

## Saham Toney Neighbourhood Plan

### Draft Plan for Regulation 14 Consultation

We welcome the significant progress that has been made on the Neighbourhood Plan, and it is obvious that it has involved extensive research and evidence gathering. When making our representations on the plan, as well as assessing whether it is meeting the 'Basic Conditions', we need to ensure that we are able implement the plan. In light of this we need to ensure that any Neighbourhood Development Plan works on the basis of a "presumption in favour of development" - para 14 National Planning Policy Framework (NPPF).

Please note that where comments have been made on just the policy, the text justification for this may also need amending in light of this.

*Key terminology – LPA - Local Planning Authority / LDF – Local Development Framework / NPPF – National Planning Policy Framework*

Comment No.	Page and Policy/ Paragraph	Comment	Justification	Suggested Amendments
<a href="#">1</a>	General	We welcome the development of the policy; however there remains concern that a number are over restrictive and will frustrate development.	Plans should "... <i>promote development and flexible use of land</i> ..." para 157, NPPF.	A review of the wording of all policies is required in light of this – see detailed comments below.
<a href="#">STNP Response:</a> General comment noted. No specific response required to this comment - see detailed comment responses below				
<a href="#">Amendment to the Neighbourhood Plan:</a> None required for this general and non-specific comment				
<a href="#">2</a>	General	Welcome the development of evidence within the supporting text of the plan; however, a number of the text paragraphs are written as if they are policy, requiring additional requirements, which will not be met as they do not form part of the policy.	Text does not have the same status as policy and should provide the evidence for policy, not add to it.	See detailed comments below.

STNP Response:

General comment noted and policy / evidence will be restructured accordingly. No specific response required to this comment - see detailed comment responses below

Amendment to the Neighbourhood Plan:

None required for this general and non-specific comment

3	General	Terminology – as previously advised, this appears to be partially unique to this document.	The terminology needs to reflect primary legislation and planning guidance to ensure that it is understood by those that need to use it.	See detailed comments below.
---	---------	--	--	------------------------------

STNP Response:

General comment noted. No specific response required to this comment - see detailed comment responses below

Amendment to the Neighbourhood Plan:

None required for this general and non-specific comment

4	General	Format – while we welcome the improvements made to the format of the document, a reduction of font size from the original plan (12pt font) does not help readers with visual disabilities. Having this font size is an example of good practise that has been followed by all 'made' plans in the district.	In addressing this issue, Edinburgh University advise that " <i>no smaller than font size 12, to assist readers with visual impairments</i> . They also advise avoiding " <i>the use of non sans-serif fonts</i> " e.g. <i>Times Roman</i> – better fonts include: Arial; Verdana; & Calibri.	Increase font size to a minimum of 12pt font. See <a href="https://www.ed.ac.uk/information-services/help-consultancy/accessibility/creating-materials/word-documents">https://www.ed.ac.uk/information-services/help-consultancy/accessibility/creating-materials/word-documents</a>
---	---------	---	---	--

STNP Response:

12 pt font will be used throughout update

Amendment to the Neighbourhood Plan:

11pt font increased to 12 pt throughout.

5	p2.5 4th sentence	The criteria listed apply to a ' <i>plan</i> ' rather than ' <i>order</i> '.	See 38C(5) & (5) (d), Planning & Compulsory Purchase Act 2004	Reference should be made a ' <i>plan</i> ' rather than ' <i>order</i> '.
---	-------------------	--	---	--

STNP Response:

Agreed

<u>Amendment to the Neighbourhood Plan:</u>				
Text changed accordingly				
<b>6</b>	Last sentence	This should be an insert, with the other 4 above.	See Schedule 4B, paragraph 8 (2) of the Town and Country Planning Act 1990	Add 'v' to the start of the sentence.
<u>STNP Response:</u>				
Comment agreed				
<u>Amendment to the Neighbourhood Plan:</u>				
Text changed accordingly				
<b>7</b>	p18, Vision & H2	Part of the vision concerning site size may restrict the presumption in favour of sustainable development.	<i>"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development..."</i> , Para 14, NPPF.	<i>"This will be achieved through a process of gradual, <b>appropriate</b> <del>small</del>-scale developments in <b>suitable</b> <del>appropriate</del> and sustainable locations..."</i>
<u>STNP Response:</u>				
Proposed rewording not accepted. Emerging Local Plan strategic objective 4 states "recognises "...the need for <b>small scale</b> and appropriate development in rural areas..."; hence the Neighbourhood Plan mirrors a strategic objective of the Local Plan as required to meet the Basic Conditions. To improve wording, the following amendment to the Vision is proposed: "This will be achieved through a process of gradual development of a scale having regard to, and consistent with, the Neighbourhood Area's development constraints, and appropriate to its place in the Breckland settlement hierarchy." The following amendment to Objective H2 is proposed: "To support developments of a scale having regard to the Neighbourhood Area's development constraints, in suitable and sustainable locations within or immediately adjacent to the settlement boundary."				
<u>Amendment to the Neighbourhood Plan:</u>				
As noted above subject to SH agreement				
<b>8</b>	p25, Policy 1, P1.1	Assumes map 13 refers to the inset map for Saham Toney, which could change as the Local Plan has not yet been adopted.	To ensure consistency with the Local Plan.	Replace map 13 with Saham Toney Inset Map.
<u>STNP Response:</u>				
Agreed				
<u>Amendment to the Neighbourhood Plan:</u>				
Comment redundant as the previous policy 1 has been deleted				

