Greater Norwich Area in terms of the economy and the housing market and cannot be isolated from strategic policies. This is a point that I shall return to later, but while the Plan does not make strategic allocations it must recognise that strategic decisions may be taken in the emerging Greater Norwich Local Plan reflecting the role of Wroxham in the Greater Norwich Area. I therefore recommend an amendment to recognise this point. There is also a grammatical error in the last line.

### **Recommendation**

**In the Vision after "...good quality homes" insert "to meet strategic and local needs" and in the last penultimate line change "a way" to "ways" to agree with "are" in the last line.**

### **Objectives**

54. Section 5 sets out the objectives of the Plan. There are eight separate objectives, but they are grouped under five headings: "Housing and the Built Environment", "Business and Employment", "Community and Services", "Transport and Access", "Environment and Landscape". Some of the objectives may not be capable of delivery through planning policies, notably those under the "Transport and Access" heading, but there may be community actions or projects which are identified in the Plan which could be effective. I am satisfied that the objectives are consistent with the basic conditions.

## Policies

55. I have considered all the policies of the Plan against the basic conditions, having regard to the evidence provided to justify them. Where necessary I have recommended modifications. I am only empowered to recommend modifications necessary to meet the basic conditions, to comply with the convention on Human Rights, to comply with the legal requirements in relation to neighbourhood plans or to correct errors.<sup>13</sup> In some instances I have suggested modifications to suggest that certain forms of development “will be supported”. It is normal practice in development plans that the Plan should be read as a whole and thus the “support” expressed in such policies is subject to compliance with other policies in the Plan. There is therefore no need to state this on each occasion this form of words is used.
56. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan. While I have not referred directly to all the comments made, I have given attention to all of them.
57. The policies in the Plan are presented under the five headings for the objectives.

### Housing and the Built Environment

#### **Policy HBE1: Type, size and location of development**

58. Policy HBE1 sets out the preferences of the community for development in Wroxham parish. I have several concerns about this policy and the way it is presented.
59. One of the main requirements of the NPPF in relation to neighbourhood plans is that they “*should not promote less development than set out in the Local Plan or undermine its strategic policies*” (NPPF para 184). Wroxham is identified as a Key Service Centre in the JCS and Policy 14 provides for 100-200 dwellings in the period up to 2026. Neither the BA SCDP and BA SSPLP or the emerging BA LP identify any specific housing requirement for Wroxham. While the recent development of 100 dwellings at Wherry Gardens, to the west of Salhouse Road, appears to meet the JCS minimum requirement, there is no explicit assessment in the Plan or the Basic Conditions Statement of the relationship between the Plan and the requirements of the NPPF and JCS. As this is the main policy determining the location of housing development it is important that the justification for it should explain clearly how it meets the requirements of the development plan. Moreover, as the horizon of the WNP is 2039, well beyond the end date for the existing development plan documents, the Plan should make clear its approach to the need for housing development beyond 2026 which is the end date for the JCS, SADPD and DMDPD. Comments from North Norfolk District Council express similar views.
60. I have sought some clarification on these issues from BDC and WPC and the email exchange is posted on the BDC website. In it BDC explains that although the 100 dwellings provided at

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<sup>13</sup> Section 10 paragraphs (a) – (e) of Schedule 4B to the Town and Country Planning Act 1990

Wherry Gardens is at the minimum end of the range identified in Policy 14 of the JCS, in view of the constraints affecting Wroxham, particularly relating to traffic, it is considered to meet the strategic requirements of the JCS. Moreover, there has been some windfall development providing additional housing and there is the potential for more.

61. With regard to the requirement for any further housing development over the plan period beyond the JCS, it is envisaged that, if any further allocations are considered necessary, they will be made through the emerging GNLP, which is at quite an early stage of development. While the recent Growth Options consultation identified a need for allocations to accommodate 7,200 additional houses up to 2036 across the Greater Norwich Area, the underlying strategy for the distribution of these houses has yet to be determined. The GNLP will cover the whole of the Districts of Norwich, Broadland and South Norfolk, apart from the Broads Authority Executive Area, and the recent consultation identified options for between 450 and 850 dwellings to be distributed between the 9 Key Service Centres including Wroxham. The emerging BA LP identifies a need for 50 dwellings in the Broadland part of the Broads, but does not identify any sites in Wroxham. It is therefore unclear whether any additional allocations for Wroxham will be necessary. Until this issue has been resolved the WNP needs to be in general conformity with the existing strategic policies. There is no requirement in the BA CSDP or the emerging BA LP for additional housing in Wroxham.
62. Policy GC2 of the DMDPD states that "*New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits new development that does result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.*" It has been clarified to me that this is a strategic policy with which the neighbourhood plan must be in general conformity. The wording of the policy offers the potential for a WNP policy which would provide for development outside the settlement boundary, but the Plan includes no such policy. Thus, it only provides for infill development unless any allocations are made in the emerging Local Plans for the Broads and Greater Norwich. Policy DP22 of the BA DMDPD only supports residential development within settlement boundaries, subject to exceptions relating to the conversion of buildings in the countryside, affordable housing exception sites, replacement dwellings and housing related to agriculture, forestry or other countryside industries. The settlement boundary is drawn quite tightly around the built-up area of the village and thus there is little capacity for additional residential development. However, the Plan does not set a cap on the scale of development.
63. I am satisfied, on the basis of the detailed response received from BDC, that the Plan is in general conformity with existing development plan policies in terms of scale of development envisaged and that the emerging GNLP is at too early a stage of preparation for any additional requirements to be quantified. However, the absence of any clear reasoning to explain this strategic context is an important omission and without it I am not satisfied that the Plan makes it clear that it meets the basic conditions. I have therefore recommended the insertion of two additional paragraphs into the supporting text to rectify this.

