

CRINGLEFORD NEIGHBOURHOOD DEVELOPMENT PLAN 2013 - 2026

(Examination Version July 2013)

**Report of the Examination into the Cringleford Neighbourhood Development Plan**  
**2013-2026**

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Independent Examiner,

No 5 Chambers

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## **1. Introduction**

### **Neighbourhood planning**

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. If approved by a referendum and made by the local planning authority, such plans form part of the Development Plan for the neighbourhood concerned.
2. This report concerns the draft Cringleford Neighbourhood Development Plan 2013-2026 (Examination Version July 2013) (“the Draft NDP”).

### **The examiner’s role**

3. South Norfolk Council (“SNC”), with the agreement of Cringleford Parish Council (“CPC”), has appointed me, to examine the Draft NDP. I am a member of the planning bar and am independent of SNC, CPC, and of those who have made representations in respect of the Draft NDP. I do not have any interest in any land that may be affected by it.
4. My examination has involved considering written submissions, considering what was said at the public hearing into specific matters that I conducted and two detailed site visits (one unaccompanied on Sunday 20<sup>th</sup> October 2013 and one accompanied on Tuesday 22<sup>nd</sup> October 2013).
5. My role may be summarised briefly as to consider whether the Draft NDP meets the basic conditions, to consider any human rights issues that arise, to recommend which of the three options specified in paragraph 13 below applies and, if appropriate, to consider the referendum area.

## **2. Preliminary Matters**

### *Public Consultation*

6. The consultation was significantly more than required by the Neighbourhood Planning (General) Regulations 2012. I am satisfied that CPC took public consultation seriously and that proper, genuine and sufficient consultation resulted from this approach.
7. I also bear in mind that parish councillors are democratically accountable, subject to a code of conduct and likely to be in close contact with the community they represent.

### *Miscellaneous statutory requirements*

8. I am satisfied of the following matters:

- (1) The Draft NDP area is the parish of Cringleford. CPC is authorised to act in respect of this area (Town and Country Planning Act 1990 (“TCPA”) s61F(1) as read with the Planning and Compulsory Purchase Act 2004 (“PCPA”) s38C(2)(a);
- (2) The Draft NDP specifies the period for which it is to have effect, namely 2013 to 2026, does not include provision about development that is excluded development (as defined in TCPA s61K), and does not relate to more than one neighbourhood area (PCPA s38B(1));
- (3) No other neighbourhood development plan has been made for the neighbourhood area (PCPA s38B(2)); and
- (4) There is no conflict with PCPA sections 38A and 38B (TCPA Sch 4B paragraph 8(1)(b) and PCPA s38C(5)(b)).

9. To date the relevant requirements of the Neighbourhood Planning (General) Regulations 2012 have been met.

### **3. The Extent and Limits of an Examiner’s Role**

10. I am required to consider whether the Draft NDP meets the basic conditions specified in TCPA Sch 4B paragraph 8(2) as varied for neighbourhood development plans, namely:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;
- (d) The making of the Plan contributes to the achievement of sustainable development;
- (e) The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- (f) The making of the Plan does not breach, and is otherwise compatible with, EU obligations.<sup>1</sup>

11. The combined effect of TCPA Sch 4B paragraphs 8(6) and 10(3)(b) and the Human Rights Act 1998 means that I must consider whether the Draft NDP is compatible with Convention rights.

12. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified in the last two paragraphs. In particular I may not consider whether any other test, such as the soundness test provided for in respect of examinations under PCPA s20 and in respect of which guidance is given in the Framework paragraph 182, is met. Rather it is clear that Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is not my role to write or to rewrite a neighbourhood development plan for Cringleford. If I recommend a

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<sup>1</sup> The omission of (b) and (c) results from these clauses of paragraph 8(2) not applying to neighbourhood development plans (PCPA s38C(5)(d)).

modification, my recommendation should be limited to what is required to meet basic conditions.

13. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. These are: (1) that the Draft NDP proceeds to a referendum as submitted; (2) that the Draft NDP is modified to meet basic conditions and then the modified version proceeds to referendum; or (3) that the Draft NDP does not proceed to referendum. If I determine that either of the first two options is appropriate, I must also consider whether referendum area should be extended.

