

SAHAM TONEY NEIGHBOURHOOD DEVELOPMENT PLAN 2019 - 2036



**SAHAM TONEY PARISH COUNCIL RESPONSE TO THE
INITIAL COMMENTS OF THE INDEPENDENT EXAMINER**

15 FEBRUARY 2021



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1.0 Ref: Para 17 Response to Regulation 16 Comments

Breckland Council Representations on the Neighbourhood Plan

1.1 We have reviewed the regulation 16 comments from Breckland Council on the submission version of the Neighbourhood Plan and have identified a number of changes that could be made to the plan in response to them:

- a) General terminology: Accepted only in respect of this comment's application to para. 3.6.5, in which we would agree to replace the word 'dictates' with 'states'.
- b) P 15, para. 3.6.1: We agree 'March' should be replaced with 'May'.
- c) P 16, para. 3.6.4: We would agree to edit the sentence to refer to 'limited' key services.
- d) P 44, T2D.6: We agree to reword the paragraph to reflect Breckland Council's Housing Allocations Policy as revised 5 December 2019 and adopted 16 March 2020.
- e) P 50, T2E.7: We would agree to revise the wording to make it clear the figures only relate to a preference made by those on the housing register, etc.
- f) P 64, P2G.3: We suggest the best way to address this concern will be to insert a reference in brackets after the words 'combined landscape sensitivity' that states (see Table P7A.1 and Policy Map 7A.3).
- g) P 127, photograph: We agree, the photograph needs a title and needs to be added to the list of contents.
- h) P 149, P7A.5: we agree the term '*degrade*' is inappropriate, but to convey the intended policy intent, propose to amend it to '*lower*' rather than '*negative effect*', since the latter is subjective, whereas the former is established by reference to Table P7A.1.
- i) P 149, P7A.5 and P 150, Table P7A.1: We suggest this is dealt with as noted in point (f).
- j) P 201, P8B.3: We acknowledge the unfortunate typographical error in the electronic version of the Plan. We did correct that prior to the start of the Reg. 16 consultation, but Breckland Council instructed us to replace the corrected version on our website with the original version we provided on 10 October. We are puzzled to read that the Council is awaiting confirmation of any other such errors and therefore has significant concern in this respect, since we considered that communication between S Heinrich and C Blow on 25 and 26 November 2020 (see attached file 'Correspondence Regarding Plan Typographical Errors') had resolved this matter. The only other such error we advised as being on page 91, the 5th line of T2L.8, which in the online version read (in error) "...site STNP7...." and was corrected in the print version to "...site STNP9".
- k) Glossary, P 225: We agree a definition of the term 'landscape character' should be added.
- l) Glossary, P 225: We agree with the proposed amendment of the definition for 'making of the plan'.
- m) Glossary, P 228: We agree a definition of the term 'visual sensitivity' should be added.

1.2 We offer the following responses to specific representations we disagree with:

- a) Whole Plan, 2nd comment: The level of detail enhances clarity. In doing so it eliminates ambiguity, which benefits all parties. It is wrong to interpret lack of ambiguity as a lack of sufficient flexibility. No basis for the comment on viability is put forward. Concrete evidence to the contrary is the fact a successful application for the smallest allocated site (STNP9, 3 dwellings) complied with all requirements of its allocation policy and other relevant policies without any impact on viability.
- b) Terminology paragraphs 2.3 and 2.5: Since regulations are directives not choices, use of 'dictate' is correct in these two cases.
- c) P 12, 3.0: The text is accurate as the section does deal with issues that arose from initial and informal consultation, as opposed to formal consultation on the three Reg.14 pre-submissions, which is noted in 4.0, and described in detail in the Consultation Statement.
- d) P 14, Fig. 9: The figure includes a note explaining that all data is taken from the 2011 census, other than household numbers in 2020 which are taken from our Housing Needs Assessment. For further clarity the relevant information is annotated as being 2020.
- e) P 17, para. 3.7.7.1: We consider the concern to be valid.
- f) P 25, para. 5.3: The Plan takes precedence.

