

Salhouse Neighbourhood Plan – Proceeding to Publication
Report by Planning Policy Officer

Summary: Salhouse Parish Council has submitted its proposed Neighbourhood Plan to Broadland District Council and the Broads Authority along with the necessary supporting information.

Broadland District Council and the Broads Authority must now assess the submitted Plan against criteria set out by Government legislation and decide whether the proposal complies with these criteria. Notice of the decision will need to be sent to Salhouse Parish Council.

This report details this assessment and recommends that the Planning Committee endorse the submitted Neighbourhood Plan in order that subsequent stages in the statutory process can be followed.

Recommendations:

- (i) That the Planning Committee endorses the Submission version of the Salhouse Neighbourhood Plan (NP) and approves proceeding to publication (consultation).
- (ii) That the Planning Committee endorses the proposed comments from the Broads Authority on the consultation version of the Salhouse Neighbourhood Plan.
- (iii) That Planning Committee agrees to delegate to the Director of Planning and Resources in consultation with the Chair of the Authority and the Chairman of the Planning Committee the authority to submit the Salhouse Neighbourhood Plan to independent examination on assessment of the comments received after the public consultation (publication) ends, subject to no new major issues being raised.

1 Introduction

- 1.1 Salhouse Parish Council applied to Broadland District Council and the Broads Authority in November 2014 to designate its Neighbourhood Area for the purpose of producing a Neighbourhood Plan.
- 1.2 The process of producing the Plan has seen the Parish Council undertaking extensive consultation with residents and other stakeholder organisations, as well as the drafting of Plan objectives and policies.

- 1.3 A proposed Neighbourhood Plan has now been developed and submitted, along with the necessary supporting information to the Broads Authority and Broadland District Council. The Plan and the main supporting documents, feature as appendices to this report.
- 1.4 On submission of a Neighbourhood Plan to the local planning authority, that authority must undertake an assessment of the proposed plan against certain criteria. This is required by the amended Town and Country Planning Act 1990.
- 1.5 The legislation prescribes that the local planning authority must consider:
- (i) whether the parish/town council is authorised to act (i.e. whether it is the appropriate body to produce a Neighbourhood Plan for the area suggested).
 - (ii) Whether the proposal and accompanying documents:
 - (a) comply with the rules for submission to the Council.
 - (b) meet the definition of a Neighbourhood Plan.
 - (c) meet the scope of Neighbourhood Plan provisions.
 - (iii) Whether the parish/town council has undertaken the correct procedures in relation to consultation and publicity regarding the Neighbourhood Plan.

2 Assessment

2.1 On submission of a Neighbourhood Plan to the local planning authority, that authority must undertake an assessment of the proposed plan against certain criteria (see 1.5). This is required by the amended Town and Country Planning Act 1990. The following sets out details of the assessment against each of the prescribed criteria (bold headings):

2.2 Is the parish/town council authorised to act?

2.2.1 Salhouse Parish Council applied to Broadland District Council and the Broads Authority to designate its neighbourhood area as the whole of its parish boundary. This application was approved by both authorities in January 2015.

2.2.2 It is therefore considered that the Parish Council is authorised to act in relation to this neighbourhood area.

2.3 Do the proposals and accompanying documents:

- (a) **Comply with the rules for submission to the Council?**

Regulation 15 of the Neighbourhood Planning Regulations 2012 states that the submitted documents should include:

 - A map or statement identifying the area to which the plan relates.

- A consultation statement, which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered and, where relevant, addressed in the Neighbourhood Plan.
- The proposed Neighbourhood Plan.
- A Basic Conditions Statement, showing how the Plan meets the basic conditions set out in Schedule 4B of the 1990 Act.

The Parish Council has supplied all of the above documentation.

Please note that, at the time of writing, the Parish Council has yet to receive a response from Natural England concerning the Habitat Regulation Assessment screening assessment. It is not expected that Natural England will advise a full Habitats Regulation Assessment is undertaken. However, if so, then this will delay the Neighbourhood Plan proceeding to its statutory six week publication period.

(b) **Meet the definition of a Neighbourhood Plan?**

It is considered that the Salhouse Neighbourhood Plan meets the definition of a Neighbourhood Plan as set out in Section 38A of the Planning and Compulsory Purchase Act 2004, containing (as it does) eleven different planning policies.

(c) **Meet the scope of Neighbourhood Plan provisions?**

The Salhouse Neighbourhood Plan clearly states that it is a development plan for Salhouse, to 2026.