#### **4. The Public Hearing**

14. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure (1) adequate examination of the issue or (2) a person has a fair chance to put a case. The latter does not apply: No persons have shown themselves unable to put their case in writing. In particular, there is no reason to believe that any person who wished to make representations lacked adequate literacy. Having considered the written material, I concluded that (1) applied in respect of the level of housing provision under the Draft NDP and I gave directions and guidance in respect of these. The public hearing took place on Monday 21<sup>st</sup> and Tuesday 22<sup>nd</sup> October 2013 in the Park Farm Hotel, Hethersett, Norfolk, NR9 3DL.

#### **5. The Basic Conditions and Human Rights**

##### *Regard to National Policies and Advice*

15. The first basic condition requires that I consider whether it is appropriate that the plan should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have an effect.

16. The principal document in which national planning policy is contained is the National Planning Policy Framework (March 2012) (“the Framework”). This includes the following:

*“Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. ... introducing neighbourhood planning addresses this.”* [Ministerial Foreword page i]

The Framework “provides a framework within which local people and their accountable councils can produce their own distinctive... neighbourhood plans, which reflect the needs and priorities of their communities.” [paragraph 1]

“The... Framework must be taken into account in the preparation of... neighbourhood plans... Planning policies... must reflect and where appropriate promote relevant EU obligations and statutory requirements.” [paragraph 2]

“The application of the presumption” [in favour of sustainable development] “ will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

*develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*

*plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan... [paragraph 16]*

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin... plan-making... These 12 principles are that planning should:

*be genuinely plan-led, empowering local people to shape their surroundings, with succinct ... neighbourhood plans setting out a positive vision for the future of the area. Plans should... be based on joint working and co operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

*not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*

*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them,<sup>2</sup> recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*

*support the transition to a low carbon future in a changing climate, taking full account of flood risk<sup>3</sup> ..., and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*

*contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*

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<sup>2</sup> No Green Belt is relevant to this report.

<sup>3</sup> A Flood Zone is shown on the Proposals Map. It is not suggested that any other area is at risk of riverine flooding.

*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

*promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*

*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*

*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*

*take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [paragraph 17]*

*To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*

*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand... [paragraph 50]*

*... neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*

*will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*

*optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*

*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*

*are visually attractive as a result of good architecture and appropriate landscaping. [paragraph 58]*

*Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes... can use neighbourhood planning to:*

*set planning policies through neighbourhood plans to determine decisions on planning applications... [paragraph 183]*

*“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the*

*Local Plan... Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans... should not promote less development than set out in the Local Plan or undermine its strategic policies.*” [paragraph 184]

*“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area...”* [paragraph 185].

17. I asked the participants at the public hearing whether I needed to consider any document other than the Framework as a source of “*national policies and advice*” for the purposes of the first basic condition. Nobody suggested any and none has been suggested in written representations.

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

18. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot proceed to a referendum. This condition relates to the making of the Plan as a whole. It does not require that each policy in it contribute to sustainable development.

19. The bulk of the Framework constitutes guidance on sustainable development. As its paragraph 6 says, “*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development... means in practice for the planning system.*”

20. The Framework includes the following:

*“... sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”* [Ministerial Foreword page i]

*“International and national bodies have set out broad principles of sustainable development. Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five ‘guiding principles’ of sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.”* [page 2]

*“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

*an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*



*an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.” [paragraph 7]*

*“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.” [paragraph 8]*

*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):...*

*widening the choice of high quality homes.” [paragraph 9]*

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through... plan-making ... [paragraph 14]*

*“Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.” [paragraph 29]*

*“Pursuing sustainable development requires careful attention to viability and costs in plan-making... Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.” [paragraph 173]*

21. I asked the participants at the public hearing whether any consider that I needed to consider any document other than the Framework in order to understand what “*sustainable development*” means the purposes of the second basic condition. Nobody suggested any and none has been suggested in written representations.

#### *General conformity with the development plan’s strategic policies*

22. The third basic condition means that I must consider whether the draft NDP is in general conformity with the strategic policies contained in the development plan for the area of the authority. The adjective ‘general’ allows a degree of (but not unlimited) flexibility. In this case the only development plan document that any persons making representations has relied on or indicated may be relevant is the Joint Core Strategy for Broadland, Norwich and

South Norfolk (submission document February 2013) (“the JCS”). The JCS comprises those parts of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) (“the original JCS”) that were not quashed in Heard v Broadland District Council<sup>4</sup> and submission content (which is underlined in the extracts below). Only those parts that are not underlined constitute the development plan for, *inter alia*, the purpose of considering the third basic condition.

