

# **Salhouse Neighbourhood Plan 2016-2026**

## **The Report by the Independent Examiner**

Richard High BA MA MRTPI

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## Summary

The Salhouse Neighbourhood Plan contains a relatively small number of policies that relate clearly to the issues and needs that have been identified during the preparation of the Plan. It is evident that there has been a thorough and consistent approach to the engagement of the community and the absence of objections to the submission version of the Plan indicates the support of the community for the contents of the Plan.

The policies take full account of the strategic policies of the Broadland Norwich and South Norfolk Joint Core Strategy, the Broads Authority Core Strategy and the Broadland Site Allocation and Development Management DPDs. These documents provide a clear strategic context for the Plan up to the end of the plan period in 2026. The Basic Conditions Statement and the other documents submitted with the Plan are clearly presented and provide the information required in a concise and effective manner. This has been a great help to me in carrying out the examination.

I have found it necessary to recommend some modifications in order to meet the basic conditions. These do not substantially change the effect of the policies and are mainly designed that the policies are expressed in a way that makes it possible for decision makers to apply them consistently when considering planning applications.

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

The Salhouse Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

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

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”.<sup>1</sup> **I therefore conclude that there is no need to extend the referendum area.**

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<sup>1</sup> PPG Does an independent examiner consider the referendum area as part of their report?  
Reference ID: 41-059-20140306

## **Introduction**

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Salhouse Parish Council is the qualifying body for the Salhouse Neighbourhood Plan 2016-2026 (which I shall also refer to as the (SNP or the Plan). The Plan area covers the whole of the parish of Salhouse. It has been prepared by a working group of Parish Councillors and local residents.
3. Salhouse lies about 6 miles north-east of Norwich. It is a quiet rural village on the edge of the Norfolk Broads to the north-east. On the western side, it borders the Growth Triangle on the north-east side of Norwich which is allocated as a major urban extension in the Joint Core Strategy for Broadland, Norwich and South Norfolk where 7000 new houses are due to be accommodated in the period up to 2026 in the parishes of Rackheath, Thorpe St Andrew, Sprowston, and Old Catton.
4. The village originally had a linear settlement pattern with intermittent development along Lower Street and Upper Street. Twentieth century development has filled in many of the gaps and added substantial new development in the area bounded by Lower Street, Thieves Lane, Norwich Road and Mill Road. Approximately three-quarters of a mile to the west there is a separate cluster of development along Station Road and Norwich Road. The station provides a rail service to Norwich and North Walsham, Cromer and Sheringham.
5. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

### **Appointment of the Independent Examiner**

5. I have been appointed by Broadland District Council (BDC) with the agreement of Salhouse Parish Council (SPC) to carry out the independent examination of the SNP.
6. I confirm that I am independent of both Broadland District Council and Salhouse Parish Council and have no interest in land in the parish.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed 18 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

### **The Scope of the Examination**

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
  - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
  - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
  - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and

whether the area for the referendum should extend beyond the Plan area.

10. The Plan meets the basic conditions if:
  - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
  - b) the making of the Plan contributes to sustainable development;
  - c) the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I was satisfied that it could be completed on the basis of written representations. However, I did seek clarification from BDC by e mail on some issues and the e mail exchange is attached at Appendix 1.
12. The documents which I have referred to in the examination are listed below.
  - Salhouse Neighbourhood Plan Submission Draft November 2016
  - Salhouse Neighbourhood Plan Consultation Statement November 2016
  - Salhouse Neighbourhood Plan Basic Conditions Statement November 2016
  - Salhouse Neighbourhood Plan Sustainability Appraisal November 2016
  - Salhouse Neighbourhood Plan Sustainability Appraisal Scoping Report June 2016
  - Habitats Regulations Assessment (HRA) Screening November 2016
  - Responses received to publicity in accordance with Regulation 16 of the Neighbourhood Plan Regulations

- The Broadland, Norwich and Norfolk Joint Core Strategy 2008-2026 (JCS)
- Broadland District Council Development Management DPD 2015
- Broadland District Council Site Allocations DPD 2016
- Broads Authority Core Strategy 2007-2021
- Salhouse Conservation Area Character Statement 2003
- The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR
- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR)
- The Conservation of Habitats and Species Regulations 2010 (CHSR)
- The National Planning Policy Framework which is referred to as the NPPF
- National Planning Practice Guidance referred to as PPG

13. These documents include all of those that are required to be submitted with a neighbourhood plan under regulation 15 of the NPR.
14. I made an unaccompanied visit to Salhouse on 21 March 2017 to familiarise myself with the Parish and help me to understand the implications of the Plan policies. I spent most of a day walking and driving round the parish and its surroundings to view all the key locations referred to in the Plan.

