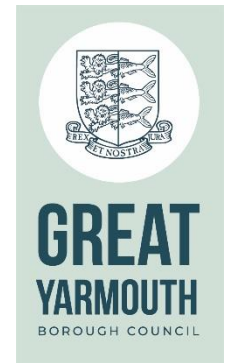


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07/10/2020

**Draft Fleggburgh Neighbourhood Plan – Great Yarmouth Borough Council response to Regulation 14 (pre-submission) consultation**

Thank you for consulting the Borough Council on your draft (Regulation 14) neighbourhood plan. I can see that a lot of work has gone into preparing the plan and welcome the time and effort that has been put in by all those involved in developing the plan. The following officer-level comments are broken down into each separate pre-submission document, and for the plan itself the comments have been split between those that relate to matters of general conformity with the strategic plan or compliance with the 'Basic Conditions' and more general notes and comments.

It is worth noting that the Borough Council has recently submitted its final draft plan, [Local Plan Part 2](#) for examination by an independent planning inspector. This document contains no allocations for the settlement of Fleggburgh, however there are new Strategic Policies which the Neighbourhood Plan will need to be in general conformity with.

There are some necessary changes in the Borough Council's view to ensure that the neighbourhood plan is in general conformity with the strategic plan. The suggestions are discussed in more detail below.

**Comments relating to Basic Conditions**

**General –**

- The document itself is now to be referred to as just the '**Local Plan Part 2**'. All relevant references within the neighbourhood plan documents should refer to '**Development Limits**' and not settlement limits/boundaries/areas, to avoid any confusion.
- Community policies should be located at the back of the document to avoid confusion with planning policies. However, cross-reference can be used in the supporting text to flag their relevance.
- The supporting text (paragraphs 41-46) should link to the images of the key viewpoints which are included in the Appendices.

- There is currently no framework or detail of how the plan will be monitored. This could be included at the back of the plan.

#### Policy 1: Housing Type & Mix –

- The policy requires '*a minimum of 30% of dwellings comprising two bedrooms or fewer...*' but then has a contradictory table below as 2 of 4 dwellings would be 50% and 3 of 7 would be 43% rounded to the nearest whole number. To avoid this confusion, I suggest removing reference of the percentage before the table. This policy really needs to be supported by more robust evidence, I suggest reference to the [2014 SHMA](#), and perhaps a review of completed schemes (I can provide planning application references to aid this).
- '*Proposals for sheltered housing will be supported subject to other policies.*' – What is meant by sheltered housing? This policy does not add any detail as such proposals would already be subject to other relevant policies such as those within the Core Strategy, LPP2 and NPPF. The Borough Council has emerging Policy H11 to support housing for the elderly and other vulnerable users which expands upon Policy CS3. Scale and location (Policy CS2) is a key consideration of proposals to access local facilities, and these will be more appropriately located in higher order settlements.
- '*Proposals that will deliver affordable housing within the development boundary, but which do not meet the national threshold requiring provision of such, will be supported.*' – this does not make sense. The Borough Council has Policy GSP1 for Development Limits, so such development would already be supported. The policy could be re-worded to explain that developments below the threshold, but which will provide affordable housing will be especially supported.
- Exception sites – Policy CS4 already addresses the location and scale of these – i.e. sites to be within or adjacent to the existing settlement. The 5% scale is a repeat of National Planning Policy. These points could be elaborated in the supporting text rather than in the policy. This is not local detail; it is already set in the local plan and national policy.

#### Policy 3: Enhancing the natural environment –

- This essentially duplicates the detail from the Environmental Bill. There is no need to repeat this within the Neighbourhood Plan. What local evidence is there that the 10% requirement is necessary in Fleggburgh in advance of national legislation coming into force? It is therefore recommended that this policy is removed from the plan.
- Note that the government guidance is more detailed and includes information on exemptions to the requirements, such as brownfield development. This is not addressed by the current policy.

#### Policy 4 : Local Green Spaces –

The policy is inconsistent with the NPPF, the policy states '*....are protected from development, except in very special circumstances where it enhances the purpose of the LGS.*' – To be consistent with Green Belt policy, this is set out in paragraphs 143-147. Basically, inappropriate development will not be permitted, and the NPPF provides a list of exceptions to inappropriate development. The policy could simply be amended to state (as per paragraph 101 of the NPPF) '**Development proposals within Local Green Spaces will be considered against Green Belt policy as set out in the National Planning Policy Framework**'

#### Policy 5: Landscape Setting –

*“Proposals sited on Grade 1 agricultural land that is currently in farming use will not be supported...”*

This is contrary to national planning policy which is more flexible in considering development proposals on high grade agricultural land. There is also concern that as this is illustrated on Figure 7, this could in effect prohibit development within the settlement of Fleggburgh which goes against Policy GSP1 and several policies of the neighbourhood plan. Clearly, much of the parish area is grade 1 agricultural land. This cannot be used to stop development in the village.