23. In 2011 three local authorities, Broadland, Norwich and South Norfolk, adopted the original JCS. The original JCS was subject to a Strategic Environmental Assessment (“SEA”) under Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment. Mr Heard, a resident in an area earmarked for growth known as the North East Growth Triangle (“NEGT”) brought proceedings under the Planning and Compulsory Purchase Act 2004 s113 challenging that adoption. The NEGТ is some distance from and on the opposite side of Norwich to Cringleford.

24. In 2012 Ouseley J gave the judgment in respect of that challenge. He upheld the challenge in part, finding that, in adopting the original JCS earmarking the NEGТ for major urban growth, which was subject to an SEA, the authorities had not explained their reasons for not selecting certain reasonable alternatives and failed to examine those reasonable alternatives in the same depth as the preferred option and that, in doing so, they had failed to comply substantially with the Directive's requirements. In the Order that was drawn up following the judgment, 35 parts of the original JCS (comprising policy, text, and associated maps and diagrams) were remitted, treated as not adopted and taken back to the Regulation 19 (Publication of a Local Plan) stage to be treated as not having been subject to examination and adoption. The remainder of the original JCS remains adopted. While relatively recent, it predates the Framework, so that to the extent (if any) that it conflicts with the Framework it is not up to date.

25. The decision helps to explain the current situation in respect of the adopted and the emerging development plan. However, it relates to an area of land a little distance from Cringleford, succeeded on grounds relating to reasons and the degree of examination, and did not involve most of those involved in the draft NDP. No person making representations in respect of the Draft NDP has relied on it.

26. In February 2013 the three LPAs issued the JCS This states, *inter alia*, with submission content being underlined:

*Growth will be focussed on brownfield land in the Norwich urban area and in a very large mixed use urban extension within the... growth triangle... Other large-scale growth will take place at the expanded communities of... Cringleford... New and expanded communities will*

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<sup>4</sup> Heard v Broadland District Council [2012] EWHC 344 (Admin), [2012] Env LR 23, 24th February 2012.

*be highly sustainable with good access to local jobs and strategic employment areas and will be served by new or expanded district and local centres providing shops, health, education, services and facilities easily accessible by foot, bicycle and public transport... [page 20, part of the Spatial Vision].*

*Development in Norwich, and at the strategic growth locations at... Cringleford... may be required to contribute financially to the provision of strategic sewers linking to Whitlingham. Development will need to progress in tandem with their provision [page 40, paragraph 5.19].*

*Mixed tenure housing with care will be required as part of overall provision in highly accessible locations. In particular provision will be required in... Cringleford... [page 41, part of policy 4].*

*The policies of the Joint Core Strategy distribute growth according to the following settlement hierarchy:*

*1. Norwich urban area. The existing urban area includes the built-up parts of the urban fringe parishes of... Cringleford... [p 55, paragraph 6.2].*

*The scale of development generally decreases at each level of this hierarchy. However, within the Norwich Policy Area well located and serviced settlements have, in some instances, been identified for a larger scale of growth than their rural counterparts. Large-scale mixed use developments...are provided... at Cringleford... [p 55, paragraph 6.3].*

*Housing need will be addressed by the identification of new allocations to deliver a minimum of 21,000 dwellings distributed across the following locations:...*

- Cringleford: 1,200 dwellings...*

*All the numbers above show the minimum number of dwellings to be delivered in each location [p 56, part of policy 9].*

*Major growth... at Cringleford... will be masterplanned as attractive, well serviced, integrated, mixed use development using a recognised design process giving local people an opportunity to shape development. Development will achieve the highest possible standards of design and aim to address current service and infrastructure deficiencies to benefit existing communities. In addition each major development location will:*