64. The wording of the policy provides very limited guidance to a decision maker because by stating what is preferred it gives no indication about how development that does not fall into the preferred categories should be treated. The implication is that it should be refused but the intention is not clear and no explicit justification is given to explain why other development would be harmful. For this reason, it is not in accordance with the requirement for policies to be “drafted with sufficient clarity to allow a decision maker to apply it consistently”, which I referred to in paragraph 30. I have therefore recommended a modification to make the decision-making process clearer and thus meet the basic conditions.
65. Turning to the type of development preferred, part a. indicates “small-scale and infill only”, within the Conservation Area. This is defined as 10 dwellings or less. The Conservation Area includes most of the area within the settlement limit and extends significantly outside it into the Broads Authority Executive Area both to the East and West. The response to my queries from BDC indicates that the preferences listed *“do not preclude other forms or scales of development”*. However, in this case the use of the word “only” does appear to do this. While the potential for development on a larger scale is very limited, no clear reason for precluding it has been given and it would not be consistent with the presumption in favour of sustainable development. I have therefore recommended the deletion of “only”.
66. The second part of the policy requires development to “be of a scale that is appropriate to the scale of the village, its rural and waterside setting and current infrastructure”. However, the areas within the settlement limit but outside the Conservation Area are very limited, just the small area at the southern end of the village including Keys Drive, Preston Close and Wherry Meadows, and an area on either side of Norwich Road on the approach to Wroxham Bridge, which lies mostly within the boundary of the Broads Authority. This part of the Policy taken with Policy GC2 of the DMDPD and Policy DP22 of the BA DMDPD would therefore provide very limited opportunities for significant development other than the redevelopment of existing developed sites.
67. Part c. of the policy expresses a preference for homes for residents rather than purpose-built holiday dwellings. Planning permission is not required for a change of use from a permanent dwelling to a holiday dwelling or the reverse, unless there are restrictive conditions attached to a permission for holiday homes. The Plan does not identify any obvious design differences between houses built as permanent dwellings and those built as holiday dwellings. It is therefore difficult to see how this element of the policy could be applied effectively. It is true that there are now several examples of made neighbourhood plans which include policies to require new dwellings to be permanently occupied, following the introduction of such a policy at St Ives in Cornwall.<sup>14</sup> However, these policies contain clear criteria to achieve the enforcement of the policy and are based on clear evidence of the harmful effects of the existing number of second homes. In this instance no such evidence is provided and the policy

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<sup>14</sup> St Ives Area Neighbourhood Development Plan 2015-2030 <https://www.cornwall.gov.uk/media/23576572/final-st-ives-area-ndp-proposal-with-examination-and-cc-amendments-clean-final.pdf>

- is only expressed as a preference. However the preference is in conflict with the support given in policies DP14, DP18 and DP 21 of the BA DPD for holiday homes. This support is carried forward in the emerging BALP.
68. The supporting text for Policy HBE1 suggests that any large development that may occur should be south of the current Wherry Gardens development, because that reflects public opinion. While this is not stated in the policy it is expressed in policy terms and Salhouse Parish Council have questioned this conclusion, drawing attention to potential conflict with Policy HBE5, which aims to safeguard the gap between Wroxham and Salhouse. No clear planning rationale for this preference has been given, other than that it could be "*in keeping with the character of that part of the Parish*" This assertion is not explained and has no regard to other factors which would affect the sustainability of any new development, such as the impact on the landscape, the accessibility of the new development to the services of the village or the compatibility with Policy HBE5. It also does not provide evidence or justification for the policy itself.
69. For all these reasons, I recommend the following modifications to the policy and the supporting text to meet the basic conditions.

#### **Recommendations**

**In the supporting text to Policy HBE1: insert the following a new paragraphs after the highlighted section starting "objective 1": "Policy 14 of the Joint Core Strategy (JCS) requires the provision of 100-200 dwellings in Wroxham in the period 2008-2026. 100 dwellings have been completed in the Wherry Gardens development between Salhouse Road and Norwich Road. Although this only meets the minimum requirement, Broadland District Council considers that, in view of the specific circumstances of Wroxham and traffic issues in particular, there is no strategic requirement for any further allocations under the Joint Core Strategy. The period for the Neighbourhood Plan extends to 2039, 13 years beyond the timescale for the JCS and 3 years beyond the timescale for the emerging GNLP, which will replace the JCS. This Plan is still at an early stage, and it is unclear whether it will identify a need for any additional allocations for housing. If such a need is identified, new allocations will be made by the GNLP and it has been agreed with BDC that there is no requirement for the WNP to identify additional land for housing. However further windfall development in accordance with the policies of the JCS, DMDPD and this Plan will be accommodated."**

**Delete the second paragraph on page 23.**

**Modify Policy HBE1: Type, size and location of development to read**

**"New housing development within Wroxham will be:**

- a. Within the Conservation Area small-scale (retain footnote) infill development or**
- b. Outside the Conservation Area, of a scale that is appropriate to the location within the village, its rural and waterside setting, and current infrastructure.**

**Larger scale development within the Conservation Area may be permitted where it clearly demonstrates that it is not harmful to the character and appearance of the Conservation Area."**