- g) P 25, footnote 2: Given that we do not accept comments on policy requirements on phasing, this footnote remains valid.
- h) P 35, para. P2A.1 (1st comment): The document 'STNP Justification of a Minimum Housing Target for the Neighbourhood Area' concludes that the minimum target of 33 dwellings set by the Local Plan may be reasonably increased to 48. That in no way supports a change to Policy 2A to set a minimum of 70 dwellings as the comment proposes. Such a change has no basis in relation to the Local Plan and is not justified. See also Topic A, para 21, item (f).
- i) P 35, para. P2A.1 (2nd comment): See Topic A, para. 21, item (a).
- j) P 35, para. P2A.1 (3rd comment): Potential impact should not be prejudged and cumulative effects must be kept in mind. For example, 5 houses alone may not impact infrastructure, but if those constitute say houses 45-50 of those allocated, together with all commitments and completions prior to the Plan being made, and there have been no infrastructure improvements for say 10 years, they may be significant.
- k) P 35, para. T2A.1 (1st comment): Since the Local Plan does not allocate housing in Saham Toney, the suggested revision lacks accuracy.
- l) P 35, para. T2A.1 (2nd comment): The phrase is clear. The Plan allows for 70 allocated houses, plus policy-compliant development within the settlement boundary and the noted exception sites. The word 'otherwise' indicates that any other proposals coming forward must be managed within the number of dwellings allocated. That means 70, either entirely via the allocated sites, or should insufficient of those come forward, subject to P2C.2.
- m) P 36, T2A.4 b): Since future-proofing is the process of anticipating the future and developing methods of minimising the effects of future events, we consider the wording is appropriate.
- n) P 36/37, para. T2A.4: Covered under comments to site allocation policies.
- o) P40/41, para P2C.1: Local Plan Policy HOU 04 refers only to 'appropriate development'. Since Policy 2C allows certain housing development beyond the 70 allocated dwellings, and the latter are more than twice the Local Plan minimum target noted in HOU 04, Policy 2C cannot be deemed more restrictive than HOU 04. Additionally, as the comment notes, the Council's Housing Allocations Policy (HAP) allows local connection criteria (i.e. at parish level) over and above allocated sites. By definition, exception sites which 'are never allocated' must be over and above allocated sites. Therefore, Policy 2C is not restrictive with respect to the HAP, and we note further the HAP is not a strategic planning policy and therefore not relevant to the Basic Conditions. Policy 2C meets the Basic Conditions in both respects.
- p) P 41, asterisk note to policy: we consider the definition referred to is crucial to correct implementation of the policy. If Breckland Council is not prepared to accept that via a glossary reference, we would wish to include our full definition in the policy text.
- q) P 42, para. T2C.8: the text commented on has been taken out of context, and when read in full explains the actual situation, and is not contrary to the Basic Conditions.
- r) P 42, T2C.9: Since the Regulation 16 consultation closed, a ministerial statement by the Secretary of State for MHCLG on 16 December 2020 stated "... *we plan to leave the standard method as it was created in 2017 for the majority of the country.*" This will include Breckland district and should be considered in discussion of this topic. On 25 January 2021, Breckland Council announced it was revising its annual housing target from 612 to 661 dwellings, an increase of 49, or 735 over the Local Plan period. It is entirely reasonable to presume that of this increase any addition made to Saham Toney's minimum housing target will not be greater than 37 (70-33).
- s) P 42, para. T2C.10: (a) This does not seek to control Policy HOU 04.
- t) P 43, P2D.1 and P 44, P2D.2: The comments seek to revert to a district-wide connection approach, by highlighting para. 3.4 of the Council's Housing Allocations Policy, but overlook that policy's sections on local lettings (4.4 and 5.16) and on allocations on specified sites in neighbourhood areas (5.17). Policy 2D is consistent with both, and so is acceptable. The Saham Toney Housing Needs Assessment shows that in March 2020, 5 of those on the Breckland housing register had an address in the Parish. Acknowledging that is not a static number, all the same it does indicate those without local connections will not be excluded from occupancy, since the Plan's allocated sites will deliver a minimum of 12 affordable homes. We also note that Breckland Council has

made the Swanton Morley Neighbourhood Plan, which in its Policy 4 includes a similar local connection hierarchy to that put forward in Policy 2D. We cannot accept that different principles should be applied to Saham Toney with respect to local (Parish) connections.

- u) P 46, P2E.4 b): the criterion makes no mention of 'low-cost home' as used in the NPPF. but instead reflects the results of our housing needs assessment and villager wishes for lower cost housing generally. We do not consider it appropriate for Breckland Council to dictate the type of market housing to be developed. Any reference to shared ownership would appear to be more applicable to Policy 2D: Affordable Housing, and may be discussed as part of Topic B.
- v) P 51, P2F.2: the criterion does not use the term '*full ecological assessment*' as noted in the comment. We consider the actual term used 'satisfactory ecological assessment' does not require amendment.
- w) P 64, P2G.1 (1st comment): Masterplans for allocated sites STNP1, 4, 7 and 16 have been professionally prepared by specialist consultants and agreed by the landowners. It is not the policy's intention to exclude them from possible future masterplanning; rather it specifies such additional masterplanning need not be undertaken if proposed site layouts are in broad accordance with the relevant policy map. Policy 2G makes no reference to clauses contained in policies 2H, 2J, 2K or 2P, so we do not understand that part of this comment. We do not agree to remove policy maps 2G.1 and 2G.2, since the policy would lack clarity without them.
- x) P 64, P2G.1 (2nd comment): (a) we disagree that definition of major development should be included in policy text; (b) it is unnecessary to repeat that information as it is provided in the NPPF, and to do so may lead to future inconsistency if the NPPF definition is amended.
- y) P 65-69, policy maps 2G.1 & 2, figures 17a and b: The maps are not purely illustrative, but form part of the policy. Policy text provides sufficient flexibility, since it allows for alternate masterplans to be proposed. The policy as written refers to figures 17a and b as illustrations, so does not require amendment in that respect.
- z) P 70-106, policies 2H-2P (1st & 2nd comments): See responses to Topic A.
- aa) P 70-106, policies 2H-2P (3rd comment): While we do not feel we should need to respond to comments on the evolution of the Plan over various editions, at earlier stages discussions with site owners, particularly with respect to individual site allocation policy criteria were ongoing. In advance of our Reg. 15 submission all owners confirmed their sites as deliverable. We understand the difference between 'deliverable' and 'developable'. When defining sites as deliverable it is not intended that all will or should come forward in the next 5 years, but it allows flexibility. Indicative site phasing has been applied based on what site owners told us of their future intentions. If the examiner prefers those phased for later delivery to be termed 'developable' we will do that, but point out the descriptions are not policy, merely supporting text. We note that the Council's willingness to accept sites being defined as 'developable' indicates its willingness to accept some form of phasing.
- bb) We confirm no sites are neither deliverable nor developable, so none require deletion.
- cc) P 70 P2H.2 (i) and (j): We disagree. A Flood Risk Assessment will need to take criterion (i) into account, and in that assessment calculations will be required to determine the bio-retention area's size, which is supported by the Site Selection and Flood Risk Reports, into account. Criterion (j) is to ensure attenuation is not positioned in the high or medium flood risk areas of Site STNP1, since doing that would render it ineffective.
- dd) P 84, P2K.2: As (cc).
- ee) P 108, P3A.3: We query the wisdom / necessity of cross-referring policy text to supporting text, something that is not done elsewhere throughout the Plan. Furthermore, the suggested T3A.11 makes no reference to local vernacular, and should presumably be T3A.19.
- ff) P 114, map: While we can readily add text describing the blue and purple lines to a legend, they have no relevance to the point being made and are only included as they part of a third-party map we are unable to remove. We have no means to add an accurate parish boundary to a third-party map. We consider the map as provided adequately aids understanding of T3A.22.
- gg) P 115, P3B.1: See response to hearing Topic A, para. 21, 5th bullet. The comment about character is simply opinion, not supported by any objective assessment. There is no justification for

amending 'shall' to 'should', which has a much weaker meaning, and would mean a developer could choose to ignore the criterion. The fact that the criterion states 'shall be guided' rather 'shall apply' means there is sufficient flexibility without any change. The second sentence does not repeat the first. The first deals with prevailing character and setting, while the second relates to the guide densities. While somewhat related, those two are not the same thing.