- deliver healthy, sustainable communities with locally distinctive design and high quality green infrastructure within the development and contributing to the surrounding network*
- provide for a wide range of housing need...*
- seek to achieve a high level of self containment through the provision of services to support the new development while integrating well with neighbouring communities*
- achieve a major shift away from car dependency and be designed around walking and cycling for local journeys and public transport for longer journeys*
- include Sustainable Drainage Systems (SuDS), on site or nearby renewable energy generation, for example large-scale wind turbines/farms and biomass fuelled Combined Heat Power and Cooling (CHIC), and water saving technologies*
- include new or expanded education provision addressing the needs of the 0-19 age range, local retail and other services, community, police and recreational facilities, small-scale employment opportunities and primary healthcare facilities*
- ensure high quality telecommunications and adequate energy supply and sewerage infrastructure*

*The developers of major Strategic Growth Locations will be required to ensure there is an ongoing commitment to support community development throughout the period until the development is completed [p 62, part of policy 10].*

*Cringleford*

*This location is dependent on expanded capacity of the A11/A47 Thickthorn junction and will deliver modest growth to the existing village to include:*

- *at least 1,200 dwellings*
- *expansion of the existing services nearby*
- *new pre-school provision and a primary school within the new development...*
- *enhanced bus services to the city centre with potential for bus rapid transit also serving Wymondham, Hethersett and Norwich Research Park*
- *safe and direct cycle routes to the city centre, Hethel, Norwich Research Park and the hospital*
- *Green infrastructure to provide enhanced public access to the countryside and the Yare valley*

*Detailed proposals will be developed through the preparation of the South Norfolk Site Specific Policies Development Plan Document [pp 64-65, part of policy 10].*

*Capacity improvements to the A11/A47 Thickthorn junction are likely to require expansion of the existing Park and Ride site with improved access from the A11 northbound. Growth at... Cringleford is dependent on significant enhancement to public transport infrastructure which will include Bus Rapid Transit if a viable route can be implemented... [page 67, paragraph 6.20].*

*The existing Norwich urban area includes the built-up parts of the urban fringe parishes of... Cringleford... It will be expanded through significant growth in the... growth triangle, and smaller urban extensions at Cringleford, and ... [page 74, part of policy 12].*

27. The policies quoted in the preceding paragraph are strategic. It follows that the draft NDP must be in general conformity with them. The only other document that any person who has participated in the examination has described as containing strategic policy is SNC's supplementary planning guidance "*Recreational Open Space Requirements for Residential Areas (December 1994)*". This is not part of the development plan. I have considered this document and am satisfied that it is not strategic within the meaning either of the third basic condition or of the Framework.

28. There is no requirement to be in general conformity with emerging policy, although this may reflect government policy to which regard must be paid and it may be based on reasoning relevant to consideration of the basic conditions.

### *EU obligations*

29. The fourth basic condition requires me to consider whether the draft NDP breaches or is otherwise incompatible with, EU obligations. This matter can be dealt with briefly in advance of detailed consideration of the contents of the draft NDP. I am satisfied that the SEA complied with EU law. There are no European sites within adjoining the Parish or affected by proposed development proposed in the parish. No written or oral representation submitted that there was any breach of or incompatibility with EU obligations. Natural England is satisfied that significant effects on Natura 2000 sites from the draft NDP are unlikely.

30. I asked the participants at the public hearing whether there was any breach of or incompatibility with EU obligations. Nobody suggested any and none has been suggested in written representations.

31. I am satisfied that nothing in the Draft NDP breaches or is otherwise incompatible with EU law.

### *Human Rights*

32. It is also necessary to consider whether the draft NDP would cause any right under the European Convention on Human Rights to be breached. English Planning law in general complies with the Convention. This matter can be dealt with briefly in advance of detailed consideration of the contents of the draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. In particular I have considered the Convention's Articles 6(1), 8 and 14 and its First Protocol Article 1. I note that in the Statement of Community Involvement, CPC recognised its duties under race-relations and disability legislation and that fair and equal treatment must be accorded to all. I asked the participants at the public hearing whether the draft NDP would cause any right under the European Convention on Human Rights to be breached. Nobody suggested any and none has been suggested in written representations.

33. Nothing in my examination of the Draft NDP indicates any breach of the Convention.

## **6. The Draft NDP**

34. The draft NDP has a clear structure, being divided into twelve chapters. Of these, that relating to policies, chapter 7, has six sections relating respectively to: general policies; policies for the environment; policies for housing; policies for the local economy; policies for society, community and culture; and policies for transport.

