

STNP Examination

– Hearing question responses from Breckland Council

The paragraph number applies to those in the document ‘Initial Comments of the Independent Examiner’:

https://www.breckland.gov.uk/media/17971/Initials-Comments-issued-by-the-Examiner/pdf/Saham_Toney_NP_Initial_comments.pdf?m=637480453977900000

N.B. The questions have been summarised due to the page limits for the Hearing submission.

Key

NP - Neighbourhood Plan

LP - Local Plan

LPA - Local Planning Authority

LLFA - Local Lead Flood Authority

NPPG - National Planning Policy Guidance

Para	Topic A: The Plan as a Whole
[19]	Scope for removing some of the repetitive text.
There is significant scope to reduce text that is repeated or duplicated elsewhere. The 8 policies covering surface water flooding and sustainable drainage systems are a clear example. These policies repeat policies elsewhere at a national and county level, particularly planning practise guidance (the Non-Statutory Technical Standards 2015) and that prepared by the LLFA.	
[21]	Whether the requirements contained within the plan too prescriptive.
• is the detailed phasing of the sites justified?	
The delivery and build out rates of sites are subject to a mix of factors. These range from legal matters, land ownership, probate; unforeseen site constraints; availability of finance, materials, labour. National guidance clarifies that the LPA is responsible for strategic planning as well as the delivery of Housing (para 75, Housing Delivery Test, NPPF). Any appeal based solely on phasing is very unlikely to succeed. Also the three-year period for starting development has already reduced down from 5 years to encourage the building out of permissions.	
• is the delivery of social infrastructure crucial?	
Social infrastructure such as (schools, libraries, health facilities, sport and recreation facilities, are not critical to the individual sites coming forward in the Parish due to their scale, as two thirds are minor sites under 10 dwellings. Such infrastructure is only reasonably required on larger sites, where it is justified and viable to provide such facilities on site or make financial contributions. Only a third of the allocations are major developments and could be required to mitigate for impacts on such social infrastructure. Due to the scale of the minor sites, this would place unreasonable financial and delivery burdens on such sites. This could cause developers delaying delivery and putting greater stress on the LP, in light of the 5-year land supply and delivery targets.	
• demonstration of social infrastructure & utility capacity and should be considered at a strategic level?	
There is a statutory requirement for certain organisations to provide for utilities and social infrastructure, as well as being delivered by third-party businesses and other organisations. Given the scale of the sites such requirements would place unreasonable burdens on landowners and applicants. This could hinder them providing the information, and demonstrating this, when the impacts of the sites individually on infrastructure could be relatively minor. This is only reasonable and achievable at a strategic level through the allocation of Strategic Sites and the distribution of most housing growth to the market towns and key settlements in the LP, (para 73, NPPF).	
• should the masterplans be described as illustrative? DM	
There are multiple ways of designing and setting out sites which are subject to change over the Plan period. Large sites are the conventional place to use masterplans, they have an inherent flexibility within them and are often referred to as 'illustrative masterplans' as a result. They are there as a reference and guide, most frequently used to set out the 'Design Principles'. The NP's sites are not of scale or complexity conventionally attributed to masterplans. Being overly restrictive in the layout of sites can stifle them coming forward and prevent alternative improved sites coming forward. However, they are useful in setting out the 'Design Principles' and can illustrate how the sites could come forward, rather than how they come forward.	
• reference to 'at least x dwellings' & density requirements	
This approach reflects the positive approach in the LP which sets minimum targets for housing in the LP, as required by national guidance (para 60, NPPF), which is to ensure that the LP requirements are met. The density requirements could work against the national guidance, particularly para 117 (NPPF), which seeks to ensure development makes an effective use of land. Higher density can be more in keeping with the character of an area. i.e. Four small semi-detached cottages with good spacing on all sides would often be more in keeping with rural character than 2 very large, detached dwellings filling each plot and be double the density. The character of an area is affected by more than just density, and as highlighted by national guidance (para 122 NPPF) as there are a number of factors to consider in making an effective use of land.	
[22]	The extent a neighbourhood plan policy can dictate what accompanies a planning application.
Although that is the role for the Local Validation Checklist and Development Management Procedure Order, the Council does not have the former. However, many of the requirements are duplicated as other legislation and policy guidance requires the submission of reports where necessary.	