9	p25, Policy 1, P1.2 – this also applies to text under 6.4	It is not considered appropriate to refer to the need to give full consideration to the Evidence Base that forms the policy. If there are specific elements of the Evidence Base which are needed to be included within the policy, this should be included. Otherwise this should be referred to in the reasoned justification.	To ensure the easy use of the document. Also elements not included in the plan will not have the same status as those in the development plan - see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004	As included within the comment.
<p><u>STNP Response:</u></p> <p>We will check all such references and then adapt / restructure text accordingly</p> <p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Updated throughout Plan</p>				
10	p25, Policy 1, P1.3	The wording of policy 1.3 does not conform to the requirements of Policy HOU04 within the emerging Local Plan. Policy HOU04 states that 5% housing growth will be from the adoption of the Local Plan rather than from 31 <sup>st</sup> December 2017.	<i>“...neighbourhoods should: • develop plans that support the strategic development needs set out in Local Plans...”. Para 16, NPPF. To ensure conformity with the strategic policies in the Local Plan and therefore the Basic Conditions.</i>	Remove paragraph 1.3 or amend as follows: After “ <i>shall be taken</i> ”, delete the remaining text and replace with “ <i>...in line with the local plan</i> ”.
<p><u>STNP Response:</u></p> <p>Comment redundant as previous policy 1 has been deleted</p> <p><u>Amendment to the Neighbourhood Plan:</u></p> <p>No action required as policy deleted</p>				
11	p25, Policy 1, P1.4	Development within the boundary will be treated differently from that outside the boundary, hence the reason for a boundary; the use of the word ‘adjacent’ without clarification does not make the approach being taken very it clear.	<i>“[Policy] It should be concise, precise and supported by appropriate evidence” Para 041, PPG on Neighbourhood Planning.</i>	Clarify what area ‘adjacent’ to the boundary includes.

STNP Response:

The wording was taken from the Local Plan but has been removed to reflect the new approach of allocating sites

Amendment to the Neighbourhood Plan:

Clause deleted

12		Also this policy is worded negatively and <b>should be reworded positively.</b>	<i>"...● plan positively to support local development..."</i> . Para 16, NPPF.	<i>".. proportionate share will <del>not</del> be supported by the Neighbourhood Plan <del>where and shall not be permitted unless...</del>"</i>
----	--	---	--	--

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

Text amended accordingly

13	a)	The phrase 'Local Development Plan' is mixing up terminology – there are Local Plans and Local Development documents.	While the NPPF uses both alternatives, the former is more appropriate in this context.	Amend as follows: <i>"...update of the Local Development Plan..."</i>
----	----	---	--	---

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

Changed to read "Breckland Local Plan"

14	b)	Any allocation scheme for determining the priorities and defining the procedures, to be followed in allocating affordable housing accommodation, is a housing authority's responsibility, not LPA one.	Housing authorities are required to do this under this by the Housing Act 1996 s166A (as amended).	<i>"The development will comprise affordable or self-build housing to meet the needs of those with a connection to the Parish of Saham Toney, or the development will be specifically designed to ..."</i>
----	----	--	--	--

STNP Response:

Council has subsequently accepted similar local housing priority wording in the Swanton Morley Plan

Amendment to the Neighbourhood Plan:

Change not accepted. New policy follows wording of the Swanton Morley Neighbourhood Plan that has now been accepted by the Council

15	c) (also applies to para T1.10)	The desire for engagement is welcome, but it goes beyond the requirements of the regulations and therefore cannot be implemented.	Just as LPA <i>"cannot require that a developer engages with them before submitting a <b>planning application...</b>"</i> this also applies to a Parish Council." Para 189, NPPF. Also see Para 66.	"The community of Saham Toney are <b>encouraged to be consulted over fully engaged</b> with the ..." and subsequent supporting text.
----	---------------------------------	---	---	--

STNP Response:

Comment redundant as policy has been completely replaced

Amendment to the Neighbourhood Plan:

Policy deleted

16	d)	Clearer use of planning terminology is required; preserve only applies to heritage, where conserve applies to both heritage and landscape. N.B. It is noted that some of the wording copies element of emerging Local Plan policy e.g. this section duplicates HOUS 04, criteria 4.	See NPPF for appropriate planning terminology to avoid confusion over intent. <i>"Avoid duplication – there is little point in addressing issues that are already covered by the policies in your Local Plan". p3 3, Box 1-Top tips for writing planning policies, Writing planning policies (Locality).</i>	"The development is shown to contribute to the <del>preservation</del> <b>conservation</b> , and where possible.... .."
----	----	---	--	---

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

Amended throughout

17		Also regarding isolated dwellings, this is unreasonable to request or implement, as they are permitted under special circumstances.	Permitted where relates to rural workers, best viable use of a heritage asset, re-use of a redundant / disused buildings which enhances the setting or a innovative design. Para 189, NPPF.	".. <del>isolated dwellings</del> <b>unsustainable development</b> ".
----	--	---	---	---

STNP Response:

We believe the reference should be to NPPF para 55 not 189 (of the old NPPF). To meet this requirement we propose alternate rewording as we consider the term "unsustainable development" is too broad in the context of this clause: "and does not result in isolated dwellings in the countryside except in special circumstances permitted under National Planning Policy Framework paragraph 55".