35. Overall I commend the Draft NDP for being logical, clear, appropriately concise and intelligible to a reasonably intelligent lay reader with no expertise in town and country planning. I also commend CPC for seeking to face up to the difficult issue of meeting a considerable level of housing need for a relatively small community: a further 1,200 dwellings in a parish where 1,000 new dwellings are already being constructed in Round House Park.

36. The following sections of the report consider whether the Draft NDP complies with the first three basic conditions. I have concluded that some modification is necessary, but that with this modification, the Draft NDP can proceed to a referendum. My recommended modifications are in bold. Proposed new wording is underlined and deletions appear in this report as struck-through text: the underlining and striking-through text should not, of course, appear in the version subject to the referendum. I do not show changes in case resulting from

the substantial changes. I have not in this report given detailed consideration to policies in respect of which no representation has been made. I have nonetheless borne them in mind, particularly in assessing whether the draft NDP satisfied the second basic condition.

## **7. Policies for Housing**

37 Several policies affect or may affect housing numbers. Rather than consider the draft NDP's policy sections in the order they appear, I shall therefore consider housing before moving to other parts of the plan.

### *Housing numbers*

38. Policy HOU1 of the draft NDP states:

*“The maximum of 1,200 new homes should be dispersed across the Housing Site Allocation Area as shown on the Proposals Map.”*

39. The JCS provides for a minimum number of 1,200 dwellings to be delivered in Cringleford. This is a strategic policy. This requirement is not unconditional. Rather the Local Plan makes it dependent on:

(1) *“expanded capacity of the A11/A47 Thickthorn junction”* which is *“likely to require expansion of the existing Park and Ride site with improved access from the A11 northbound”*; and

(2) *“significant enhancement to public transport infrastructure which will include Bus Rapid Transit if a viable route can be implemented”*.

40. The provision of at least 1,200 dwellings is also expressed as being with: *“expansion of the existing services nearby”*; *“new pre-school provision and a primary school within the new development”*; *“enhanced bus services to the city centre with potential for bus rapid transit also serving Wymondham, Hethersett and Norwich Research Park”*; *“safe and direct cycle routes to the city centre, Hethel, Norwich Research Park and the hospital”*; and *“Green infrastructure to provide enhanced public access to the countryside and the Yare valley”*.

41. The Framework paragraph 184 states that neighbourhood plans should not promote less development than set out in the Local Plan. I must have regard to that and to the overall approach of the Framework to support development particularly housing. I recognise: that the test is general, not absolute, conformity; that the obligation is to have regard to national policies, not to follow them in all respects; and that achieving sustainable development relates to the effect of the Draft NDP as a whole. Nonetheless I am satisfied that a policy, or a combination of policies, that would be likely to result in significantly fewer than 1,200 dwellings despite the matters on which this is dependent<sup>5</sup> being satisfied, would not be in general conformity with the Local Plan and would not (without proper reasons) be showing regard for national policies and advice. Further I could not be confident that such policies

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<sup>5</sup> Paragraph 39 above.

would leave the draft NDP as whole contributing to the achievement of sustainable development. In order to comply with the basic conditions, I share Norwich City Council's view that policy HOU1 should specify approximately 1,200. Paragraph 5.3, which forms part of the Chapter 'The Vision: Cringleford 2026' should reflect this. I have reached this conclusion by considering the first three basic conditions, not arguments based on the soundness test and criticisms of the JCS advanced by Deloitte. That does not constitute a *carte blanche* for house-building. Other policies will restrict it, but (except in respect of the matters on which the JCS makes the provision of at least 1,200 dwellings dependent) should not so in such a way as to reduce the number of dwellings below approximately 1,200 new homes. In making this recommendation I am conscious that the Framework's paragraph 184 says that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies and that the JCS provided for at least 1,200 dwellings. This is policy, not law. The law is not absolute compliance with such policy, but general conformity. Bearing in mind the qualified nature of the first three basic conditions as explained above, I am satisfied that a modification of the maximum of 1,200 to approximately 1,200 new homes would meet them. Policies that might result in significantly below 1,200 new dwellings being built would not.

42. I have reached my conclusion on housing numbers, primarily on the basis of the part of the JCS that constitutes the development plan and on the Secretary of State for Communities and Local Government's support for substantial new house-building expressed in the Framework. I recognise that this will disappoint a substantial number of local residents. However, I note that one of those concerned pointed out that Cringleford has suffered many losses, including its post office closure. New housing often provides the numbers needed to save community facilities that would otherwise close.

