

**URN:** 21-156

**Subject:** Rollesby Neighbourhood Plan examination & recommendation

**Report to:** Full Council – 9 December 2021

**Report by:** Nick Fountain, Senior Strategic Planner

#### **SUBJECT MATTER**

Rollesby Neighbourhood Plan Examiner's report & recommendation

#### **RECOMMENDATION**

That Full Council:

- Approves the recommended modifications to the Neighbourhood Plan as set out in the Examiner's Report
- Approves the referendum area as the neighbourhood plan area as recommended in the Examiner's Report.
- Agree the Neighbourhood Plan (as modified) proceeds to referendum.
- Approves the publication of a Decision Statement setting out the Council's and the Broads Authority's response to the Examiner's recommendations and announcing the intention for the Neighbourhood Plan to proceed to a referendum.

## **1. Introduction**

- 1.1. A neighbourhood plan is a plan prepared by a local community (usually led by the parish council), that contains land use policies. The Borough Council formally designated the Neighbourhood Plan Area for Rollesby in March 2017 at which point the parish council (working with consultants) began preparing their neighbourhood plan. The parish council has engaged with the local community including consultation on a pre-submission draft of the neighbourhood plan.
- 1.2. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council and Broads Authority have provided advice and assistance over the course of the plan being prepared. The Borough Council also provided some final comments on the plan proposals as part of an informal 'health-check' before the plan was submitted.

### Local Plan Working Party

- 1.3. Throughout plan preparation and formal decision making, the progress of the neighbourhood plan has been presented to members of the Local Plan Working Party. Members have had opportunities to feedback ideas to officers to shape consultation responses, and in providing advice and guidance to the parish council. The Examiner's Report recommendations were taken to Local Plan Working Party and endorsed to Full Council on 23<sup>rd</sup> November 2021.

### Final stages of the plan

- 1.4. The plan was submitted to the Borough Council in December 2020. Significantly, this neighbourhood plan proposes to allocate housing (up to 90 units) in between the two existing built-up parts of the settlement of Rollesby. The submitted plan was also accompanied by a full Environmental Report (sustainability appraisal) and Habitat Regulations Assessment, along with the other required supporting documents, given the scale and extent of development proposed.
- 1.5. The Borough Council published and consulted on the submitted plan in April 2021. An independent examiner was then appointed to examine the plan. To aid the examination, the Examiner then asked the Borough Council to undertake a focused consultation on implications of the revised National Planning Policy Framework (NPPF) on the neighbourhood plan. Responses from each of the respective consultations were passed to the Examiner for consideration, though it is worth noting that few responses were received at either of these stages.
- 1.6. The appointed Examiner has now examined the Rollesby Neighbourhood Plan and published their final report with recommendations. The Examiner can only examine the plan in so far as to determine whether it meets the '[basic conditions](#)' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.
- 1.7. It is worth noting that officers had a chance to look through a draft report for fact checking. This included the opportunity to identify any factual errors before the final report was issued on 15<sup>th</sup> November 2021.
- 1.8. In summary, the Examiner has found that subject to some necessary modifications, the neighbourhood plan meets the basic conditions and can proceed to referendum. No extension has been recommended to the referendum area, which would maintain the whole parish of Rollesby as the area over which the referendum would apply.

## **2. Rollesby Neighbourhood Plan**

- 2.1. The plan encompasses visions and objectives covering housing, the environment, community assets, traffic and transport and a strategy for delivering growth. The plan is ambitious and includes site allocations for residential and mixed-use development to meet the plan ambition to join the existing gap between the two halves of the existing settlement. The plan period runs to 2035 and there is a policy commitment to review the delivery of the plan by 2029.
- 2.2. In summary the policies in the submission plan seek to:
  - Allocate housing for a minimum of 65 dwellings (up to 90 dwellings) within the existing gap between the two halves of the village, including the provision of a detailed

- masterplan setting out phased development
- Allocate 0.75 hectares for mixed use development (for small scale retail/business uses) to the east of the existing school site
- Support low occupancy homes suitable for young and elderly residents
- Preserve and enhance the existing village character through design measures
- Support conservation and habitat enhancement, including biodiversity net gain on new developments
- Protect existing landscape character and appearance
- Preserve Dark Skies
- Expect mitigation measures against flooding
- Designate Local Green Spaces
- Promote sustainable transport

2.3. To support the assessment of housing allocation sites the parish council had a 'Site Options and Assessments' report prepared by AECOM. The Borough Council also provided the parish council with its site assessments from the emerging local plan and detailed feedback on the consideration of alternative options as part of the Environmental Assessment (this report is explained further below). It is understood that the parish council have been working with Norfolk County Council as landowners of the land between the two built up areas of Rollesby (forming the allocations), to deliver a phased masterplan to meet the neighbourhood plan ambitions.

### **3. Examiner recommendations**

3.1. The full Examiner's Report is attached to this paper. To summarise, the Examiner recommendations to the submitted plan are as follows:

- Subject to modifications, the plan meets the basic conditions including;
  - Having regard to national policies and advice
  - Contributes to the achievement of sustainable development
  - Is in general conformity with the strategic policies of the Development Plan
  - Meets the retained European Union Obligations (transposed into UK law):
    - The Environmental Assessment of Plans and Programmes Regulations 2004 (Environmental Assessment Regulations)
    - The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations)
  - Does not breach the European Convention on Human Rights
- The modifications to policies and supporting text were relatively minor text changes, with the exceptions of development thresholds for infill development (HO1), energy efficiency standards and design (HO2), garden areas (HO3), consideration of impacts upon the landscape (E1 & E2), Local Green Space (CA2) - policies where text has either been removed or added. Recommended modifications include:
  - Updating any references to the NPPF as necessary
  - Clarifying the status of existing local plans
  - Removed the threshold of only up to 5 units for infill development
  - Encouraging (but not requiring) energy efficiency standards in accordance with the Written Ministerial Statement
  - Clarified that garden areas are of an appropriate size to reflect local character
  - Adding requirement for tree-lined streets
  - Provide examples of biodiversity conservation

- Clarified how impacts upon the landscape will be considered
- To require justification to locate community facilities within the Broads area
- Ensuring Local Green Space policy is consistent with Green Belts as set out in national policy
- Removing the Local Green Space at the Moat which was a residential curtilage, lacking public use

#### **4. Decision on Examiner's Recommendations**

- 4.1. Regulation 24A of the Neighbourhood Planning Regulations sets out that the local planning authority needs to make a decision within 5 weeks of the examiner's report being issued unless a date is otherwise agreed with the qualifying body (the parish council). The Local Planning Authority must consider whether to decline/refuse the plan or to accept the report recommendations and set out its reasons in a decision statement that must then be published. It is possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.
- 4.2. Such decisions must be made within the framework set out in the Regulations and Schedule 4B to the 1990 Town and Country Planning Act (as amended). Broadly speaking the only reasons to decline or reject the neighbourhood plan are where the plan fails to meet the basic conditions or Human Right Convention as set out in the legislative requirements. Based on the Examiner's findings it is considered unlikely that the plan falls short of these requirements.
- 4.3. Having carefully reviewed the Examiner's report and recommendations, officers consider that the examination has been carried out correctly in considering the basic conditions and where necessary this has required modifications to the policies and supporting text. Officers, therefore, see no justification to depart from the recommendations contained within the attached Examiner's report.

##### Joint decision

- 4.4. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council has taken the lead in supporting the parish council preparing the plan by providing advice and assistance, organising and coordinating actions, responses, consultations and decisions. The Broads Authority will also need to consider the Examiner's recommendations and come to a decision at their Planning Committee (scheduled on 3<sup>rd</sup> December 2021). Therefore, a formal joint decision will not be issued until the decision is made by Full Council.

##### General conformity with existing Local Plan

- 4.5. One of the key basic conditions is that the neighbourhood plan is in general conformity with the strategic policies of the adopted local plan. It is important to note that officers have over the preparation of the plan provided advice in respect of the emerging Local Plan Part 2 (LPP2) strategic policies. While policies from the LPP2 cannot be considered under the basic conditions (as they are not adopted policies), the Examiner's report does have regard to these and officers are content that the neighbourhood plan is in any case in general conformity with these policies.

- 4.6. Indeed, Policy GSP2 and the supporting text to the LPP2 provides flexibility for neighbourhood plans to allocate housing (in accordance with Policy CS2) and specifically recognised that Rollesby Neighbourhood Plan was proposing to do so. This is of particular relevance as it is anticipated that the LPP2 will be formally adopted at the same Full Council meeting just after the decision on the Examiner's recommendations is made.
- 4.7. Where there are elements of policy that may conflict, these will be resolved by favouring the most recently adopted policy. Therefore, the neighbourhood plan policies would take precedence as they would be formally adopted following the referendum (which would occur in the new year after the LPP2 is adopted). Such conflicts should only occur in very limited circumstances and would only apply in non-strategic policy matters.

#### Environmental Assessment & Habitat Regulations

- 4.8. Another important consideration at this stage is compliance with the Environmental Assessment and Habitat Regulations Assessment (HRA) legislative requirements, as the Borough Council (along with the Broads Authority) is the 'competent authority'. The parish council (via consultants) prepared a Full Environmental Report and Habitat Regulations Assessment (incorporating Appropriate Assessment and prepared by AECOM) to support their plan.
- 4.9. These reports concluded that with appropriate mitigation in place that the plan would not have any likely significant effects upon the environment or any adverse impacts on nearby habitat sites (National Site Network habitat sites). No objections or further comments were raised by statutory consultees including Natural England and the Environment Agency. Since then, the plan has been subject to relatively minor updates by the parish council following consultation. As part of the informal 'health check' on the plan, the Borough Council sought expert advice from the County Ecologist which provided some feedback on the HRA report but also gave reassurance that the plan could meet the legislative requirements with appropriate mitigation. The required mitigation essentially uses the Borough Council's existing [Habitats Monitoring and Mitigation Strategy](#), which requires a financial contribution per net new dwelling to address cumulative impacts of increased recreational pressure from new residential development.
- 4.10. The plan would also now be subject to the suggested modifications from the Examiner. Having considered these, officers have concluded that the findings of the Full Environmental Report and Habitat Regulations Assessment remain valid and appropriate, meeting the legislative requirements. It is therefore important to acknowledge that by accepting the Examiner's recommendations, that the Borough Council (and Broads Authority) as competent authority accept:
- i. the findings of the Environmental Report that with mitigation in place the plan will not have any likely significant adverse effects upon the environment
  - ii. the findings of the Habitat Regulations Assessment (incorporating Appropriate Assessment) that with necessary mitigation in place there will be no adverse effects on the site integrity of nearby habitat sites (National Site Network habitat sites).