### **The Preparation of the Plan**

15. The submission documents contained conflicting information on the relevant dates relating to the designation of the neighbourhood area. I have queried these and received clarification that the following dates are correct (see Appendix 1). An application for the designation of the whole of the Parish of Salhouse as a Neighbourhood Area was submitted by SPC to BDC on 27 August 2014. The Council undertook consultation as required by regulation 6 of the NPR from 15 September to 27 October 2014. The Council approved the designation at its full council meeting on 22 January 2015. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.

#### **Recommendation**

**Amend the Consultation Statement to correct the errors and omissions and show the above dates on P3 under the heading "Neighbourhood Area Application".**

16. Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 requires the Plan to state the period for which it is to have effect. The Plan states on Page 7 that it "provides a vision for the future of the village of Salhouse up to "2026". However, this is not prominent or easy to find and the start date for the Plan period is only given in the Basic Conditions Statement.

#### **Recommendation**

**on the cover of the Plan add the timescale "2016-2026" and on the second line of p7 delete "up" and insert "from 2016."**

17. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "*county matters*" such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
18. I am also satisfied that the SNP does not relate to more than one neighbourhood area.

## Public Consultation

19. The Consultation Statement clearly sets out the stages of consultation throughout the preparation of the Plan and the means of publicising these. An initial “open day” was held in May 2013 to establish the need for a neighbourhood plan and to gain ideas for it. Following this a presentation was made at the Parish Meeting in April 2014 setting out the vision and possible ideas for policies. Meetings were then held with village groups and stakeholders and an “open day” was held on 28 February 2015 detailing ideas and draft policies and inviting feedback. A further “open day” was held in January 2016 to obtain comment prior to finalising the pre-submission plan for the regulation 14 consultation which took place for 6 weeks from 1 June 2016.
20. Details of all of these stages were publicised in the parish magazine, the Salhouse Saga, and leaflet drops were made to all households to publicise all the “open days”. All documents were also uploaded on to the parish website.
21. The regulation 14 consultation was publicised on village notice boards, in the Salhouse Saga and on the village website. Hard copies of the documents were available at the Jubilee Hall, Salhouse Post Office, at the Salhouse Bell Public House and with the Parish Clerk. The Plan could also be viewed or downloaded from the Parish Council website. Copies of the Plan and the Sustainability Appraisal were also sent to a list of over 40 consultees provided by Broadland District Council and to local landowners. This list is not published in the consultation Statement but has been supplied to me in response to a query and is attached as Appendix 2. I am satisfied that the publicity was sufficient to meet the requirements of the regulations to *“bring it (the draft plan) to the attention of people who live, work or carry on a business in the neighbourhood area”*. The response at the pre-submission stage was small with only seven replies. In accordance with the regulations, these are summarised in Appendix I of the Consultation Statement in a table which also provides the response of the Parish Council.
22. I am satisfied that the consultation process and the Consultation Statement meet the requirements of the regulations.

## **The Development Plan**

23. The statutory development plan relating to Salhouse is made up of:
- The Broadland, Norwich and South Norfolk Joint Core Strategy 2008-2026.
  - The Broadland District Council Development Management Development Plan Document 2015 (DMDPD)
  - The Broadland District Council Site Allocations Document 2016 (SADPD)
  - The Broads Authority Core Strategy 2007-2021
  - The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2006 (adopted September 2011)
  - Norfolk Minerals Site Specific Allocations Development Plan Document adopted October 2013)
  - The Norfolk revised PDF policies map and revised interactive policies map which includes site specific allocations and Mineral Safeguarding Areas
24. All the Core Strategy policies are strategic and thus the policies of the neighbourhood plan need to be tested against them for general conformity. The Basic Conditions Statement also identifies the strategic policies from the SADPD and the DMDPD. The minerals policies map identifies a Mineral Safeguarding Area for the extraction of sand and gravel which includes much of the northern part of the Parish of Salhouse, but I am satisfied that none of the policies of the Plan are in conflict with this.

## **The Basic Conditions Test**

25. The consideration of whether the Plan meets the basic conditions is at the heart of the independent examination process. It is therefore essential to be clear on the meaning of each of the basic conditions. Broad consideration of the

performance of the Plan against each of the first three conditions is given in this section with more specific consideration carried out in relation to the policies of the Plan. The requirements relating to EU requirements and to the European Convention on Human Rights are fully considered at the end of this section.