#### Recommended modification

43. I therefore recommend that Policy HOU1 of the draft NDP and the second sentence of its paragraph 5.3 should be modified to state:

#### **HOU1**

**~~The maximum of~~ Approximately 1,200 new homes should be dispersed across the Housing Site Allocation Area as shown on the Proposals Map.**

#### **5.3**

**... However, this there is the maximum a limit to the number that is compatible with the environmental, economic and social objectives of the Plan...**

*Sustainable waste management and minimising the use of energy and clean water*

44. Policy HOU2's final indent provides:

*“Layouts for new development should... provide for sustainable waste management, principally by having adequate storage space for refuse bins and incorporate Sustainable Drainage System (SUDS) principles to minimise flood risk.”*

45. Policy HOU6 begins:

*“All dwellings should be designed to minimize the use of energy and clean water.”*

46. Anglian Water is happy to see the reference to SUDS and water efficiency in the draft NDP and has no further comment to make. The EA considers specifying the use of sustainable drainage as part of the text of HOU2 beneficial and endorses the efficient use of water, especially in new developments. Policy 10 of the JCS provides for the inclusion of SuDS and water saving technologies. Policies HOU2 and HOU6 meet the first and third basic conditions and contribute significantly to the draft NDP meeting the second basic condition.

### *Housing Density*

47. Policy HOU3 states:

*“To preserve the open and green character of the village and its role in the urban/rural transition zone, net building densities should not exceed a maximum of 25 dwellings per hectare across the Housing Site Allocation Area.”*

48. Deloitte argued that this is too restrictive, pointing out that a 48-hectare allocation, the figure given in the draft NDP’s paragraph 7.3 would provide exactly 1,200 houses at 25 per hectare (but not a maximum of 25 per hectare) and arguing that an average figure would be more appropriate. Indeed this is the figure given for mixed development, largely housing, so if the measurements in the draft NDP were correct, this would inevitably provide fewer than 1,200 dwellings. Deloitte seek to make the policy more flexible by introducing a range of appropriate densities. Cgms argues that this would not be making the most efficient use of use, would not be using natural resources prudently and would affect viability. Norwich City Council considers that the policy means that it would not be possible to provide anywhere near the 1,200 new homes referred to in policy HOU1 and seeks its deletion.

49. Policy HOU3 should be compared with the JCS, whose Spatial Vision Objective 2 ends *“Appropriate densities will make sure land is used efficiently and community needs will be met”* and whose policy one includes *“Development will... make the most efficient appropriate use of land, with the density of development varying according to the characteristics of the area, with the highest densities in centres and on public transport routes”*.

50. CPC considered that a density of 25 per hectare would provide 1,200 dwellings.<sup>6</sup> If this is right, unless there were a uniform density of 25 per hectare on all sites, fewer than

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<sup>6</sup> In late evidence that others had little chance to consider, CPC put forward figures that were a little different from this. These do not have major effect on the overall picture and are clearly very approximate. I



1,200 houses would be provided on the HSAA as shown in the Proposals Map of the draft NDP. However the substantial reduction of the Landscape Protection Zone (“LPZ”) that I am recommending and the resulting net increase in developable land alters that situation, even after allowance is made for the possible problems with the deliverability of land between the A11 and Cantley Lane and west of the Round House roundabout that might result from the new policy TRA2.<sup>7</sup>

51. Mr Lloyd considers that the overall density is too high in general terms and specifically much too high in areas that adjoin the older and more established areas of Cringleford, such as Cantley Lane, where it would not be in keeping with existing layouts, densities, amenity and style. While I understand his position, there is no basis in either JCS or national policy for reducing densities in the way he seeks.<sup>8</sup> Further reducing density from that in the draft NDP would take it further from general conformity with the JCS and from the Framework. Hence recommending such a course of action would not be within my powers.