- hh) P 123, P3D.1 g): Any reference included now may become obsolete during the current update of the Local Plan if its appendix numbering is amended, and is unnecessary for understanding.
- ii) P 125, map: We consider the map as presented adequately serves its purpose. We are unable to delete items from a third-party map, and have no means to add an accurate parish boundary to such a map.
- jj) P 126, P3F.5: The sentence as written is grammatically correct and does not require an additional word.
- kk) P 150, Table P7A.1 and page 152, Table P7A.2: Table P7A.2 describes in pictorial form how combined landscape sensitivity is established from the combination of individual landscape and visual sensitivities. It does not give any policy-specific information, but serves only to help explain Table P7A.1. It would therefore be inappropriate and confusing to swap the two tables.
- ll) P 153, Evidence Map 7A: A clear reference to a Breckland Council document, from which the map is taken, is given, which planning officers will be very familiar with.
- mm) P 154-156, Policy Maps 7A.1, 2 and 3: We have no means to accurately replicate the colours used on third-party maps. The provision of area names on the maps and in the legends provides ample clarity.
- nn) P 170, Policy Map 7B: As previously advised, we have no means to amend the colouring used on third-party maps, but actually find no difficulty in distinguishing those colours. We could add the names of the three landmark features included (view 2: St. George's Church; view 9: Bristow's Mill Tower; view 10: Threxton Church) if the examiner considers that useful.
- oo) P 170, T7C.4: The forms of guidance and information to be used or not to be used in preparing a Neighbourhood Plan are not laid down, and we consider a Qualifying Body is at liberty to make use of any reference information it finds to be relevant and helpful. Likewise, there is nothing wrong in specifically stating Parish Council support for particular green spaces, rather than simply let that be inferred.
- pp) P171, Policy 7C: We have chosen not to repeat NNPF provision.
- qq) P 171/2, T7C.4: This is a statement of fact as to how spaces were assessed.
- rr) P 189, P7F.1: NPPF para. 175 (c) simply uses ancient woodland and ancient or veteran trees as examples of irreplaceable habitats ('...such as...') and therefore does not exclude other categories from protection.
- ss) P 191/2, 8A-9: We disagree entirely, as outlined in our responses to the hearing topics and for further discussion at the hearing.
- tt) P 191, P8A: Flood risk cannot be overlooked on the basis of viability. It is of equal concern regardless of development size. We are prepared to consider the exclusion of householder applications from the policy, in line with NPPF footnote 51, but not minor housing developments.
- uu) P 191, P8A.3: NPPF footnote 50 includes '*...or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.*' It therefore does not exclude areas at low risk of surface water flooding with regard to the provision of a flood risk assessment.
- vv) P 192, P8A.5: We acknowledge the representation of the Norfolk County Council Lead Local Flood Authority on this criterion, but cannot reconcile it with the LLFA's own guidance, which states '*The LLFA should be consulted on development sites that have a current risk of flooding or have the potential to increase local flood risk.*' We request this be discussed at the hearing, but meanwhile suggest rephrasing similar to that of P8A.6 may be acceptable to all parties.
- ww) P 192, P8A.6: We consider the proposed additional wording to be superfluous, and therefore unnecessary, since the LPA would only make a request if it considered it necessary. With regard to the proposed deletion of '*prior to being decided*', we recognise that text is also superfluous, and agree to its deletion.

