

Brundall Parish Council

# **Brundall Neighbourhood Plan**

## **Independent Examiner's Report**

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## Summary

I have been appointed as the independent examiner of the Brundall Neighbourhood Development Plan.

The Plan is presented to a very high standard, it is easy to use and navigate and includes a number of photographs that reinforce the distinct character of the village and its surroundings on the Broads.

The Plan has been prepared by a Working Group that has sought representation from a wide range of local groups and interests as well as local residents. It is clear that a lot of thought and time has gone into the preparation of the Plan.

Further to consideration of its policies I have recommended a number of modifications to policies in the Plan that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear and consistent.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend that the Brundall Neighbourhood Development Plan goes forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers  
Ann Skippers Planning  
10 November 2015

Ann Skippers Planning is an independent consultancy that provides professional support and training for local authorities, the private sector and community groups and specialises in troubleshooting, appeal work and neighbourhood planning.

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## **1.0 Introduction**

This is the report of the independent examiner into the Brundall Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

Brundall village is located some six miles or so from Norwich and about fourteen miles from Great Yarmouth. The village is essentially linear in character with development set along and off The Street and Strumpshaw Road, although there is more recent development to the north-western side of the village. With a population of some 4000 residents, the village is served by a variety of community facilities and services including a primary school and a health centre. Unusually the village has two railway stations.

The village is surrounded by countryside on three sides and the Norfolk and Suffolk Broads to the south. It overlooks the River Yare and the central arm of the Broads. The Parish therefore falls within Broadland District and some of the Parish also falls within the Broads Authority Executive Area.

## **2.0 Appointment of the independent examiner**

I have been appointed by Broadland District Council (BDC) with the agreement of the Broads Authority (BA) and Brundall Parish Council (BPC), to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

### 3.0 The role of the independent examiner

The examiner is required to check<sup>1</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>2</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

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<sup>1</sup> Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Broadland District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

## **4.0 Compliance with matters other than the basic conditions**

I now check the various matters set out above in section 3.0 of this report.

### **Qualifying body**

Brundall Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This is also confirmed in the Basic Conditions Statement. This requirement is met.

### **Plan area**

The Plan area is coterminous with the Parish Council administrative boundary. Broadland District Council approved the designation of the area on 8 April 2014 and the Broads Authority on 28 March 2014. The area is shown on Figure 1 in the Plan.

The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

### **Plan period**

The Plan covers a period up to 2026, but does not explicitly state a start date. I have recommended a modification to this effect later on in the report.

## **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also usefully confirmed in the Basic Conditions Statement.

## **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy to fall within this category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but non-land use matters should be clearly identifiable.<sup>5</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## **5.0 The examination process**

It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan.

The general rule of thumb is that the examination will take the form of written representations.<sup>6</sup> However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.

After consideration of the documentation and all the representations, I decided it was not necessary to hold a hearing.

I undertook an unaccompanied site visit to Brundall and its environs on 16 September 2015.

During the course of the examination it was necessary to clarify a number of factual matters and ask for some further factual information. These related to the arrangements for my appointment, clarification over strategic policies in the documents comprising the development plan, the Sustainability Appraisal, supporting documentation in relation to Policy 3 and clarification over the area that Policies 7 and 8 might apply to.

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<sup>5</sup> Paragraph 004 of Planning Practice Guidance

<sup>6</sup> Schedule 4B (9) of the Town and Country Planning Act 1990

I would like to record my thanks for the support and quick responses that the officers at BDC and the BPC and their representatives have given me during the course of the examination.

I have also specifically referred to some representations and sometimes identified the person or organisation making that representation. However, I have not referred to each and every representation in my report. Nevertheless each one has been considered carefully and I reassure everyone that I have taken all the representations received into account during the examination.

## 6.0 Consultation

The Parish Council has submitted a Consultation Statement which provides details of the engagement and consultation process. Of particular note are three objectives<sup>7</sup> about the consultation process which help to show that engagement has been at the forefront of the evolution of the Plan.

What is interesting is that the Working Group set up by the Parish Council to lead the Plan included representatives of key facilities or organisations within the Parish, for example the school and nursery and the luncheon club as well as parishioners. The Working Group established terms of reference.

Engagement and publicity took place in a number of ways: colourful and eye catching posters around the Parish, clearly and invitingly worded and informative press releases and websites.