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

26. There are two important points to emphasise in relation to this. The first is that this requirement means that an examiner must consider this requirement in relation to the making of the plan; it thus applies to the plan as a whole, rather than to individual policies. The second point is the use of the phrase “*having regard to*”. This means that the examiner must consider the national policy and advice but it does not mean that each policy must be in absolute conformity with it. It provides for an element of flexibility. PPG explains that “*having regard to national policy*” means that “*a neighbourhood plan must not constrain the delivery of important national policy objectives*”. The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
27. The Basic Conditions Statement submitted with the SNP sets out in tabular form the relationship between its policies and the NPPF. It helpfully summarises how the policies relate to specific paragraphs of the NPPF as advised by PPG.<sup>2</sup> I will look at this in relation to individual policies. Clearly every location is different and some elements of the NPPF are not directly applicable in Salhouse.
28. Also, relevant to the basic conditions test is “*guidance issued by the Secretary of State*” as set out in PPG. The PPG provides a great deal of advice on procedural and policy related matters related to neighbourhood plans<sup>3</sup>. It

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<sup>2</sup> PPG Which National Policies are relevant to a neighbourhood plan? Reference ID: 41-070-20140306

<sup>3</sup> PPG Neighbourhood Planning: Reference ID: 41 paragraphs 001-087

provides clear explanations on what can or cannot be done in a neighbourhood plan and useful advice on the requirement for policies to be adequately justified and clearly expressed.<sup>4</sup> Significant departure from the PPG is likely result in a conflict with the basic conditions. The Basic Conditions Statement does not consider the relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.

***“The making of the plan contributes to sustainable development”***

29. Sustainable development is the fundamental principle guiding the planning process<sup>5</sup> and the assessment of this basic condition is therefore of prime importance. The NPPF spells out the three dimensions of sustainable development: economic, social and environmental and the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached and policies which fail to contribute to sustainable development are likely to require modification or deletion. There may on occasions be a tension between the different dimensions of sustainable development which requires the definition of an appropriate balance. Clearly there is a big overlap between consideration of this basic condition and the previous one as the guiding theme of the NPPF is the achievement of sustainable development.
30. Section d) of The Basic Conditions Statement briefly links the three themes of sustainable development to the policies of the SNP and explains how the Plan respects these themes. As the NPPF points out<sup>6</sup> local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.

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<sup>4</sup> PPG What Evidence is needed to support a neighbourhood plan? Reference ID 42-040-20160211 and How should the policies in a neighbourhood plan be drafted? Reference ID 41-041-20140306

<sup>5</sup> NPPF para 6

<sup>6</sup> NPPF paragraph 10

31. PPG suggests that a sustainability appraisal may be a helpful way of meeting the requirement for the plan to demonstrate its contribution to sustainable development.<sup>7</sup> The SNP is accompanied by a full sustainability appraisal which uses 27 sustainability objectives from the framework prepared for the Broadland, Norwich and South Norfolk Joint Core Strategy to evaluate the policies of the Plan. In most instances the effects of the policies will be neutral, but where there will be an effect it is considered likely to be positive in all cases except Policy H1 where any new housing is likely to have an adverse effect, albeit minor, on some sustainability indicators. I am satisfied that the Sustainability Appraisal demonstrates that the positive contribution of the Plan to sustainable development will outweigh these few small negative effects.

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

32. As with the previous two conditions the test applies to the plan as a whole, but this requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG<sup>8</sup>. It does not preclude some variation from a strategic policy to reflect local circumstances providing the proposal upholds the general principle that underlies the strategic policy.
33. The table in the Basic Conditions Statement that I referred to in relation to the NPPF also relates the policies of the Plan to the JCS and the Broads Authority Core Strategy and identifies no conflict with these documents. It also includes a list of strategic policies in the Site Allocations DPD and the Development Management DPD and again identifies no conflicts. I will consider this in further detail in relation to individual policies but will first consider the question of the overall level of housing need.

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<sup>7</sup> PPG Does a neighbourhood plan require a sustainability appraisal? Reference ID: 11-026-2014030

<sup>8</sup> PPG What is meant by ‘general conformity’? Reference ID: 41-074-20140306

34. One of the key requirements for neighbourhood plans is that they should not “*promote less development than set out in the Local Plan or undermine its strategic policies*”. Policy 15 of the JCS identifies Salhouse a Service Village within the Norwich Policy Area where “*land will be allocated for small-scale housing development subject to form and character considerations*”. However, Salhouse is also identified as one of the Service Villages which “*may be considered for additional development if necessary to help deliver the ‘smaller sites’ in the Norwich Policy Area allowance*”. Policy 9 of the JCS indicates that 2,000 dwellings will need to be built on smaller sites within Broadland.
35. The indicative level of growth for each service village is given in the supporting text of Policy 15 of the JCS at 10-20 dwellings and this is carried forward to Table 1 of the SADPD. Table 2 of the SADPD indicates that within Broadland District commitments together with allocations provide for more dwellings than are required up to 2016. At Salhouse there is an allocation for approximately 20 dwellings on Norwich Road. Planning permission was granted for 19 dwellings on this site and I saw on my visit that development was almost complete. There is therefore no currently identified strategic need for additional housing development in Salhouse.

***“The making of the Plan does not breach, or is otherwise compatible with EU obligations”***

36. As this condition relates to the process of plan preparation I shall deal with it in detail at this stage.

a) Strategic Environmental Assessment

37. PPG indicates that “*where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment*”<sup>9</sup>, subsequently referred to as SEA. An SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have significant environmental effects, a screening assessment is necessary.