- xx) P 192, P8A.8: We disagree. The phrases 'any more up to date version' and 'the most up to date version' are included to cover the eventuality noted in the comment. We also note that Anglian Water, which would be responsible for such adoptions, is fully supportive of this as a policy criterion.
- yy) P 195, T 8A.19: While we would be willing to add reference to the Breckland Strategic Flood Risk Assessment Update, January 2017 (as opposed to deleting the paragraph), in doing so we would also add that it makes only one reference to Saham Toney – 'There is a sewer flooding issue in Bell Lane in Saham Toney, with a flooding frequency 1:10' – which is clearly insufficient to warrant policy deletion. While the document will have been considered by the Local Plan examiner to determine the soundness of the latter, that was with regard to Policy ENV 09, not the provisions of the Saham Toney Neighbourhood Plan.
- zz) P 201, 8B: Local Plan Policy ENV 09 applies to all development and requires developers to show that proposed development would not increase greenfield runoff rates. In finding the Local Plan sound, its examiner did not consider that to be onerous, hence that comment is invalid. Policy 8B sets out in more detail how that is to be achieved and criteria for determining it has been done satisfactorily, and so provides clarity and certainty. In stating 'NPPF and PPG do not mandate use of the SuDS Manual...', the second part of the comment itself appears to provide us with a response: if it is not mandated, such guidance may be disregarded, whereas our policy requirements may not, and thereby provide the robustness necessary to ensure flood risk is avoided in practice. We have seen many applications in Saham Toney that fail to deal with such issues adequately resulting in real problems for householders. To further demonstrate the requirements are not onerous we refer to recently permitted planning application 3PL/2020/1080/F, for the smallest (3-house) allocated site in the Plan, which amply demonstrated compliance with all drainage policy requirements.
- aaa) P 203, P8C: We disagree. The policy does deal with a planning matter, since without infiltration data, the LPA and others cannot satisfy themselves as to the adequacy of a drainage scheme. The LLFA recommends that LPA's satisfy themselves on various matters **prior** to granting permission, including the proposed method for draining a site, with evidence of at least one achievable solution. Without infiltration data, an achievable solution cannot be demonstrated. We note and welcome the support of both the LLFA and Anglian Water for Policy 8C. To demonstrate the policy requirements are not onerous we refer to recently permitted planning application 3PL/2020/1080/F, for the smallest (3-house) allocated site in the Plan, which amply demonstrated compliance with all drainage policy requirements.
- bbb) P 210, P8G: We disagree. We note and welcome the support of both the LLFA and Anglian Water for Policy 8G and consider that adds great weight to our case for its inclusion in its current form. Neither the NPPF nor strategic Policy ENV 09 deal with residual flood risk, but as many villagers (and householders around the country) will attest, the consequences of not dealing with it have traumatic and sometimes costly impacts on people's lives. We reiterate that such consequences are equally serious for those affected regardless of a development's size.
- ccc) P 210 (*sic*), P8H: We disagree entirely and have provided initial reasons for that in our response to hearing topic D, para. 32, and welcome more detailed discussion at the hearing itself. We note and welcome the support of both the LLFA and Anglian Water for Policy 8H and consider that adds great weight to our case for its inclusion in its current form.
- ddd) P 215, P9.1: Anglian Water assisted with development of this policy and has fully supported its final form, so we see no reason to amend it. The proposed rewording makes no difference to the meaning and is not agreed. The requirement is not onerous, but necessary for all development regardless of size.
- eee) P 215 P9.2: It is a fact that all applicants wishing to connect to the foul sewerage network must first consult Anglian Water. In response Anglian Water checks system capacity and will advise the applicant accordingly. Normally this would comprise simple email correspondence, although more may be required for major developments. Subsequently, applicants can provide copies of all correspondence etc. as evidence to satisfy this criterion. We are willing to amend the text as proposed by the Council, subject to confirming Anglian Water's acceptance of that.

- fff) P 215, P9.6 (*sic*): Asterisk note to policy: we consider the definition referred to is crucial to correct implementation of the policy. If Breckland Council is not prepared to accept that reference, we would wish to include our full definition in criterion P9.2.
- ggg) Monitoring, P 217 and P 219: It would appear that the Council has misinterpreted section 8 of the Plan as requiring it to apply the monitoring measures given. In fact, the monitoring described will be undertaken by Saham Toney Parish Council, as clearly noted in para. 8.1, and therefore we consider it inappropriate for Breckland Council to dictate how the Qualifying Body monitors its own Plan or the targets it sets to aid that monitoring. Monitoring does not require enforcement, and is in some cases deliberately subjective, again something for the Qualifying Body to decide.
- hhh) Glossary, page 222 and 223: assuming the comment should read '*all terminology given in the glossary are found in the Plan*'. If so we have cross-checked the glossary against plan text, and find that to be the case.
- iii) Glossary, suggested omission: of the 6 neighbourhood plans in the Breckland district made to date, only that for Swanton Morley makes any such reference, with regard to larger print versions. Furthermore, when made, the Plan will form part of the Development Plan and will hence be a Breckland Council document, meaning compliance to the Equalities Act with respect to the availability and format of the Plan, will be the responsibility of that Council.

1.3 In the case of other comments not noted above, we consider them either to have been addressed through the responses in 1.2, to have no relevance to the basic conditions, and / or to be repetitive of comments made at previous stages which have been addressed in the Consultation Statement.

Breckland Council Representations on the Basic Conditions and Consultation Statements

1.4 In general, we see no reason to respond to the detailed comments on our Consultation Statement and consider following submission that document requires no further update. We would however like to note the following:

- a) No emails have been withheld: the consultation statement includes in full all representations. At an earlier stage we created pdf files of emails, but to include them in the plan first required their conversion to image files for insertion in the WORD format Plan. We then found that when a pdf of the Plan was created those images became unreadable, and so discontinued that approach. As we have advised the Council previously, should the examiner require, we could provide individual pdf files of each representation, but to do so would require significant time and effort which we do not feel is warranted.
- b) P 323 and P 346: From an early stage the Council consistently declined to review or sign off minutes of meetings, so we discontinued providing them. We can only say that we and the author of the comment have a very different recollection of the meeting in question.
- c) Where differences between the Consultation statement text and that in the Plan exist, we do not consider that negates the intent of our consultation responses and confirm that Plan text takes precedence.

1.5 Likewise, we see no reason to respond to the detailed comments on our Basic Conditions Statement and consider following submission that document requires no further update. We are content to await the examiner's report with regard to our Plan meeting the Basic Conditions.

Other Consultee Representations

1.6 Of the 12 organisations and individuals who submitted representations, we note that Cadent Gas, Highways England, the Water Management Alliance, the National Grid and Historic England offered no comments.

1.7 We welcome the support of R Holden for the Plan's approach to flood risk, and further confirmation from the agent for the landowner of allocated site STNP16 that the owner supports its inclusion in the Plan.

1.8 We find it very encouraging that Anglian Water is supportive of the Plan's policies for a rural gap, surface water management, and foul sewerage provision, and consider that adds weight to those policies, which in the case of Policies 8A-8H and 9, should counter objections made to those by Breckland Council.