52. SNC considers that there could be a case for allowing some higher density development of high design quality.

53. A neighbourhood plan may include a density policy provide this does not conflict with the basic conditions. Localism enables parish councils promoting a neighbourhood plan to choose between meeting strategic policies as to housing numbers by higher density housing on less land or lower density housing on more land (or by permutations of these). I understand CPC’s concern about too high a density and resulting town-cramming and bear in mind that both the Framework and the JCS support local people shaping development; but consider that the current wording of the policy is too restrictive, since it would be likely to result in significantly fewer than 1,200 dwellings and to prevent a sufficient mix of dwellings. I also share Norwich City Council’s concern that a density significantly below 25 dwellings per hectare might make it difficult to provide effective public transport services or to support local services. These potential problems can be overcome by making 25 an approximate average rather than a maximum. Since no other alternative has been advanced that would give weight to the view of the local community while complying with the basic conditions, I recommend this.

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have therefore (while recognising that it may be a little inaccurate) considered the matter on the basis of CPC’s previous figure of 48 hectares, which nobody had previously disputed.

<sup>7</sup> Paragraph 118 below.

<sup>8</sup> The impact of density on the setting of any listed building may require consideration, but the only listed building where this possibility appears to need to be considered is the grade II listed Round House, a 2-storey c1805 octagonal estate cottage in Newmarket Road. This does not have an extensive setting and so would not impact significantly on housing numbers.

54. SNC asked that the policy should specify that the density is gross. I agree. Two sentences paragraph 7.3, page 18, lines 1-4, are no longer accurate and, I recommend their deletion

#### Recommended modifications

55. I recommend that Policy HOU3 should be modified as followed:

**To preserve the open and green character of the village and its role in the urban/rural transition zone, net building densities should ~~not exceed a maximum of average approximately~~ 25 dwellings per hectare (gross) across the Housing Site Allocation Area.**

56. I recommend that Policy paragraph 7.3, page 18 should be modified by the deletion of two sentences:

~~... A low density was selected for housing on this land (20-25 dwellings per ha) in order to maintain and enhance the open, green and 'semi-rural' character' of the village (5.2 and 5.3). Using the upper figure of 25 dwellings per ha, a simple calculation using the net dwelling density, provides for the construction of a total of 1,200 dwellings...~~

#### *Housing Mix*

57. Policy HOU4 states:

*“The majority of dwellings proposed for any new development in Cringleford should be detached or semi-detached dwellings, whilst recognising the need for a mix of other property types in accordance with Policy 4 of the Joint Core Strategy. This would be in keeping with the predominant settlement pattern in the pre-2007 village.”*

58. Mr Lloyd considers that new development should be in keeping with the style and proportion of what is already there, which is mostly 3- or 4-bedroom detached houses built in a traditional style and from sympathetic materials and that new properties should be of a similar nature in terms of size and style. Nothing in the basic conditions justifies altering the draft NDP in this direction. Rather the draft NDP must have regard to the Framework’s paragraph 50.<sup>9</sup>

59. Deloitte takes an opposite view, describing HOU4 as a rigid policy. If the policy were to reflect Mr Lloyd’s view, I would agree. There must be a mix, but policy HOU4 recognises that there will be and simply provides what the majority of that mix (which could be as low as only marginally over 50%) should be. Neighbourhood plans are produced by a parish council or a neighbourhood forum and care should be taken not unnecessarily to impose the expensive evidence bases required of principal councils for the soundness test into the less demanding basic conditions. The policy reflects the current mix in the parish, paragraph 5.23 of the JCS and local opinion. Provided there is a genuine and substantial provision for a mix and provided the 3-4 bedroom policy does not reduce the overall number of deliverable house

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<sup>9</sup> Paragraph 16 above.

below 1,200, I would not be justified in recommending modification of policy HOU4. I am satisfied that the draft NDP does enough in this respect to correspond with the basic conditions.

60. I do not share Cgms' view that the reference to the JCS's policy 4 is misleading

*The needs of the elderly*

61. Policy HOU5 satisfies the first and third basic conditions and helps the draft NDP as a whole contribute to the achievement of sustainable development.

*RIBA standards*

62. Policy HOU7 provides, "*The amount of space provided in each dwelling must as a minimum meet but ideally exceed the minimum standards recommended by the RIBA in The Case for Space (2011). Adequate storage space must be provided in all new homes.*" Cgms opposes this stating that *The Case for Space* is intended as a good practice, not for the purpose or prescriptive regulation. I see no reason why a neighbourhood plan should not choose to use this document as a basis for policy in an area like Cringleford that does not have exceptional pressure on space.