#### Policy 7: Surface Water Management –

- Applying all of the criteria to areas of low flood risk (between 1 in 1,000 and 1 in 100 years) is excessive, and this goes beyond national policy thresholds, which is sites identified in Flood Zone 2 or 3, or of an area 1ha and above. There is no evidence to justify a lower threshold for the parish. This should be removed from the policy.
- The NPPF (paragraph 163), Policy 13, and emerging Policy E1, provide adequate guidance for developers in preparing FRAs and SuDS. This list does not add detail to the local and national requirements and should be removed from the policy
- Has the Lead Local Flood Authority (at Norfolk County Council should be consulted on this policy) commented on this policy?
- It is recommended to amend the policy, so it just addresses the final paragraph, i.e. permeable materials and infiltration capacity.

#### Policy 9: Heritage Assets & Paragraph 65 –

Where is the background evidence in support of these non-designated assets? There is concern that this is not supported by adequate evidence as required by National Planning Practice Guidance.

[Historic England provide a guide](#), with page 9 providing guidance as to the kind of criteria that should be assessed identifying non-designated heritage assets. To be compliant with the requirements, such assessment should be prepared and published to support the listing of these buildings. Once this has been completed, the Borough Council should be consulted to review these and provide confidence in the required evidence.

#### Policy 8: Village Centre –

- The policy as worded is too generic in supporting ‘*new services and facilities*’. This result in inappropriate development which is also considered as a service/facility. It is recommended that a list of the types of services that will be deemed appropriate is provided within the policy, e.g. doctor’s surgery, pub, small scale convenience store.
- Every part of the Development Limit would be within 400m radius of the identified village centre, so the requirement is irrelevant.

#### Policy 9: Heritage Assets –

As currently worded, this appears to conflict with NPPF paragraphs 193-197. The NPPF that states ‘Any harm to or loss of... should require clear and convincing justification’ and ‘In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’. It is therefore recommended that the policy is amended as follows: **‘The non-designated heritage assets listed in Paragraph 65 have considerable local significance. Any development proposals that could affect these assets or their setting will need to demonstrate that they have avoided or minimised harm to the significance of the asset through the design of the development...’** – The supporting text could refer to

emerging Policy E5 which explains how these will be treated. This may, however, also cover the second part of the policy.

#### Policy 12: Communications –

There is no justification for this policy. Both the Broads Authority and the Borough Council have landscape policies (see emerging Policies E4 and I2) in addition to national policy to adequately consider such proposals. There is nothing locally specific in the policy wording. It is recommended that this policy is removed.

#### Suggested Amendments

Paragraph 12 – Correct typo: *‘Once a neighbourhood plan has been brought into forceazxXxcCFgafgqad force...’*

Paragraph 15 – No need to repeat consultation requirements within the plan itself. Suggest this information is put into the Consultation Statement. The table could be summarised into a short paragraph to explain that consultation has taken place and fed into the latest iteration of the plan. It is worth noting that the final row of this table does not really explain how comments have been taken into account, the question is whether changes have been made or do not need to be made and why.

Paragraph 19 – Correct the full planning application reference: 06/19/0371/F.

Paragraph 21 – Sense check: *‘Consultation with the community to develop the neighbourhood plan indicated a need...’*

Paragraph 24 – [Just a general note, that the [Government has recently consulted](#) on raising the threshold for affordable housing from 10 units/major sites to 40 or 50 dwelling developments. If implemented, this could significantly reduce affordable housing provision in villages such as Fleggburgh]

Paragraph 27 – *‘most people indicated that new homes should be in keeping specifically with those nearby, so as to blend in’* – Suggest amend wording to **‘most people indicated that new homes should be in keeping specifically with those nearby, in order to reinforce local character and identity’**.

Policy 2: Design – Suggest replacing: *‘The overall external appearance of affordable dwellings should be indistinguishable in terms of the materials used and architectural detail from the open market housing on site’* with **‘The tenure of homes should not be revealed through the external appearance including: architecture, landscape, access, car parking, waste storage or other design features’**, this is wording used in the Homes England *Building for a healthy life* document and gives more detail as to how dwellings can be made indistinguishable in terms of tenure in general.

