

Acle Neighbourhood Plan: Inspector's Report
Report by Planning Policy Officer

Summary: The Inspector's report into the examination of the Acle Neighbourhood Plan has been received. The Inspector recommends proceeding to referendum if identified changes are made to the Plan. The changes are summarised in this report at section 2.

Recommendation: That the Broads Authority accepts and endorses the proposed changes to the Neighbourhood Plan as set out in the Inspector's Report and supports the Plan to go forward to referendum.

1 Introduction

- 1.1 The submitted Acle Neighbourhood Plan was approved by Planning Committee on 20 June 2014. 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
 - Broadland District Council offices
 - Acle Library
 - The Broads Authority website
 - The Broads Authority reception
- 1.2 All of those consultation bodies listed within Acle Parish Council's consultation statement (a supporting document to the Neighbourhood Plan) were notified of the publication, as were residents who had responded to the consultation on the draft document. In addition, a public notice was put on local notice boards and on the Acle Parish Council website.
- 1.3 During the six week publication period, a total of 8 representations were received from residents and consultation bodies (see Appendix 2 for details). These representations were collated for submission, along with the Neighbourhood Plan and supporting information, to an independent examiner for the purposes of an examination.
- 1.4 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

- 1.5 Legislation directs that an examiner must only consider:
- (i) whether the draft plan meets the 'basic conditions' of a Neighbourhood Development Plan;
 - (ii) whether the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan;
 - (iii) whether the area for referendum should extend beyond the neighbourhood area; and
 - (iv) whether the draft plan is compatible with the Convention rights.
- 1.6 The examination was conducted via written representations during September 2014 (the examiner deciding that a public hearing would not be required). The examiner's report, detailing recommendations, has now been submitted to the District Council and the Broads Authority(see Appendix 1).
- 1.7 Planning legislation states that once a local planning authority has been issued with an examiner's report, then it must consider the recommendations. If the authority is satisfied with the examiner's recommendations then any specified modifications can be made before the Plan proceeds to referendum.
- 1.8 The Council/Authority 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.
- 1.9 If the Council/Authority is satisfied then it will need to publicise its decision (a decision statement) and move to a referendum. If the Council/Authority is not satisfied, then it must refuse the plan proposal and publicise its decision.

2 The Issues

- 2.1 The examiner has recommended that, subject to certain modifications, the Neighbourhood Plan meets the basic conditions and other statutory requirements, and that it can proceed to a referendum within the neighbourhood area.
- 2.2 The recommended modifications are set out in the examiner's report (Appendix 1). Section 7.0 of the report sets out a 'Summary of Recommendations'.
- 2.3 Many of these recommendations involve simple additions or minor amendments to general wording within the Neighbourhood Plan document (see Appendix 3 for a reference copy of the original submitted Neighbourhood Plan). However, there are a number of recommended modifications to **policies**, as summarised below:
- (i) Part of the site proposed for **Policy 1: Acle Bridge area**

improvements (that to the west of the A1064) is outside of the neighbourhood area (the civil parish), meaning that the Neighbourhood Plan cannot make proposals for this element of the site. The examiner has recommended that this area of the site is removed from the Neighbourhood Plan policy and that it is reworded appropriately.

- (ii) **Policy 5: Improving links to the countryside and surrounding villages** should be more specific and should identify the walking and cycling routes that are to be prioritised for improvement, within the policy wording and correlated on the accompanying policy map.
- (iii) It has been recommended that **Policy 8: Village centre development** should be re-worded to better reflect the parish council's intentions to positively promote retail and other appropriate development within the town centre.
- (iv) **Policy 9: Business space** specifically identifies a site to the south east of the village centre (between the A47 and the A47 exit slip road) for future employment development. The examiner has recommended that this should not be included in the plan as an 'allocation', because a site assessment has not been carried out and there is not sufficient evidence of deliverability. The examiner has recommended amended wording for Policy 9 and to its supporting text, which identifies the south west of the village as a potential location for further employment growth (in addition to that allocated in the Local Plan), if necessary.
- (v) The examiner considers that **Policy 10: Future housing mix** does not add any locally specific requirements to those already set out in the strategic and Local Plan policies. Therefore she has proposed that this policy is deleted.
- (vi) There is a factual error in the wording of **Policy 11: Future housing integration** where it is stated that the 'Joint Core Strategy has identified land at Mill Lane for the development of 120-150 new homes'. It is the Site Allocations DPD – Submission document that seeks to allocate the Mill Lane site. The Joint Core Strategy sets out the overall target for new homes in Acle as a whole (100-200 new homes by 2026). The examiner has recommended a change of wording, accordingly.
- (vii) The way in which **Policy 12: Residential car parking** is currently worded means that the parish council has set an absolute standard for residential parking at a level less than the maximum standards set in Broadland District Council's adopted Parking Standards SPD, whereas the intention is to allow for greater residential car parking in new developments. The examiner has recommended amendments to the policy in order to better reflect this.