#### Neighbourhood Referendum

- 4.11. If the neighbourhood plan and the modifications that the Examiner has proposed are accepted, the plan should proceed to a neighbourhood referendum. The referendum asks

whether residents would like the neighbourhood plan to help decide on planning applications in their area. Essentially, a successful vote ensures that the local authority will adopt the plan as part of their Development Plan to be used when determining planning applications.

- 4.12. Such a referendum needs to take place within 56 days from the day after the date of the decision on examiner recommendations. A 28 day notice period of the referendum date also needs to be published within that 56 day period. Having liaised with the Electoral Services team, the referendum could be held on **Thursday 24th February 2022**. The Examiner has recommended that the referendum area is not expanded beyond the designated neighbourhood plan area; and therefore, it would remain as the whole parish area. There appears no justification to disagree with this approach.

#### Decision Statement

- 4.13. In accordance with the Regulations, the Borough Council must publish a decision statement setting out what action is being taken on the Examiner's report and the recommendations contained within it. A draft statement has been prepared and is attached to this report, with a decision based on accepting all of the Examiner's recommendations. As the decision is joint with the Broads Authority, the statement is on behalf of both councils.

### **5. Next Steps**

- 5.1. Subject to the Examiner's recommendations being accepted, a decision statement will be issued and published on the Borough Council's website. A notice will be published proposing the referendum date (ensuring that the 28 days' notice requirement is met). The referendum will be held in the parish. The result will be determined by a majority of over 50% of the votes cast. The result of that referendum will be reported. Upon a 'yes' vote, the plan must be adopted by the local planning authority within a period of 8 weeks following the referendum date. The plan would then need to be formally adopted by Full Council, forming part of the Development Plan. A decision statement will need to be published on the Borough Council's website.
- 5.2. As discussed above, should Full Council come to a different recommendation to that of the Examiner, a decision statement will still need to be issued and this could require further consultation and potentially re-examination.

### **6. Financial Implications**

- 6.1. The Borough Council has already received £5,000 for the adopted neighbourhood plan area (it has actually received 5 of these through the first 5 adopted areas). This funding will support the payments required to appoint independent examiners.
- 6.2. The Borough Council should receive a further Government grant of £20,000 when a decision statement is issued to send the neighbourhood plan to referendum.
- 6.3. All costs associated with officer resources, the examination and referendum of the Neighbourhood Plans are expected to be covered by this Government funding.

### **7. Conclusion**

- 7.1. The first recommendation is that the Full Council accepts the Examiner's proposed modifications to the Rollesby Neighbourhood Plan. This decision accepts that the plan meets

the basic conditions. In addition, as the Examiner has advised in the report, it is recommended that the referendum area is maintained as the neighbourhood plan area.

- 7.2. It is then recommended that Full Council agrees that the plan should proceed to referendum. The referendum would be held next year within the required time limit, and **Thursday 24th February 2022** is the proposed date for this to take place.
- 7.3. Finally, to meet the legislative requirements at this stage, it is recommended that Full Council approves the attached Decision Statement for publication on the Borough Council's website.

## 8. Links

- [Submission version of Rollesby Neighbourhood Plan \(pre-examination therefore excludes modifications\)](#)
- [Environmental Report](#)
- [Habitat Regulations Assessment](#)

## 9. Appendices

Appendix 1 – Examiner's Report on Rollesby Neighbourhood Plan

Appendix 2 – Rollesby Examiner's Report Decision Statement

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Local Plan Part 1: Core Strategy, 2001 Borough-wide Local Plan
Financial Implications (including VAT and tax):	See Section 6
Legal Implications (including human rights):	See Section 4
Risk Implications:	See Section 4
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

# **Rollesby Neighbourhood Plan 2020-2035**

## **Report by Independent Examiner to Great Yarmouth Borough Council**

Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU  
15 November 2021



## Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner</b>	<b>4</b>
<b>3.0</b>	<b>The examination process</b>	<b>6</b>
<b>4.0</b>	<b>Neighbourhood plan preparation</b>	<b>7</b>
<b>5.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>8</b>
<b>6.0</b>	<b>The basic conditions</b>	<b>9</b>
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	11
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	12
	<i>European Convention on Human Rights (ECHR)</i>	15
<b>7.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>15</b>
	1. Introduction	15
	2. Neighbourhood Planning	15
	3. Consultation with Residents	15
	4. Vision and Objectives	16
	5. Policies	16
	6. Housing (Policies HO1, HO2, HO3)	17
	7. Environment (Policies E1, E2, E3, E4)	26
	8. Community Assets (Policies CA1, CA2, CA3)	30
	9. Traffic and Transport (Policies TR1, TR2)	33
	10. Strategy for Delivering Growth (Policies SSA01, SSA02, SSA03, SSSA04, SSA05, SSA06)	34
	11. Neighbourhood Plan Review (Policy PR1)	36
<b>8.0</b>	<b>Conclusions and recommendations</b>	<b>36</b>
	<b>Appendix 1 List of key documents</b>	<b>37</b>
	<b>Appendix 2 Questions of clarification from the examiner</b>	<b>38</b>

## Summary

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

Rollesby is around 7 or so miles northwest of Great Yarmouth. It is essentially a settlement of 'two halves'; the two parts are distinctive with the settlement around Fleggburgh Road older in character and in part a Conservation Area with a number of listed buildings alongside a small business park and the other half with the school and community centre. It has a number of facilities including a primary school and pub. It has a population of around 950 according to the Census 2011. Part of the Plan area falls within the Norfolk and Suffolk Broads and falls under the jurisdiction of the Broads Authority.

One of the key facets of this well presented Plan is the desire to join the two halves of the village and a number of phased site allocations are made promoting housing growth in the 'gap'. Although there is no requirement for the Plan to make any allocations, the Plan considers that this is one way of addressing some of the key issues and concerns of local residents, particularly in relation to the A149 and a way of bringing the community together. This then is an innovative approach which I commend.

As well as these important site allocations, the Plan contains a number of other policies covering a variety of topics from design, views and Local Green Spaces. Many of the policies seek to add local detail to local planning authority level policies or cover issues which are particularly pertinent to the Parish, but may not be included in a local plan. The Plan is accompanied by an evidence base which is a good resource and all the supporting documents are clear and easy to read.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

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 to Great Yarmouth Borough Council that the Rollesby Neighbourhood Development Plan can go 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 MRTPI  
Ann Skippers Planning  
15 November 2021



## 1.0 Introduction

This is the report of the independent examiner into the Rollesby 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.

I have been appointed by Great Yarmouth Borough Council (GYBC) with the agreement of the Parish Council and the Broads Authority (BA), to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

Part of the Plan area falls within the Norfolk and Suffolk Broads and falls under the jurisdiction of the BA. I have been instructed by Great Yarmouth Borough Council and therefore can only address my report to that authority as my client. However, all parties are aware that the BA plays an important role as the other authority responsible for progressing the Plan to its next stages.

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 thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

## 2.0 The role of the independent examiner

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>1</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

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>
- 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 additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>4</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.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

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.

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<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

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 GYBC and the BA. 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.

### 3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Often representations suggest amendments to policies or additional policies. Others may suggest revisions to some of the supporting documents which I consider should be made (if appropriate) at earlier stages of Plan production as it is not my role to revise supporting documents. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup>

I sought clarification on a number of matters from the Parish Council and GYBC in writing on 1 November 2021 and my list of questions is attached to this report as Appendix 2. I am very grateful to all parties, including the BA, who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council did not make any comments.

The Government published a new National Planning Policy Framework (NPPF) in July

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 056 ref id 41-056-20180222

<sup>9</sup> Ibid

2021 about a month or so after the Regulation 16 stage had ended but before the examination had commenced. Given that the NPPF is a key document issued by the Secretary of State against which the Plan is examined, I suggested that a short period of consultation specifically on the newly published NPPF be held. This was to give all interested parties, GYBC, the BA and the Parish Council an opportunity to consider whether the new NPPF had any implications for the Plan.

This stage of focused and additional consultation resulted in one representation. The Parish Council was also given an opportunity to comment on any representations received, but chose not to do so.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Nick Fountain at GYBC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 3 November 2021.

Where modifications are recommended 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***.

Given that the Plan refers to the NPPF in places, these references will need to be updated to refer to the new NPPF.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

- **Update any references to the NPPF throughout the Plan including its appendices as necessary**

## 4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2016. A Working Group was established consisting of both residents and Parish Councillors. A public meeting was held in mid 2017. Throughout

the process contact has been made with Norfolk County Council (NCC) as the landowner concerned. A dedicated page was set up on the Parish Council website.

In February 2019, an issues and options consultation was undertaken with residents and businesses and took the form of a survey. Two events were held including a simulation game to consider options for locations for housing growth.

Pre-submission (Regulation 14) consultation took place between 2 December 2019 – 28 February 2020. A leaflet was sent to every household and business in the Parish, an article was placed in the local Church magazine and the Parish Council update sent to the Great Yarmouth Mercury. Posters around the village advertised the consultation. Hard copies of the Plan were available and all documents available online. Two drop-in events were held.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 2 April – 11 June 2021.

Just before the examination commenced, as explained earlier, the Government published a new NPPF. In order to give all interested parties, GYBC and the BA and the Parish Council an opportunity to consider whether this had any implications for the Plan, a further two week period of consultation was carried out. This consultation ended on 21 September 2021.

A total of six representations were received. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

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

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Rollsby Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the administrative boundary for the Parish. GYBC and the BA approved the designation of the area on 7 March 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. This is helpfully confirmed in the Basic Conditions Statement. The Plan area is shown on page 3 of the Plan.

## **Plan period**

The Plan period is 2020 – 2035. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

## **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 helpfully 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. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>10</sup>

In this instance, Community Actions are included in the Plan. I consider they are clearly identified and that there is sufficient explanation in the Plan. This approach is therefore acceptable in this case.