Paragraph 29 – It would be worth just expanding on this to explain that this increased flexibility in viability is more likely among smaller developments (of less than 10 units or smaller than 0.5 hectares) as they are not required to contribute to affordable housing provision, and that this was recognised in the Borough Council’s plan-wide viability assessment.

Paragraph 33 – Correct typo: ‘*Burgh Common and Muck fleet Marshes is a 121 hectares site of biological importance.*’

Paragraph 36 – Are these good examples of net gain? How are these measurable?

Policy 4 : Local Green Spaces – Suggestion: A Local Green Space audit could be a useful monitoring tool and could be included at the back of the plan.

Paragraph 46 – Suggest small amendment: ‘*Residents of the parish would like to see **that** important views that characterise **the Fleggburgh landscape are** retained.*’

Policy 5: Landscape Setting – Unnecessary repetition at start of policy, suggest amendment – ‘...proposals will be supported where: ‘**It can be demonstrated**....”

Policy 6: Dark Skies –

- Typo (second sentence) – ‘*They will be accompanied by a lighting scheme that ~~should~~ shows how the status...*’
- The policy should not require the lighting standards to be met. It could, however, add that there would be a presumption against proposals that detrimentally affect the tranquillity of the area including through unnecessary lighting that results in the loss of night-time dark skies.
- Externally controlled standards should not be included within the policy but the supporting text, i.e. the Institute of Lighting Professionals guidance

Paragraph 53 – refers to Figure 9, but this figure appears to be missing. Typo: ‘*In the main, the existing built up areas ~~of~~ are not constrained by fluvial flood risk...*’

Policy 9: Heritage Assets –

- Correct typo: ‘*To achieve **this** a heritage statement will be required*’
- Criteria b) should be amended to cover all uses of the buildings: ‘*Applications for replacement ~~dwellings~~ **buildings** will be expected to be accompanied by...*’

Figure 11 – This is quite small in the corner of the page; the figure needs to be enlarged for clarity.

Paragraph 71 – Correct typo: ‘*The Parish **has** a number of PROW...*’

Figure 12 – Suggest enlarging and changing the footpath colour so that it stands out better from the red of the parish boundary.

Paragraph 79 – The explanation in the following statement could be made clearer: ‘~~*This is no doubt related to the fact that the car is the most popular mode of travel to work.*~~’ – The most likely reason is the limited jobs and services within the village which means people usually have to travel to access these and with a limited bus service, the private car will be the most common method of travel.

Policy 11 – The first paragraph repeats national (paragraphs 108-111) and local (CS16) planning policy. This does not need to be in the policy as it does not add value or local consideration.

Paragraph 82 – Corrections: ‘*Fleggburgh is ~~considered~~ **designated** a Secondary Village in the Great Yarmouth Local Plan.*’ And ‘*Any development will ~~want to~~ **be expected to** support the sustainability of these services and the vitality of the village.*’

Policy 13: Village shop – What does ‘*Subject to other policies*’ mean? Which policies/considerations? At the least the supporting text should clarify these. It would also be worth ensuring that the supporting text is next to the policy.

### **SEA/HRA Screening**

Remains appropriate at this stage. I suggest putting the Borough Council’s screening opinion together with the Parish Council’s assessment as one single document, with the Borough Council’s report at the front of the parish council document.

### **Next Stages**

The next stage of plan production will be submitting your regulation 15 plan proposal to the local authority and for the local authority to publish the documents at regulation 16 stage. This must be accompanied by:

- a consultation statement;
- a map detailing the area affected by the neighbourhood development plan; and
- a statement outlining how the plan meets the neighbourhood plan requirements:
  - a statement on how the plan meets the Basic Conditions
  - whether the area for any referendum should extend beyond the neighbourhood area to which the plan relates
  - The SEA & HRA screening assessments

The Borough Council invites the parish council to submit the documentation for a final informal ‘health check’ before formally submitting the documents. This should help to ensure that the plan meets the Basic Conditions required, including general conformity with the Core Strategy and other strategic policies. Subject to the incorporation of the above amendments and the careful consideration of comments from other stakeholders, the plan should proceed smoothly through to and hopefully during the examination process.

I hope that these comments are of use in finalising the neighbourhood plan for its submission. If you have any queries on the comments made, please do not hesitate to contact me using the details below.

Yours faithfully,

*N. Fountain*

**Nick Fountain**  
**Senior Strategic Planner**

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