3 Proposed Action

- 3.1 It is proposed that Planning Committee approve the examiner's recommendations, as detailed within Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Acle).
- 3.2 As the neighbourhood area is also partially covered by the boundary of the Broadland District Council, they will also need to consider the recommendations of the examiner. The Cabinet meeting of Broadland District Council is being held on 21 October 2014 and Members will be updated verbally of the outcome. The Broadland District Council Cabinet Report relating to the Examiner's Report proposes that Cabinet agrees with the examiner's conclusions and recommends the Neighbourhood Plan for a referendum within the neighbourhood area.
- 3.3 Should the examiner's recommendations be met with full approval by both local planning authorities, then a decision statement will then be produced which will be published, along with the examiner's report, on the Council's/Authority's websites and made available in the other appropriate locations.
- 3.4 The next steps will involve the Council/Authority publishing information and giving at least 28 days' notice of the referendum (not including weekends, bank holidays, days of public holiday).
- 3.5 Given this period of notice, should both authorities approve the examiner's recommendations detailed within this report, then it is anticipated a referendum could be held in January 2015.
- 3.6 If more than half of the people who vote in this referendum vote in favour of the proposal then the Council must adopt the Neighbourhood Plan as soon as reasonably practical, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 3.7 This means that, should the referendum yield positive results for the Neighbourhood Plan, then the Plan would be subject to Broadland District Council's Cabinet and Council and Broads Authority Full Authority ratification before it is fully adopted.
- 3.8 Should both local planning authorities 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 authorities about a particular fact) both authorities:
 - 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 The referendum will be funded by Broadland District Council.
- 4.2 Broads Authority Officer time on updating the website accordingly.

5 Conclusion

- 5.1 The Inspector's report into the examination of the Acle Neighbourhood Plan has been received. The Inspector recommends proceeding to referendum if some changes are made to the Plan. The changes are summarised in this report at section 2.
- 5.2 If the Acle Neighbourhood Plan is ultimately adopted, it will be a material consideration in determining planning applications and used by the Authority's Development Management Officers.
- 5.3 It is recommended that the Broads Authority accepts and endorses the proposed changes to the Neighbourhood Plan as set out in the Inspector's Report and supports the Plan to go to referendum.

Background papers: None

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Date of report: 22 October 2014

Appendices: APPENDIX 1: Acle Neighbourhood Plan – Report by Independent Examiner <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-7-november-2014>

APPENDIX 2: Acle Neighbourhood Plan Publication – Response Summary

APPENDIX 3: Acle Neighbourhood Plan – Submission Version found here: http://www.broadland.gov.uk/housing_and_planning/6136.asp