## **Policy HBE2: Housing for older people**

70. This policy requires that new housing developments should include a significant proportion of housing for older people and specifies several types of housing which could fall under this heading. This is supported by evidence of the relatively elderly age-structure of the population and the evidence of the aspiration of some people to downsize within Wroxham. It is also consistent with national policy to “*plan for a mix of housing based on current and future demographic trends*”<sup>15</sup>. While there is good reason to support such provision even in small-scale developments, I agree with the comment of BDC that it would be unreasonable and inconsistent with the presumption in favour of sustainable development, to make this a requirement for all small housing developments, particularly as most housing developments are expected to be “small-scale”. The policy does not indicate what “a significant proportion” might be. There is no evidence other than the age structure on which to base this and any figure would need to be applied with some flexibility to reflect the location and characteristics of the site. I have therefore recommended a modification to indicate this.
71. The Broads Authority has commented that it is not clear how the design guide for housing for the retirement living is to be applied. It is evident that this guidance is only applicable to relatively large developments of managed accommodation and thus will not be relevant to several other forms of housing to meet the needs of the elderly. It is useful guidance where it is applicable, but the phrase “deemed essential” implies that it is a policy requirement. This is not appropriate in supporting text and Appendix B does not use this term. I have therefore recommended a modification to the supporting text, but no change to the policy is necessary to meet the basic conditions.
72. I have noted the comments of the BA regarding the possible application of the discretionary design standards to mitigate the risk of cramped design, but the government has made it clear that these standards can only be introduced through local plans on the basis of clearly evidenced need and not through neighbourhood plans<sup>16</sup>

### **Recommendation**

**In policy HBE2 modify the first sentence to read: “New housing developments designed to meet the needs of older people will be supported and developments of 5 or more dwellings will be required to include some housing to meet the needs of the elderly, unless it can be demonstrated to be unviable or impractical having regard to the location and characteristics of the site. The proportion of such housing will be flexible having regard to location and design considerations.”**

**At the end of the third paragraph of the supporting text insert “Any figure guiding the level of provision would need to be applied with some flexibility to reflect the location and characteristics of the site. The proportion of dwelling is would need to be determined**

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<sup>15</sup> NPPF paragraph 50

<sup>16</sup> Planning Update March 2015 Written Statement to Parliament by Eric Pickles Secretary of State for Communities and Local Government

**having regard to such factors as access to services, the nature of the site and the proposals as a whole.”**

**In the final paragraph of the supporting text, delete “that are deemed essential to the success of retirement accommodation for older people in the UK” and insert “that are desirable for retirement living complexes.”**

### **Policy HBE3: High quality design**

73. This policy sets out design criteria which are intended to retain the distinct character of Wroxham. The introduction to the policy provides a clear statement requiring design to have regard to its local context and to preserve or enhance the quality of Wroxham. This provides clear guidance to a decision maker and the aim to reinforce local distinctiveness is consistent with national policy<sup>17</sup>.
74. The individual criteria a.-m. are, for the most part, clear in their intentions and relate closely to the distinct character of Wroxham. Although some are of a more generic nature, they meet the basic conditions. The cross reference to the Character Appraisal in Appendix C ensures that these are applied in relation to the distinctive character of the part of Wroxham in which the proposal is located. While I note the comment that the Character Appraisal is largely descriptive and could have gone further in defining those elements that need to be reinforced and those that are less desirable, it is a useful tool in its present form. However, I need to recommend minor modifications to meet the basic conditions in two cases.
75. In criterion e., although extensive tree cover is an important characteristic of Wroxham, it may well not be appropriate for all new development to have substantial tree planting. In some cases, the size of the site, or the relationship with existing or proposed buildings, or roads, may make it undesirable and I have recommended a modification to reflect this.
76. In criterion j. the meaning of “contribute to further drainage issues” is not clear and I have recommended a modification.
77. In the final section I have recommended a modification to make it clear that a Design and Access Statement is not required in all circumstances

### **Recommendations**

#### **In Policy HBE3:**

**in criterion e. delete “throughout” and after “...to the area” delete the full stop and insert “, where it is appropriate.”**

**In criterion j. delete “Not contribute to further drainage issues” and replace it with “provide adequate surface and foul water drainage”**

**In the final paragraph modify the first part to read “Where a Design and Access Statement is required proposals must demonstrate how the proposed development...”**

#### **Policy HBE4: Conservation Area and Listed Buildings**

78. The policy requires new development within or adjacent to the Conservation Area to enhance the character or appearance of the area and to produce a statement which outlines how this will be achieved. The policy cross refers to the Character Assessment at Appendix C. It does not, however refer to the Conservation Area Character Statement which provides more detail on the historic significance of different parts of the Conservation Area. The supporting text on page 28 suggests that all applications should refer to the Conservation Area Appraisal regardless of scale and location within the parish. I have established that this is intended to refer to the Conservation Area Character Statement, but this requirement uses wording appropriate to a policy, not supporting text, which is inappropriate. There is also no justification for requiring all applications to do this there are some locations where development would not have any effect on the Conservation Area. I have recommended a modification to the policy to require proposals within or adjacent to the Conservation Area and Listed Buildings to have regard to the Conservation Area Character Statement

#### **Recommendation**

**At the end of the first paragraph on page 28 delete “The Conservation Area Appraisal should be referred to within all planning applications regardless of scale and location within Wroxham parish.”**

**In Policy HBE4 after “...character of the parish” insert “taking account of the Wroxham Conservation Area Character Statement”.**

#### **Policy HBE5: Gaps Between Settlements**

79. This policy aims to ensure the physical and visual separation between Wroxham and the settlements of Salhouse and Rackheath is maintained. The southern edge of the recently completed Wherry Gardens development to the west of Salhouse Road is about 2.3km from the northern edge of the village of Salhouse and 1.3km from the northern edge of the large-scale development proposed in the Growth Triangle relating to the parishes of Rackheath, Sprowston, Old Catton and Thorpe St Andrew<sup>18</sup>. Proposals for the Growth Triangle include an area of public open space extending north of the proposed development to within about 600m of the southern end of Wherry Gardens. While this will help to maintain the physical separation between the settlements it will bring the sense of being part of an urban extension quite close to Wroxham. The supporting text also refers to proposed development at Salhouse, but, although several sites north of Salhouse have been put forward for consideration in response to the call for sites for the emerging GNLP, Salhouse Parish is not part of the Growth Triangle and there are no firm proposals there at this stage.
80. The policy is supported by Salhouse Parish Council which has suggested that there would be a conflict between this policy and development to the south of Wherry Gardens, which is referred to in the supporting text to policy HBE1 as the preferred location for any larger scale