	Topic B: Limits of Planning Policies
[23]	What is the status of the policies relating to surface water run-off e.g. planning or technical standards?
The policies are too prescriptive and go beyond setting out the planning policy for managing surface water run-off. In replicating guidance and standards elsewhere policies (8B and 8D) set out local technical standards. There is an inherent conflict in being so prescriptive as the NP won't keep up to date with, and risks conflicting with, changing guidance and technical standards.	
[24]	What is the status of Policy 2D e.g. planning or housing? Should the policy to be restricting occupancy? Is the information in housing register a comprehensive measure need for affordable housing?
Policy 2D is a standard Breckland District Housing Allocation Policy which states where a NP allocates sites in excess of the minimum requirement in the LP for that area, the additional housing can be considered for local needs with a local connection criterion. This policy only applies if the Parish requests it in their NP. Breckland's Plan Policy HOU 14 is clear that affordable housing on these additional exception sites is required to be 100% for the local people who are unable to obtain accommodation on the open market (as defined in the NPPF and Breckland District Council's Housing Allocation Policy). This requirement covers all affordable housing types regardless of tenure and so will apply to starter homes, shared ownership, and discount market sales housing. Breckland Council is a non-stock holding authority and transferred all stock to a Registered Providers in the 1990's and it is the Registered Providers who negotiate the housing tenure mix. It must be noted that the preferred intermediate tenure by all Registered Providers, is shared ownership homes, which works well in the district. To date no starter homes or discount market sales housing have been delivered in Breckland. Policy 2D.2 provides that where no-one with a local connection to the Parish of Saham Toney takes up available affordable housing within two weeks of advertising then prioritisation will be in accordance with Breckland Council's Housing Allocation Policy, where a Breckland wide connection is required (although exception rules do apply). The NP provides data from the Breckland's housing register on 23 March 2020 and was up-to-date and comprehensive at that time. The data from the housing register is not static as people join the register or get housed daily. The register does not specifically consider those households interested in intermediate housing. We consider that this data is the best data available for parishes and villages and the alternative would be to undertake a Housing Needs Survey. Registered Providers generally fund the survey before confirming development plans for an exception site. If it is considered necessary the Saham Toney Parish Council could conduct its own Housing Needs Survey at their own expense and time, however we do believe that the data from the housing register is a useful tool, especially as more households apply to be accepted on the housing register continuously. It must be noted that the Parish of Saham Toney have conducted a Housing Needs Assessment (April 2020) as specified in the NP, which uses secondary data, however this is not a local needs survey, which uses primary data in addition to the secondary data.	
[25]	Policy 2E4 b) - clarifying a text reference regarding the type of affordable housing.
We consider that the following wording should be added to Policy 2E4 b) <i>"including homes at a cost suitable for first time buyers, and other low-income households when the requirement for affordable housing is triggered on all sites"</i>. This to ensure consistency and conformity with strategic LP Affordable Housing policy (HOU 07)	
	Topic C: Site Allocation
[27]	Issues in ensuring safe access and escape routes in times of flooding
Surface water flood maps identify high risk areas along significant stretches of Chequers Lane, Ploughboy Lane, and Cley Lane. Further, evidence is included in the NP of recent flooding events within the supporting text of policy 8A. This is most significant for site allocation STNP1, where flood resilience, safe access and escape routes would be addressed through a Flood Risk Assessment for the site which would be required as it is a major development.	

	Other Flooding Issues
[30]	Should SUDS apply it to all development?
	Requiring SUDS to be provided on all development, let alone minor sites, is not justified. It may well not be feasible on minor sites of up to 5 dwellings and may not be necessary in the first place. Not all developments will have drainage implications, and many result in insignificant implications and therefore it would be difficult to justify that SUDS are needed to be provided. A review of any site-specific drainage issues and consideration of scale of development can provide adequate protection to ensure SUDS are provided for where necessary, as required by the NPPF (para 163 c)).
[31]	Are ongoing measures for SUDS maintenance and management satisfactory?
	The Council require detail of the ongoing management and maintenance of SUDS to be submitted and approved where required through planning conditions. The approach in NP would duplicate this and is therefore unnecessary.
[32]	Should the design and details of the SUDS scheme be provided before outline permission has been granted?
	As outlined above, the fine detail of drainage design and SUDS schemes are frequently dealt with through planning conditions. Outline drainage strategies are sufficient to demonstrate that the necessary SUDS / drainage principles can be achieved without going into the full design. Such detailed design is subject to various factors which frequently change throughout the detailed design of a scheme, as such design is subject to significant and multi-disciplinary work, costly investigations, ground testing; significant expense, and time. It is simply unreasonable to require all this to be frontloaded before any applicant or landowner has some level of security that the principle has been established or that they will secure planning permission. This would simply deter many developers and hinder sites coming forward.