Three community consultation events were held in May, June and July 2014. Details about these three events are provided in the Consultation Statement in a tabular format.<sup>8</sup> This format provides a succinct but full resume of each event and its outcomes that is extremely useful and I regard this presentational technique as good practice and would commend it to other groups. As an aside the boards used at the consultation events included in the Appendices of the Consultation Statement seem to me to be an excellent way of presenting and seeking information.

Pre-submission (Regulation 14) consultation took place between 5 December 2014 – 30 January 2015. It is good to see that this extended period took account of Christmas and other public holidays. This stage was publicised in articles in the Parish magazine, press releases and via social media. Statutory and other consultees were emailed. Copies of the Plan were available in paper format in various locations and online.

The evidence demonstrates that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies.

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<sup>7</sup> Consultation Statement page 2

<sup>8</sup> Consultation Statement page 5 onwards



Submission (Regulation 16) consultation was carried out between 22 June and 3 August 2015. This attracted a number of representations which I have taken into account in preparing this report. Some requested changes that are not necessary for me to make recommendations on given the role and remit of the examiner; others sought the inclusion of more or different issues. However, my role is to examine what is before me. A representation from the Environment Agency offered advice on issues that might arise as a result of the policies in the Plan; an example of this is in relation to Policy 1 and the need to seek further advice when public realm enhancement schemes come forward. I feel sure that the BPC will take such comments on board in progressing this Plan or in reviewing it in the future as appropriate.

## 7.0 The basic conditions

### National policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>9</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the development plan. They cannot promote less development than that set out in the development plan or undermine its strategic policies.<sup>10</sup>

On 6 March 2014, the Government published a suite of planning guidance. This is an online resource available at [www.planningguidance.planningportal.gov.uk](http://www.planningguidance.planningportal.gov.uk). The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report. This is referred to as Planning Practice Guidance (PPG).

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>11</sup>

PPG indicates that a policy should be clear and unambiguous<sup>12</sup> to enable a decision maker to apply it consistently and with confidence when determining planning

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<sup>9</sup> National Planning Policy Framework (2012) paras 14, 16

<sup>10</sup> National Planning Policy Framework (2012) para 184

<sup>11</sup> *Ibid* para 17

applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area. Some of the modifications I have recommended are to ensure that the Plan satisfactorily meets this guidance.

The Basic Conditions Statement contains a table which sets out each Plan policy and sets out a brief commentary on how that policy has regard to the NPPF and the relevant development plan policies.

### **Sustainable development**

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole<sup>13</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>14</sup>

The Basic Conditions Statement offers an explanation of how the Plan contributes to the achievement of sustainable development taking each of those three dimensions in turn and highlighting the Plan policies of particular relevance.

### **The development plan**

The relevant basic condition only refers to the development plan. In this case, the development plan in relation to Broadland District Council consists of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS), the Development Management Development Plan Document (DPD) 2015 adopted in August 2015 and saved policies in the Local Plan (Replacement) 2006. The JCS sets out the strategic growth for housing and employment to 2026 and was adopted in March 2011 with amendments adopted in January 2014. BDC have helpfully provided a note that sets out which policies are considered to be strategic in nature; all of the JCS policies are together with some saved policies and some from the Development Management DPD 2015.

The JCS contains a comprehensive spatial vision. JCS Policy 14 identifies Brundall as a key service centre; where, amongst other things, a range of enhanced shops and services, community facilities and job opportunities, small amount of housing and strong employment and tourism related links with the Norfolk Boards will be formed.<sup>15</sup> The Parish also falls within the Norwich Policy Area.

Part of the Plan area falls within the jurisdiction of the Broads Authority. In relation to the Broads Authority, the Core Strategy DPD 2007 sets out the vision for the Broads

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<sup>12</sup> Planning Practice Guidance para 041

<sup>13</sup> National Planning Policy Framework (2012) para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>14</sup> *Ibid* para 7

<sup>15</sup> JCS page 23

from 2007 – 2021 and was adopted in September 2007. The development plan also consists of the Site Specifics Policies Local Plan adopted in 2014, the Development Management Policies DPD adopted in 2011 and saved policy in the Broads Local Plan 1997. Whilst I have been advised that the Broads Authority consider that the strategic policies are set out in the Core Strategy, given that there are five policies in the more recently adopted Site Specifics Policies Local Plan that apply to an area known as Brundall Riverside, I take the view that at the very least these five policies (Policies BRU1 – BRU5) should be taken account of as the area falls within the Broads that has a status equivalent to a national park and given that the Core Strategy is some years old and predates the NPPF.