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<sup>18</sup> Broadland District Council: Growth Triangle Area Action Plan adopted July 2016

development. WPC state there would be no conflict, but if this is the case it is difficult to see what sort of development the policy is designed to prevent as the southern end of Wroxham Gardens is only about 300m from the boundary with Salhouse and the policy cannot apply to development proposed outside the parish boundary. I have already recommended the deletion of the reference to development south of Wherry Gardens in the supporting text, partly for this reason, and I am satisfied that there is a clear case in terms of the distinctive character of Wroxham and Hoveton for maintaining their separate identity from the Greater Norwich urban area.

81. I am satisfied that the policy meets the basic conditions but recommend a small modification to the supporting text to correct the reference to Salhouse as part of the growth triangle.

**Recommendation**

**In the supporting text on page 29 delete “...those neighbouring villages are likely to grow substantially, namely Rackheath and Salhouse” And insert “substantial growth is envisaged in nearby Rackheath”**

**Business and Employment**

**Policy BUS1: Retail**

82. This policy encourages the establishment of small new retail units in Wroxham, where they serve the resident community and respect the character of the area. However, the policy does not support the establishment of hot food takeaway establishments. The policy is expressed in very general terms and provides no guidance on any appropriate locations for retail development, which leaves the decision maker to determine whether the criteria are met by any proposal.
83. The BA has suggested that the policy should refer to the NPPF requirements for a sequential test on retail to be applied in some circumstances. However, this is not necessary as the NPPF would be applied where it is relevant and, as the sequential test would not be applied to small-scale rural development, I find no conflict with the basic conditions in the first part of the policy.
84. With regard to hot food takeaway establishments, BDC has also commented that planning policies should not preclude a particular use unless there is a clear justification. Salhouse Parish Council and the BA have also commented that it would be difficult to argue that a single hot food takeaway establishment would be harmful. I agree with both of these comments, though I accept that Wroxham has a very different character from Hoveton where there is a much bigger concentration of town centre uses, including many hot food takeaway establishments. No clear justification has been given for totally precluding a use that is not unusual in a residential environment and to meet the basic conditions I recommend the addition of the modification proposed by BDC.

**Recommendation**

**In the second part of Policy BUS1 add “unless it can be demonstrated that the proposal will not have a significant harmful effect on the character of Wroxham”.**

### **Policy BUS 2: New Businesses**

85. The policy supports development proposals for six specified types of new business, providing they respect their surroundings, are appropriate to the character of Wroxham and do not add to issues of traffic volume and congestion. It also states that the development of holiday dwellings will not be supported.
86. The policy is generally consistent with national policy to promote economic growth and with strategic development plan policy. However, the NPPF at paragraph 28 explicitly supports “the development of all types of business and enterprise” and “sustainable rural tourism and leisure developments that benefit businesses in rural areas”. It is appropriate to require new business development to respect the character of the area, and to identify business sectors that will be particularly supported.
87. The reference to traffic volume and congestion is repeated in similar terms in both policy BUS3 and TRA1. It is not helpful to decision makers to repeat the same policy in different places and in slightly different words. I have recommended that it should be dealt with under Policy TRA1.
88. As already stated in relation to Policy HBE1, and by BDC, there are several reasons why a policy to resist holiday homes is not consistent with the basic conditions, unless there is clear evidence to justify it. It is also not clear what the policy means for a decision maker as Policy BUS3 supports holiday homes in certain circumstances. There is no information on the number of holiday homes in Wroxham, or explicit evidence on the harm that they cause to the character of Wroxham.
89. The BA rightly comment on the use of the word “encouraged” in planning policies. Encouragement is generally associated with support from the sidelines rather than involvement in decision making and I agree that “supported” is more appropriate.

### **Recommendations**

#### **In Policy BUS2:**

**in the second line delete “encouraged” and insert “supported”**

**In the paragraph following the list of appropriate business types replace the comma after Wroxham with a full-stop and delete “and do not add to the issues of traffic volume and congestion”.**

**Delete “Proposals by businesses for the development of holiday dwellings will not be encouraged (see HBE1).”**

### **BUS3: Sustainable tourism**

90. This policy supports small scale tourism development including holiday homes, subject to a list of criteria. The positive approach to tourism development is consistent with national and

strategic development plan policy, but modifications are necessary to some of the criteria to meet the basic conditions. I acknowledge the BA's comment that small-scale is an imprecise term, but, because the nature and context of tourism related uses varies greatly, I accept that it is not easy to define this without being arbitrary.

91. No justification is presented for criterion b. As it refers to a potential residential or business use, there may very well be sites where any of these uses would be acceptable and there is no reasoning to explain why a tourism related use, which is likely to be a business use, should be regarded as a third choice if it meets other sustainability criteria.
92. Criterion c. is very broad. Any visual environmental impact is already covered by a., and f. covers residential amenity. I have therefore recommended a modification to refer to other specific environmental effects.
93. Criterion d. is different in nature from the others as it is worded as something to be achieved rather than avoided. The wording of the policy is such that, departure from any of the criteria may be a reason for the refusal of planning permission. However, it is not reasonable to expect all proposals to improve public access and amenity value as this will depend on whether the location offers the opportunity to do so. I have recommended a modification to reflect this more discretionary nature.
94. In criterion g., as with BUS2, this repeats part of Policy TRA1 and it is best considered there. In criterion h., where there is access to public car parking, it may not be essential to provide on-site parking, indeed to do so may not be consistent with sustainable development as it could create new locations with turning movements which could have an impact on highway safety and congestion. I have recommended modifications to reflect these points.