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<sup>9</sup> PPG Does a neighbourhood plan require a strategic environmental assessment? reference ID: 11-027-20150209

38. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:  
*“either (i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or  
(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*
39. BDC encourages the preparation of a Sustainability Appraisal to accompany neighbourhood plans and that is the approach that has been taken at Salhouse. The Sustainability Appraisal is intended to incorporate the requirement of the Strategic Environmental Assessment Regulations and go beyond them by including economic and social impacts as well as environmental ones. As required by the regulations a Scoping Report was prepared which took into account relevant policies plans and programmes, available baseline information, and key issues including ones drawn from the JCS and the BACS. From these a sustainability framework was developed by identifying a series of sustainability objectives against which the Plan could be tested. These were based on the sustainability framework developed for the JCS.
40. In accordance with the EAPPR the Scoping Report was subject to consultation with the consultation bodies: Natural England, Historic England and the Environment Agency. Norfolk County Council and the Broads Authority were also consulted. Minor amendments were made based on the result of this consultation.
41. The Sustainability Appraisal considers each of the policies of the Plan against the sustainability objectives and, as I have already described in considering the contribution of the Plan to sustainable development, identified that the policies would have a generally neutral or positive effect. A few minor negative effects were associated with the small scale of housing proposed.
42. One of the requirements of the EAPPR is that a SEA should consider reasonable alternatives to the policies proposed. As the Plan does not make

site specific allocations for development the range of reasonable alternatives to the policies is limited and the appraisal compares the effects of the policies with the effects of the “do nothing” policy of not preparing the Plan. In many cases the effects are similar as other national and local policies would be applied but in others the effects of the Plan would be more positive as they would more specifically address local issues. While the consideration of alternatives is very limited, PPG indicates that SEA “does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan”<sup>10</sup>. I am satisfied that the nature of the policies in the Plan means that the SEA contained within the Sustainability Appraisal meets requirements of the legislation.

#### b) Appropriate Assessment under the Habitats Directive

43. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) requires that where a plan is likely to have a significant effect on a European designated site, “the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives”. Schedule 2 to the NPR inserted Regulation 102A to the CHSR: “A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”
44. Included with the submission documents is a Screening Assessment of the need for an appropriate assessment under the Habitats Regulations. Three European Sites are identified close to the Salhouse Neighbourhood Area: the Broadland Special Protection Area, The Broadland Ramsar Site and The Broads Special Area of Conservation. The likely effect of each of the policies in the Plan on these areas is considered and the conclusion is reached that the Plan is not likely to have a significant effect and a full Appropriate Assessment

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<sup>10</sup> PPG What level of detail is required in a strategic environmental assessment. Reference ID: 11-030-20150209

is therefore not required. Natural England were consulted on this conclusion and confirmed their agreement with it.

45. I therefore conclude that the making of the SNP would not breach and would be otherwise compatible with EU obligations.

### **Human Rights**

46. I am also satisfied that nothing in the SNP is in conflict with the requirements of the European Convention on Human Rights.

### **Vision and Objectives**

47. The Plan sets out a vision for the SNP “to ensure that Salhouse remains a thriving village with a clear village identity, enhanced links between the two parts of the village, and good opportunities for walking and cycling.” This vision is clear and reflects the specific characteristics of the village. While the vision will not have the status of a development plan policy, its influence on the policies is such that it should be compatible with the basic conditions. I am satisfied that it is entirely consistent with sustainable development and that there is no conflict with any of the basic conditions.
48. The Plan then sets out 8 objectives which are the starting point for the development of policies. Again, I am satisfied that they are consistent with the basic conditions.

### **Neighbourhood Plan Policies**

49. I have considered all the policies of the Plan in relation to the basic conditions. In doing so I have taken account of all the comments that have been made on the Plan as it has been developed and in particular those comments made in response to the Regulation 16 consultation on the submitted plan. While I have not referred explicitly to every comment that has been made, I have taken them all into account.
50. I am only empowered to recommend modifications that I consider are necessary to meet the basic conditions or to correct errors. This includes modifications to improve the clarity of the wording of policies as one of the

important elements of PPG is that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.”<sup>11</sup>

51. One error, that is not related to policies, is that the Preface to the Plan appears not to have been updated since the Pre-submission Consultation Stage and is clearly out of date and therefore misleading.

### **Recommendation**

#### **Update the Preface to the Plan**

52. PPG also indicates that “Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on succinctly the intention and rationale of the policies in the draft neighbourhood plan.”<sup>12</sup> The policies are presented in groups under thematic headings. Under each subject heading there is a section providing background and justification. This means that there is not a clear and separate justification for each policy. In many cases this is not a serious issue as the policies under the main heading are complementary and the justification for one policy overlaps with another.
53. The wording of many of the policies is quite long and detailed. It has been carefully drafted to make the intention of the policies clear, but it also needs to be carefully assessed in terms of the basic conditions.