## **6.0 The basic conditions**

### **Regard to national policy and advice**

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.<sup>11</sup>

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<sup>10</sup> PPG para 004 ref id 41-004-20190509

<sup>11</sup> NPPF para 13



Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>12</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>13</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>14</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>15</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>16</sup>

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

PPG indicates that a policy should be clear and unambiguous<sup>17</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>18</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>19</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>20</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. A table<sup>21</sup> sets out how the Plan aligns with the (previous) NPPF.

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<sup>12</sup> NPPF para 28

<sup>13</sup> Ibid

<sup>14</sup> Ibid para 29

<sup>15</sup> Ibid para 31

<sup>16</sup> Ibid para 16

<sup>17</sup> PPG para 041 ref id 41-041-20140306

<sup>18</sup> Ibid

<sup>19</sup> Ibid para 040 ref id 41-040-20160211

<sup>20</sup> Ibid

<sup>21</sup> Basic Conditions Statement Figure 1 on page 3

## **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>22</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>23</sup> The objectives are economic, social and environmental.<sup>24</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>25</sup>

Whilst this has formed part of my own assessment, the table in the Basic Conditions Statement cross references how each Plan policy helps to achieve sustainable development as outlined in the (previous) NPPF.<sup>26</sup>

## **General conformity with the strategic policies in the development plan**

The Plan area falls within two local authority boundaries; GYBC and the BA.

The development plan consists of the Great Yarmouth Local Plan Core Strategy 2013 – 2030 (CS), a number of saved policies from the Borough-wide Local Plan 2001 also remain in force until the emerging Local Plan Part 2 is adopted and the Local Plan for the Broads 2015 – 2036.

GYBC confirmed that in terms of the saved policies of the Borough-wide Local Plan 2001, Policies HOU7, HOU8 and HOU10 are in regular use and regarded as strategic. The GYBC Local Plan 2001 was adopted in February 2001, the CS was adopted on 21 December 2015 and the Local Plan for the Broads in May 2019.

The Local Plan for the Broads is applicable to the part of the Plan area which falls within the BA's jurisdiction. It contains three types of policies; strategic, development management and site specific. I have considered the whole plan, but paid particular attention to the strategic policies given the wording of the relevant basic condition.

In addition there are three minerals and waste planning policy documents which also make up the development plan for the area; these are the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026 adopted in September 2011, the Minerals Site Specific Allocations Development

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<sup>22</sup> NPPF para 7

<sup>23</sup> Ibid para 8

<sup>24</sup> Ibid

<sup>25</sup> Ibid para 9

<sup>26</sup> Basic Conditions Statement Figure 1 on page 3

Plan Document (DPD) adopted in October 2014<sup>3</sup> and amended in December 2017 and the Waste Site Specific Allocations DPD adopted in October 2013.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant CS and LP policies.<sup>27</sup> Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

### ***Emerging Plan***

GYBC submitted the Great Yarmouth Local Plan Part 2 Development Management Policies and Site Allocations to the Inspectorate on 31 July 2020 for independent examination. Examination hearing sessions took place between 2 March - 29 April 2021. The hearing sessions were formally closed by the Inspector on 29 April 2021. In response to the Inspector's post-hearings note, the Council has prepared potential modifications to the Local Plan Part 2. Public consultation on the potential modifications closed on 3 September 2021. The Inspector's Final Report dated 5 November was received by GYBC during the course of this examination. GYBC's website indicates that "it is currently expected that the Council will consider the adoption of the plan at the Full Council meeting on 09 December 2021".

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>28</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>29</sup>

### **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>30</sup> confirms that it is the responsibility of the local planning authorities, in this case GYBC and the BA, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is GYBC and the BA who must decide whether the draft plan is compatible with relevant retained EU obligations

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<sup>27</sup> Basic Conditions Statement Figure 2 on page 9

<sup>28</sup> PPG para 009 ref id 41-009-20190509

<sup>29</sup> Ibid

<sup>30</sup> Ibid para 031 ref id 11-031-20150209

when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination by GYBC dated September 2019 determined that SEA was required. Accordingly, an Environmental Report (ER) has been prepared by Collective Community Planning.

In response to my query, GYBC has confirmed that a Scoping Report was sent to the statutory consultees in September 2019. Responses were received from all the statutory consultees and the BA.

The ER concludes that:

“Overall, Rollesby Neighbourhood Plan offers a number of positive sustainability effects, particularly in relation to housing, social inclusion and biodiversity. However, these positive effects need to be balanced against the potential the plan has to damage the local environment, particularly in terms of additional traffic it may generate and the unavoidable loss of high-quality agricultural land. Mitigation recommendations have been included within the submission version of Rollesby Neighbourhood Plan.”<sup>31</sup>

It was published for consultation alongside the submission version of the Plan.

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<sup>31</sup> ER Non-technical summary

The ER deals with the issues appropriately for the content and level of detail in the Plan. This includes the consideration of reasonable alternatives, taking into account one of the key objectives of the Plan is to join the two halves of the settlement together through allocations for housing development. This in line with PPG advice which confirms the SEA does not have 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 Plan.<sup>32</sup> In my view, the ER has been prepared in accordance with Regulation 12 of the Regulations.

Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied.

In relation to HRA, the Screening Determination by GYBC of September 2019 also confirmed the need for Appropriate Assessment (AA).

The AA has been carried out by AECOM. This found that the Broadland Special Protection Area (SPA) and Ramsar, the Broads Special Area of Conservation (SAC), the Great Yarmouth North Denes SAC, the Winterton-Horsey Dunes SAC and the Breydon Water SPA and Ramsar European sites are relevant. It was considered that the Plan has the potential to result in impacts alone, largely because of the proposed site allocations.

A number of recommendations were made by the AA including the insertion of new text into policies and supporting text. All of the recommendations are included in the submission version of the Plan. With these recommendations in place, the AA concludes that the Plan will have no adverse effects either alone or in combination with other plans and projects.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the European sites and the nature and contents of the Plan, I consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

### ***Conclusion on retained EU obligations***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>33</sup> In undertaking work on SEA and HRA, GYBC has considered the compatibility of the Plan in regard to

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<sup>32</sup> PPG para 030 ref id 11-030-20150209

<sup>33</sup> Ibid para 031 ref id 11-031-20150209

retained EU obligations and does not raise any concerns in this regard. The BA has not raised any concerns.

### European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.<sup>34</sup> Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## 7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a very high standard and contains 18 policies. The Plan starts with a helpful contents page.

### 1. Introduction

This is an interesting section which helpfully sets out the context for the Plan.

### 2. Neighbourhood Planning

This section contains an overview of neighbourhood planning and the aims of the Plan.

There is one modification to be made in the interests of accuracy.

- **Add the word “*Authority*” after “Broads” in paragraph 8 on page 2 of the Plan**

### 3. Consultation with Residents

This short section explains how the Plan has been produced.

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<sup>34</sup> Basic Conditions Statement page 13

## 4. Vision and Objectives

The Plan's vision is:

"Rollesby will be a cohesive and thriving community. Improved community facilities and services to support daily life in the parish will be easily and safely accessible by foot and bike. It will have a more balanced population with housing for younger people and families as well as older residents. The village has grown but this has not been at the expense of having a rural and open feel with views into the open countryside. The natural environment will be protected and enhanced, especially biodiversity in the Trinity Broads."

The vision is supported by six objectives. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

## 5. Policies

This section seeks to explain how the Plan policies fit into the context of planning policy, but I feel it could distinguish more clearly between the current adopted plan and the emerging Local Plan Part 2. It also does not mention the Local Plan for the Broads. A modification is therefore made in the interests of clarity.

- **Change paragraphs 22 – 26 inclusive on page 7 of the Plan and add a new paragraph to read:**

***"22. Great Yarmouth Borough Council's Local Plan includes the Core Strategy 2013 - 2030, which was adopted in 2015. The Borough Council is currently developing a new Local Plan Part 2 which will comprise updates to the Core Strategy, new strategic policies, site allocations and detailed policies. Both the adopted and the emerging Local Plans contain planning policies for the whole of the borough, including Rollesby Parish. This emerging Neighbourhood Plan contains other non-strategic policies for Rollesby Parish itself specifically.***

***23. In addition, part of the Parish falls under the Broads Authority. In these areas, the Local Plan for the Broads, adopted in 2019, applies.***

**24. There is no need to repeat or copy the planning policy framework in place in the Local Plans. However, where there are policy details missing that are important for Rollesby, or where it was felt that a slightly different policy is needed, then new policies were developed for the Neighbourhood Plan. Some of the policies in the following sections are not strictly 'planning' related. Nevertheless, it was felt that they were important enough to include in the plan and be called 'Community Actions', being something that the local community and parish council will lead on.**

**25. The policies are intended to meet the vision and objectives set out above. They are aimed at guiding decision makers and applicants in order to achieve high standards of development, and development in the right places. Development proposals should have regard to all the planning policies in this Neighbourhood Plan, and of course those in the *relevant* Local Plans.**

**26. To have more local control over the planning process and particularly where new developed should take place, this Neighbourhood Plan has allocated a number of sites for development, mainly for residential development.”**

## 6. Housing

At the start of each topic section containing the policies, reference is made to the relevant objectives. This means there is a clear and welcome link back to the vision and objectives.

It is useful for me at this juncture to set out the planning context and discuss the housing and site allocation policies.

One of the CS’s strategic objectives is to direct new development towards the most sustainable locations.<sup>35</sup> Another is to provide sufficient housing that meets the needs of the Borough including its ageing population.<sup>36</sup> In relation to the environment, protection and enhancement of the quality of the local environment is key.<sup>37</sup>

CS Policy CS1 supports new development that delivers sustainable growth where new development is of a scale and in a location that complements the character and supports the function of individual settlements. It supports mixed adaptable neighbourhoods which meet the needs and aspirations of the local community.

CS Policy CS2 explains that growth must be delivered in a sustainable manner and directs approximately 5% of new development to the Secondary and Tertiary Villages named in the settlement hierarchy. Rollesby is identified as a Secondary Village. The policy recognises that the distribution of housing will need to be flexibly applied to ensure that the housing target is delivered.