NPPF2 covers this in paragraph 79

This will then also address comment no. 18

Amendment to the Neighbourhood Plan:

NPPF2 paragraph 79 criteria included in new policy 2B - this reflects the special circumstances referred to in the comment

18		Also it is not clear how this conforms to paragraph 55 of the NPPF i.e. it does not appear to take into account rural workers.	To ensure the neighbourhood plan conforms to the NPPF.	This issue needs to be addressed in line with national guidance.
----	--	--	--	--

STNP Response:

See response to comment 17 which addresses this issue in line with national guidance

Amendment to the Neighbourhood Plan:

NPPF2 paragraph 79 criteria included in new policy 2B

19	p26, para T1.8	<b>This definition is contrary to that found in Breckland's allocations policy.</b> N.B. As written, this first policy broadly speaking cuts off both likely sources of affordable housing delivery i.e. S106 and exceptions sites, with the likely effect that limited to nil affordable housing would be provided within the parish during the plan period.	<b>Highly likely that, without a final cascade line</b> permitting occupation by those from district wide area as last resort, a) housing associations will find it impossible to raise funding to build properties in the parish; b) policy may be open to challenge on the grounds of failure to observe reasonable preference per the Housing Act (notwithstanding the boilerplate phrase below which has limited weight given the lack of clarity over how it can be applied – i.e. as written it doesn't adequately make provision for those in reasonable preference.)	<b>Amend to that found in BDC allocations policy.</b> Amend to provide clarification over interaction between this policy, and that required under the reasonable preference provisions of the housing act. Amend to re-introduce the possibility of housing associations being able to obtain finance on schemes – all per notes in justification.
----	----------------	--	--	---

STNP Response:

Council has subsequently accepted similar local housing priority wording in the Swanton Morley Plan

Amendment to the Neighbourhood Plan:

New policy follows wording of the Swanton Morley Neighbourhood Plan that has now been accepted by the Council and includes the required amendment

20	p26, para T1.9	This approach is unduly restrictive.	Local authorities and housing associations will have housing need data available to them which is neither in the public domain (due to confidentiality), nor as a result of a survey, such as data from the housing register. As written, this excludes this information from any possible use, and compels anyone hoping to develop an exceptions site to using a survey – which whilst valuable, can be time and cost consuming	Amend to take account of information that may be held by local authority/ housing association which may of itself be sufficient to provide evidence base to prove need for a particular site.
----	----------------	--------------------------------------	---	---

Comment redundant as policy has been deleted

Amendment to the Neighbourhood Plan:

Policy deleted

21	p26/7, para T1.10	The requirement for valid planning application to be put on hold if sufficient community engagement has not occurred prior to submission is not considered to conform to the requirements of section 34 The Town and Country Planning (Development Management Procedure) (England) Order 2015.	The neighbourhood plan needs to conform to section 34 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. See comments re P1.4 c).	Amend in light of comments re P1.4 c), welcoming early engagement and the use of development briefs. Also delete final sentence.
----	-------------------	--	--	--

STNP Response:

Comment redundant as policy has been deleted

Amendment to the Neighbourhood Plan:

Policy deleted



22	p29, Policy2A,	Policy 2A seeks to add numerous restrictions to development which would not be in conformity with the principles of sustainable development set out in the NPPF or emerging policies HOU04 or HOU06.	To ensure conformity with the Local Plan and NPPF.	Delete policy and supporting text or amend as outlined below:
<u>STNP Response:</u> We do not agree to delete Policy 2A, but instead address the concerns in response to comments 23-40 below				
<u>Amendment to the Neighbourhood Plan:</u> Not accepted				
23	p29, Policy2A,1	As outlined in comments on p18, Vision & H2, part of the vision concerning site size may restrict the presumption in favour of sustainable development.	<i>"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development..."</i> , Para 14, NPPF.	<i>"Within the settlement boundary <b>appropriately small</b>--scaled, sensitively designed, in-fill residential Development..."</i>
<u>STNP Response:</u> Policy replaced by site allocations which remove this criterion				
<u>Amendment to the Neighbourhood Plan:</u> Revised policy reflecting site allocations				
24	P2A.1 a.	Although a definition of 'appropriate' is attempted in the supporting text, this fails to provide sufficient detail in the plan, by referring to external evidence which does not form part of the development plan.	<i>"[Policy] It should be concise, precise and supported by appropriate evidence".</i> Para 041, PPG on Neighbourhood Planning.	This needs to be clearly clarified in the supporting text - para T2A.4.
<u>STNP Response:</u> Policy replaced by site allocations which remove this wording				
<u>Amendment to the Neighbourhood Plan:</u> Revised policy reflecting site allocations				

25	b.	This requirement for a need for fronting directly onto a highway is too restrictive.	Plans should “... <i>promote development and flexible use of land...</i> ”. Para 157, NPPF.	Replace with: “ <i>The scheme is in an accessible location</i> ”.
<p><a href="#">STNP Response:</a> Principle agreed but we propose amended rewording: "The proposed site is in a readily accessible location."</p> <p><a href="#">Amendment to the Neighbourhood Plan:</a> Change included in new policy 2B</p>				
26	c.	As currently worded, the approach in the first part of this policy could cause poor design.	Plans should replace “... <i>poor design with better design...</i> ”. Para 9, NPPF.	“ <i>The scheme <del>has a similar form of development to properties in the immediate surrounding area</del> and <b>does not detract from the character and appearance of the immediate area</b> and comprises...</i> ”.
<p><a href="#">STNP Response:</a> Comment redundant due to policy being rewritten to reflect site allocations</p> <p><a href="#">Amendment to the Neighbourhood Plan:</a> Policy rewritten</p>				
27		The second requirement regarding site size may restrict the presumption in favour of sustainable development. Also applications are judged against a range of site constraints, not just numbers.	Plans should “... <i>promote development and flexible use of land...</i> ”. Para 157, NPPF.	Replace with: “ <del>and comprises no more than 5 dwellings</del> <b>has a density which is appropriate for the area</b> ”.
<p><a href="#">STNP Response:</a> Comment redundant due to policy being rewritten to reflect site allocations</p> <p><a href="#">Amendment to the Neighbourhood Plan:</a> Policy rewritten</p>				