### **Policies for the Environment**

#### **Policy OE1: Development, Natural Heritage and Countryside**

54. This policy aims to ensure that new development is not harmful to the natural environment or green spaces and that where there is any harm it is effectively mitigated either on or off the site. I note the comment of the Broads Authority about the use and potential ambiguity of the term “Natural Heritage”. I understand the term to reflect the extent to which what we regard as the

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<sup>11</sup> PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

<sup>12</sup> PPG Neighbourhood Planning What evidence is needed to support a neighbourhood plan? Reference ID 41-040-20160211

“natural” environment is the result of the continued interaction between nature and human activity and therefore find it an acceptable and meaningful term.

55. The Policy is, in principle, consistent with the basic conditions, but some relatively minor modifications are necessary to the wording. In the first paragraph it is stated that *“the Conservation Area Character Statement 2003 will be the benchmark against which proposals will be assessed for landscape impacts.”* The Conservation Area only covers part of the village and thus cannot be used to assess all landscape impacts. It is also concerned to a large extent with the built rather than the natural environment, though evidently the relationship between them is also important. In the areas outside the Conservation Area there is therefore no clear definition of how it can be determined that there would be *“significant damage”* or of what areas *“are of particular value in terms of landscape, wildlife or quiet enjoyment.”* I have therefore recommended modifications which will provide clearer guidance and clarify the limited role of the Conservation Area Character Statement. The Conservation Area Character Statement dates from 2003 and a review of it has yet to be adopted. I have therefore recommended that the document or its successor should be used in the application of this policy.
56. The second bullet point states that *“mitigation measures should improve the site in terms of size, quality and or public access”*. Improvement goes beyond mitigation and, while in some cases development may lead to enhancements, as envisaged in Policy OE2, it may not be consistent with the presumption in favour of sustainable development to require enhancement. In the third bullet point the use of *“nor”* is not correct.

### **Recommendations**

#### **Modify the first paragraph of Policy OE1 to read**

**“Development that avoids significant harm to the landscape or biodiversity, or to green areas which are of value in terms of landscape, wildlife or quiet enjoyment, will be supported. Within the Conservation Area, the Salhouse Conservation Area Character Statement 2003, or any approved successor to it will be used to assess the extent of harm”.**

57. **In the second bullet point after “Mitigation measures should” insert “maintain or”**  
**In the first line of the third bullet point replace “nor” with “or”**

### **Policy OE2: Enhancement of our Natural Heritage and Countryside**

58. The policy welcomes proposals which have a net benefit for the natural environment and spells out in some detail the various ways in which such benefits may be achieved. The principle is entirely consistent with sustainable development and the detail of the policy provides useful pointers to developers on the kinds of environmental benefits sought. However, while it is entirely appropriate to welcome proposals that do deliver enhancement, that is not the same as requiring developments to deliver enhancement. Indeed, there is a conflict between this concept and Policy OE1 which welcomes developments that do not cause harm. For this reason, the last sentence of the policy cannot be justified. A large proposal that delivered a net benefit would be consistent with sustainable development if it was also compliant with Policy OE1 and there is thus no justification for requiring that “*benefits should be in proportion to the size and scale of the development*”. It is also not consistent with the presumption in favour of sustainable development to require that benefits should “exceed” any potential damage.

#### **Recommendation**

**In Policy OE2 delete the last sentence.**

### **Policy OE3: Protecting Our Dark Night Skies**

59. This policy aims to minimise the harmful effect of artificial light on the dark skies which are a highly valued environmental asset. I am satisfied that the policy is consistent with the basic conditions and that the first sentence of the policy embraces the issue of security lighting which is referred to by the Broads Authority.

#### **Policy OE4: Managing Land Use Change**

60. This policy welcomes changes of use that would provide new outdoor community facilities. It refers in particular to welcoming changes of use from agricultural land or commercial uses. The meaning of the term “*additional assets*” is unclear and I have recommended a modification for clarification. The policy implies that greater weight would always be attached to the provision of facilities such as sports fields or allotments than to agricultural or commercial use. This does not take account of the guidance in paragraph 112 of the NPPF to protect, where possible, the best and most versatile agricultural land. Moreover, the benefits of replacing employment generating uses with leisure related uses would have to be balanced with the potential harm in accordance with Policy EMP1. I have recommended modifications to reflect these points.