#### **Recommendations**

##### **In Policy BUS3:**

**delete criterion b.**

**reword criterion c. to read “do not have an adverse impact on the landscape or biodiversity”**

**In criterion d. insert at the beginning “respond positively to any opportunity to...”**

**delete criterion g.**

**renumber h. as g. and after “...on site” insert “unless there is adequate public parking within easy walking distance”.**

#### **Community and Services**

##### **Policy COM1: Approaches to Wroxham**

95. This policy aims to improve the appearance of the approaches to Wroxham. It sets out a list of measures which may achieve this. This is consistent with the NPPF requirement that developments should “establish a strong sense of place”<sup>19</sup> and relates closely to the reference

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<sup>19</sup> NPPF paragraph 50

in JCS Policy 2 to "...promoting good design, in particular the landscape setting of settlements including the urban/rural transition and the treatment of 'gateways'. I am satisfied that it is consistent with the basic conditions subject to a minor modification to make it clear that not all of these measures will necessarily be required.

**Recommendation**

**In Policy COM1:**

**In the first paragraph after "...through the provision" insert ", where appropriate"**

**Policy COM2: Community amenities**

96. Policy COM2 supports the improvement of community facilities and resists the loss of such facilities unless it can be demonstrated that they are no longer needed, or appropriate alternative provision is available or will be provided by the development. It helpfully identifies locations of existing community facilities where redevelopment, refurbishment or criteria may be appropriate. I have noted the suggested wording put forward by the Broads Authority but do not consider that a modification is necessary to meet the basic conditions.

**Policy COM3: New public space**

97. This policy aims to support the creation of new public open spaces, particularly with riverside access, and suggests that they should work with the natural environment, contribute to a network of green spaces and improve biodiversity. There is considerable overlap between the aims of this policy and the last part of Policy ENV2, where it is not relevant to Local Green Spaces, which is the subject of that policy. I have therefore recommended a minor amendment to include open spaces created as part of housing developments. While this policy is generally consistent with the basic conditions, I note the concerns made in a representation regarding the future maintenance of such spaces. This is an important aspect of sustainability and I have therefore recommended a modification to reflect this.

**Recommendation**

**In Policy COM3:**

**In the first line after "...Broad access" insert "or in association with new housing developments"**

**In the second line replace "is actively encouraged" with "will be supported where clear arrangements for their ongoing maintenance are in place".**

**Transport and Access**

**Policy TRA1: Traffic volume and congestions**

98. This policy is in three parts. The first part has a general statement encouraging reductions in traffic volume through Wroxham and repeats the requirements in BUS2 and 3 that new development should not add significantly to traffic volume, and applying to residential as well as business and tourism development. The first general statement, using "encouraged" does

not provide guidance to decision makers and I have recommended a modification to remedy this. As I have already commented in relation to Policies BUS2 and BUS3 it is not helpful to decision makers to repeat policies and policy relating to increase in traffic is best dealt with under this policy as it avoids the need to repeat it for different uses.

99. It could be argued that almost any business development would “add to issues of traffic volume”. Increase in traffic volume is not in itself a reason for resisting development, it is the consequences of any increase in terms of congestion, highway safety, noise and air quality that need to be considered. The NPPF makes it clear that *“Development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe”*.<sup>20</sup> It is clear that there are already issues of traffic volume and congestion on the A1151, and therefore it is the cumulative effect of any new development that is important. I have recommended a modification to reflect national policy and the local situation.
100. The second part of the policy lists four requirements that all new developments are expected to demonstrate. A large proportion of planning applications relate to very small-scale development such as extensions, single dwellings or minor modifications to business premises. It would be disproportionate to expect very small developments to comply with a. c. and d. For example, only quite large developments could realistically influence the use of public transport and cycleways. The NPPF makes it clear that all information requirements should be necessary and relevant<sup>21</sup>. I have therefore recommended a modification to separate b, which can reasonably be required from all development from a. c. and d.
101. The last section supports the delivery of an appropriate relief road. This provides no useful guidance to decision making. As the BA point out no evidence is presented to demonstrate that a relief road is a deliverable or sustainable possibility. It is therefore no more than an aspiration and the in principle support referred to in the supporting text is the most that can be justified.

#### **Recommendations**

##### **Modify the first part of the policy to read:**

**“Development proposals which include measures to reduce traffic volume and congestion through Wroxham will be supported”. “New development which would add significantly to existing levels of congestion or risks to highway safety, that cannot be effectively mitigated, will not be supported”.**

**Modify the second part of the policy to read: “All developments will be required to demonstrate that they can provide safe access onto the adjacent highway network. New developments of 10 or more dwellings and for new or expanded business premises will be required to:**

- a. Quantify the level of traffic movements they are likely to generate;**
- b. Include measures to mitigate any negative impacts on congestion and safety, parking and**

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<sup>20</sup> NPPF Paragraph 32

<sup>21</sup> NPPF paragraph 193

**air pollution.**

**c. Demonstrate how they will facilitate the use of sustainable transport options (public transport options and access to cycle ways)."**

**Delete the final line of the policy.**

#### **Policy TRA2: Parking provision**

102. This policy sets out requirements for the provision of parking in association with new development to add to those in the Broadland District Council Parking Standards Supplementary Planning Document 2007. The policy aims to prevent harmful effects in terms of pedestrian and highway safety and visual impact as a result of parking provision. It lists specific requirements for provision and requires that garages and car ports should be large enough to accommodate modern cars.
103. I am satisfied that the first and last parts of the policy meet the basic conditions. In some cases, the intention of the specific criteria in the second part of the policy is not clear. It has been clarified to me that the intention of a. is that parking provision for new dwellings should be allocated to each dwelling and I have recommended a modification to clarify that. In c. it is not clear whether "electric car charging points" means that all new dwellings should provide one, or whether they should be provided within new developments. It has been clarified that the level of provision is intended to be flexible and I have recommended a modification to clarify that.