- The Neighbourhood Plan does not make any provision regarding excluded development. Excluded development is that which is either a 'county matter' (relating to minerals), any operation relating to waste development, or development consisting wholly or partly of a national infrastructure project.
- The Neighbourhood Plan only relates to the Salhouse neighbourhood area and it does not repeat an existing planning permission.

It is therefore considered that it satisfactorily meets the provisions defined in Section 38B of the Planning and Compulsory Purchase Act 2004.

2.4 Has the parish/town council undertaken the correct procedures in relation to consultation and publicity regarding the Neighbourhood Plan?

2.4.1 Regulation 14 of the Neighbourhood Planning Regulations 2012 states that, before submitting the Neighbourhood Plan to the local planning authority, the parish/town council should publicise and consult on various stages of the plan production.

- 2.4.2 The pre-submission (Reg. 14) consultation undertaken by the Parish Council in relation to the draft Neighbourhood Plan is summarised in the Consultation Statement. This provides details of the publicity that was undertaken at this (and prior) consultation stages and the bodies that were consulted on the draft Plan. A copy of the Neighbourhood Plan was also received by the District Council.
- 2.4.3 It is proposed that, as Salhouse Parish Council has met each of the criteria specified above Broadland District Council approve the submission of the Salhouse Neighbourhood Plan and confirmation be sent to the Parish Council.
- 2.4.4 The Parish of Salhouse falls partly within the administrative area of the Broads Authority and whilst there is an agreement that Broadland District Council takes the lead on the Neighbourhood Plan process, the submitted documents do also need to be approved by the Broads Authority before the next stage of formal consultation can begin.
- 2.4.5 If approved, Broadland District Council will arrange for the Neighbourhood Plan to be publicised and will invite comments from the public, stakeholder bodies and previous consultees over a period of six weeks.
- 2.4.6 This consultation period will then be followed by an independent examination which, it is intended, will be carried out by an accredited Neighbourhood Plan examiner.
- 2.4.7 Following the examination (which will normally be dealt with via written representations), the examiner will produce a report recommending whether or not the Neighbourhood Plan should go to a referendum (with or without certain modifications). The District Council and the Broads Authority will then consider this report and decide whether or not they agree with the examiner's decision.
- 2.4.8 If it is decided that the Plan should go to a referendum (with or without modifications) then everyone eligible to vote within the neighbourhood area is invited to vote on the adoption of the Neighbourhood Plan. This is a simple yes/no vote and a majority of those voting in favour of the Plan (50%+1) is required before it can be adopted by the District Council and the Broads Authority.

3 Proposed Action

- 3.1 It is proposed that, as Salhouse Parish Council has met each of the criteria specified in para. 3.5 of this report, Planning Committee of the Broads Authority approve the submission of the Salhouse Neighbourhood Plan.
- 3.2 If the Plan is approved, then notice will be sent to Salhouse Parish Council of this fact. If the Plan is refused, then Broadland Council and the Broads Authority will need to notify Salhouse Parish Council of the reasons for this refusal, in a written statement.

- 3.3 If approved, Broadland District Council will then arrange for the Neighbourhood Plan to be publicised and will invite comments from the public, stakeholder bodies and previous consultees over a period of six weeks.
- 3.4 It is important to note that the Broads Authority can respond to this consultation in its role as a consultee. The proposed comments have been drafted and are attached to this report.
- 3.5 This publicity period will then be followed by an independent examination which, it is intended, will be carried out by an accredited Neighbourhood Plan examiner, through the RICS Neighbourhood Plan Independent Examiner Referral Scheme (NPIERS). This scheme has been approved by DCLG and is the approach that other local authorities around the country have been taking at this particular stage.
- 3.6 Following the examination (which will normally be dealt with via written representations), the examiner will produce a report recommending whether or not the Neighbourhood Plan should go to a referendum (with or without certain modifications). The District Council and Broads Authority then considers this report and decides whether or not it agrees with the examiner's decision.
- 3.7 If it is decided that the Plan should go to a referendum (with or without modifications) then everyone eligible to vote within the neighbourhood area is invited to vote on the adoption of the Neighbourhood Plan. This is a simple yes/no vote and a majority of those voting in favour of the Plan is required before it can be adopted by the District Council and Broads Authority.

4 Financial Implications

- 4.1 There are no direct financial implications other than Officer time.