#### **Recommendation**

**In the first line of Policy OE4 after “additional” insert “recreational or environmental” and after “assets” insert “including allotments, sports fields, village green or public open space,”**

**Amend the second sentence to read “Changes of use to these uses from commercial uses will be supported where the benefit outweighs the loss of business activity or there is no realistic prospect of employment uses. Changes of use from agriculture to these uses will be supported where it does not involve the loss of the best and most versatile land or the benefits outweigh this loss and there is no alternative site available.”**

#### **Policy OE5: Promoting Improved Connectedness in the Parish**

61. Policy OE5 supports developments which improve connections within the village on foot or for cyclists. The justification provides a full explanation of the dispersed nature of the village and the problems of access, other than by car, to some of the main facilities within it. I am satisfied that it meets the basic conditions.

## **Policy OE6: Promoting a Safer Village**

62. This policy supports proposals which will improve highway safety, in particular by reducing conflicts between different modes of travel. The supporting text refers to several locations where this would be appropriate. It is consistent with the basic conditions.

## **Policies for Employment**

### **Policy EMP1**

63. Policy EMP1 generally supports the retention of existing business and commercial uses and would welcome the provision of starter units on the Wood Green commercial area.
64. The wording of the first part of the policy is not expressed with sufficient precision to be consistently applied by a decision maker as it is unclear what “improvements” means. It may mean environmental improvements or the expansion of existing business. The policy makes no direct reference to the expansion of existing businesses and the presumption in favour of sustainable development would support this subject to proposals not having a significantly harmful environmental impact. I have recommended a modification to this effect.
65. The second part of the policy is in line with Policy E2 of the DMDPD and is consistent with the basic conditions. I note the comments of the Broads Authority regarding the test for commercial use no longer being viable and this is effectively covered in the supporting text of Policy E2.

### **Recommendations**

#### **Modify the first part of Policy EMP1 to read:**

**Proposals for the expansion of existing businesses or the development of starter units in the Wood Green commercial area will be supported where they do not: result in harm to the living conditions of neighbouring residents, have a harmful visual impact in views from the surrounding countryside or generate traffic that would clearly be harmful to road safety.**

## **EMP2: New facilities**

66. This policy encourages the development of new, small scale, employment related uses providing they do not have a harmful impact on residential amenity or rural character. As presently worded the policy could be used to resist proposals that have any impact, positive or negative on amenity or rural character and I have recommended a small modification to clarify this.

### **Recommendation**

**In the third line of Policy EMP2 after “do not” insert “have a significant adverse”**

## **Policies for Housing**

### **Policy H1: New Housing Development**

67. Policy H1 sets out the approach to the development of new housing in Salhouse. The requirement that new housing should be within the defined settlement limits is broadly in accordance with Policy GC2 of the DMDPD. However, that policy acknowledges that in some circumstances, where development would comply with other development plan policies, development may be acceptable outside settlement limits. For example, Policies H1 and H3 of the DMDPD specifically refer to the potential acceptability of both housing in association with a rural enterprise and replacement dwellings outside the settlement limit. National policy also sets out various circumstances where housing may be acceptable in the countryside, including rural exception sites for affordable housing.<sup>13</sup> As currently worded the policy does not provide for any such exceptions and I have recommended a modification to address this.
68. The rest of the first section of Policy H1 provides guidance on specific requirements in terms of design for new housing. However, these are contained in one long sentence with several vague or ambiguous phrases such as “*the achievement of high quality*” and “*measures to improve the carbon footprint*”. I do not consider that this meets the requirement in PPG for a policy

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<sup>13</sup> NPPF Paragraph 54

to be "...clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications".<sup>14</sup> It is not clear what the term "improve the carbon footprint means". Does it relate to the global carbon footprint or that of the new development? While minimising any addition to carbon footprint is consistent with sustainable development, the Housing Standards Review of 2015 concluded that standards for energy use should be included in building regulations and not be the subject of local planning policies.<sup>15</sup> I have recommended modifications to the wording of this section to make it clear and enforceable in order to meet the basic conditions.

69. I have taken note of the comments of Broadland District Council on the approach to the scale of new development. By relating this to the average scale of development over a long period, I do not accept that this provides an arbitrary restriction on the scale of development as it allows for some flexibility on the scale of individual developments and does not limit individual developments to 5 dwellings. The suggestion that the development should be generally small scale is consistent with the scale of development envisaged for Salhouse by the Core Strategy.
70. I have also taken account of the objection from Lanpro regarding the wording of Policy H1 requesting reference in Policy H1 to the "*the suitability of the land shown on drawing JEA001/0560/002 entitled Masterplan to accommodate mixed-use enabling proposals to offset visitor pressures on the Broads National Park.*" This proposal is being promoted through the "Call for Sites" for the review of the Greater Norwich Local Plan. I am only able to recommend modifications that are necessary to meet the basic conditions. Policy H1, subject to the modifications I have recommended meets the basic conditions and in particular is in general conformity with the Strategic policies of the

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<sup>14</sup> PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

<sup>15</sup> Planning Update March 2015, Written Statement to Parliament by Secretary of State for communities and Local Government

development plan. Modification of this policy to accommodate the proposal being put forward by Lanpro would not be in general conformity with Policy 15 of the JCS which identifies the scale of development envisaged in Service Villages or Policy GC2 of the DMDPD which relates to settlement boundaries. It is, of course, possible that both of these policies will be overtaken in the review of the Greater Norwich Local Plan, but that is not something that I am able to attach priority to at this stage.