28	d.	All development will create additional traffic; the key issue is whether it is excessive or not.	<i>"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."</i> . Para 32, NPPF.	Replace <i>"additional"</i> with <i>"excessive"</i> .
<u>STNP Response:</u> Comment redundant due to policy being rewritten to reflect site allocations				
<u>Amendment to the Neighbourhood Plan:</u> Policy rewritten				
29	p29, P2A.2 a)	This approach inhibits the delivery of affordable housing.	Government policy means that provision of affordable housing on schemes of under 11 units is very unlikely.	Consider a revision to take account of this.
<u>STNP Response:</u> Comment redundant due to policy being rewritten to reflect site allocations				
<u>Amendment to the Neighbourhood Plan:</u> Policy rewritten				
30	P2A.2a.	This is not only duplicating the emerging Local Plan, but does not provide evidence justifying why this should be 10 units on brownfield sites.	<i>"[Policy] It should be concise, precise and supported by appropriate evidence"</i> . Para 041, PPG on Neighbourhood Planning.	Replace with: <i>"The density will be appropriate for the area"</i> .
<u>STNP Response:</u> Comment redundant due to policy being rewritten to reflect site allocations				
<u>Amendment to the Neighbourhood Plan:</u> Policy rewritten				
31	b.	Although a definition of <i>'appropriate'</i> is attempted in the supporting text, this fails to provide sufficient detail, by referring to external evidence, which does not form part of the development plan.	<i>"[Policy] It should be concise, precise and supported by appropriate evidence"</i> . Para 041, PPG on Neighbourhood Planning.	This needs to be clearly clarified in the supporting text - para T2A.4.

STNP Response:

Comment redundant due to policy being rewritten to reflect site allocations

Amendment to the Neighbourhood Plan:

Policy rewritten

32	c.	Use of the words ' <i>as a minimum comprising</i> ' are over restrictive and the supporting text fails to provide the evidence to support this.	<i>"[Policy] It should be concise, precise and supported by appropriate evidence". Para 041, PPG on Neighbourhood Planning.</i>	Delete the words ' <i>as a minimum comprising</i> '.
----	----	---	---	--

STNP Response:

Comment redundant due to policy being rewritten to reflect site allocations

Amendment to the Neighbourhood Plan:

Policy rewritten

33	c.1.ii	As the supporting text fails to provide the evidence to support this approach, it would be more appropriate to rephrase the policy.	An LPA <i>"needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere". Para 034, PPG on Flood risk and coastal change.</i>	<i>"...there would be a decrease no increase in flood risk, both at the..."</i>
----	--------	---	--	---

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

Revised policy reworded to address this comment

34	c.2.	This requires all small scaled schemes to provide a Neighbourhood Area Housing Needs Assessment, which is neither consistent with the adopted LDF nor likely to be consistent with revised NPPF. Also some of the criteria listed are not appropriate: i) An allocation scheme for determining the priorities and defining the procedures, to be followed in allocating affordable housing accommodation, is a housing authority's responsibility, not LPA one.	Approach not consistent with the strategic policy of the adopted LDF, therefore the "Basic Conditions".  i) Housing authorities are required to do this under this by the Housing Act 1996 s166A (as amended).	Delete.
<p><u>STNP Response:</u></p> <p>We do not agree to delete this criteria.</p> <p>It is not the intention for all schemes to provide a new Housing Needs Assessment, but instead to show that they address the Neighbourhood Area's housing needs by using the most up-to-date available information in that respect. We will propose revised wording to clarify that.</p> <p>Reworded in rewritten policy 2B</p> <p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Reworded</p>				
35	d.	This exception for rural exceptions sites is positive and welcomed.	N.A.	N.A..
<p><u>STNP Response:</u></p> <p>Support noted</p> <p><u>Amendment to the Neighbourhood Plan:</u></p> <p>None required</p>				
36	e.	The desire for engagement is welcome, but it goes beyond the requirements of the regulations and therefore cannot be implemented.	Just as LPA "cannot require that a developer engages with them before submitting a planning application..." this also applies to a Parish Council." Para 189, NPPF. Also see para 66.	"The community of Saham Toney are <b>encouraged to be consulted over fully engaged with the ...</b> " and subsequently supporting text.

STNP Response:

Requirement deleted from rewritten policy

Amendment to the Neighbourhood Plan:

Clause deleted

37	f.	Clearer use of planning terminology is required; 'preserve' only applies to heritage, where 'conserve' applies to both heritage and landscape. N.B. It is noted that some of the wording copies element of emerging Local Plan policy e.g. this section duplicates HOUS 04, criteria 4.	<i>"Avoid duplication – there is little point in addressing issues that are already covered by the policies in your Local Plan". p3 3, Box 1- Top tips for writing planning policies, Writing planning policies (Locality).</i>	<i>"The scheme is shown to contribute to the <del>preservation</del> <b>conservation</b>, and where possible, the enhancement of the historic and rural nature and landscape setting of the Neighbourhood Area."</i>
----	----	---	---	--

STNP Response:

Agree

Amendment to the Neighbourhood Plan:

Amended

38	p30, T2A.2	The justification for limiting in-fill to have a 'built up frontage' is missing. The Planning Portal describes in-fill as <i>"The development of a relatively small gap between existing buildings"</i> .	<i>"Proportionate, robust evidence should support the choices made and the approach taken". Para 040, PPG on Neighbourhood Planning.</i>	Provide the evidence or remove the restriction regarding the need for this.
----	------------	---	--	---

STNP Response:

Further to the response to comment 23, P2A.1 no longer makes reference to "in-fill" and hence TA.2 is deleted

Amendment to the Neighbourhood Plan:

Policy updated

39	p30 T2A.12	See prior comment (para T1.8) regarding this issue.	Definition does not follow Breckland allocations policy or reasonable preference criteria as defined by housing act as set out prior.	As per comment re para T1.8.
----	------------	---	---	------------------------------

STNP Response:

Council has subsequently accepted similar local housing priority wording in the Swanton Morley Plan

Amendment to the Neighbourhood Plan:

New policy follows wording of the Swanton Morley Neighbourhood Plan that has now been accepted by the Council and includes the required amendment

40	p31 T2a13	See prior comment (para T1.9) regarding this issue.	Alternative sources should also be included.	See prior comment re para T1.9.
----	-----------	---	--	---------------------------------

STNP Response:

Comment redundant as policy has been deleted

Amendment to the Neighbourhood Plan:

Addressed in new policy 2C

41	p33, Policy 2B	The policy does not conform with the findings of the Central Norfolk Strategic Housing Market Assessment, which shows that there is not a need for 1 bedroom market houses in Breckland. The CNSHMA shows a need for larger houses.	To ensure conformity with national planning policy.	Delete policy and supporting text or amend to be consistent with evidence and comments below.
----	----------------	---	---	---

STNP Response:

We do not agree to delete Policy 2B, but instead address the concerns in response to comments 42 and 43 below

Amendment to the Neighbourhood Plan:

None specific to this comment

42	P2B.1	In light of comments regarding P2A.2 c.2. above concerning housing need assessment, <b>this text needs amending.</b>	Approach not consistent with the strategic policy of the adopted LDF, therefore the <b>"Basic Conditions"</b> .	Delete reference to <i>"(as evidenced in an up to date assessment of in the Neighbourhood Area)"</i> .
----	-------	--	---	--

STNP Response:

Wording deleted

<u>Amendment to the Neighbourhood Plan:</u> Policy (now 2D) updated				
43	e.	This is already covered by c).		Delete.
<u>STNP Response:</u> Agreed				
<u>Amendment to the Neighbourhood Plan:</u> Criterion deleted				
44	p38, Policy 3, P3.1	The requirement that all of the criteria should apply is too restrictive and also does not provide evidence for all the criteria.	<i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF</i>	<i>"...<del>shall meet</del> <b>take into account the all of the</b> following design criteria:..."</i>
<u>STNP Response:</u> We do not accept the proposed rewording. The emerging Local Plan has a similar approach in its Policy COM 01, which on challenge at the Local Plan hearing on the subject was verbally confirmed as acceptable by the Examiner. As an alternate proposal we would be willing to use the same wording as the emerging Local Plan: "High quality design in the Neighbourhood Area will be promoted by requiring that the design of new residential developments meets the following criteria" We will also be preparing a more comprehensive design guide as a annex to the Plan				
<u>Amendment to the Neighbourhood Plan:</u> Not accepted; alternate wording matching the Local Plan included				
45	P3.1 b.	As currently worded, this approach could cause poor design.	Plans should replace <i>"...poor design with better design..."</i> . Para 9, NPPF.	<i>"The design and layout <b>does not detract from the character and appearance of the immediate area</b> complements and is consistent and compatible with that prevailing for neighbouring properties in terms of density and.."</i>
<u>STNP Response:</u> Agreed but with the substitution of "immediately surrounding" for "immediate"				
<u>Amendment to the Neighbourhood Plan:</u> Amended accordingly				



46		<b>This specific requirement regarding density may restrict sustainable development.</b>	<i>"The purpose of the planning system is to contribute to the achievement of sustainable development". Para 6, NPPF.</i>	<i>" and <del>will not exceed approximately 20 dwellings per hectare unless a higher figure is justified by design issues</del> shall be of a density appropriate for the area;</i>
<p><u>STNP Response:</u></p> <p>While we agree in principle we consider that the intention of the comment has been addressed by new policy 3B which deals specifically with density of dwellings</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Addressed in new policy 3B</p>				
47	e.	<b>This requirement to control the garden size is too restrictive.</b>	<i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF</i>	<i>"The design includes <b>appropriate</b> rear garden spaces <del>at least equal to the footprint size of the dwelling;</del>..."</i>
<p><u>STNP Response:</u></p> <p>Agreed</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Updated accordingly</p>				

48	f.	<p>This states that the design and layout of the development does not <i>'impact adversely'</i> any building defined as a heritage asset. It is not clear whether a heritage asset refers to both designated and non-designated heritage assets - this should be clarified.</p> <p>Furthermore, the test is higher than required through the NPPF at paragraphs 132 to 134 for which for designated heritage assets the test is substantial harm. For non-designated heritage assets the NPPF requirements are set out at paragraph 135.</p>	Criterion a does not conform to the NPPF at paragraphs 132-136.	Delete criterion f. and revise to comply with the NPPF.
<p><u>STNP Response:</u></p> <p>Reworded to match NPPF2 requirements</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Reworded</p>				
49	i.	<p>All development will have an impact on traffic and parking; the key issue is whether it is excessive or not.</p>	<p><i>"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"</i> . Para 32, NPPF.</p>	<p>Delete <i>"at their junctions with public roads they do not impede local traffic"</i> and replace with <i>"...,the site access is compatible with the local road network,..."</i>.</p>
<p><u>STNP Response:</u></p> <p>Addressed by new policy 3C</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p> <p>See new policy 3C</p>				