1.9 We note with interest the comments of Natural England and comment on those as follows:

- a) Stone curlew surveys: we note the proposal for an additional criterion for sites up to 3km from the Breckland Special Protection Area (SPA), regarding surveys to be carried out over a 3-year period where a site comprises habitat potentially suitable for stone curlews, if records for that species are not available within 1.5km of the site. This appears to go slightly beyond the recommendations of the Saham Toney Habitats Regulations Assessment (AECOM September 2020), which are incorporated in the Plan. We do not oppose the suggested addition, but would welcome examiner advice both on the need to add this criterion, and on potential viability and delivery impact that may arise from requiring surveys over 3 spring periods. We are agreeable to amending the text of relevant policy supporting text, such that required survey periods will be early-April to end-August. That change would require amendment to T2H.6, T2J.6, T2K.7, T2L.4, T2O.5 and T2P.7. In light of the comments, we also suggest stone curlew protection criterion should be made clear for non-allocated sites, either in Policies 2F and 4 or Policy 7D.
- b) Biodiversity increase: We welcome the suggested additional criterion, but did not include it in Policy 7D since our understanding was that the Environment Bill had not been fully enacted. We seek examiner / LPA advice on potential ways to implement the suggestion.
- c) Biodiversity measure: The suggested inclusion of Natural England's Biodiversity Metric 2.0 would seem to be a logical addition to the implementation or supporting text of Policy 7D, if the above suggested addition of biodiversity increase is supported at examination and by the LPA.

1.10 While we welcome Councillor Crane's overall support, we disagree that the Plan may be problematic to access (see further our initial response to Hearing Topic A). We very much disagree that all comments made by Breckland Council at the previous Reg. 14 consultation should have been incorporated, and set out detailed reasons for our responses to all Reg. 14 comments in the Consultation Statement. We also consider that none of the Reg. 14 comments we chose not to incorporate related to the basic conditions.

1.11 With regard to Norfolk County Council's Local Highways Authority (LHA) representations, we respond as follows:

- a) We would not object to moving visibility splay requirements to the specific site allocation policies as suggested (if so it would have to be done for all allocation policies not only those the LHA notes), but note they were previously moved from those policies to a common criterion P2F.5 in response to an earlier Breckland Council comment to assist in avoiding repetition. We seek examiner advice on this.
- b) Comments regarding STNP2, STNP9, STNP13, STNP14 are repeats of those made at the final Reg. 14 consultation, and our reasons for not implementing them are included in the Consultation Statement. We also note that site STNP9 gained full planning permission in December 2020 (ref. 3PL/2020/1080/F), without the provision of a connecting footway, and that the LHA raised no objection to that application. In our opinion this casts further doubt on the validity of its comments on STNP2, 13 and 14 with respect to footpath provision.
- c) With regard to the comment on STNP15, the LHA has misinterpreted a scale plan included at its earlier request in T2O.11. The 8m referred to in the comment is not a visibility splay; it simply demonstrates that access to the site – with satisfactory visibility splays in accordance with LHA requirements – is achievable while maintaining an 8m distance to the boundary of the adjacent property. 2.4m x 59m visibility splays are confirmed for site STNP15 on Policy Map 2F.8. We would agree to update the illustration in question for additional clarity.

1.12 With regard to Norfolk County Council's Lead Local Flood Authority (LLFA) representations, we respond as follows:

- a) We very much welcome the LLFA's general supporting comments, and consider they add significant weight to our case that the inclusion of 8 surface water management policies is both necessary and appropriate. With regard to the suggested inclusion of a surface water flood risk map for the Parish representative of the 3.3%, 1.0% and 0.1% AEP events, we note that we did include such a map in an earlier version of the Plan, but found it to be difficult to read. In addition, we were unable to superimpose the Parish boundary on the map (which was simply a screenshot from the Environment Agency's website). Furthermore, we would be concerned that any such maps included

would be subject to change over the Plan period. While the idea appears a good one, in practice such maps would be at too small a scale to be used by the developers of individual sites, which would need to refer to the Agency's online maps. We thus believe no change is required to the present approach of referring to the online maps. We would agree to update relevant policy supporting text to include latest LLFA flood record data from 2016-2020 if the examiner and LPA consent.

- b) We are disappointed by the objection to P8A.5 and corresponding TA.10, and cannot reconcile how it equates to the LLFA's own guidance (noted in T8A.10). We would ask to discuss this at the hearing.
- c) We very much welcome the LLFA's support of Policies 8B-8D. We consider that support fully justifies the inclusion of those policies, adds great weight to our arguments against Breckland Council's comments on our surface water drainage policies, and should be an important consideration during discussion of hearing Topic A (para.19), Topic B (para. 23), Topic C (para. 26 and 27) and all of Topic D.
- d) With regard to comments about allocated sites, we confirm selection of those included a robust assessment of flood risk (see the Site Selection Report and Topic C) and fully accounted for the LLFA's own specialist assessments. Site allocation policies specify requirements for flood risk assessments / drainage strategies for relevant sites.
- e) The LLFA's comments on Local Green Spaces ST-GS3 and ST-GS6 are valid and relevant and we agree with them. We consider they must be upheld when addressing Breckland Council's comments on Local Green Spaces (the Council's comments to page 171 of the Plan, Policy 7C).

1.13 We are rather confused by the inclusion of Breckland Council's delegated decision authorisation record both as a comment and within the non-LPA representation set. Our understanding is that the record is an internal Council document, confirming authority for the author to submit representations to the Qualifying Body and to confirm meets the relevant requirements of the Town and Country Planning Act 1990.

2.0 Ref: Para 18 Strategic Policies

2.1 We would like to note that the Local Plan policies which are included in the Basic Conditions Statement are the ones Breckland Council advised us are its strategic policies following its review of a pre-submission version of the statement. That early version considered all Local Plan policies with regard to the basic condition, but we subsequently removed reference to those Local Plan policies not on the Council's list. Hence if the Council adds any policies to its list at this stage, we will be in a position to show how our Plan conforms with those.

3.0 Hearing Topics

3.1 With apologies, due to the scope of each topic, we have been unable to restrict our responses to a single A4 sheet. To aid readability we have included a paraphrased version of each question with our responses.