### **Recommendations**

**Modify the wording of the first part of Policy H1 to read:**

**“New housing development will be within the defined settlement limits for Salhouse unless it is consistent with other development plan or national policies for housing in the countryside.**

**Development proposals will be small in scale and expected to demonstrate a high quality of design which will maintain and contribute to local distinctiveness by respecting the character of neighbouring development and the village as a whole in terms of height and density.”**

### **Policy H2: Housing Mix**

71. Policy H2 aims to achieve a mix of house types reflecting the needs of different life stages and economic positions. It is consistent with national policy<sup>16</sup> and I am satisfied that it meets the basic conditions, except that the reference to high quality design is not relevant to the policy and repeats the provisions of policy H1.

#### **Recommendation**

**In Policy H2 delete “a high quality of housing design”.**

### **Policy H3: Provision of Sheltered Housing within the village**

72. The policy encourages the provision of sheltered housing in the village and makes provision for it to be outside the settlement limit if it is justified by meeting the specific needs of the parish. The second paragraph effectively repeats the second half of the first paragraph and I recommend a modification

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<sup>16</sup> NPPF paragraph 50

which follows the suggestion of BDC. The policy meets the basic conditions.

### **Recommendation**

**In Policy H3 reword the second sentence to read: “Sheltered housing will be permitted where it is compatible with the local surrounding area, is of an appropriate size and respects the amenities of neighbouring uses.”**

**Delete the second paragraph.**

### **Projects to Support the Neighbourhood Plan**

73. The final section of the plan identifies four projects to be pursued by the Parish Council to help realise its objectives. These projects are separate from the policies of the Plan and therefore will not form part of the development plan, but it is entirely appropriate to identify them in this way.

### **Summary and Referendum**

74. The Salhouse Neighbourhood Plan contains a relatively small number of policies that relate clearly to the issues and needs that have been identified during the preparation of the Plan. It is evident that there has been a thorough and consistent approach to the engagement of the community and the absence of objections to the submission version of the Plan indicates the support of the community for the contents of the Plan.
75. The policies take full account of the strategic policies of the Broadland Norwich and South Norfolk Joint Core Strategy, the Broads Authority Core Strategy and the Broadland Site Allocation and Development Management DPDs. These documents provide a clear strategic context for the Plan up to the end of the plan period in 2026. The Basic Conditions Statement and the other documents submitted with the Plan are clearly presented and provide the information required in a concise and effective manner. This has been a great help to me in carrying out the examination.
76. I have found it necessary to recommend some modifications in order to meet the basic conditions. These do not substantially change the effect of the policies and are mainly designed that the policies are expressed in a way that

makes it possible for decision makers to apply them consistently when considering planning applications.

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

The Salhouse Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

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

79. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”.<sup>17</sup> **I therefore conclude that there is no need to extend the referendum area.**

*Richard High*

30 March 2017

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<sup>17</sup> PPG Does an independent examiner consider the referendum area as part of their report?  
Reference ID: 41-059-20140306



## Appendix 1 E mail exchange with Richard Squires of Broadland District Council to clarify procedural and policy matters

E mail from Richard Squires dated 27 March 2017

Richard,

Please see responses to these queries, below.

For information – the email subject header was initially titled ‘Rackheath queries’, whereas these are in fact ‘Salhouse queries’. I have changed this to avoid further confusion.

Many thanks,

Richard

**From:** Richard High [<mailto:richardhigh5@btinternet.com>]  
**Sent:** 24 March 2017 12:39  
**To:** Richard Squires  
**Cc:** Nick Taylor; Sarah Martin  
**Subject:** Rackheath queries

Dear Richard

I have the following queries in relation to the Salhouse Neighbourhood Plan;

1. I have incomplete and slightly conflicting information regarding the designation of the Neighbourhood Area. The Consultation Statement says that the application was submitted in September 2014 and approved by Broadland in October 2014. The Basic Conditions Statement says that the designation was confirmed on 13 January 2015 and the Salhouse website says that the consultation ended on 27 October 2014. The designation date appears to be confirmed on the Broadland website. However the application for designation shown as Appendix B to the Consultation Statement is undated and Appendix B2 does not give the start date for the consultation period. Page 3 of the Consultation Statement says that the application was approved in October 2014 which appears to be an error.

The steering group acknowledges that the dates in the Consultation Statement are incorrect and will need amending.