50	k.	The latter part of the policy concerning parking provision is too restrictive.	"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened". Para 173, NPPF	<i>"Where parking provision ..... sympathetic boundary treatment <del>and planting and the provision of at least an equal area of landscaped front garden;</del></i>
<u>STNP Response:</u> Addressed by new policy 2D				
<u>Amendment to the Neighbourhood Plan:</u> See new policy 2D				
51	m.	No one has the right to any specific view.	The Planning Aid leaflet on 'material considerations' confirms that a 'loss of view' is not a material planning consideration. <a href="http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf">http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf</a>	<i>"The design and layout...visual openness of its surroundings, <del>protects existing public views to the countryside, and ...</del>, as demonstrated through a <del>Visual and Landscape</del> <b>Landscape and Visual</b> Impact Assessment;..."</i>
<u>STNP Response:</u> Deleted from this policy; covered in new landscape policies				
<u>Amendment to the Neighbourhood Plan:</u> Deleted from policy				
52	o.	In March 2015 a Ministerial Statement indicated that planning policies shouldn't identify any local requirements or technical standards that related to the building, internal layout or functioning of new dwellings. This included policies that sought any form of compliance with the Code for Sustainable Homes.	The Ministerial Statement was made after a technical housing standards review, which withdrew the Code for Sustainable Homes on 27 March 2015.	Delete.
<u>STNP Response:</u> The comment has been made redundant by the publication of NPPF2 which allows design codes. Comment not accepted				

Amendment to the Neighbourhood Plan:

No change

53	P3.2	While understanding the concern, such schemes should be considered on their individual merits, but no evidence has been provided for not supporting rear parking courts.	<i>"[Policy] It should be concise, precise and supported by appropriate evidence". Para 041, PPG on Neighbourhood Planning.</i>	Need to provide the evidence or delete the policy.
----	------	--	---	--

STNP Response:

Rewritten under new policy 3D

Amendment to the Neighbourhood Plan:

Deleted from this policy and reworded in new policy 3D

54	p39, P3.4	The requirement that all of the criteria should apply is too restrictive and also does not provide evidence for all the criteria.	<i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF</i>	<i>"...will <b>take into account the only be permitted providing it strictly complies with all of the following criteria":</b></i>
----	-----------	---	---	--

STNP Response:

We not agree to the proposed change. While we consider we have submitted more than enough evidence to support our approach, we would be willing to collate more if the Council specifies precisely what additional evidence it might need. Local Plan Policy COM 01 Design uses the same approach as we do - i.e multiple criteria to be met - not just taken into account

Amendment to the Neighbourhood Plan:

None

55	P3.4, a - d.	Whilst appreciating why the parish council are seeking to avoid excessive light pollution, these criterions are considered to be excessive and unreasonable. Consideration does not seem given to sunrise and sunset times in winter.	The criteria is excessive and not enforceable. <i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF</i>	Delete criteria b -d.
----	--------------	---	--	-----------------------

STNP Response:

We not agree to the proposed change. While we consider we have submitted more than enough evidence to support our approach, we would be willing to collate more if the Council specifies precisely what additional evidence it might need.

Criterion (c) addresses lighting-up times and thereby gives consideration to winter sunrise and sunset times

Amendment to the Neighbourhood Plan:

None

56	P44, Policy 4A, P4A.2	Developer obligations can only be sought where they conform to the requirements of regulation 122 of the Community Infrastructure Levy regulations 2010.	To ensure conformity with national planning policy.	Amend paragraph to refer to requirements of regulation 122.
----	-----------------------	--	---	---

STNP Response:

Comment agreed and incorporated

Amendment to the Neighbourhood Plan:

Updated accordingly

57	P45, Policy 4B, P4B.1 d.	This criteria states that new business or tourism will be supported where it would not give rise to unacceptable increase of road traffic. The NPPF at paragraph 32 sets the test for refusal of development on transport grounds as 'severe'. The criterion would suggest a higher test than that what would currently be supported within the NPPF.	Neighbourhood plan should conform with paragraph 32 of the NPPF.	Replace 'unacceptable' with 'severe'.
----	--------------------------	---	--	---------------------------------------

STNP Response:

Comment agreed and incorporated

But also add "safe and suitable access " per NPPF2 paragraph 108 as a new criterion

Amendment to the Neighbourhood Plan:

Updated accordingly

58	P46, Policy 4C.1	The requirement that all of the criteria should apply is too restrictive and also does not provide evidence for all the criteria.	<i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened".</i> Para 173, NPPF.	<del>"...shall comply with all of the following design criteria:..."</del> <b>take into account the with all</b>
<p><a href="#">STNP Response:</a> Policy deleted as it is now covered by policy 3A</p>				
<p><a href="#">Amendment to the Neighbourhood Plan:</a> Policy deleted</p>				
59	P4C.1, a.	This states that the design and layout of the development does not <i>'impact adversely'</i> any building defined as a heritage asset. It is not clear whether a heritage asset refers to both designated and non-designated heritage assets - this should be clarified. Furthermore, the test is higher than required through the NPPF at paragraphs 132 to 134 for which for designated heritage assets the test is substantial harm. For non-designated heritage assets the NPPF requirements are set out at paragraph 135.	Criterion a does not conform to the NPPF at paragraphs 132-136.	Delete criterion a. and revise to comply with the NPPF.
<p><a href="#">STNP Response:</a> See also comment 48 as policy 4C has been deleted and incorporated in policy 3A</p>				
<p><a href="#">Amendment to the Neighbourhood Plan:</a> Policy 4C deleted; see policy 3A</p>				