3.2 The following attachments accompany our responses:

- 'Correspondence Regarding Plan Typographical Errors.pdf' [ref:1.1 (j)];
- 'STNP Suggestions for Text That Could be Removed from the Plan.pdf' [ref: 3.3.1];
- 'Correspondence re Assessing Applications for Flood Risk and Surface Water Management.pdf' [ref: 3.6.2];
- 'Local Connection Policies in Neighbourhood Plans.pdf' [ref: 3.7.2];
- 'STNP Hearing Evidence Topic C.29.zip.' [ref: 3.12.1]

These are collated in a single attachment to this response: 'STPC Response to Examiner's Initial Comments – Attachments.zip'.

Topic A: The Plan as a Whole

3.3 Ref. Para. 19:

Is there scope for removing repetitive text?

3.3.1 The Plan has limited amount of overlap with the NPPF and Local Plan, for clarity when expanding on those provisions to set local requirements. It is not simply repetitive, nor unnecessarily so. The few cross-references between policies assist users. The result is a unified whole. Notwithstanding this, we recognise there is scope to remove some text, and offer our suggestions in the attached file 'STNP Suggestions for Text That Could be Removed from the Plan.pdf'.

Will the Plan be readily understandable?

3.3.2 Yes. The Plan's robustness necessitates precise policy wording. In turn, to explain and justify policies it includes much evidence, both in policy supporting text and the many separate supporting documents submitted. In so doing, it provides clarity and certainty for all parties to the planning process. Reducing policy text would dilute its precision and leave policies open to subjective interpretation, in nobody's interest.

3.3.3 The Plan also makes extensive use of maps and illustrations which we feel helps considerably with the understanding and correct interpretation of the policies.

3.3.4 The scope and extent of surface water management policies are dealt with under Topics B and D.

3.4 Ref. Para. 20: Do we understand supporting text cannot be used as policy statements?

3.4.1 We fully understand that supporting text cannot be applied as policy when planning decisions are made, but is intended to explain and justify policy. We have also included 'implementation text' to further guide planning officers in the intended application of policy, and would welcome an opportunity to adapt and enhance that to meet their needs after detailed discussion with them.

3.5 Ref. Para. 21: Are plan requirements too prescriptive?

3.5.1 No. Our policies are sometimes deliberately prescriptive, but we do not consider them to be overly so, as outlined below for each example noted in the question:

- a) **Is detailed phasing justified?** Policy 2A's phasing requirements are termed 'indicative' and therefore flexible. The overall intention is to ensure that development occurs at a pace consistent with parish development constraints. The 4-year periods noted address a permission's 3-year implementation period.
- b) **How crucial is delivery of social infrastructure?** While difficult to quantify its criticality, both local and neighbourhood plans recognise the limited availability of social infrastructure in Saham Toney and that was a key concern of villagers during consultation. If development is delivered at the indicative pace set out by the Plan, and improvements noted in T1.9 are gradually implemented, the overall scale of development should not present a problem, whereas 70 new homes over a short period would inevitably do so. Drainage measures are of crucial importance regardless of development pace (see Topic D).
- c) **Is it realistic for every applicant to demonstrate infrastructure / utility capacity?** Not every applicant is required to demonstrate availability of social infrastructure. P1.1 limits the requirement to 'where applicable' and applicants will be at liberty to show the requirement is not applicable in their case.
- d) **Should such capacity be considered at a more strategic level?** If social infrastructure in Saham Toney was dealt with at a strategic level we would consider amending the requirement. However, neither the Local Plan nor the Breckland Infrastructure Delivery Plan make provision for the village in this respect.
- e) **Should the masterplans be described as illustrative?** We do not consider it necessary or appropriate to term masterplans as illustrative. For allocated sites already masterplanned they provide a baseline for compliance with Policy P2G.1, the wording of which gives adequate flexibility, as do Policies 2H, 2J, 2K and 2P in this respect. Likewise, for any other sites that require masterplans, they provide a baseline to determine if plans 'to a similar level of detail' are provided, in accordance with P2G.2.

- f) **Should allocation policies refer to 'at least x dwellings'?** Paraphrased, the Local Plan specifies a minimum housing delivery for Saham Toney of 'not significantly more than 5% above housing numbers at November 2019'; calculated as 33 dwellings. The term 'not significantly more' is open to interpretation, and it is unclear how it will be implemented in practice. The allocation of 70 new homes, being more than twice the minimum target, could be interpreted as 'significantly more' but is justified by a robust process of site assessment and selection. In some cases that process identified a need to reduce site capacities in order to maintain sustainability. If 'up to x dwellings' were to be replaced by 'at least x dwellings', policy meaning would be radically altered and development exceeding 'x' would not be consistent with the assessment and selection process results. 'At least x' is open-ended and could result in any number of new houses, which would be inconsistent with the evidence on development constraints in Saham Toney and the site selection process. The Plan already allows for more than 70 dwellings (all of Policy 2B, P2C.1 (a) and (b)). P2C.2 provides a safeguard should allocated sites not deliver homes to at least the level specified by Policy HOU 04.
- g) **Do density requirements meet NPPF para. 117?** Re site densities, it is not simply a matter for NPPF paragraph 117. In particular, re making effective use of land, paragraphs 118 (a) and (b), 122 (c), (d) and (e), and 123 (a) are equally relevant. Ref. para. 123 (a), the Plan significantly exceeds the requirement to 'meet as much of the identified need as possible'. Likewise the NPPF's various requirements regarding design, flood risk, and conserving and enhancing the natural and historic environments must be addressed in finding a balance between all requirements. More detailed justification is given in the supporting text to Policy 3B and the individual allocation policies.

Topic B: Limits of Planning Policies

3.6 Ref. Para. 23:

To what extent do drainage policies set technical standards as opposed to policy?