Broadland District Council received the Neighbourhood Area application on 27<sup>th</sup> August 2014. The consultation on the application ran between 15<sup>th</sup> September and 27<sup>th</sup> October 2014. Although Cabinet approved the Neighbourhood Area on 13<sup>th</sup> January 2015, the actual date on which it was actually approved by the full Council was 22<sup>nd</sup> January 2015 (the date on our website also needs amending to reflect this).

2. Within the consultation requirements is a requirement to publicise details of the plan “in a manner that is likely to bring it to the attention of those who live **work or carry on business** (my emphasis) in the neighbourhood area. The consultation statement does not make any specific reference to actions to bring the plan to the attention of these highlighted groups, was there any such action? Also the regulations require that the Consultation Statement provides details of “the persons and bodies who were consulted” at the regulation 14

stage. The Consultation Statement refers to a list of 40 recommended consultees, it would be helpful to see that list and for it to be attached as an appendix to the Consultation Statement.

The businesses are included in the delivery run for the parish magazine, SAGA, and as such would have also received the various flyers (Nick Taylor, from the steering group, rechecked this point with the delivery organiser today). In any event, several of the businesses are run by people living in Salhouse and would therefore have had the same notifications and information as everyone else. All advertisers are offered copies of SAGA and approximately 20 copies are posted to these advertisers, each issue. There are possibly about 2 or 3 businesses that would not have had SAGA or flyers delivered but they will still have had access to all the other communications (noticeboards, website, hard copies at Post Office) in the same way as others in the village.

The spreadsheet showing the specific consultees is attached.

3. The sustainability Appraisal P3 refers to consultation with Natural England, Historic England, The Environment Agency, Norfolk County Council and the Broads Authority. Although it is stated that the Scoping Report was amended on the basis of this consultation I have been unable to find the responses received. Could they please be forwarded to me?

Appendix 5 (page 39) of the final Scoping Report (see attached) includes copies of the responses received to the consultation.

These queries all relate to the procedural aspects of the Plan. I may send a further email with queries relating to individual policies.

Kind regards

Richard

## Appendix 2 Salhouse Neighbourhood Plan: Reg. 16 Consultees

Title	Given Name	Family Name	Position	Company / Organisation
Ms.	Sue	Bull	Planning Liaison Manager	Anglian Water Services Ltd
			NewSites - East of England	British Telecommunications plc.
Mr	Richard	Squires	Community Development & Liaison Officer	Broadland District Council
Ms.	Natalie	Beal	Planning Policy Officer	Broads Authority
			Sustainable Places - Planning Advisor	Environment Agency
Mrs	J	Jones	Parish Clerk	Great & Little Plumstead Council
Ms.	Davina	Galloway		Highways England
Mr	Tom	Gilbert-Wooldridge	Principal Historic Environment Planning Adviser	Historic England
			Chief Executive	Homes & Communities Agency
Ms.	Jane	Evans		Hutchison 3G UK Limited
Ms.	Carolyn	Wilson	Project Manager	Mobile Operators Association
				National Grid DPM Consultants
		Natural England	Consultation Service	Natural England
Mr	Mike	Smith	Town Planning Technician	Network Rail
Ms.	Anne	Casey	Partnership Co-ordinator	Norfolk Biodiversity Partnership
Supt.	Stuart	Gunn	North Norfolk & Broadland District	Norfolk Constabulary
Mr	Duncan	Potter	Head of Estates	Norfolk Constabulary - Estates Department (HQ)
	Laura	Waters	Infrastructure and Economic Growth Planner	Norfolk County Council
Mrs	Jenny	Gladstone		Norfolk Geodiversity Partnership
Dr	Ken	Hamilton	Head of Archaeological Planning	Norfolk Landscape Archaeology
Ms.	Pauline	Mason		Norfolk Police Authority
Mr	G	Dan		Norfolk Rivers Internal Drainage Board
Mr	J	Hiskett		Norfolk Wildlife Trust
Mr	M.	Taylor		North Norfolk Clinical Commissioning Group
Mr	Mark	Ashwell	Planning Policy Manager	North Norfolk District Council
Mr	J.	Fagge		Norwich Clinical Commissioning Group
Mr	Philip	Gadd	Director of Property & Contracts	Norwich International Airport Ltd.
Mr	N.	Barnett		Npower Limited
			Managing Director	NTL UK
Mr	Peter	Foster		O2 (UK) Limited
Mr	Adrian	Read		Orange PCS Limited
Mr	M	Plumstead	Parish Clerk	Rackheath Parish Council
Mr	Adam	Nichols	Planning Policy Manager	South Norfolk Council
Mr	Martin	Carroll		T-Mobile UK Limited
			Infrastructure Planning	UK Power Networks
Mr	Brian	Truman		Vodafone Limited

Ms.	Eileen	Oliver	Parish Clerk	Woodbastwick Parish Council
Mrs	D	Wyatt	Parish Clerk	Wroxham Parish Council
Mr	Henry	Cator	Cator & Co	Broad Farm
Mr	Alby	Cator		