Both Broadland District Council and the Broads Authority are currently producing new Local Plans and I would regard it as good practice for the Brundall Neighbourhood Plan to also be aware of the general direction of travel at this emerging stage.

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant.

### **Strategic Environmental Assessment**

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004. Planning Practice Guidance advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a SEA.<sup>16</sup>

Broadland District Council recommended that a Sustainability Appraisal (SA) should be carried out. There is no legal requirement for a neighbourhood plan to have a SA. However, as one of the basic conditions is to contribute to the achievement of sustainable development, the production of a SA may often help to demonstrate this.

The Parish Council prepared a SA (incorporating a SEA) Scoping Report. This underwent consultation including with statutory consultees, between 14 August and 22 September 2014 and comments received were taken into account.

The SA Report was subject to a period of pre-submission consultation alongside the Plan between 5 December 2014 and 30 January 2015. The SA Report provides evidence that the Plan's policies have been appraised and tested against a variety of environmental, social and economic sustainability objectives developed through the Scoping Report.

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<sup>16</sup> Planning Practice Guidance ref id 11-028-20150209

Whilst it does not contain a detailed analysis of why choices have been made, both the SA Report and the Scoping Report refer to the development and refinement of options and a table has been provided that shows that alternatives have been considered. In addition the Plan itself has gone through robust consultation.

Neither of the two local planning authorities or any of the statutory consultees have raised any concerns about the compatibility, or otherwise, of the Plan with EU obligations. It is clear that the work on the SA has helped to underpin the Plan and has been integral to it and I consider it has been done in sufficient detail as appropriate for the content of the Plan. Ultimately though Planning Practice Guidance advises that it is the responsibility of the local planning authority to decide whether the Plan is compatible with EU obligations.<sup>17</sup>

### **Habitats Regulations Assessment**

Natural England has confirmed that the Plan area is within or in close proximity to the Broadland Special Protection Area and the Broads Special Area of Conservation; European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations) and the Broadland Ramsar<sup>18</sup> site.

A Habitat Regulations Assessment screening report concludes that the Plan can be screened out from further stages of assessment because it is unlikely that significant effects on the sites will occur individually or cumulatively. Natural England concurred with this view.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement states that the Plan has had regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. Whilst it would have been useful to have more information so that this was demonstrated rather than simply stated, there is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it and no substantive evidence to the contrary.

Taking all of the above into account, I am satisfied that the Plan is compatible with EU obligations and that it does not breach, and is otherwise compatible with, the ECHR.

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<sup>17</sup> *Ibid* ref id 11-032-20140306

<sup>18</sup> The NPPF gives Ramsar sites the same protection measures as those in place for European sites

## 8.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where I recommend modifications in this report they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics**.

### General

The Plan is presented simply and clearly. It is an inviting document with attractive photographs that give a real flavour of the Parish as well as acting as section breaks. The colours and layout used are easy to follow and the Plan is simple to navigate. My only comment about the Plan's presentation is to suggest that page numbers are added so that it makes referring to the document easier for those who will use the Plan.

The Broads Authority has also requested that on any maps that show the Broads, the legend should read the "Broads Authority Executive Area" and in the interests of accuracy I recommend this be undertaken.

The Plan begins with a Preface that is both informative and interesting. A short Contents page then follows.

- **Add page numbers to the Plan**
- **Ensure that any legend on plans/diagrams/maps that refers to the Broads reads "*Broads Authority Executive Area*"**

### Section 1 Introduction

This section helpfully sets the scene for the Plan. It does so in a clear and pragmatic way.

The Plan states that the end date of the time period the Plan covers is 2026, but does not explicitly state a start date for the Plan period. Many neighbourhood plans seem to use the date of production or submission so 2015 in this case might be appropriate.

In addition the Plan area is clearly shown in Figure 1. It would be useful if a short sentence or two were added to refer to this Figure and to confirm that the Plan relates to that area.

- **Add the start date of the Plan to this section**
- **Add a short reference to Figure 1 indicating the Plan refers to the Plan area shown in this figure**

## **Section 2 Life in Brundall today**

This section provides both an interesting and informative narrative on Brundall and its attributes.