60	d.	The standards act as guidelines; however there may be mitigating factors why a slightly reduced numbers may be acceptable e.g. the provision of public transport.	Planning should “ <i>make the fullest possible use of public transport</i> ”. Para 17, NPPF	“ <i>The design and layout provides adequate on-site parking space consistent with ... and <b>take into account the</b> in accordance with parking standards defined in the emerging Local Plan;</i>
<a href="#">STNP Response:</a> Agreed				
<a href="#">Amendment to the Neighbourhood Plan:</a> Addressed in new policy 3D				
61	e.	All development will have an impact on traffic and parking; the key issue is whether it is excessive or not.	“ <i>Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe</i> ” . Para 32, NPPF.	“ <i>Where applicable access <b>links successfully</b> to and from public roads <del>does not impede local traffic or</del> reduce parking provision for existing neighbouring residents</i> ”;
<a href="#">STNP Response:</a> See comment 49 as policy 4C has been deleted and incorporated in Policy 3A				
<a href="#">Amendment to the Neighbourhood Plan:</a> See Policy 3A				
62	h.	No one has the right to any specific views.	This leaflet on ‘material considerations’ confirms that a ‘loss of view’ is not a material planning consideration, Planning Aid.	“ <i>The design and layout...visual openness of its surroundings, <del>protects existing public views to the countryside, and ...</del>, as demonstrated through a <b>Visual and Landscape Landscape and Visual</b> Impact Assessment;...”.</i>
<a href="#">STNP Response:</a> See comment 51 as this policy has been deleted and incorporated in policy 3A				
<a href="#">Amendment to the Neighbourhood Plan:</a> See policy 3A				

63	p46, 4C.2	The requirement that all of the criteria should apply is too restrictive and also does not provide evidence for all the criteria.	<i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF</i>	<i>"...will <b>take into account the only be permitted providing it strictly complies with all of the following criteria</b>":</i>
----	-----------	---	---	--

STNP Response:

See comment 54. We do not agree to the proposed change. While we consider we have submitted more than enough evidence to support our approach, we would be willing to collate more if the Council specifies precisely what additional evidence it might need Local Plan Policy COV 01 has a similar approach to our own and was not challenged at the examination hearings

Amendment to the Neighbourhood Plan:

Policy deleted but covered in policy 3A without change to approach

64	P4C.2, f- i	Whilst appreciating why the parish council are seeking to avoid excessive light pollution, these criteria are considered to be excessive and unreasonable. Consideration needs to be given to sunrise and sunset times in winter.	The criteria is excessive and not enforceable. <i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF.</i>	Delete criterion g & h.
----	-------------	---	--	-------------------------

STNP Response:

See also comment 55. We not agree to the proposed change. While we consider we have submitted more than enough evidence to support our approach, we would be willing to collate more if the Council specifies precisely what additional evidence it might need.

Criterion (c) addresses lighting-up times and thereby gives consideration to winter sunrise and sunset times

Amendment to the Neighbourhood Plan:

Policy deleted but covered in policy 3D without change to approach



65	p48, Policy 5	<p>While we support the broad principle of a gap, the Policy (particularly para 2) is negatively worded and overly restrictive. It also should have regard to development which is permitted within rural areas. There is concern regarding the detail, as it is considered to be too excessive, restricting any development near the Saham Toney/Watton boundary. Insufficient evidence is also considered to have been provided to justify the gap across this whole area. It would be better to provide a focus on the key areas of key concern such as Richmond Road.</p> <p>In addition to this it does not have regard to the existing development within the gap, including land within Richmond Park Golf Club.</p>	<p>The policy is too negative and restrictive and lacks sufficient evidence:  <i>"...● plan positively to support local development..."</i>. Para 16, NPPF.  <i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173, NPPF.</i>  <i>"[Policy] It should be concise, precise and supported by appropriate evidence"</i>. Para 041, PPG on Neighbourhood Planning.</p>	<p>Review policy to reword positively. The gap in its current form cannot be supported. As it is considered to be excessive and need to be reviewed. Either delete these areas or provide the evidence for these areas.</p>
<p><u>STNP Response:</u></p> <p>Policy split into 2: 5A - strategic gap along Richmond Road and Cley Lane; justified a previously by development pressures and 5B - green wedges justified by specialist Landscape Character Assessment</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Splitting of policy; provision of Landscape Character Assessment as evidence; rewording to be more positive</p>				
66	p49, Map	The map is missing the legend.	To assist with the understanding of the map.	Add legend, including the scale and compass rose.
<p><u>STNP Response:</u></p> <p>Although this was intentional we will add a map title block and legend</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p> <p>Map amended</p>				

67	P55, Policy 6.P6.2	The section on non-designated heritage assets does not conform to the NPPF which requires a balanced judgement to be reached in relation to these assets having regard to the scale of any harm or loss and the significance of the heritage asset.	Paragraph does not conform to paragraph 135 of the NPPF.	Delete paragraph or revise in light of NPPF.
<u>STNP Response:</u> Policy 6 redrafted in accordance with NPPF2 and incorporating informal review comments on revision by Heritage England				
<u>Amendment to the Neighbourhood Plan:</u> Policy updated				
68	P6.3	Scheduled monuments are designated heritage assets. Inclusion of them within this paragraph appears to reduce the level of protection which has to be afforded to them. The NPPF sets out that substantial harm or loss of a scheduled monument should be wholly exceptional.	The inclusion of scheduled monuments does not conform to the requirement of paragraph 132.	Remove reference to scheduled monuments or revise in light of NPPF.
<u>STNP Response:</u> Policy 6 redrafted accordingly				
<u>Amendment to the Neighbourhood Plan:</u> Policy reworded				
69	P56, T6.7, 6.8 and 6.9	Regard reference to specific Historic England guidance, this may change over the life of the plan.		Add a note to inform that the H.E guidance may change during the life of the plan and that this will need to be cross referenced with the H.E website

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

Updated accordingly

70	p60, Policy 7A	Para's 1 & 2 appear to contradict themselves in relation to what development would be allowed within these areas. Also the NPPF, para 77 states that Local green space should not be an extensive tract of land. Saham Mere extends to 7.9 hectares; an extensive tract of land and as such does not meet the requirements of the NPPF.	The designation of Saham Mere does not conform to the NPPF.	Remove reference to Saham Mere. Delete paragraph P7A.2  Note – There may be other means to offer protection for Saham Mere.
----	----------------	--	---	--

STNP Response:

We propose to merge P7A.1 and 2 to eliminate any contradiction.