Acle Neighbourhood Plan Publication - Response Summary

General

ID	Title	Given Name	Family Name	Organisation	Response
ANP8	Ms	Janet	Nuttall	Natural England	N.B. The following is a summary. For details of the full response please see the attached document. Natural England is satisfied that, given the location, scale and nature of development proposed through Plan policies, aimed primarily at improvements to the village centre, community facilities and business space, the Plan is unlikely to have a significant effect on designated conservation sites.
ANP5	Mr	Stephen	Faulkner	Norfolk County Council	N.B. The following is a summary. For details of the full response please see the attached document. The County Council continues to support the broad sustainable aims and objectives of the Plan. 1. Infrastructure Delivery Under the Vision and Objectives section the Parish Council may wish to consider reference under a "general development" heading as follows: "to make sure new development provides appropriate new or improved infrastructure in order to mitigate the impact of the development" In addition the Parish Council may wish to consider having a Policy on infrastructure delivery indicating that: 'Housing and other development will be expected to contribute towards improving local services and infrastructure (such as transport, education; library and fire hydrant provision) through either the payment of a Community Infrastructure Levy (CIL) and/or planning obligations (via a s106 agreement / planning condition).' 2. Environmental Comments The Neighbourhood Plan should be subject to a Habitat Regulation Assessment as there is a clear pathway for potential impacts (e.g. Acle is immediately adjacent to the Broads SAC and the Broads RAMSAR sites; recreational disturbance could be considered likely to increase as a result of NDP policies). Natural England should be consulted. In addition, green infrastructure policies should be considered as part of the plan. There appear to be opportunities to develop GI to the west of the village, linking with the Burlingham Woods Walks. 3. Local Member's View The County Council ward member for Acle raises the issue of medical facilities in the village and the fact that these will be under further pressure with the development that will be taking place in the village over the next few years. This issue should be mentioned in the Neighbourhood Plan.
ANP3	Mr	David	Grech	English Heritage	English Heritage was invited by the Parish Council to comment on an early draft of this Plan. English Heritage is primarily concerned with the historic environment and we provided comments specifically concerning the integration of the historic environment into the plan. In our comments we requested changes in four specific areas of the draft plan, and I am pleased to say that the Parish Council has sought to address all four matters in the current version of the plan. We therefore do not wish to make further comments on the plan at this stage.

APPENDIX 2

ANP1 Mrs Ann Bassham I fully support the proposals in this plan.

Policy 1

ID	Title	Given Name	Family Name	Organisation	Response
ANP4	Miss	Natalie	Beal	Broads Authority	It is suggested that Acle PC should consider the following with regards to Policy 1 which relates to the area at Acle Bridge - Policy 1: The whole of the policy area lies within Flood Zone 3 – land identified as being at high risk of flooding. This is a substantial development constraint. Whilst this does not preclude new development (such as new food and drink venues) any application will need to establish that the development is safe, does not increase the risk of flooding elsewhere and satisfy the requirements of the Exceptions Test as set out in the Technical Guidance accompanying the NPPF. This comment has been raised before. It is suggested that this is mentioned in the background section. These comments do not affect the 'soundness' of the Neighbourhood Plan, but aid clarity.

Policy 11

ID	Title	Given Name	Family Name	Organisation	Response
ANP7	Ms	Catherine	McArdle	Anglian Water Services Ltd	N.B. The following is a summary. For details of the full response please see the attached document. Anglian Water have received a consultation for the planning application for the site mentioned in the Neighbourhood Plan, Mill Lane, and have stated the following: The foul drainage from this development is in the catchment of Acle Water Recycling Centre, which currently does not have capacity to treat the foul flows from your site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent. And would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission. Anglian Water have included some further detailed comments for consideration related to the application on this site regarding Water Supply, Recycling Centre Capacity, Sewerage, Surface Water & Flood Risk and Protection of Assets.

Policy 3 and Policy 4

ID	Title	Given Name	Family Name	Organisation	Response
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APPENDIX 2

ANP6	Mr	Stephen	Faulkner	Norfolk County Council	Policies 3 and 4 of the Plan are supported with regard to high school and pre-school provision. However, it is felt that there ought to be a further Policy covering primary school provision, as follows: "Development in Acle and within the primary school catchment area is expected to make any appropriate contribution towards the delivery of improved education provision made necessary by the development."
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Policy 9

ID	Title	Given Name	Family Name	Organisation	Response
ANP2	Mr	Roger	Chenery	Highways Agency	I commend the Parish on the production of the Plan. The comment I wish to make regarding Policy 9 is that any prospective developers will need to robustly demonstrate that the development of this identified area will not adversely affect the operation of the A47 trunk road as part of the Strategic Road Network. In particular that any connection to the A47 east bound off slip will not be permitted and that any proposed connection to adjacent local roads will need to demonstrate that their operation does not affect the ability of trunk road traffic to either leave the trunk road or access the trunk road via the opposing slip road. Proximity to the east bound off slip and the A47 over bridge may make this site difficult to access in engineering terms.