Background papers: None

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Appendices: APPENDIX A - Timetable for the remaining stages of the Salhouse NP
 APPENDIX B - Submission Neighbourhood Plan
 APPENDIX C - Basic Conditions Statement
 APPENDIX D - Consultation Statement
 APPENDIX E - Sustainability Appraisal
 APPENDIX F_ Proposed Comments from the Broads Authority on the Salhouse Neighbourhood Plan

Note that Appendices B, C, D, E can be found here:
<http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-6-january-2017>

APPENDIX A

Timetable for the remaining stages of the Salhouse Neighbourhood Plan

SALHOUSE NEIGHBOURHOOD PLAN - TIMETABLE			
Submission of draft Neighbourhood Development Plan to the Local Planning Authority			
Receipt of documents by District Council	SPC	07/11/2016	
BDC formal approval	BDC	17/11/2016	
Broads Authority formal approval	BA	06/01/2017	
Decision notice sent to Parish Council	BDC	06/01/2017	
Publication of Neighbourhood Development Plan			
Send notification letters/emails	BDC	06/01/2017	
Deliver documents to libraries, reception etc.	BDC	06/01/2017	
Webpage and Objective go live	BDC	09/01/2017	
Publication period	BDC	09/01/2017	20/02/2017
Consultation responses collated	BDC	27/02/2017	
Appointment of Examiner			
Approach potential examiners	BDC	28/11/2016	16/12/2016
Selection and appointment of examiner	BDC/BA/SPC	06/01/2017	
Submit plan for examination			
Submission of documents and consultation responses to examiner	BDC	27/02/2017	
Examination			
Written examination undertaken	Examiner	27/02/2017	20/03/2017
Examiner's report submitted to BDC & BA	Examiner	20/03/2017	
Council consideration of the Examiner's recommendations			
BDC PH1 report produced and approved	BDC	27/03/2017	
BA Planning Committee report produced and approved	BA	31/03/2017	
Publication of Examiner's Report and Decision Statement			
Publication of examiner's report and decision statement on BDC & BA websites	BDC	10/04/2017	
Notification letter sent to consultees	BDC	10/04/2017	
Publication of pre-referendum information statement and specified documents			
Production of information statement and specified documents	BDC	10/04/2017	
Publish statement and documents on BDC & BA websites	BDC/BA	10/04/2017	
Make statement and documents available at BDC & BA receptions and at libraries etc.	BDC/BA	10/04/2017	
Referendum			
Referendum held	BDC	23/05/2017	
Adoption			
Report produced and submitted to Democratic Services	BDC/BA	26/05/2017	
BDC Council adoption of Neighbourhood Plan	BDC	XX/06/2017	
BA adoption of Neighbourhood Plan	BA	XX/06/2017	

Proposed Comments from the Broads Authority on the Salhouse Neighbourhood Plan

Submission Draft

Page 9, first sentence. As reads, seems that the Broads has a National Park equivalent status because of Salhouse Broad. Suggest re-wording and remove 'by virtue of Salhouse Broad'.

Page 9, para 3 – Broads not Norfolk Broads. Also a number missing '...about mile away...'

Page 10, para 5. Query wording that says '...is also impacted by the Broads Landscape Character Assessment...'. Using the word 'impacted' has a negative connotation. Suggest a similar paragraph to that which describes the Broadland LCA.

Page 10 – deprivation (and later employment). You can use this website to find out current Job Seekers Allowance figures:

<https://www.nomisweb.co.uk/reports/lmp/la/1946157233/report.aspx?town=salhouse> . Also, what is the total out of which Salhouse is 20,895th? That might be useful to state.

Page 11, column three, first paragraph re Salhouse Station. Typo - ...'off of...'

Consistent terminology – natural heritage versus natural environment versus natural environmental heritage? Are these referring to the same thing?

Policy OE1

'significant damage' – what is classed as significant?

'impact' – any kind of impact? Do you mean negative?

'..in terms of size...' – what do you intend by this? Expand the site into neighbouring land?

Third bullet point – is the location of the replacement important too?

'...on such sites...' – which sites are these?

Do all or some of these criteria need to be met?

Bullet point 2 – 'for example...' – would this be better in the reasoned justification for this policy?

To whom will the mitigation measure be made available?

We made the comment about natural heritage before. It is not clear what this means. Perhaps it is the natural environment or green infrastructure. Suggest either a clear definition as to what 'natural heritage' means or use a more recognised planning term. (I note page 48 of the Consultation Statement)

Last few words – typo '...meets conforms...'

Policy OE2

See above re natural heritage term.

Policy OE3

What about other lighting like poorly designed security lighting? I note Page 50 of the consultation statement (where we have said this before and you have written 'noted').

Policy OE4

What are additional assets?

Is the loss of agricultural land considered acceptable to the wider area?

Policy OE5

What/where are the village assets? Are these the areas listed as bullet points on page 16? Would a map be of use for interpreting the policy and identifying the 'assets'?

Do you want to be stronger by saying 'expects' rather than encourages?