Since the water area of Saham Mere is approximately 4.3 hectares, that leaves 3.6 ha of protected surrounding land, similar to sports field (3.6ha); so we have revised the designation to cover just that land and not the Mere itself

Amendment to the Neighbourhood Plan:

Policy updated

71	p68, Policy 7b	<p>This policy seeks to significantly restrict areas where development can be permitted and restricts the presumption in favour of sustainable development.</p> <p>Whilst it is acknowledged that some assessment has been provided, it is limited and it is not clear why these sites have been chosen over others. The evidence base does not appear to consider any alternatives or set out why the particular characteristic has been chosen i.e. why does the neighbourhood plan consider view 10 to be rare?</p> <p>Also the policy as currently written is negatively worded.</p>	<p>As currently worded does not conform to the Basic Conditions in relation to contributing to sustainable development, as well as requiring more evidence, and be worded positively. <i>“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development...”</i>, Para 14, NPPF</p> <p><i>“[Policy] It should be concise, precise and supported by appropriate evidence”</i>. Para 041, PPG on Neighbourhood Planning. <i>“...● plan positively to support local development...”</i>. Para 16, NPPF.</p>	<p>Replace second sentence with <b><i>“Development proposals should seek opportunities to retain and incorporate key views”</i></b>.</p> <p>Further evidence should be provided to justify the views.</p>
<p><u>STNP Response:</u></p>				
<p>In the light of our landscape consultant's new report on key views we have completely revised this policy and present the report as evidence</p>				
<p><u>Amendment to the Neighbourhood Plan:</u></p>				
<p>See revised policy 7J</p>				

72	p82, Policy 7c, P7C.4 & 5	These requirements regarding trees and hedge rows requirements are too restrictive. Although replacement planting is desirable, it is not possible to put a number on what can be planted as each site is different; there is no point forcing planting where trees do not have space to reach maturity or will become a nuisance - each has to be judged individually. Planting nearby is not enforceable or practical. Climate change and disease dictate that we must be more diverse with planting rather than restricting it to only around 30 species. Also no evidence appears to have been provided for why new residential development should provide 3 trees for each new dwelling.	<p><i>"...the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened". Para 173, NPPF.</i></p> <p><i>"[Policy] It should be concise, precise and supported by appropriate evidence". Para 041, PPG on Neighbourhood Planning.</i></p>	<p><i>"New development shall provide for an appropriate level of tree planting and landscaping".</i></p> <p>Where suitable, planning conditions could be sort to secure planting of trees suitable for the location with adequate room to reach maturity.</p>
----	---------------------------	---	---	---

STNP Response:

While we agree with the principle of the comment, we have used alternate wording to match that agreed on by the Council at the Local Plan hearings and included in the Local Plan main modifications list

Amendment to the Neighbourhood Plan:

See revised policy 7M

73	P7C.6	Not all trees and Hedges can be retained.	As above	<i>"Appropriate measures shall be taken to protect the roots of all existing trees and hedges that are to be retained on a site during the process of development".</i>
----	-------	---	----------	---

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

See policy 7M

74	p86, Policy map 9	Map 9 includes wildlife corridors which extend beyond the parish boundary. Neighbourhood plans can only plan for land within their own parish and therefore this needs to be revised.	Neighbourhood plans should “ <i>reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared</i> ”. Para 041, PPG on Neighbourhood Planning.	Revise map 9 to reflect this.
----	-------------------	---	--	-------------------------------

STNP Response:

Agreed

Amendment to the Neighbourhood Plan:

Map amended

75	p86, Policy 8	The policy requires all new development (including significant alterations to existing building) to include an appropriate assessment in relation to flood risk. This policy is onerous for small scale development, which may incorporate householder planning applications.  Also no justification is provided as to the necessity of the policy being applied at a much smaller scale than what would be expected through the NPPF	(see footnote 20 of the NPPF). As worded, the policy does not have appropriate regard to national policy and therefore does not meet the Basic Conditions.	Revise policy to ensure it reflects the NPPF and is not overly onerous on small scale development.
----	---------------	---	--	--

STNP Response:

The criterion is accordance with NPPF2 paragraphs 163 and 164, with attention drawn to footnotes 50 and 51 in NPPF2

Amendment to the Neighbourhood Plan:

None justified in this respect

76	p95, PAP3	Buses to Watton.	Should be clarified that all the no11 Dereham to Watton services do also call in Watton – the service runs Dereham – Watton – Swaffham with Saham Toney in the Watton-Swaffham leg. Therefore there are 11 buses per day to Dereham, Swaffham and Watton. Point about bus to Academy noted, but that is not the only bus to Watton as could be implied otherwise.	Amend for clarity – this is relevant to housing as public transport is raised as a limiting factor to housing development.
<a href="#">STNP Response:</a> Agreed but PAP's now removed and passed to Parish Council for action				
<a href="#">Amendment to the Neighbourhood Plan:</a> PAP's deleted				
77	p97, PAP 7	This is phrased in a much more collaborative way than the policies earlier in document.	Reflects co-operative working and national law/policy which is not within the gift of Breckland Council.	Amend references earlier in document to follow this line.
<a href="#">STNP Response:</a> Noted but not agreed re earlier references which are policy rather than PAP's				
<a href="#">Amendment to the Neighbourhood Plan:</a> PAP's now removed and passed to Parish Council for action				