**Recommendations:**

**In the second part of Policy TRA2:**

**modify a. to read "private car parking spaces allocated to each dwelling..."**

**in c. add "wherever it is practical and viable to do so"**

#### **Policy TRA3: Walking and Cycling**

104. Policy TRA3 aims to ensure that new developments are designed to meet the needs of pedestrians and cyclists. This is consistent with national policy and guidance. As in the case of Policy TRA1, it may not be possible or appropriate for many small-scale developments to provide new opportunities in this way and I have recommended a modification to reflect this. Subject to this, the policy meets the basic conditions.

**Recommendation**

**In Policy TRA3:**

**At the beginning insert "Wherever possible"**

#### **Environment and Landscape**

#### **Policy ENV1: Public access to the river and broads**

105. This policy requires new waterside development to provide access to the River Bure,

Wroxham Broad or Bridge Broad where possible and precludes development that detracts from the landscape and ecological value of the river or Broads. This policy is clearly in accordance with national and strategic development plan policy and reflects the particular concerns and opportunities of Wroxham. It meets the basic conditions.

### **Policy ENV2: Local Green Space**

106. This policy designates 8 areas as Local Green Spaces in accordance with the criteria set out in paragraph 77 of the NPPF. I visited all these spaces on my site visit and am satisfied that they all in their different ways meet the requirements for designation. This would also be in accordance with strategic development plan policies. Local Green Space 7 is a small area at the south-west corner of Local Green Space 1. The demarcation between the two spaces is not visible to me in a printed copy of the Plan, though it is when enlarged online. This is in effect one green space and I have recommended that the two spaces are treated as one.
107. The second section sets out the policy that is to be applied to the Local Green Spaces. The first part precludes development that result in the loss of Local Green Spaces or would be harmful to their character, setting, accessibility or appearance. The second part does not make grammatical sense in its submitted form but appears to relate to possible replacement of the space with alternative provision.
108. Paragraph 78 of the NPPF says that the policy for Local Green Spaces should be consistent with Green Belts. Green Belt policy does not preclude any development that would result in the loss of Green Belt. It sets out categories of development that would not be inappropriate<sup>22</sup>. Development outside these categories would not be permitted except in “very special circumstances”. It is not appropriate to simply apply the development categories in Green Belts to Local Green Spaces because the scale of Green Belts is so much larger, but the same principle can be applied. Local Green Spaces vary greatly in character and some forms of development would not be inappropriate such as play equipment in a play area, a shelter in a park or a changing room with a sports pitch. I have therefore recommended a modification to the policy to reflect this point.
109. The reference in the second sentence of the middle section of the policy to the possible replacement of a Local Green Space is not appropriate. The designation of a Local Green Space is expected to extend beyond the life of the Plan. It is the space itself and not just its function that should be “demonstrably special” and thus if a use could be satisfactorily relocated the area it occupies is unlikely to be suitable for Local Green Space designation.
110. The third part of the policy refers to open space in association with residential development. This is quite different from the designation of Local Green Spaces as the BA has pointed out. There is considerable overlap between this policy and Policy COM3 and I have already recommended a minor modification to Policy COM3 to include reference to open spaces and

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<sup>22</sup> NPPF Paragraph 89

cover the intention of this part of the policy.

#### **Recommendations**

**In Figure 31 remove the number 7 and remove the boundary between areas 1 and 7.**

**in Policy ENV2:**

**after “Caen Meadow” add “/Trafford memorial ground and public staithe” and delete “ 7. Trafford memorial ground and public staithe.”**

**Modify the second section to read: “Development within a Local Green Space will only be permitted where it is consistent with its function and character except in very special circumstances.”**

**Delete the last section of the policy and see the modification recommended to Policy COM3.**

#### **Policy ENV3: Bio-diversity**

111. The policy encourages development that will lead to a net gain in biodiversity. The policy is consistent with national and development plan policy but adds nothing local to it. It does not indicate the types of gain that may be relevant in Wroxham or provide any guidance to a decision maker on the extent to which the net gains which would be encouraged are a requirement.

#### **Recommendation**

**Delete Policy ENV3**

#### **Policy ENV4: Important local views and vistas**

112. This policy identifies ten local views and vistas and would prevent development that would be overly intrusive, unsightly or prominent. The supporting text makes it clear that the policy is not designed to prevent development but to retain the character of the village. The policy also refers to views identified in the Wroxham Conservation Area Character Statement. Several views are described in this Statement on page 8 and some of them overlap with the views identified here. However, there is no policy recommendation associated with them in the Statement and they are not defined either on a map or photographically. If the views are to be used for policy, they need to be clearly defined.
113. The specific views mentioned in the policy are defined on Fig 32 and there are small photographs of them on Fig 33. It would have been helpful for there to be some written statement of why the views are important. In the absence of this I have had to make my own judgement of their significance. The identification of views of particular significance is a very useful way of protecting local distinctiveness, but it is important that this process is not used to cover views over open countryside which are not clearly special.
114. I visited all these viewpoints on my visit and it is clear to me that views 1,2,3,4 and 6 capture essential characteristics of Wroxham, particularly the relationship between the village and the River and Broads. Views 5 and 7 are less distinctive and appeared to me typical views across open countryside from the edge of a settlement, without any clearly distinguishing features. It

is difficult to escape the view that they are identified more to discourage development near existing housing than to protect views of particular significance and I have recommended that they should be deleted.