## **Section 3 A vision for the village**

This section contains a simply and clearly articulated vision. The vision states:

“Our vision for Brundall is to remain a high-quality rural village surrounded by tranquil open countryside and the Broads landscape where people want to live, visit, work and engage with a vibrant and thriving community.”

This vision is then underpinned by nine objectives which cover the environment, the economy and the community. All nine objectives are succinct and clearly worded and relate to the vision. All deal with development and use of land matters and are appropriate for inclusion in the Plan.

## **Section 4 Brundall policies**

There are eight policies in the Plan. Sections accompanying each policy offer the background to, and justification for, each policy. This is then followed by a section entitled ‘ambition’ which sets out the intent of each policy. The policies themselves are clearly numbered and titled and appear in a bright orange box. This means the policies are clearly distinguished. All in all the presentation and layout is systematically presented and is clear and easy to use. This approach is to be commended.

### **Policy 1 Improving the pedestrian environment on The Street**

The Street is a busy through route and a focus for business and shopping performing the role of a village centre through what the Plan describes as a “string of local centres”. The preamble to the policy explains that the quality of the environment and public realm is poor. If the quality of the built environment can be improved, businesses will in turn be supported and the strengthening and growth of these pockets of economic activity along The Street can be realised. This ambition will support the continued improvement and enhancement of The Street in turn promoting its vitality and viability supporting a prosperous rural economy and providing opportunities for community interaction and will help to achieve sustainable development and aligns with the objectives of the JCS and in particular JCS Policy 7.

There are four elements to the policy as I read it; the first is the enhancement of the public realm along The Street in general. This is referred to in the supporting text as an issue that has been consistently identified by the community. The policy though could

be interpreted to refer only to three local centres identified on an accompanying plan. This more narrow interpretation would lose the opportunity to seek enhancements to The Street as a whole and would not achieve sustainable development. The policy therefore should read clearly and I recommend rewording it to enable this to happen.

The second issue is a particular focus on improving three local centres through public realm enhancements. The policy itself contains an ambiguous word: “possibly”. In order for the policy to provide the practical framework sought by the NPPF, this needs to be more definite.

The third issue is that the policy resists the loss of existing employment floor space and supports new retail or small business uses in redeveloped or new buildings. This element of the policy seems to relate to the three local centres. A representation<sup>19</sup> emphasises the need for more employment space; by removing the word “small” from the policy, there would be greater flexibility whilst recognising that the very nature of these local centres means that employment uses might be of a smaller scale and aligns with the promotion of local employment opportunities in the JCS and in particular JCS Policies 5 and 14.

The three local centres are indicated on the accompanying plan, but it is important that there is clarity over where this element of the policy applies to as it relates to buildings rather than the generality of a location. Therefore additional more detailed or inset maps should accompany this policy, based on the stylistic ‘blobs’ identifying the local centres, to remove any ambiguity.

The fourth issue is that of “gateways”; the entrance and exit points on entering or leaving the village. The provision of gateways aligns with the concept contained in the JCS. The broad location of the proposed gateways are helpfully shown on a plan and are essentially the gateways in and out of the village. Given the nature of the roads that I saw at my site visit and the amount and type of farm traffic for example, it will be important that any gateways do not inadvertently impede pedestrian, vehicular or other movements or indeed lessen the likelihood of sustainable development being able to be achieved in the future. This would also be in line with the stance taken in Policy TS3 of the Development Management DPD (2015). However, I am confident that the (reworded) policy is flexible enough to address any such concerns I might have and has the potential to enhance both the village’s identity and achieve better transport management.

A representation<sup>20</sup> seeks a definition of what “clear gateways” referred to in the policy might be. In my suggested rewording of the policy I have purposefully avoided this term.

The policy is underpinned by Figure 1 (which should be renumbered to avoid confusion with the first Figure 1 that shows the Plan area). This figure indicates the gateways and the local centres for improvement. It is referred to in the policy as “plan” and in the

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<sup>19</sup> Mr. Nurden

<sup>20</sup> Norfolk County Council

interests of clarity and to avoid any doubt the reference to the diagram accompanying the policy should be the same as the diagram is titled.