The CS explains that Secondary Villages will experience “...smaller levels of development in line with meeting local needs such as affordable housing, recreation, community services and facilities and essential employment generating proposals”.<sup>38</sup> It goes on to

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<sup>35</sup> CS SO1 page 26

<sup>36</sup> CS SO3 page 27

<sup>37</sup> CS SO6 page 27

<sup>38</sup> CS page 26



say that the majority of this development will be on previously developed sites.<sup>39</sup> It describes these as villages with few services and facilities, limited access to public transport and few employment opportunities.<sup>40</sup>

The CS is clear that the settlement hierarchy offers a “pointer”<sup>41</sup> to suitability for future development and that it does not necessarily follow that new development is appropriate or needed. It explains there are large contrasts in the size and service provision between [Secondary and Tertiary] villages and the Primary Villages. Therefore growth should be proportionately limited in scale and well-related to the existing settlement and infrastructure.<sup>42</sup> Neighbourhood plans are encouraged in these locations to define locally preferable, positive development.<sup>43</sup>

There are two distinct parts to the village, reflected in the two separate development limits identified in the CS. This creates a large ‘gap’ of some 350m between the two elements. One part of the village essentially lies to the north of the A149 although the Church and older part of the village lies to the south but is not included in any development limit boundary and the other to the south and north of the A149. Both parts of the village contain services, but because of the ‘gap’, the village does not, to me at least, feel as if it is a coherent place.

The Plan process has shown that there would be conditional support from the local community for development in the gap between these two parts of the settlement. As a result the Plan sets out a number of site allocation policies, providing for 90 units (including a site for 25 units as a reserve site) over the Plan period.

Neither the CS, the Local Plan for the Broads or the emerging LP Part 2 allocate any sites for housing development to Rollesby. As the latest available figure, emerging LP Part 2 Policy GSP2 sets out a zero housing requirement for Rollesby, although this does not in itself preclude any development coming forward through the neighbourhood planning mechanism. Indeed the LP Part 2 does not allocate any figure above zero to any designated neighbourhood plan areas, preferring to rely on its own strategy at Borough level to provide for housing.

I asked GYBC for their view on whether the proposed site allocations would be in general conformity with the strategic policies in the development plan and the emerging Local Plan Part 2. I did this because I sought a view on whether there would be any implications for the delivery of the growth strategy having regard to PPG.

PPG is clear that neighbourhood planning bodies are encouraged to meet their housing requirement and where possible to exceed it.<sup>44</sup> Where a housing requirement figure is to be exceeded then proactive engagement with the local planning authorities

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<sup>39</sup> CS page 26

<sup>40</sup> Ibid page 35

<sup>41</sup> Ibid

<sup>42</sup> Ibid page 37

<sup>43</sup> Ibid

<sup>44</sup> PPG para 103 ref id 41-103-20190509

concerned is needed.<sup>45</sup> This is to assess whether the scale of additional housing numbers is in general conformity with strategic policies and whether, for example, the scale of the proposed increase would have a detrimental impact on the strategic spatial strategy, or whether sufficient infrastructure is proposed to support the scale of development and whether it has a realistic prospect of being delivered in accordance with development plan policies on viability.<sup>46</sup>

GYBC confirms that it considers the site allocations to be in accordance with the development plan. In referring to the Local Plan Part 2, Policy GSP2 in placing a zero housing requirement on neighbourhood plans, does support housing allocations within or outside development limits through the neighbourhood plan process subject to consideration of a number of criteria. Indeed I note that the Local Plan Part 2 specifically refers to Rollesby indicating the site allocations will be acceptable provided the criteria in Policy GSP2 are met.<sup>47</sup>

The criteria are i) the proportion of overall planned Borough housing growth indicated for that tier of the settlement hierarchy by Core Policy CS2; ii) the relationship of the site to the existing built up area of the settlement; iii) the settlement size, provision of and access to local services and facilities and infrastructure (including road, pedestrian and cycle access); and iv) the conservation and enhancement of the landscape, heritage, environment and wildlife qualities of the area and its surroundings, with particular regard to formal designations of these (where applicable).

GYBC consider the site allocations to be justified in the context of emerging Local Plan Part 2 Policy GSP2. Furthermore it is considered that neighbourhood plans will provide a buffer to support the Government's objective to boost housing supply. Of course, I cannot examine the Plan against this emerging policy, but note that GYBC consider the site allocations accord with the development plan and will not harm the delivery of the emerging strategic growth strategy.

In my judgment, the site allocations are based on the local community's desire to join the two parts of the village and that in so doing there will be significant community benefits. These include the ability to plan for local housing needs by providing a mix of housing against the background of a declining population, addressing concerns over speed limits and other issues regarding connectivity along the A149 such as a footway and crossing points, new community facilities, extension and improvement of the Playing Field, net gains in biodiversity and helping with community cohesion. The Plan explains that the village, in some ways, is two separate communities and that some facilities are provided in one part, and the others in the other half. The growth strategy is seen as a way of bringing the community together.

It is recognised that this type of infrastructure is unlikely to be provided without a 'critical mass' of housing.

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<sup>45</sup> PPG para 103 ref id 41-103-20190509

<sup>46</sup> Ibid

<sup>47</sup> Final Draft Plan with Proposed Main Modifications and Additional Modifications page 22

At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

I consider that the growth sought by the community and the reasons for it constitute sustainable development.

The growth sought is proportionate and limited in scale to achieve the vision of the Plan. The sites are well-related to the existing two built up parts of the settlement and the available infrastructure and will provide an opportunity to improve the local infrastructure. The Plan defines locally preferable, positive development. This is in general conformity with the CS.

One concern raised is that the site allocations are all on Grade 1 agricultural land. The NPPF, the CS and the Local Plan for the Broads recognise the importance of agricultural land. The SEA ER also assesses this aspect of the proposals as having a significant negative impact. However, the allocations are part of a growth strategy aimed at achieving a number of different things and addressing problems perceived by the local community. In addition, most of the remaining land in the Parish is also of a high quality (meaning alternatives are limited and in any case would not achieve the vision of the local community). This is also the case for the wider Borough. A balance has to be struck between the different impacts of the proposals. My overall conclusion, taking account of the different impacts is that this would constitute sustainable development.

In addition I am mindful that the Plan's end date is five years after the CS and the emerging LP Part 2. There is also a policy later in the Plan indicating a review will be undertaken in 2029. Finally, the sites are phased. These three things also give me comfort that the growth strategy will be managed.

AECOM have undertaken a Housing Needs Assessment (HNA) for the Parish. The Plan seeks to allocate land for 65 units with a reserve site of a further 25 units. This figure is

sought because the population of the Parish is declining as well as ageing. It is considered that more housing would enable people to remain in the village. The delivery of the type and size of housing which is needed is therefore also of importance. Smaller units have been identified as being needed but rarely provided.

AECOM have also prepared a Site Options and Assessment Report. Sites were identified using the GYBC's 'Call for Sites' exercise undertaken as part of their work on LP Part 2 and by the Parish Council engaging with local landowners. A number of sites were assessed.

I turn now to the policies.

### **Policy HO1: Scale and Location of Housing Growth**

This policy sets out a phased policy for the site allocations; the first phase is for around 40 houses and the second for 25 units.

The site allocations are made within the gap between the two halves of Rollesby village and on both sides of the A149 together with a smaller mixed use allocation that includes five dwellings east of the school.

Reference to an identified reserve site is made if the need arises during the Plan period. This is referred to as phase three.

The policy then deals with development in other locations. In the development limits for the village, defined in the saved LP policies, but not reviewed in the CS and set to be updated by the emerging Local Plan Part 2, only small sites of five or less units are permitted. Sites of five are also permitted in gap sites within the development limits. Both provisions are subject to criteria to ensure the development is acceptable. I asked why and how the threshold of five had been set. Whilst I understand this might be what the community chose in terms of managing development in the local area, there does need to be some rationale behind such a threshold. This is particularly true of sites within development limits. I note both GYBC and the BA have raised concern about this too. I cannot see how such a threshold has regard to the NPPF which, amongst other things, promotes the effective use of land<sup>48</sup> or will help to achieve sustainable development. I also note that saved Local Plan Policy HOU8 defines groups of dwellings as 10. A modification is therefore made to delete this element of the policy.

Backland or development in gardens, again within the development limits, is also acceptable as long as satisfactory access and parking is provided.

Outside the development limits and allocations, development is restricted and only supported if a policy specifically permits it.

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<sup>48</sup> NPPF para 119

With this modification, this overarching policy will have regard to the NPPF which seeks to significantly boost the supply of homes,<sup>49</sup> is in general conformity with CS Policies CS1 and CS2 and will help to achieve sustainable development.

- **Reword paragraph four of the policy to read: “*Within the development limits for the village, development on infill sites should be sympathetic to its context, including the surrounding built environment, its landscape setting and must respect views and the amenity of neighbouring properties.*”**

## Policy HO2: Housing Mix

The Plan explains that the housing profile is dominated by bungalows. About half the homes in the Parish are three bedroomed and about 64% detached; both figures higher than the Borough average.

The Plan recognises that the housing profile makes it difficult for families and younger people to stay or move to the village. There is an ageing population and it is also difficult for older people to downsize whilst staying in the village amongst their support systems. However, the biggest challenge is the declining population in the younger population forming new households and young families according to the HNA.

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.<sup>50</sup>

Nationally, PPG states that the need to provide housing for older people is critical and offering a choice of accommodation to suit changing needs can help independent living for longer.<sup>51</sup>

The evidence sitting behind the emerging Local Plan Part 2 also indicates that the Borough has a relatively aged population structure and this is likely to become more pronounced.<sup>52</sup> This is also highlighted in the HNA.

The HNA demonstrates a need for smaller units citing changes to household composition have trended towards single occupancy, older households and fewer children. This is in line with the supporting text for CS Policy CS2 which acknowledges the need for additional housing to meet local housing needs, especially for young families and older people balanced against the need to protect the individual character and identity of each village.

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<sup>49</sup> NPPF para 60

<sup>50</sup> Ibid

<sup>51</sup> PPG para 001 ref id 63-001-20190626

<sup>52</sup> Emerging Local Plan Part 2, Tracked Changes Version page 126

This policy seeks a mix of housing types and sizes from all new development. it supports a housing with care scheme.