115. The final part of the policy requires new developments to take any opportunities to create new views and vistas and it consistent with the basic conditions.

#### **Recommendation**

##### **In Policy ENV4:**

**Delete “(in addition to those identified in the Wroxham Conservation Area Character Statement)**

**Delete views 5 and 7 and delete these views from Figures 32 and 33.**

#### **Policy ENV5: Dark skies**

116. This policy requires all street lighting and the lighting of residential buildings to minimise their impact on dark skies. The NPPF encourages the use of design policies to achieve this, and the emerging BALP contains a strong policy to protect the dark skies which are an important characteristic of the Broads. I have some concerns about the ability to enforce the policy as in many circumstances street lighting and domestic lighting are permitted development. However, it is appropriate to encourage developers to use lighting designed to minimise light pollution and, where it is possible to use planning control it is appropriate to do so. I have recommended modifications to reflect these points.

#### **Recommendations**

##### **In Policy ENV5:**

**Modify the first sentence to read: “Developers are strongly encouraged to ensure that all external lighting is designed to minimise the impact on dark skies.”**

**Modify the second sentence to read “Where planning permission is required, all street lighting of residential buildings or businesses in Wroxham will be required to be environmentally efficient, ....river.”**

#### **Policy ENV6: Climate change**

117. This policy includes several measures relating to climate change. The meaning of the first sentence was not clear to me as I do not understand how designing a building to be adaptable can minimise the resources used in construction. It is also not clear to me what is entailed in designing a building to be adaptable as it is not easy to anticipate the type of adaptation which may be necessary or possible. Although my request for clarification has generated a suggested modified wording I am not satisfied that it can be meaningfully applied. I have therefore recommended deleting the first paragraph. In the last paragraph I believe BHE3 should read HBE3.

#### **Recommendations**

##### **In Policy ENV6:**

**delete the first paragraph and in the last paragraph change “BHE3” to “HBE3”.**

## **Conclusions and Referendum**

118. The Wroxham Neighbourhood Plan has been carefully prepared to respond to planning issues which relate specifically to Wroxham, recognising the location of a substantial part of the parish within the Broads, and the distinctive character of the parish.
119. In carrying out my examination I have found it necessary to recommend several modifications to meet the basic conditions. Many of these are minor in nature and are designed to clarify the intentions of the policy and give clearer guidance to decision makers. In some cases, I have found it necessary to delete policies or parts of policies because they are not clearly justified or because they do not add to national policy. Unusually, I have also recommended a significant addition to the supporting text to clarify the strategic context for the Plan.
120. Subject to the modifications that I have recommended, being made, I am satisfied that:
  - The Wroxham Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
  - Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
  - The making of the Plan would contribute to the achievement of sustainable development;
  - The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
  - The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.
121. I am therefore pleased to **recommend that the Wroxham Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**
122. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>23</sup> **I therefore conclude that there is no need to extend the referendum area.**

*Richard High*

APPENDIX 3

**Wroxham Neighbourhood Plan – Examiner’s Recommendations and Local Planning Authority Responses**

Section	Examiner’s Recommendation	BDC / BA Response
Vision	<p>In the Vision, after “...good quality homes” insert “to meet strategic and local needs” and in the penultimate line change “a way” to “ways” to agree with “are” in the last line.</p>	Modification approved.
HBE1: Type, size and location of development	<p>In the supporting text to Policy HBE1: insert the following new paragraphs after the highlighted section starting “objective 1”:</p> <p>“Policy 14 of the Joint Core Strategy (JCS) requires the provision of 100-200 dwellings in Wroxham in the period 2008-2026. 100 dwellings have been completed in the Wherry Gardens development between Salhouse Road and Norwich Road. Although this only meets the minimum requirement, Broadland District Council considers that, in view of the specific circumstances of Wroxham and traffic issues in particular, there is no strategic requirement for any further allocations. The period for the Neighbourhood Plan extends to 2039, 13 years beyond the timescale for the JCS and 3 years beyond the timescale for the emerging GNLP, which will replace the JCS. This Plan is still at an early stage, and it is unclear whether it will identify a need for any additional allocations for housing. If such a need is identified, new allocations will be made by the GNLP and it has been agreed with BDC that there is no requirement for the WNP to identify additional land for housing. However further windfall development in accordance with the policies of the JCS, DMDPD and this Plan will be accommodated.”</p> <p>Delete the second paragraph on page 23.</p> <p>Modify Policy HBE1: Type, size and location of development to read</p> <p>“New housing development within Wroxham will be:</p> <ul style="list-style-type: none"> <li>a. Within the Conservation Area small-scale (retain footnote)</li> </ul>	Modification approved.