It seems to me that the policy then goes beyond its description given in the “ambition” section that states that the policy promotes high standards in urban and landscape design as it also deals with change of use and new commercial uses. This should be remedied in the interests of accuracy and clarity so that the scope of the policy is fully acknowledged. This also should be reflected in the title of the policy which should acknowledge the scope of the policy or could relate to the area it applies too.

There are then a number of modifications that are recommended in the interests of accuracy, clarity and consistency and so that the policy provides the practical framework sought by the NPPF.

- **Reword Policy 1 as follows:**

***“The protection and enhancement of the environmental quality and public realm along The Street for pedestrians, cyclists and local businesses is supported.***

***Plan (or Figure) XXXX identifies three local centres: the corner of Cucumber Lane and The Street; the junction of Church Lane/Links Avenue/Finch Way and The Street; and between Station Road and Blofield Road. In these areas public realm enhancements that improve pedestrian and cyclist movements around the village and help to create focal points for business activity and community interaction will be particularly welcomed. Such measures could include the widening of pavements, improved surfaces, tree planting, improved crossing points and the creation of shared surfaces.***

***The development of new buildings or redevelopment of existing buildings in the three local centres identified on Plan XXXX for retail or business use will be supported. The loss of any employment floorspace in these areas will be resisted.***

***The introduction of appropriately designed measures to create gateways to the village in the locations shown on Plan XXXX (and/or name the areas) which improve conditions for all highway users and create a sense of place for the village will be supported.”***

- **Change title of the policy to better reflect the four issues covered by the policy**
- **Add more detail about the support for new or redeveloped buildings for retail and business use and the retention of employment floor space in the preamble sections**
- **Renumber Figure 1 that accompanies this policy**



- **Add more detailed inset maps that clearly indicate the three local centres referred to in the policy**

## **Policy 2 Walking and cycling routes**

This policy offers support for an enhanced footpath and cycleway network and specifically an orbital footpath and cycle route around the village and seeks to enhance walking and cycling connectivity around the village. A concept plan is included that shows existing and potential routes.

The NPPF encourages both the protection and exploitation of opportunities for sustainable transport modes which includes pedestrian and cycle movements.<sup>21</sup> It also recognises that safe and accessible routes can provide opportunities for social interaction and create healthy, inclusive communities.<sup>22</sup> These objectives also align with those in the JCS.

A representation<sup>23</sup> submitted on behalf of the owners of part of the land on which the southern footpath would be supported the aims of this policy, but points out that the footpath link is likely only to be delivered alongside riverside development. I accept that the deliverability and viability of the proposal is an issue, but consider that it is more likely to be delivered if such a proposal is contained within the Plan policy. Another representation<sup>24</sup> on behalf of another land owner potentially affected understandably wishes to ensure that future interests in the land is not prejudiced. The supporting text recognises the need for discussions with landowners and funding for such a scheme.

The policy clearly has regard to national policy and guidance and will help to achieve sustainable development. As a result it accords with the basic conditions and no modifications are recommended to the policy.

The accompanying plan is titled “Figure 1” again although it includes “Policy 2” as a subheading. I note that all the plans in the Plan begin with the “Figure 1” title. This may be a matter of style and personal preference, but I consider it preferable for each of the maps to have a different title to make it easier for reference purposes and to avoid any confusion. No doubt a system will be devised that addresses my concern that suits BPC and the local planning authorities.

Therefore the only modification recommended in the interests of clarity is to:

- **Renumber Figure 1 that accompanies this policy**

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<sup>21</sup> NPPF para 35

<sup>22</sup> *Ibid* para 69

<sup>23</sup> Mr. Brown on behalf of Dacre Property Holdings

<sup>24</sup> NPS Property Consultants Ltd on behalf of Norfolk County Council

### Policy 3 Important views

This policy seeks to protect three views that have been identified by the community as being of particular importance. The evidence largely relies on the Broadland Landscape Character Assessment Supplementary Planning Document 2013 and the Broads Landscape Character Assessment of 2006 together with community consultation. I also saw on my site visit that these views are important to the unique character and topography of the village and its setting and proximity to the Broads. The policy chimes with Policy EN2 of BDC's Development Management DPD (2015) which recognises the importance of protecting the character of the area and important views.