On sites of five or more units, the policy seeks at least 25% of homes to be suitable for older people or those with disabilities and at least 50% to be one or two bedroomed. The mix should reflect local needs based on the latest available information.

Whilst there is little explanation of the five dwelling threshold in the Plan, it does reflect the five units threshold for affordable housing in rural areas meaning there is some precedent for such a figure in planning terms. Given the requirements of the policy, a threshold below this number would be difficult to deliver in my view. I am therefore comfortable with this as a policy basis, particularly given the inbuilt flexibility within the policy which acknowledges the importance of the latest available evidence and viability considerations.

The supporting text refers to the M4 standard. However desirable this reference might be, it should be removed. This is because the Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)<sup>53</sup> explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings; instead these must be contained in local plans. The WMS also withdrew the Code for Sustainable Homes. Therefore this element requires modification to ensure it has regard to national policy and guidance. I note that the emerging Local Plan Part 2 seeks to deliver the M4(2) standard on all new housing and so this ambition in the Plan should be delivered at local planning authority level.

The policy also refers to at least 10% of new housing being designed to the highest allowable prevailing energy efficiency requirements. I raised a query about this threshold asking why and how it had been set. Whilst I support the community seeking housing to be of a high environmental standard, there is little justification for the precise figure. I note that GYBC also have concerns about this in relation to viability and the BA indicated that it was not clear why 10% had been selected.

The supporting text refers to the possibility of planning policies requiring energy efficiency standards 20% above building regulations and refers to the Code for Sustainable Homes. This is correct, PPG does say that development plan policies can set energy performance standards at this level.<sup>54</sup> However, this relates to local planning authorities not qualifying bodies. It refers to the Planning and Energy Act 2008 which allows local planning authorities to set energy efficiency standards in their development plan policies.

The WMS,<sup>55</sup> referred to above, explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings; instead these must be contained in

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<sup>53</sup> Written Ministerial Statement 25 March 2015

<sup>54</sup> PPG para 012 ref id 6-012-20190315

<sup>55</sup> Written Ministerial Statement 25 March 2015

local plans. This element then requires modification to ensure it has regard to national policy and guidance.

Subject to these modifications, the policy will have regard to national policy, contribute to the achievement of sustainable development and be in general conformity with strategic policy, particularly CS Policies CS2, CS3 and LP Policy SP15.

- **Change the fourth paragraph of the policy to read: *New housing is encouraged to be designed to a high energy efficiency standard.***
- **Delete the first sentence of paragraph 55 on page 14 of the Plan**
- **Change the supporting text at paragraph 56 on page 14 of the Plan to read:**  
  
***“Planning practice guidance allows local planning authorities to require planning policies to require energy efficiency standards 20% above building regulations. This is encouraged to be used for Policy HO2 unless the guidance changes and more rigorous standards can be applied.”***

### Policy HO3: Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.<sup>56</sup>

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>57</sup>

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.<sup>58</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.<sup>59</sup>

Policy HO3 is a long criteria based policy that sets out the expectations for new development whilst not seeking to stifle innovation.

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<sup>56</sup> NPPF para 126

<sup>57</sup> Ibid para 127

<sup>58</sup> Ibid para 128

<sup>59</sup> Ibid para 130

Amongst other things, it sets a density of 25 dwellings per hectare. This is supported by work on a Character Appraisal and referred to in the Evidence Base and Key Issues document. This in turn indicates that densities vary throughout the Parish, but are consistently around or just under 20 dwellings per hectare. The policy has in built flexibility though too and so this figure is not overly prescriptive and is supported by evidence.

The policy refers to “ample” garden areas and I foresee some potential disagreements over what this might constitute. I asked the Parish Council what was being sought and it was explained that this meant a garden of a size that would provide a good quality of amenity and that it would be a matter of planning judgment. I consider the phrase lacks the clarity sought and so a modification is made to address this concern.

I consider the remainder of the criteria to be appropriate.

The latest revision of the NPPF<sup>60</sup> makes it clear that the Government’s intention is that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. In addition, opportunities should be taken to incorporate trees elsewhere in developments; appropriate measures should be in place to secure the long-term maintenance of newly-planted trees; and existing trees should be retained where possible. The NPPF indicates that planning policies should ensure that streets are tree-lined.<sup>61</sup> Therefore, to have regard to national policy it is necessary to include such requirements in Policy HO3.

The BA makes a point that there may potentially be some conflict between criteria a. and e. of the policy which refer to exceptions and affordable housing. Whilst I can see the point, criterion e. only relates to materials and architectural details and so given this I consider both criteria can be retained as written.

With these modifications, the policy will meet the basic conditions. It will have regard to the NPPF, be in general conformity with CS Policies CS4, CS9, CS10 and CS12 and Local Plan for the Broads Policies SP3 and SP5 in particular and help to achieve sustainable development.

- **Change criterion b. to read: “New residential development, especially that intended for family occupation, shall include *garden areas which are of an appropriate size and which provide a suitable and usable area for the occupiers of the dwelling as well as affording visual delight* and reflect the current character of the area”**
- **Add a new criterion to the policy that reads: “*Tree-lined streets should be included in developments unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Trees should be included within developments where the opportunity arises. Where development is permitted, conditions will be imposed to secure the long-term maintenance of***

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<sup>60</sup> NPPF para 131

<sup>61</sup> Ibid



*newly-planted trees. Existing trees, tree belts and hedgerows should be retained wherever possible."*

## 7. Environment

The Parish includes an area of the Norfolk and Suffolk Broads, designated as a SAC and the Trinity Boards SSSI. There is therefore a rich biodiversity and important habitat connections.

### Policy E1: Protecting and Enhancing the Environment

The NPPF<sup>62</sup> is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains.

Policy E1 is a long policy which seeks to protect and safeguard the Parish's habitats and requires a 10% net gain in biodiversity amongst other things. The Government announced it would mandate net gains for biodiversity in the Environment Bill. The Environment Bill received Royal Assent on 9 November 2021. The mandatory biodiversity gain is, as I understand it, likely to become law through secondary legislation in 2023.<sup>63</sup> Whilst this is not yet a statutory requirement, there is some basis for introducing a policy basis in this Parish with its sites of importance including the SAC and SSSI and its location in and close to the Norfolk and Suffolk Broads. The NPPF also promotes the pursuance of opportunities for securing net gains<sup>64</sup> and PPG indicates that policies can be used to set out a suitable approach.<sup>65</sup> No representations have raised concerns about the introduction of this into policy.

The policy also refers to the Habitats Monitoring and Mitigation Strategy.

The BA has asked for a number of modifications which I consider would be beneficial to add in the interests of clarity and to reflect the avoid, mitigate and compensate routes outlined in the NPPF.<sup>66</sup>

With these modifications, I consider the policy will meet the basic conditions. It takes its lead from the NPPF and will help to achieve sustainable development given the net gain in biodiversity currently sought. The policy is supported by local evidence and is in general conformity with CS Policies CS9 and CS11 and Local Plan for the Broads Policy SP6 in particular and specifically on Trinity Broads, Policy SSTRI.

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<sup>62</sup> NPPF para 174

<sup>63</sup> Source of information Local Government Association [www.local.gov.uk](http://www.local.gov.uk) accessed 12 November 2021

<sup>64</sup> NPPF para 179

<sup>65</sup> PPG para 021 ref id 8-021-20190721

<sup>66</sup> NPPF para 180

- Change criterion f. of the policy to read: “Incorporate *features* within site proposals that benefit biodiversity conservation, such as *built-in wildlife homes, pollinator strips, native hedging, green walls and roofs and wetlands* which can *enhance* on-site wildlife and *provide* associated benefits for run-off attenuation and energy efficiency.”
- Amend paragraph four of the policy to read: “Any development proposals within or near the Broads Area will need to be accompanied by landscaping proposals that demonstrate how *the development will minimise* its impact on the Broads landscape *and benefit* the wider area. Development must suit the location and setting, with *landscape* design proposals that reflect the *area’s special landscape qualities*.”
- Amend paragraph 76 on page 23 of the Plan to read: “In delivering Policy E1 developers should first look to avoid harm. *If harm cannot be avoided, the developer should adequately mitigate any harm to biodiversity. In all instances, developers are expected to enhance biodiversity on site. As a last resort, compensation can be considered if the development must go ahead.* Where it is not possible to avoid, mitigate and compensate all *harmful* impacts on site, the developer should secure enhancement or creation of habitat locally, within the parish.”

## Policy E2: Landscape Character and Appearance

The NPPF requires the planning system to contribute to and enhance the natural and local environment including protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.<sup>67</sup> Recognition of the intrinsic character and beauty of the countryside is also acknowledged.<sup>68</sup>

This policy seeks to do a number of things. Firstly, development should respect and where possible enhance the character of the Parish and the Broads.

Secondly, two views are identified and protected. These views are important to defining and reinforcing the sense of place and local distinctiveness. The views are shown on Figure 6 and photographs are included in the Plan. I am satisfied, based on my site visit, that the views selected are appropriate given the character and setting of the Parish.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the views without mitigation. I consider this to be an appropriate and sufficiently flexible approach.

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<sup>67</sup> NPPF para 174

<sup>68</sup> Ibid

The next element of the policy refers to agricultural land. The NPPF recognises the wider benefits from natural capital and ecosystems services including the economic and other benefits of the best and most versatile agricultural land.<sup>69</sup> This part of the policy seeks to avoid fragmentation of land in order to keep viably farming.

The policy then seeks to incorporate and enhance existing hedgerows where possible and to create soft boundaries and new corridors.

Finally, the policy seeks new development to take available opportunities to enhance accessibility, particularly in relation to the public rights of way.

The BA suggests a requirement is included in the policy for a landscape and visual appraisal. I consider this to be helpful in making the policy more robust and recommend a modification designed to address this point.

With these modifications, the policy will have regard to national policy and guidance by recognising the intrinsic character and beauty of the countryside and promoting and ensuring any development is sympathetic to local character including landscape settings,<sup>70</sup> be in general conformity with, and add a local layer of detail to, strategic policies CS Policies CS9, CS11 and CS12 and Policies SP4 and SP7 of the Local Plan for the Broads in particular and help to achieve sustainable development.