3.6.1 The noted ministerial statement refers to ‘additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings’. It is difficult to conclude that surface water management policies, which deal with requirements outside a dwelling, are covered by this instruction. That conclusion is reinforced by the fact that the optional national technical standards, introduced in parallel with the ministerial statement, also do not deal with surface water drainage / management. We welcome the support of NCC’s Lead Local Flood Authority and Anglian Water for Policies 8A-8H, and believe that adds weight to our case for their retention in the Plan.

Is it appropriate for policy to repeat technical guidance?

3.6.2 With regard to some repetition of technical guidance, we consider two main factors justify that:

- a) When asked if reference to the LLFA guidance in our Plan would (i) carry the same weight as specifically including its key aspects in our policies, and (ii) ensure the guidance is fully considered when deciding applications; the response of a senior Breckland Development Management Officer was *‘This is a guidance document that is taken into consideration by officers when determining applications but this is not a requirement as it is not detailed in Policy – if they (i.e. STNP) put it in policy then it would hold more weight.’* See attached file ‘Correspondence re Assessing Applications for Flood Risk and Surface Water Management.pdf’.
- b) By including the relevant guidance in policy, the Plan simplifies matters for applicants, planning officers and others, who only have to refer to a single document for the key information that guides an application. Policy text that reflects aspects of technical guidance deals with fundamental SuDS principles which are unlikely to change, or if they do significantly, the Plan may be updated.

3.7 Ref. Para. 24:

To what extent is Policy 2D for the use and development of land and to what extent is it a housing allocation policy?

3.7.1 Provision of affordable housing generally, relates to the use and development of land, as such housing will come forward as part of land development proposals. Provisions referred to in the comment apply only to affordable housing that comes forward as part of developments that will deliver housing in excess of the Local Plan minimum target, and that approach was previously agreed by Breckland Council (see p.339-40 of the Consultation Statement). That is reasonable, given the Plan’s significant exceedance of the minimum housing target, combined with the evidence of our Housing Needs Assessment. The Neighbourhood Plan does not seek to, nor will it, administer housing allocation, but Policy 2D sets out parameters for that administration.

3.7.2 The approach is consistent with advice provided by Locality to communities on this matter. See Locality Guidance note attached in file ‘Local Connection Policies in Neighbourhood Plans.pdf’.

3.7.3 There are a number of made Neighbourhood Plans with similar policies including Policy 4 in the Swanton Morley Neighbourhood Plan (a Breckland parish) and Policy H4 in the Lavenham Neighbourhood Plan.

Is it appropriate for the policy to restrict occupancy on all forms of affordable housing?

3.7.4 The intention of the policy is to apply to affordable housing for rent only. The 2011 Census showed that to be predominant form of affordable housing in the parish, as there was only 1 shared ownership property in the parish. In March 2020 there were 73 affordable homes for rent in the Parish.

Is reliance on housing register data a comprehensive measure of need?

3.7.5 The Plan does not rely solely on housing register data, although that is an important source that identifies active need at a given time. More detail can be found in our Housing Needs Assessment.

3.8 Ref. Para. 25: Does P2E.4 (b) require affordable homes to be provided on sites below the affordable housing threshold?

3.8.1 No, it is not intended that developments should provide affordable housing on schemes below the threshold. The aim is for Parish housing needs to be met, which by virtue of dwelling size points towards

houses that by default will be lower cost than larger properties and hence more affordable. Only P2E.4 (c) relates directly to affordable housing.

Topic C: Site Allocation

3.9 Ref. Para. 26:

To what extent has the sequential test been applied to site allocations?

3.9.1 Potential allocated sites were independently assessed, overall by AECOM, and specifically with regard to surface water drainage and flood risk issues by the LLFA. AECOM found that most potential sites in flood risk areas were suitable for development subject to mitigation of that risk, but one site at Nilefields, was deemed unsuitable for development, in part because it failed the exception test. The LLFA assessment determined if constraints would be severe enough to prevent development of each site and what the level of constraint was, and made recommendations accordingly. Sites STNP2, 12, 13, 14 and 16 were concluded not to be subject to risk. For sites STNP1, 4, 5, 6, 8, 9, 11 and 15 it was concluded that constraints were not severe and the sites could be developed subject to satisfactory information at planning application stage. Heavy rather than severe constraints were identified for site STNP7, and a recommendation that the originally proposed site boundary be amended to exclude a flow path was implemented prior to further review. Sites STNP3 and 10 were shown to have severe constraints that would require significant mitigation, and to lie in a flow path, with a recommendation for no development to take place.

The aim of the sequential test is 'to keep development out of medium and high-risk flood zones where possible'. Table 24 of the site selection report overlays flood risk maps on each site boundary (as adjusted for STNP7), and those show apart from some very small areas of risk on sites STNP4 and 9, only STNP3 and 10 are predominantly at medium / high risk. Those two sites were not allocated.

We consider the work undertaken demonstrates the sequential test has been fully applied prior to sites being allocated.

3.10 Ref. Para. 27:

Are there any issues in the Parish in ensuring safe access and escape during floods?

3.10.1 The best way to understand if any areas may have safe access and escape issues in flood events is by reference to the Environment Agency's online flood risk maps, which define risk for both depth and velocity of surface water. Those show that while there are areas in the Parish that are at medium or high-risk regarding flood depth and/or velocity, none of those affect the 9 sites allocated. Any other sites coming forward would require review in this respect. The correct application of Policy 8G will ensure access and escape routes are not compromised by flood events.

3.11 Ref. Para. 28:

Why is the Plan's approach to specifying visibility splays appropriate?