The second paragraph of the policy as worded would not preclude any new development, but instead seeks to ensure that new development would respect these views and I consider this to be an appropriate balance between the presumption of sustainable development and the protection of local distinctiveness. However, the final paragraph of the policy seeks to "avoid" development "within the views...overly intrusive, unsightly or prominent to the detriment of the view as a whole..". This paragraph is worded ambiguously and it is not clear to me how a decision maker might make a judgment based on this wording. It does not therefore provide the practical framework sought by national policy; in any case it duplicates the previous more positively worded paragraph by reversing the intent and so is unnecessary.

The three viewpoints are identified clearly on an accompanying plan and usefully documented in a series of photographs in the Plan. However, the plan is not referred to in the policy and it would be helpful for a cross reference to be made so that it is clear the policy applies to these three identified views. Once again I suggest that the accompanying figure is renumbered in the interests of clarity.

A representation<sup>25</sup> points out that "historic development" is referred to in the second paragraph of the supporting text and suggests it is replaced with "existing built development" or similar. I agree this would be a useful amendment, but it is not one I need to recommend given my role and remit.

- **Delete the third paragraph of Policy 3 which reads "Development within the views that is overly intrusive, unsightly or prominent to the detriment of the view as a whole should be avoided."**
- **Renumber Figure 1 that accompanies this policy**
- **Insert a cross reference to the plan that shows the three views into Policy 3 in line with the renumbered plan at the end of the first paragraph of the policy i.e. along the lines of "as shown on Plan XXXX"**

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<sup>25</sup> Broads Authority

#### Policy 4 Enhanced recreation provision

A number and variety of recreation facilities are provided in the Parish. The Plan explains that these are primarily at two locations; the Memorial Hall and Church Fen. Whilst the Parish Council pursues the provision of additional facilities through other routes detailed in paragraph five in the supporting text, this policy supports new and expanded facilities in the village.

This policy plans positively for the provision of facilities in line with the NPPF.<sup>26</sup> This will make the important contribution to the health and well-being of the community that the NPPF seeks.<sup>27</sup> It will help to achieve sustainable development and aligns with the objectives of the JCS. The policy accords with the basic conditions and no modifications are recommended except for the deletion of the phrase “Subject to the outcome of ongoing detailed work” as this inserts a layer of uncertainty into the policy.

- **Delete the phrase “Subject to the outcome of ongoing detailed work” from Policy 4 (and begin the second sentence of the policy “This could include...”)**
- **Update the fifth paragraph in the “background and justification” section as necessary**

#### Policy 5 Enhanced provision for the old

The delivery of a wide choice of homes and a mix of housing based on current and future demographic trends and the needs of different groups in the community is supported by the NPPF.<sup>28</sup> It is recognised there is a need to provide housing for older people. This need is critical given that the projected increase in the number of households aged 65 and over accounts for over half of new households.<sup>29</sup> It is important that older people are able to live independently and safely in their own home for as long as possible and that they are able to move to more suitable accommodation as the need arises. This policy supports the provision of such housing recognising this need generally and specifically in the Parish.

The title of this policy might be better phrased “enhanced provision for older people”. Likewise the supporting text should refer to “older people” as should the policy itself. This reflects the language used in the NPPF where a definition of older people is also to be found.

The policy gives preference to brownfield land with good access to services and facilities, but does not limit the support for older people’s housing to such sites. A

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<sup>26</sup> NPPF para 70

<sup>27</sup> *Ibid* para 73

<sup>28</sup> NPPF para 50

<sup>29</sup> DCLG Household Projections 2013

representation<sup>30</sup> supports the principle of the policy and suggests a possible site. I consider that the policy is flexible enough to respond to the market whilst seeking to direct development to particular sites.

The policy accords with national policy and advice and will help to achieve sustainable development. It accords with the basic conditions and only minor modifications are recommended to ensure the language used is the same as the NPPF.

- **Change the title of this policy to “Enhanced provision for older people” on the title page and in the policy box itself**
- **Change all (five) references to the “elderly community” or “elderly residents” in the supporting text to “older people” or “older residents”**
- **Change the reference to “the elderly” in the policy to “older people”**

### Policy 6 Enhanced pre-school provision

I believe there is a missing “to” from the second sentence of the supporting text to this policy.

It is clear that the existing pre-school and nursery facility is much valued by the community. This policy supports the delivery of enhanced educational facilities close to local centres or major facilities. This will, as the Plan recognises, enable people to minimise journeys for this purpose and help build a strong and cohesive community in line with national policy.