- **Add a new paragraph at the end of the policy that reads: *“It is expected that planning applications will be accompanied by appropriate evidence, including landscape and visual appraisals as needed, to demonstrate how the proposal meets the criteria in this policy.”***
- **Add a new paragraph to the supporting text that reads: *“The policy requires planning applications to be accompanied by appropriate and proportionate evidence to show how the requirements of Policy E2 are to be met. Not all developments, for example, extensions to domestic dwellings, will need to submit evidence, but where they do evidence should be up to date and proportionate and appropriate to the type of development sought.”***

### Policy E3: Protecting Dark Night Skies

The NPPF highlights the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.<sup>71</sup>

This policy seeks to limit street lighting to the minimum necessary and designed to minimise its impact on dark skies, wildlife and local amenity.

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<sup>69</sup> NPPF para 174

<sup>70</sup> Ibid

<sup>71</sup> Ibid para 185

It meets the basic conditions particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are put forward.

I note that paragraph 86 on page 26 of the Plan refers implicitly to BA Policy DM22. This is a detailed policy in the Local Plan for the Broads and the Plan is clear at this paragraph that Policy E3 will only apply outside of the BA's jurisdiction. I consider this is clearly set out and that this approach is acceptable.

#### **Policy E4: Flooding and Drainage**

This policy requires any development within areas of high and medium risk from surface water flooding to have a Surface Water Drainage Strategy.

The second element supports proposals which improve surface water drainage. SuDs are to be considered in all developments. On-Site water storage is required.

The last element of the policy requires new development to have mains sewerage and where this is not possible, an assessment to show that any impact on the SAC is acceptable.

The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided.<sup>72</sup> It continues that development should incorporate SuDs unless there is clear evidence this would be inappropriate.<sup>73</sup>

CS Policy CS13 in particular addresses flood risk.

Policy SP2 of the Local Plan for the Broads requires appropriate surface water drainage mitigation measures and Policy DM6 indicates SuDs should be used, unless soil conditions and engineering feasibility indicate otherwise.

I consider the policy has regard to the NPPF, is in general conformity with CS Policies CS11, CS12 and CS13 in particular as well as Policy SP2 of the Local Plan for the Broads and helps to achieve sustainable development thereby meeting the basic conditions.

The Lead Local Flood Authority has asked for a correction to the supporting text. In the interests of accuracy, I recommend a modification to address this.

- **Amend the third sentence in paragraph 88 on page 26 of the Plan to read: “The Lead Local Flood Authority has *two* records of external flooding in the parish dating from 2014 to the *present day*...” [retain remainder of sentence as existing]**

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<sup>72</sup> NPPF para 159

<sup>73</sup> Ibid para 167

## 8. Community Assets

### Policy CA1: Community Facilities

Policy CA1 supports new community facilities including shops subject to local need.

As part of its support for a prosperous rural economy, the NPPF supports the retention and development of accessible local services and community facilities.<sup>74</sup> The provision of local shops is also referred to in the NPPF's promotion of healthy and safe communities.<sup>75</sup> The NPPF promotes the provision of facilities and services that the community needs encouraging planning policies to plan positively for such provision.<sup>76</sup>

This policy does that. It has regard to the NPPF. It is in general conformity with strategic policy CS Policy CS15. However, Local Plan for the Broads Policy SP16 also refers to location. A modification is made to address this point to ensure the policy is in general conformity with this strategic policy. The policy also helps to achieve sustainable development. With this modification, the policy will meet the basic conditions.

- **Add a new sentence at the end of the policy that reads: *"Any new facilities located within the Broads will need to be fully justified."***

### Policy CA2: Designated Local Green Spaces

Four areas of Local Green Space (LGS) are proposed. These are shown on Figure 9 on page 30 of the Plan. I do not find Figure 9 to be especially clear and suggest the LGSs are shown in a clearer way at a larger scale with each area boundary clearly identified.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>77</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>78</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>79</sup>

The NPPF sets out three criteria for green spaces.<sup>80</sup> These are that the green space

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<sup>74</sup> NPPF para 84

<sup>75</sup> Ibid para 92

<sup>76</sup> Ibid para 93

<sup>77</sup> Ibid para 101

<sup>78</sup> Ibid

<sup>79</sup> Ibid

<sup>80</sup> Ibid para 102

should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw each of the proposed spaces at my site visit.

1. **Rollesby Staithe** is adjacent to Trinity Broads and is described as being valued for its ecological and recreational value.
2. **King George V Playing Field** and its play area are valued as recreational facilities.
3. **The Moat** is described as being valued for its ecological and amenity value. I asked a query about this proposed LGS as I could not see it at my site visit. The Parish Council came back to me and asked that it be deleted as the site has been incorrectly mapped. I agree this is the best route to take.
4. **Rollesby Pond** is valued for its ecology. I saw this is a large pond which adds character to the area.

In my view, the three remaining proposed LGSs meet the criteria in the NPPF satisfactorily.

All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

Turning now to the wording of the policy, the NPPF indicates that policies for managing development within a LGS should be consistent with those for Green Belts. The supporting text to the Plan seeks to explain why some of the development which is regarded as not inappropriate in the NPPF for green belts would not be suitable in this particular location. Whilst it would, in principle, be possible that a policy could diverge from national policy, there needs to be substantive evidence to support taking such an approach.

However, following a recent Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete any wording that sets out how development proposals should be managed. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This approach helps to ensure that the policy meets the basic conditions and is lawful.

A minor modification is also made to the supporting text to update the reference to the more recently published NPPF.

Subject to the above modifications, Policy CA2 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy thereby meeting the basic conditions.

- **Replace Figure 9 with a larger scale and clearer map showing the location and boundaries of the three retained LGSs**
- **Delete the Moat from the policy**
- **Delete the sentence which begins “These should be protected from development...” from the policy**
- **Delete the last paragraph of the policy which begins “Development that would harm the openness...”**
- **Delete the sixth, seventh and eighth sentences of paragraph 97 on page 29 of the Plan**
- **Change “...paragraphs 143 – 147...” in paragraph 97 on page 29 to “...paragraphs 147 – 151...”**

### **Policy CA3: Investment in Open Space and Public Rights of Way**

Access to a network of high quality open spaces is important for the health and well-being of communities as well as delivering benefits for nature and helping to address climate change.<sup>81</sup>

This policy sets out the expectation that new development will contribute to the provision of high quality open space. It sets out the priorities for any contributions received which are the recreational ground and play facilities on King George V playing field, maintenance of other areas identified in the previous policy as LGSs and the improvement of public rights of way.

The policy has regard to the NPPF, is in general conformity with strategic policy CS Policy CS15 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and it is not necessary for me to recommend any modifications.

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<sup>81</sup> NPPF para 98

## 9. Traffic and Transport

There is a Community Action in this section. As explained earlier, it is possible for neighbourhood plans to contain non development and land use aspirations if they are clearly identified. In this case, I consider that the Community Action is clearly identified and explained within the supporting text.

### Policy TR1: Residential Car Parking Standards

The NPPF is clear that if local parking standards are set, policies should take account of the accessibility of the development, the type, mix and use of the development, the availability of, and opportunities for, public transport, local car ownership levels and the need for provision of spaces for charging plug-in and other ultra-low emission vehicles.<sup>82</sup>

The Plan explains that car ownership in the Parish is high. It is recognised that the availability and convenience of public transport is relatively poor. The area is rural in nature. Therefore there is a high reliance on use of the private car.

The policy refers to Norfolk County Council's parking standards treating them as a minimum, rather than maximum, requirement. However, the policy has in built flexibility indicating that each site will be treated on its merits and its location, access to services and existing highway and parking issues taken into account. Additionally, if the provision of parking would be at odds with the local character or type of housing, the policy can be relaxed.

The policy meets the basic conditions having regard to the NPPF, is in general conformity with strategic policy CS Policy CS9 and will help to achieve sustainable development. No modifications are therefore recommended.

### Policy TR2: Sustainable Transport

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.<sup>83</sup>

Policy TR2 encourages sustainable transport choices including the promotion of safe walking links to key facilities, the enhancement of footpaths where necessary and the promotion of public transport use through, for example, improved waiting facilities.

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<sup>82</sup> NPPF para 107

<sup>83</sup> Ibid para 104



It seems to me that this policy has particular regard to the NPPF, is in general conformity with CS Policies CS9 and CS16 and Policy SP8 of the Local Plan for the Broads and will help to achieve sustainable development. It meets the basic conditions and it is not necessary for me to recommend any modifications to it.

## 10. Strategy for Delivering Growth

Figure 11 on page 37 of the Plan highlights what infrastructure will need to be provided alongside the growth supported by the Plan.

The six site allocation policies then follow. I have discussed the site allocations in principle earlier in this report. I will therefore confine my comments to the details of the policies which I deal with together in the interests of avoiding a great deal of repetition.

### Policies SSA01, SSA02, SSA03, SSA04, SSA05 and SSA06

**Policy SSA01** requires a masterplan to be prepared in association with the local community for the three phases of development. This policy sets out the issues the masterplan will need to address. These include habitats, views, and access.

One of the criteria refers to density. I consider a modification is needed in the interests of clarity.

The BA has suggested a revision to criterion h. which I consider is useful and will help to achieve sustainable development. I also refer to trees in line with the NPPF<sup>84</sup> and discussed earlier in this report.

**Policy SSA02** allocates phase 1 of the growth strategy which consists of sites RNP01a, RNP01b, RNP01c and RNP01d as shown on Figure 12.

Reference is made to the masterplan subject of Policy SSA01. It then refers to a number of criteria. One criterion of concern is the reference to at least 10% of housing being designed to the highest prevailing energy efficiency standards. As explained elsewhere in this report, it is not possible for neighbourhood plans to set such standards. A modification is therefore made to delete this aspect of the policy.

The remainder of the criteria set out in Policy SSA01 relate to the delivery of key infrastructure. The NPPF is clear that requirements must only be sought where they are necessary to make the development acceptable in planning terms, they directly relate to the development and they are fairly and reasonably related in scale and kind to the development.<sup>85</sup> It is not clear to me whether any viability assessments have been

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<sup>84</sup> NPPF para 131

<sup>85</sup> Ibid paras 56, 57 and 58

carried out, but the landowner has not raised any concerns about the requirements or the viability or deliverability of the sites. It is also apparent that the development is not supported by the community if this infrastructure is not achieved. On balance, I consider the criteria are appropriate given the importance and integral part this infrastructure plays, but there may need to be flexibility over the delivery of some elements during this first phase; it may be that some elements will need to be delivered as part of the second phase. This may be a matter for the masterplan to address in the round.