3.11.1 Visibility at the access points of allocated sites was assessed as part of the Transport Study, which included a survey of traffic movements and speed. In some cases, the latter showed measured average speeds to exceed local speed limits, and that defined required visibility splay lengths. Since those exceeded the recommended minimums in LHA guidance, it is appropriate to define them specifically in the Plan. Without specifying that any other proposal coming forward should include a traffic survey, which would potentially be too onerous, such proposals will have only published guidance as a basis for setting splay lengths. Since that may differ according to a site's location and characteristics, specific criteria for such sites cannot be defined in advance of an application.

3.11.2 We note that in its Reg. 16 representation the LHA has recommended that specific splay details should be included in individual allocation policies, rather than general Policy 2F. Regardless of which policy such data is given in, this indicates the LHA expects and supports the inclusion of specific requirements for allocated sites in the Plan.

3.12 Ref. Para. 29:

Provide documentary evidence of landowners agreeing to policy constraints

3.12.1 The requested documentary evidence is provided separately in the file 'STNP Hearing Evidence Topic C.29.zip.' We also note:

- a) As evidenced by consultee lists in the Consultation Statement, all allocated site owners / owners' agents /site developers were invited (with links to the Plan) to submit representations at both the Reg.

- 14 consultation of June-August 2020 and the Reg. 16 consultation of October-December 2020, and that other than support for the inclusion of site STNP16 by its owner, they made no comments;
- b) On 9 December 2020, allocated site STNP9 was granted planning permission, and during the course of its application (3PL/2020/1080/F) the developer and agent for the site liaised closely with us to ensure compliance with the allocation policy for the site.

Topic D: Other Flooding Issues

3.13 Ref. Para 30:

Why is it considered policies in the NPPF, PPG and Local Plan Policy ENV 09 do not provide adequate policy protection?

3.13.1 Around 14% of the properties in Saham Toney are at risk of surface water flooding, not just in theory but as evidenced by a number of serious events. The NPPF and Local Plan make general provisions to guard against flood risk, but with due respect, planning officers are not specialists in this field, yet the typical size of developments in the Parish mean applications are mostly not reviewed by the Environment Agency, LLFA or Anglian Water. The Local Plan lacks:

- Unambiguous treatment of runoff, since it implies runoff volume may increase;
- A firm requirement to apply LLFA guidance;
- Any requirement to submit infiltration tests, although those are essential to understanding the likely effectiveness of a drainage proposal;
- Any reference to use of climate change allowances in scheme design;
- Requirements for water quality, other than a general criterion for habitats of international importance;
- Firm requirements for scheme management or maintenance, although both are essential to effective long-term operation;
- Clear requirements as to how satisfactory resistance and resilience may be demonstrated;
- Any specific design requirements (in this respect we note Policy 8H is supported by an extensive SuDS Design Manual, specific to the Parish).

Is applying SuDS to all developments justified?

3.13.2 Notwithstanding NPPF para. 165, in areas at risk of flooding, para. 163 specifies SuDS, 'unless there is clear evidence that would be inappropriate' without distinguishing development size, and strategic Local Plan Policy ENV 09 dictates that all development '*will implement SuDS principles*'. The LLFA definition of SuDS is 'surface water drainage systems developed in line with the ideals of sustainable development': since sustainability is at the heart of the planning system, that makes a strong case for the use of SuDS. LLFA Standing Advice 3, items 3 and 4, notes preference for use of SuDS for minor development. Anglian Water's SuDS Manual promotes the use of SuDS for all developments. Plan criterion P8A.7 offers flexibility.

3.14 Ref. Para. 31:

What body does STNP expect to adopt SuDS?

3.14.1 We do not think it appropriate or necessary for the Plan to prescribe which body should adopt SuDS schemes, and it does not attempt to do that, but instead requires management and maintenance of schemes to be addressed in accordance with Policy 8F. Optionally, schemes may be formally adopted by The Local Highways Authority or Anglian Water, and if either option is proposed by a developer, a scheme must comply with the standards of the applicable adoption body (P8F.4). The Plan supports such adoption but does not prescribe it, since it may not be appropriate in every case. Where schemes are not intended to be adopted, proposals must include satisfactory maintenance plans and schedules. In the absence of formal adoption, this is of crucial importance since without satisfactory maintenance, the functionality of a scheme is likely to be reduced, potentially resulting in on-site and/or offsite flood risk.

3.15 Ref. Para. 32:

Is it appropriate to require SUDS design and details before the principle of development has been established?

3.15.1 The Plan does not dictate submission of full design and details prior to the establishment of the principle of development (i.e. outline permission), but we consider it essential that sufficient and satisfactory details of drainage schemes are provided and scrutinised prior to planning permission being granted, because:

- While dealing with such details by conditions applied to planning permissions may be attractive to planners and developers, in practice our experience has been that approach often leads to drainage

being a poorly considered afterthought. Such conditions are often discharged based on scanty details, and even then, are not effectively enforced.

- The fact that foundations may be laid before drainage conditions must be discharged means that it is likely that solutions will only address one of the four pillars of SuDS design; i.e. water quantity. The other 3 pillars – water quality, biodiversity and amenity are either consciously overlooked or it is too late in the process to consider them in a meaningful way. As stressed in the SuDS Manual, *'The overarching principle of SuDS design is that surface water runoff should be managed for maximum benefit'*.
- The LLFA recommends that LPA's satisfy themselves on various matters **prior** to granting permission, including the proposed method for draining a site, with evidence of at least one achievable solution.
- The LLFA also recommends a wide range of drainage-related documents be submitted for review with applications for outline and/or full permission, as does Anglian Water in its own SuDS Manual.
- Such an approach is also recommended by the CIRIA SuDS Manual, ref. Fig. 7.2.
- Local Plan Policy ENV 09 requires *'details of the means of adoption and maintenance of the systems over the lifetime of the development at the pre-application stage'*. It is unclear how that can be complied with if no scheme design is undertaken prior to discharge of conditions.