The wording of the policy is clear and accords with national policy and advice and will help to achieve sustainable development by supporting the community in this way.

However, the supporting text refers to the redevelopment of the existing facility or the redevelopment of a brownfield site. Whilst it is appropriate to signal what would be acceptable to the community, restricting such provision to a brownfield site could well prevent such provision coming forward through the restricted number of sites or because of viability for example. In addition the policy itself does not limit the provision to a brownfield site. It should therefore be made clear in the supporting text that there is a preference for the redevelopment of the existing facility or of a brownfield site, but that the policy does not prevent such provision being delivered in other circumstances.

- **Amend the supporting text in the “ambition” section to make it clear that whilst there is a preference for the redevelopment of the existing facility or of a brownfield site, the policy does not limit the possibilities of another suitable site coming forward**

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<sup>30</sup> NPS Property Consultants Ltd on behalf of Norfolk County Council

## Policy 7 Boating and marine businesses

Boat building, servicing and related sectors are to be found at Brundall Riverside and Brundall Marina. The Plan explains the importance of these employment sectors and fears they may be under threat from other uses. Coupled with this the Plan considers that any future opportunities for employment land are limited.

Policy 7 then seeks to protect and enhance what is described as a “cluster” of boat building and marine related businesses in Brundall Riverside and resists the redevelopment of this area if loss of employment or harm to the boat building industry would be caused.

It was not clear to me from the Plan or after my site visit which area(s) it is intended that this policy would apply to. The Parish Council has helpfully provided me with a plan that clarifies this after I made a request for clarification.

The area falls within the Broads. Core Strategy Policy CS9 protects waterside employment sites that contribute to the local economy in terms of the Broads tourism base. The supporting text to Core Strategy Policy CS22 explains that employment sites are protected from redevelopment resulting in a loss of employment through appropriate diversification. It explains that the loss of employment-generating businesses equates to the loss of local opportunities rather than precluding all change. It goes on to explain that support of the local economy is not only about the boating industry. Core Strategy Policy CS23 refers to the limited redevelopment of boatyards in certain circumstances. The accompanying text explains how important the boating industry is and how it contributes to a wider network; points recognised in the supporting text to Policy 7.

I am also mindful that the Broads Authority’s Site Specifics Local Plan 2014 contains a series of policies that apply to Brundall Riverside (Policies BRU1 – BRU5). The Local Plan describes the area as an important boating and holiday centre and contributor to employment and the economy. It points out that most of the area is at risk from flooding which has posed a constraint for new development and that road access is via a railway level crossing limited in width and alignment and is itself at risk from flooding.

Policy BRU2 encourages the development of the boatyards and related uses and indicates that Policies DP18 and DP20 of the Development Management Policies 2011 – 2021 DPD apply. These policies respectively deal with protecting general employment and development on waterside sites in commercial use, including boatyards.

Policy BRU3 refers to mooring plots and Policy BRU4 to Brundall Marina also apply to the area covered by Policy 7. Amongst other things, Policy BRU4 refers to the development and retention of marina, boatyard and related uses and Policies DP18 and DP20.

It seems to me that the stance of the NPPF and Policies BRU2 and BRU4 with their integral cross-references to Policies DP18 and DP20 are more flexible than Policy 7. Mooring plots covered by Policy BRU3 are not explicitly mentioned in Policy 7. In addition the supporting text for Policy 7 refers to boating and marine related activities whereas the policy itself focuses more on boat building. Moreover, the language used, in particular “significant loss of employment” and “to the detriment of the boat building industry” is hard to define and pin down. Similar points are made in representations.<sup>31</sup>

It seems to me that Policy 7 is at odds with national policy, both in terms of providing the practical framework sought by the NPPF, but also in its lack of flexibility and outlook. It seems to take a narrower approach than the stance taken in adopted policy. In turn this may not help to achieve sustainable development.

Therefore I consider that Policy 7 as currently presented would not meet the basic conditions. Whilst its broad direction of travel might be able to be supported in principle, its focus on boat building rather than marine related industries, its lack of flexibility and positive planning together with its breadth of coverage and use of language that is rather open to interpretation together lead me to recommend deletion of this policy.

Other issues raised by representations correcting the reference to Policy DP2 which I understand should be DP29 and the inclusion of a plan showing the relevant areas could have been satisfactorily dealt with by modifications.