**Policy SSA03** deals with phase two. It also refers to the 10% energy efficiency standard which should be deleted for the reasons given earlier. Otherwise it is clear and appropriate.

**Policy SSA04** refers to phase three. Like the previous policies, it refers to the 10% energy efficiency standard which needs to be deleted. Incidentally, I do not read the policy as reserving this site, but allocating it. If it is the intention that this policy is an option, changes need to be made to it, but this is not a modification I need to make in respect of my role.

**Policy SSA05** allocates a site of about 0.75 hectares to the east of the school for a mixed use development of retail and offices and up to five dwellings. The site is shown on Figure 14. It is adjacent to existing commercial development.

The policy has a number of criteria covering the creation of a new access, satisfactory car parking, biodiversity net gain, landscaping, drainage and habitats.

I consider the site is suitable for such development and the criteria appropriate. The approach to set out a mixed use development with the residential element supporting the provision of such community infrastructure such as a shop and employment opportunities is sensible.

With these modifications, I consider that Policies SSA01, SSA02, SSA03, SSA04 and SSA05 will meet the basic conditions by helping to boost the supply of housing but also providing on-going improvements to the range of facilities and services Rollesby currently has, enhancing the infrastructure and community cohesion thereby having regard to the NPPF, being in general conformity with the strategic policies of the development plan and helping to achieve sustainable development.

- **Amend criterion d. in Policy SSA01 to read: “Development at a density of no more than 25 dwellings per ha, unless *a higher density would enable delivery of affordable housing;*”**
- **Amend criterion h. in Policy SSA01 to read: “*A comprehensive landscape strategy informed by appropriate evidence including, but not limited to ecological assessments, arboricultural assessment and landscape and visual appraisals as necessary will be required. The landscape strategy will demonstrate how natural features will be retained where reasonable and***

incorporated alongside *new natural and landscaping* features into the layout of the development to achieve the 10% net gain in biodiversity. *New streets should be tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate and opportunities taken to incorporate new trees elsewhere in the developments. Existing trees should be retained wherever possible. Appropriate measures must be put in place to secure the long-term maintenance of newly-planted trees. The landscape strategy will also need to consider the impact on the setting of the Broads informed by relevant assessment work;*

- Delete criterion a. from Policy SSA02, criterion b. from Policy SSA03, criterion c. from Policy SSA04

## 11. Neighbourhood Plan Review

### Policy PR1: Planned Review

This policy sets out that a review of the Plan will take place in 2029. Monitoring and review of neighbourhood plans is not currently a requirement. However, the Plan contains an ambitious growth strategy beyond the Borough Council's requirements for the Parish. It also goes beyond the timescale for the CS by some five years although the Local Plan for the Broads extends to 2036. I consider this then to be a sensible and pragmatic approach. The policy meets the basic conditions and no modifications to it are recommended.

## 8.0 Conclusions and recommendations

I am satisfied that the Rollesby 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 pleased to recommend to Great Yarmouth Borough Council that, subject to the modifications proposed in this report, the Rollesby Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the 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 Rollesby Neighbourhood Development Plan should proceed to a referendum based on the Rollesby Neighbourhood Plan area as approved by Great Yarmouth Borough Council and the Broads Authority on 7 March 2017.

*Ann Skippers* MRTPI

Ann Skippers Planning  
15 November 2021

## **Appendix 1 List of key documents specific to this examination**

Rollesby Neighbourhood Plan 2020 – 2035 Submission Version

Statement of Basic Conditions April 2020 (Collective Community Planning)

Consultation Statement April 2020 (Collective Community Planning)

Strategic Environmental Assessment/Habitats Regulation Assessment Screening Assessment July 2019 (Collective Community Planning)

SEA Screening Opinion & draft Scoping Report for Rollesby Draft Neighbourhood Plan (dated June 2019) September 2019 (GYBC)

Environmental Report April 2020 (Collective Community Planning)

Habitats Regulation Assessment November 2020 (AECOM)

Evidence Base and Key Issues April 2020 (Collective Community Planning)

Housing Needs Assessment May 2019 (AECOM)

Site Options and Assessment May 2019 (AECOM)

Great Yarmouth Local Plan: Core Strategy 2013 – 2030 adopted December 2015

Great Yarmouth Borough-wide Local Plan 2001 adopted February 2001

Local Plan for the Broads 2015 – 2036 adopted May 2019

Great Yarmouth Local Plan Part 2 Final Draft Plan with Proposed Main Modifications and Additional Modifications July 2021

## Appendix 2 Questions of clarification from the examiner

### **Rollsby Neighbourhood Plan Examination**

#### **Questions of clarification from the Examiner to the Parish Council and GYBC**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. When was the Great Yarmouth Borough-wide Local Plan 2001 adopted?
2. Please could GYBC confirm whether any of the saved policies in the Local Plan 2001 are regarded as 'strategic' for the purposes of the relevant basic condition?
3. Please could I be provided with a copy of the Strategic Environmental Assessment (SEA) Scoping Report and any responses received from the statutory consultees on this stage of the SEA process?
4. Please could I be provided with a copy of any response from Natural England on the Habitats Regulations Assessment (HRA) Appropriate Assessment consultation?
5. Please could GYBC provide any comments on the proposed site allocations in the Plan and whether, in their view, there is general conformity with the strategic policies in the relevant development plans and emerging Local Plan Part 2? In particular, could GYBC indicate how the proposed site allocations might affect the delivery of the overall spatial strategy at Borough level for housing?
6. Policy HOU1 provides for sites up to five units in gap sites within the development limits. Why and how has this threshold been set?
7. Policy HOU2 refers to at least 10% of new housing being designed to the highest allowable prevailing energy efficiency requirements. Why and how has this threshold been set?
8. Policy HOU3 refers to "ample" garden areas. Could you explain what is being sought? Is there a clearer way of expressing this?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI  
Independent Examiner  
1 November 2021



## **Great Yarmouth Borough Council & Broads Authority Rollesby Neighbourhood Plan Examiner's Report – Decision Statement**

**9<sup>th</sup> December 2021**

### **1. Purpose of Statement**

The Rollesby Neighbourhood Plan has been examined by an independent Examiner and they have issued the Examiner's Report. The report makes a number of recommendations for making modifications to policies within the submitted Neighbourhood Plan. In accordance with Regulation 17A and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and paragraph 12 of Schedule 4B to the 1990 Town and Country planning Act (as amended) Great Yarmouth Borough Council and the Broads Authority (as joint responsible authority) propose to accept each of the examiner's recommendations, as set out below.

### **2. Plan background**

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the plan was submitted to the Borough Council in March 2021, with the parish council having undertaken early local consultations. In accordance with Regulation 16, the Borough Council published and consulted on the submitted plan between April and June 2021.

An independent examiner was then appointed to examine the plan in accordance with paragraph 7 of Schedule 4B to the 1990 Town and Country planning Act (as amended). To aid the examination, the Examiner then asked the Borough Council to undertake a focused consultation on implications of the revised National Planning Policy Framework on the neighbourhood plan. Responses from each of the respective consultations were passed to the Examiner for consideration.

The appointed Examiner has now examined the Rollesby Neighbourhood Plan and published their report with recommendations. The Examiner can only examine the plan in so far as to determine whether it meets the 'basic conditions' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.

Under Regulation 24A of the Neighbourhood Planning (General) Regulations 2012 (as amended), the Borough Council along with the Broads Authority (as part of the neighbourhood plan area falls within the Broads Local Planning Authority Area) have to make a decision on the Examiner's recommendations. The Local Planning Authority must consider whether to decline/refuse the plan or to accept the report recommendations and set out its reasons in a decision statement that must

then be published. It is also possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.

### **3. Consideration of Basic Conditions**

The Examiner has concluded: *'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.'*

This assessment includes consideration of the Environmental Assessment of Plans and Programmes Regulations 2004 (formerly the Strategic Environmental Assessment Directive) and the Conservation of Habitats and Species Regulations 2017 (or 'Habitat Regulations'). A Screening Determination by Great Yarmouth Borough Council dated September 2019 determined that full SEA was required. Accordingly, a full Environmental Report (ER) was prepared by a consultant working with the parish council. In summary, the Environmental Report finds that with mitigation in place the plan will not have any likely significant adverse effects upon the environment. In respect of this the examiner has concluded that *"In my view, the ER has been prepared in accordance with Regulation 12 of the Regulations."*

In relation to Habitat Regulations Assessment (HRA), the Screening Determination by GYBC of September 2019 also confirmed the need for Appropriate Assessment (AA) as likely significant effects could not be ruled out. In summary, the HRA report finds that with necessary mitigation in place there will be no adverse effects on the site integrity of nearby habitat sites (National Site Network habitat sites). The Examiner concludes that: *"Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied ... Given the distance, nature and characteristics of the European sites and the nature and contents of the Plan, I consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with., namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations 2017."*

As competent authority, Great Yarmouth Borough Council and the Broads Authority accept these findings.

### **4. Reason for decision**

Having considered each of the recommendations within the examiner's report and the reasons for them, Great Yarmouth Borough Council and the Broads Authority has decided to approve each of the recommended modifications. This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990.

The following table sets out each of the examiner's recommended modifications to the submitted neighbourhood plan, the Council's consideration of those recommendations, and the Council's decision in relation to each recommendation.