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	<p>infill development or</p> <p>b. Outside the Conservation Area, of a scale that is appropriate to the location within the village, its rural and waterside setting, and current infrastructure.</p> <p>Larger scale development within the Conservation Area may be permitted where it clearly demonstrates that it is not harmful to the character and appearance of the Conservation Area.”</p>	
HBE2: Housing for older people	<p>In policy HBE2 modify the first sentence to read: “New housing developments designed to meet the needs of older people will be supported and developments of 5 or more dwellings will be required to include some housing to meet the needs of the elderly, unless it can be demonstrated to be unviable or impractical having regard to the location and characteristics of the site. The proportion of such housing will be flexible having regard to location and design considerations.”</p> <p>At the end of the third paragraph of the supporting text insert “Any figure guiding the level of provision would need to be applied with some flexibility to reflect the location and characteristics of the site. The proportion of dwelling is would need to be determined having regard to such factors as access to services, the nature of the site and the proposals as a whole.”</p> <p>In the final paragraph of the supporting text, delete “that are deemed essential to the success of retirement accommodation for older people in the UK” and insert “that are desirable for retirement living complexes.”</p>	Modification approved.
HBE3: High quality design	<p>In criterion e. delete “throughout” and after “...to the area” delete the full stop and insert “, where it is appropriate.”</p> <p>In criterion j. delete “Not contribute to further drainage issues” and replace it with “provide adequate surface and foul water drainage.”</p> <p>In the final paragraph modify the first part to read “Where a Design and Access Statement is required proposals must demonstrate how the proposed development...”</p>	Modification approved.

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HBE4: Conservation Area and Listed Buildings	<p>At the end of the first paragraph on page 28 delete “The Conservation Area Appraisal should be referred to within all planning applications regardless of scale and location within Wroxham parish.”</p> <p>In Policy HBE4 after “...character of the parish” insert “taking account of the Wroxham Conservation Area Character Statement”.</p>	Modification approved.
HBE5: Gaps between settlements	<p>In the supporting text on page 29 delete “...those neighbouring villages are likely to grow substantially, namely Rackheath and Salhouse” And insert “substantial growth is envisaged in nearby Rackheath”</p>	Modification approved.
BUS1: Retail	<p>In the second part of Policy BUS1 add “unless it can be demonstrated that the proposal will not have a significant harmful effect on the character of Wroxham”.</p>	Modification approved.
BUS2: New businesses	<p>in the second line delete “encouraged” and insert “supported”</p> <p>In the paragraph following the list of appropriate business types replace the comma after Wroxham with a full-stop and delete “and do not add to the issues of traffic volume and congestion”.</p> <p>Delete “Proposals by businesses for the development of holiday dwellings will not be encouraged (see HBE1).”</p>	Modification approved.
BUS3: Sustainable tourism	<p>delete criterion b.</p> <p>reword criterion c. to read “do not have an adverse impact on the landscape or biodiversity”</p> <p>In criterion d. insert at the beginning “respond positively to any opportunity to...”</p> <p>delete criterion g.</p> <p>renumber h. as g. and after “...on site” insert “unless there is adequate public parking within easy walking distance”.</p>	Modification approved.
COM1: Approaches to Wroxham	<p>In the first paragraph after “...through the provision” insert “, where appropriate”</p>	Modification approved.

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COM3: New public open space	<p>In the first line after "...Broad access" insert "or in association with new housing developments"</p> <p>In the second line replace "is actively encouraged" with "will be supported where clear arrangements for their ongoing maintenance are in place".</p>	Modification approved.
TRA1: Traffic volume and congestion	<p>Modify the first part of the policy to read:</p> <p>"Development proposals which include measures to reduce traffic volume and congestion through Wroxham will be supported". "New development which would add significantly to existing levels of congestion or risks to highway safety, that cannot be effectively mitigated, will not be supported".</p> <p>Modify the second part of the policy to read: "All developments will be required to demonstrate that they can provide safe access onto the adjacent highway network. New developments of 10 or more dwellings and for new or expanded business premises will be required to:</p> <ul style="list-style-type: none"> <li>a. Quantify the level of traffic movements they are likely to generate;</li> <li>b. Include measures to mitigate any negative impacts on congestion and safety, parking and air pollution.</li> <li>c. Demonstrate how they will facilitate the use of sustainable transport options (public transport options and access to cycle ways)."</li> </ul> <p>Delete the final line of the policy.</p>	Modification approved.
TRA2: Parking provision	<p>In the second part of Policy TRA2:</p> <p>modify a. to read "private car parking spaces allocated to each dwelling..."</p> <p>in c. add "wherever it is practical and viable to do so"</p>	Modification approved.
TRA3: Walking and cycling	<p>In Policy TRA3:</p> <p>At the beginning insert "Wherever possible"</p>	Modification approved.
ENV2: Local Green Space	<p>In Figure 31 remove the number 7 and remove the boundary between areas 1 and 7.</p>	Modification approved.

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	<p>in Policy ENV2: after "Caen Meadow" add "/Trafford memorial ground and public staithe" and delete " 7. Trafford memorial ground and public staithe."</p> <p>Modify the second section to read: "Development within a Local Green Space will only be permitted where it is consistent with its function and character except in very special circumstances."</p> <p>Delete the last section of the policy and see the modification recommended to Policy COM3.</p>	
ENV3: Biodiversity	Delete Policy ENV3.	Modification approved.
ENV4: Important local views and vistas	<p>Delete "(in addition to those identified in the Wroxham Conservation Area Character Statement)</p> <p>Delete views 5 and 7 and delete these views from Figures 32 and 33.</p>	Modification approved.
ENV5: Dark skies	<p>In Policy ENV5:</p> <p>Modify the first sentence to read: "Developers are strongly encouraged to ensure that all external lighting is designed to minimise the impact on dark skies."</p> <p>Modify the second sentence to read "Where planning permission is required, all street lighting of residential buildings or businesses in Wroxham will be required to be environmentally efficient, ....river."</p>	Modification approved.
ENV6: Climate change	<p>In Policy ENV6:</p> <p>delete the first paragraph and in the last paragraph change "BHE3" to "HBE3".</p>	Modification approved.

The examiner recommends that the Wroxham Neighbourhood Plan should proceed to a referendum subject to the modifications that he has recommended. He concludes that there is no need to extend the referendum area.

Broadland District Council and the Broads Authority approve these overall recommendations.