- **Delete Policy 7 in its entirety**
- **Consequential amendments to the Plan will need to be made**

## **Policy 8 Leisure and tourism**

Policy 8 also falls within the Broads area. Following my request for clarification as to the area this policy might apply to, representatives for the Parish Council have confirmed that there is no specific area to which this policy applies other than “Brundall Riverside” described as the promontory south of the railway line. A plan showing the general area south of the railway station as a half asterisk has been provided, but this then is at odds with the whole asterisk shown on the map in the submitted Plan itself.

The ambition of the policy, reasonably in my view, seeks facilities for local people as well as for tourists. The supporting text specifically mentions a point of public access to the water and the lack of leisure facilities. It explains that advantage should be taken of the presence of the railway station and the River Yare and seeks to promote such development on unused or underused land. The half asterisk includes an existing pub and an area covered by the Broads Authority Site Specifics Local Plan Policies BRU2 and

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<sup>31</sup> The Broads Authority; Mr. Nurden and Mr. Brown

BRU5. However, the policy itself and further explanation in response to my query seems to point to the whole of the promontory potentially at least falling under the auspices of this policy.

Whilst I understand a desire for flexibility, it is simply not clear to me where this policy would apply to. Whilst the supporting text itself recognises that it is not intended to reduce boat building activity supported by Policy 7 (which I have also recommended deletion of) but the promotion of leisure and tourism activities that seems to be in line with the strategic direction of Local Plan policies, it seeks these facilities on land “given over to other activities”. This adds to my confusion as the half asterix and the area for Policy 7 are partly the same. As a result it does not provide the practical framework for decision making that the NPPF seeks. For that reason I can only recommend deletion.

I accept this may be an issue that can be resolved with the local planning authority following the examination. However, the second paragraph of the policy seeks a comprehensive approach to the area, a laudable aim, but it is not clear how this might be achieved or delivered. Furthermore on the face of it Policy 8 does not seem to take account of policies in the Site Specifics Local Plan. Whilst I fully appreciate the neighbourhood plan policy can move in a different direction, there is little explanation of how it might relate to these policies or justification for taking a different stance. I therefore share the concerns of the Broads Authority detailed in their representation.

- **Delete Policy 8 in its entirety**
- **Consequential amendments to the Plan will be needed**

## **Section 5 Implementation and monitoring**

This section recognises the implementation of the Plan will depend on coordination and partnership working. It refers to a separate implementation plan.

It is welcome that the Parish Council will monitor the Plan and ambitiously set out their intention to do so on an annual basis.

A separate Implementation Plan has also been produced which identifies the actions needed to deliver the Plan’s vision, objectives and policies. This includes reference to some funding mechanisms such as Community Infrastructure Levy receipts.

## 9.0 Conclusions and Recommendations

I am satisfied that the Brundall Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore delighted to recommend to Broadland District Council and the Broads Authority that, subject to the modifications proposed in this report, the Brundall Neighbourhood Development Plan should proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Brundall Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Brundall Neighbourhood Plan area approved by Broadland District Council on 8 April 2014 and the Broads Authority on 28 March 2014. In order to avoid any confusion both authorities approved the same area, but on different dates.

Ann Skippers  
Ann Skippers Planning  
10 November 2015



## Appendix List of Documents Specific to this Examination

Brundall Neighbourhood Plan Submission Draft dated April 2015

Brundall Neighbourhood Plan Basic Conditions Statement 2015

Brundall Neighbourhood Plan Consultation Statement 2015

Brundall Neighbourhood Plan Implementation Plan 2015

Brundall Neighbourhood Plan Sustainability Appraisal Scoping Report 2015

Brundall Neighbourhood Plan Sustainability Appraisal 2015

Brundall Neighbourhood Plan Habitat Regulations Assessment Screening Opinion 2015

Brundall Neighbourhood Plan Habitat Regulations Assessment Screening Report 2015

Joint Core Strategy for Broadland, Norfolk and South Norfolk adopted 2011 with amendments adopted 2014

Broadland District Council Local Plan (Replacement) 2006

Broadland District Council Development Management Development Plan Document (DPD) 2015

Broads Authority Core Strategy DPD 2007 - 2021

Broads Authority Site Specific Policies Local Plan 2013 - 2028

Broads Authority Development Management Policies DPD 2011 - 2021

Saved policies of the Broads Local Plan 1997

List ends