Section of Submitted Neighbourhood Plan	Examiner's recommendation	Council consideration of recommendation	Council decision
Whole document	As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.	The Councils agree with the Examiner that the contents page, renumbering paragraphs or pages, should be renumbered as they appear sequentially.	Accept Examiner's recommended modifications.
Section 2: Neighbourhood Planning	<ul style="list-style-type: none"> <li>Add the word "Authority" after "Broads" In paragraph 8 on page 2 of the plan</li> </ul>	The Councils agree with the Examiner's proposed rewording	Accept the Examiner's recommended modification
Vision & Objectives	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Section 5: Policies	<ul style="list-style-type: none"> <li>Change paragraphs 22 – 26 inclusive on page 7 of the Plan and add a new paragraph to read:   "22. Great Yarmouth Borough Council's Local Plan includes the Core Strategy 2013 - 2030, which was adopted in 2015. The Borough Council is currently developing a new Local Plan Part 2 which will comprise updates to the Core Strategy, new strategic policies, site allocations and detailed policies. Both the adopted and the emerging Local Plans contain planning policies for the whole of the borough, including Rollesby Parish. This emerging Neighbourhood Plan contains other non-strategic policies for Rollesby Parish itself specifically.   23. In addition, part of the Parish falls under the Broads Authority. In these areas, the Local Plan for the Broads, adopted in 2019, applies.   24. There is no need to repeat or copy the planning policy framework in place in the Local Plans. However, where there are policy details missing that are important for Rollesby, or where it was felt that a slightly different policy is needed, then new policies were developed for the Neighbourhood Plan. Some of the policies in the following sections are not strictly 'planning' related. Nevertheless, it was felt that they were important enough to include in the plan and be called</li> </ul>	The Councils agree with the Examiner's wording which provides clarification between the adopted Core Strategy and Local Plan Part 2 and references the Local Plan for the Broads.	Accept Examiner's recommended modifications



	<p>'Community Actions', being something that the local community and parish council will lead on. 17</p> <p>25. The policies are intended to meet the vision and objectives set out above. They are aimed at guiding decision makers and applicants in order to achieve high standards of development, and development in the right places. Development proposals should have regard to all the planning policies in this Neighbourhood Plan, and of course those in the relevant Local Plans.</p> <p>26. To have more local control over the planning process and particularly where new developed should take place, this Neighbourhood Plan has allocated a number of sites for development, mainly for residential development."</p>		
Policy HO1: Scale and Location of Housing Growth	<ul style="list-style-type: none"> <li>• Reword paragraph four of the policy to read: "Within the development limits for the village, development on infill sites should be sympathetic to its context, including the surrounding built environment, its landscape setting and must respect views and the amenity of neighbouring properties."</li> </ul>	The Councils agree with the examiner's reasoning that paragraph 4 of the Policy should be reworded to align with the NPPF requirement to make the effective use of land.	Accept Examiner's recommended modifications.
Policy HO2: Housing Mix	<ul style="list-style-type: none"> <li>• Change the fourth paragraph of the policy to read: New housing is encouraged to be designed to a high energy efficiency standard."</li> <li>• Delete the first sentence of paragraph 55 on page 14 of the Plan</li> <li>• Change the supporting text at paragraph 56 on page 14 of the Plan to read: "Planning practice guidance allows local planning authorities to require planning policies to require energy efficiency standards 20% above building regulations. This is encouraged to be used for Policy HO2 unless the guidance changes and more rigorous standards can be applied."</li> </ul>	The Councils agree with the Examiner's reasoning that that the reference to the M4(2) Standard should be removed to align with National Policy and the M4(2) requirement in the emerging Local Plan Part 2.	Accept Examiner's recommended modifications.
Policy HO3: Design	<ul style="list-style-type: none"> <li>• Change criterion b. to read: "New residential development, especially that intended for family occupation, shall include garden areas which are of an appropriate size and which provide a suitable and usable area for the occupiers of the dwelling as well as affording visual delight and reflect the current character of the area"</li> </ul>	<p>The Councils agree with the Examiner's reasoning that that:</p> <ul style="list-style-type: none"> <li>• Criterion B should be re-worded to avoid ambiguity</li> <li>• The policy should reflect the NPPF's requirement to secure tree-lined streets.</li> </ul>	Accept Examiner's recommended modifications.

	<ul style="list-style-type: none"> <li>• Add a new criterion to the policy that reads: “Tree-lined streets should be included in developments unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Trees should be included within developments where the opportunity arises. Where development is permitted, conditions will be imposed to secure the long-term maintenance of 60 NPPF para 131 61 Ibid 26 newly-planted trees. Existing trees, tree belts and hedgerows should be retained wherever possible.”</li> </ul>		
Policy E1: Protecting and Enhancing the Environment	<ul style="list-style-type: none"> <li>• Change criterion f. of the policy to read: “Incorporate features within site proposals that benefit biodiversity conservation, such as built-in wildlife homes, pollinator strips, native hedging, green walls and roofs and wetlands which can enhance on-site wildlife and provide associated benefits for run-off attenuation and energy efficiency.”</li> <li>• Amend paragraph four of the policy to read: “Any development proposals within or near the Broads Area will need to be accompanied by landscaping proposals that demonstrate how the development will minimise its impact on the Broads landscape and benefit the wider area. Development must suit the location and setting, with landscape design proposals that reflect the area’s special landscape qualities.”</li> <li>• Amend paragraph 76 on page 23 of the Plan to read: “In delivering Policy E1 developers should first look to avoid harm. If harm cannot be avoided, the developer should adequately mitigate any harm to biodiversity. In all instances, developers are expected to enhance biodiversity on site. As a last resort, compensation can be considered if the development must go ahead. Where it is not possible to avoid, mitigate and compensate all harmful impacts on site, the developer should secure enhancement or creation of habitat locally, within the parish.”</li> </ul>	The Councils agree with the Examiner’s reasoning that the proposed modifications are necessary to add clarity and align with the requirements of the NPPF.	Accept Examiner’s recommended modifications.
Policy E2: Landscape Character and Appearance	<ul style="list-style-type: none"> <li>• Add a new paragraph at the end of the policy that reads: “It is expected that planning applications will be accompanied by appropriate evidence, including landscape and visual appraisals as needed, to demonstrate how the proposal meets the criteria in this policy.”</li> </ul>	The Councils agree with the Examiner’s reasoning that the Policy includes the requirement for a landscape and visual appraisal to improve the robustness of the Policy	Accept Examiner’s recommendation. No modification necessary.

	<ul style="list-style-type: none"> <li>Add a new paragraph to the supporting text that reads: “The policy requires planning applications to be accompanied by appropriate and proportionate evidence to show how the requirements of Policy E2 are to be met. Not all developments, for example, extensions to domestic dwellings, will need to submit evidence, but where they do evidence should be up to date and proportionate and appropriate to the type of development sought.”</li> </ul>		
Policy E3: Protecting Dark Night Skies	No modifications	Agree	Accept Examiner’s recommendation. No modification necessary.
Policy E4: Flooding and Drainage	<ul style="list-style-type: none"> <li>Amend the third sentence in paragraph 88 on page 26 of the Plan to read: “The Lead Local Flood Authority has two records of external flooding in the parish dating from 2014 to the present day...” [retain remainder of sentence as existing]</li> </ul>	The Councils agree with the Examiner’s reasoning that that the policy requires amendment to make factual corrections.	Accept Examiner’s recommended modifications.
Policy CA1: Community Facilities	<ul style="list-style-type: none"> <li>Add a new sentence at the end of the policy that reads: “Any new facilities located within the Broads will need to be fully justified.”</li> </ul>	The Councils agree with the Examiner’s reasoning that that the policy requires amendment to align with Broads Local Plan Policy SP16.	Accept Examiner’s recommended modifications.
Policy CA2: Designated Local Green Spaces	<ul style="list-style-type: none"> <li>Replace Figure 9 with a larger scale and clearer map showing the location and boundaries of the three retained LGSs</li> <li>Delete the Moat from the policy</li> <li>Delete the sentence which begins “These should be protected from development...” from the policy</li> <li>Delete the last paragraph of the policy which begins “Development that would harm the openness...”</li> <li>Delete the sixth, seventh and eighth sentences of paragraph 97 on page 29 of the Plan</li> <li>Change “...paragraphs 143 – 147...” in paragraph 97 on page 29 to “...paragraphs 147 – 151...”</li> </ul>	<p>The Councils agree with the Examiner that:</p> <ul style="list-style-type: none"> <li>The map and designations should be modified to add clarity</li> <li>The policy requires amendment to be consistent with the NPPF approach to Green Belts</li> <li>Paragraph renumbering and referencing is necessary</li> </ul>	Accept Examiner’s recommended modifications.
Policy CA3: Investment in Open Space and Public Rights of way	No Modifications necessary	Agree	Accept Examiner’s recommendation. No modification necessary.
Policy TR1: Residential Car Parking Standards	No Modifications necessary	Agree	Accept Examiner’s recommendation. No modification necessary.

Policy TR2: Sustainable Transport	No Modifications necessary	Agree	Accept Examiner's recommendation. No modification necessary.
Policies SSA01, SSA02, SSA03, SSA04, SSA05, SSA06	<ul style="list-style-type: none"> <li>Amend criterion d. in Policy SSA01 to read: "Development at a density of no more than 25 dwellings per ha, unless a higher density would enable delivery of affordable housing;"</li> <li>Amend criterion h. in Policy SSA01 to read: "A comprehensive landscape strategy informed by appropriate evidence including, but not limited to ecological assessments, arboricultural assessment and landscape and visual appraisals as necessary will be required. The landscape strategy will demonstrate how natural features will be retained where reasonable and 36 incorporated alongside new natural and landscaping features into the layout of the development to achieve the 10% net gain in biodiversity. New streets should be tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate and opportunities taken to incorporate new trees elsewhere in the developments. Existing trees should be retained wherever possible. Appropriate measures must be put in place to secure the long-term maintenance of newly-planted trees. The landscape strategy will also need to consider the impact on the setting of the Broads informed by relevant assessment work;</li> <li>Delete criterion a. from Policy SSA02, criterion b. from Policy SSA03, criterion c. from Policy SSA04</li> </ul>	The Councils agree with the Examiner's reasoning that the proposed modifications are necessary to add clarity and align with the requirements of the NPPF, in respect to energy efficiency standards and tree-lined streets	Accept Examiner's recommended modifications.

## 5. Next steps

This Decision Statement and the Examiner's Report into the Neighbourhood Plan will be made available at the following online locations:

- <GYBC webpage>
- <Broads webpage>
- <PC webpage>

Inspection copies?

- Town Hall
- Village Hall

The next stage is for the Neighbourhood Plan to proceed to a referendum within the neighbourhood area. Such a referendum needs to take place within 56 days from the day after the date of the decision. Notice will be given 28 days before the referendum takes place.