Policy OE6

Is the aim of this to improve *highway* safety?

Page 18, para 2 – typo ‘in total there just over ...’

Policy EMP1

What improvements are needed?

Do you want to be stronger by saying ‘expects’ rather than encourages?

Regarding viability. We say something like this in the reasoned justification for policies which mention viability:

‘...will only be permitted where the proposal is accompanied by a statement completed by an independent chartered surveyor which demonstrates that it is financially unviable or that any net loss of accommodation is necessary to allow appropriate relocation or redevelopment. Evidence of a robust marketing campaign of at least 12 months will be required that clearly demonstrates that there is no market demand for the premises. The Authority will need to verify the content of such a report and may need to employ external expertise to do so (the applicant will need to meet the cost of this).’

Should the alternative provision be of a similar like and kind?

Page 19, para 3. Typo – ‘...a further 19 new houses figure when completed’.

Page 19, column 3, para 3. ‘they allow everyone...’ we are not sure of the relevance of this sentence in this section. Does ‘they’ mean the policies? Which particular policy does this refer to?

Page 20. Regarding sheltered housing, the Government seems to wish for more people to stay in their own homes for longer. One of the ways planning can address this is through lifetime homes and optional building regulations requirements.

Some information on this is here, taken from the draft Broads Local Plan:

With regards to adaptable dwellings, the Authority refers to the 16 criteria relating to Lifetime Homes¹. The Authority encourages new housing to be built to the Lifetime Homes standard, which makes it easier for people to remain in their own homes as their mobility needs change, through encouraging homes to be built in a way in which rooms can be used flexibly over time. The criteria in this policy also contribute towards the creation of safe, functional and well-designed communities as aspired to by the Government’s Lifetime Neighbourhoods² ambitions.

¹ Lifetime Homes Standards Homes that are accessible to everybody and where the layout can be easily adapted to meet the needs of future occupants. <http://www.lifetimehomes.org.uk/>

¹ <https://www.gov.uk/government/publications/lifetime-neighbourhoods--2>

The Authority also encourages the provision of some dwellings, in appropriate locations, to be designed to be accessible and accommodate wheelchairs. The details are set out in the Building Regulations part M³. The Census 2011 shows that the Broads Authority Executive Area has an ageing

¹ Lifetime Homes Standards Homes that are accessible to everybody and where the layout can be easily adapted to meet the needs of future occupants. <http://www.lifetimehomes.org.uk/>

² <https://www.gov.uk/government/publications/lifetime-neighbourhoods--2>

³

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506503/BR_PDF_AD_M1_2015_with_20_16_amendments_V3.pdf

population and older people could benefit from more accessible dwellings. The NPPG⁴ is clear, however, in saying that '*Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied*'. The Authority acknowledges that this standard may not be appropriate in some locations or for some schemes, but applicants are required to justify reasons for not including dwellings that are accessible and adaptable.

Policy H1 and H2 – we note that in H1 you wish for development to respect the character, height and density of the village. In H2 you say there should be a greater diversity of housing types. Do these contradict each other? When you say housing types, is this detached, terraced etc or number of bedrooms or design?

Policy H3

Does the second paragraph repeat the first?

Where the policy refers to outside the settlement limit, how far out is allowed?

How would development outside the development boundary be accessed?

Projects to support the Local Plan

There are community rights that can help protect important community assets.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244635/130924_You_ve_got_the_power_accessible.pdf

Regarding mapping environmental features of the village. Some of this work could have been completed as part of the Norfolk-wide Ecosystems mapping project just recently started.

The Neighbourhood Plan speaks a lot of linking to the two parts of the village together and also linking the Broad. Is this a project that is being worked on?

General for policies

It is easier for Development Management Officers if the bullet points are numbered or lettered – i, ii, iii or a, b, c.

It will be easier for Development Management Officers (who will be using these policies) if the reasoned justification was linked to the specific policy rather than being all together. I note page 49 on the consultation statement.

Sustainability Appraisal

Page 9, ENV9 row. Some policies refer to Carbon Footprint and housing policy refers to density and character so there could be some policies appropriate to this AS objective.

Page 12, SOC8 row. Policies refer to development being of high quality.

Page 14, ECON6. The employment policies would rate against this SA Objective.

Basic Conditions Statement

Page 3 – the Broads Authority designated the area as well. 7 November 2014.

Consultation Statement

Page 3, middle column, bottom para – also submitted to the Broads Authority.

⁴ <http://planningguidance.communities.gov.uk/blog/guidance/housing-optional-technical-standards/accessibility-and-wheelchair-housing-standards/>