*Garages*

63. Policy HOU8 provides: "*Garages must be built in direct association with the houses whose inhabitants may be expected to use them. They must be spacious enough to accommodate modern cars and bicycles. Proposals for rear or separate parking courts will not be permitted.*"

64. Cgms object to this, saying that it is not practicable, especially in the case of main distributor roads. CPC did not respond to this and, while recognising the concerns of CPC, I consider that in some circumstances the policy would be impracticable and have concluded that the policy is too absolute.

Recommended modification

**Unless impracticable, garages must be built in direct association with the houses whose inhabitants may be expected to use them. They must be spacious enough to accommodate modern cars and bicycles. Proposals for rear or separate parking courts will not be permitted, unless alternative provision is impracticable.**

*Dispersal of affordable housing*

65. Policy HOU9 states "*To encourage the social mixing implied by the concept of 'balanced communities', affordable housing should be dispersed in small groups throughout the development area.*" Cgms object to this on the ground that it would not be expected to meet the requirements of effective management by a housing association, but have not

adduced evidence in support of this. I do not consider that the policy conflicts with the basic conditions.

#### *Protection of heritage assets*

66. Policy HOU10 states, “Heritage assets within the parish, especially the listed buildings in the Conservation Area, and their settings must be protected, conserved and enhanced when development proposals are brought forward.” Cgms objects to this on the ground that similar points are made in policies GEN2 and GEN3. While that is true, plans often include some repetition and this does not constitute a breach of the basic conditions. I bear in mind the Framework’s principle that planning should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. I see no reason to recommend a modification of policy HOU10.

#### *Specific housing site*

67. Mrs Nock objects to the housing site allocation between the A11 and Cantley Lane, which she describes as “the one and only green site remaining in [her] village”. She also spoke to me on the accompanied site visit, repeating (but not adding to) the points she had made in her letter. She also draws attention to problems crossing the A11 to reach the new school. I viewed the site from the A11, the public footpath running approximately alongside its western boundary as shown on the Proposals Map and Cantley Lane and saw nothing that rendered the land unsuitable for housing.<sup>10</sup>

68. It is important that communities contain open green space. Cringleford will continue to contain its substantial recreation ground, together with an LPZ and a Gateway Zone. The HSAs will contain open green space within them. The land between the A11 and Cantley Lane is suitable for a housing allocation.<sup>11</sup> Such an allocation does not conflict with the basic conditions.

## **8. General Policies**

69. Each of policies GEN1, GEN2 and GEN 3 satisfies the first and third basic conditions and helps the draft NDP as a whole contribute to the achievement of sustainable development.

70. Policy GEN4 provides

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<sup>10</sup> There was evidence from CPC that a small area of land in the north-eastern corner of this land was prone to flooding and I noticed a slight difference in vegetation on the accompanied site visit. Even if this were to be incapable of rectification, the area involved is too small to have a significant effect on housing numbers or to render the designation inappropriate.

<sup>11</sup> The new policy TRA2 may limit this.

*“Infrastructure as identified within the Cringleford Infrastructure Plan Programme (see Appendix) within the Parish Boundary and associated with the development of new sites must be provided directly by developers or be paid for or delivered by developers, either through the Community Infrastructure Levy (CIL) or through Section 106 agreements.”*

71. This incorporates as a separate appendix the substantial number of requirements identified within the Cringleford Infrastructure Plan Programme (“the IPP”) as part of the Draft NDP.

72. I see no objection in principle to a neighbourhood development plan requiring developers to meet the categories of expenditure for which development plans and deeds of planning obligation under TCPA s106 often provide. The Framework’s advice *“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”* applies to neighbourhood development plans.

73. Nobody adduced evidence that went beyond assertion in respect of viability. The HSAA is greenfield land, there is no reason to believe that it is contaminated, the land, although uneven, does not have the sort of topography that would in my experience deter a developer (except for a modest area of the southern LPZ where the land slopes steeply towards Thickthorn Stream). Rather it has gentle slopes. Cringleford is in a relatively prosperous area of England. As such, I think it right to treat assertions of lack of viability with caution. This caution is (to some extent) reinforced by the fact that planning applications for substantial housing development have been submitted in respect of the two main land ownerships in the HSAA and LPZ.

74. Nonetheless the totality of the financial obligations that might result from the policy remains potentially large and I am concerned that the cumulative extent of these obligations might render a substantial part of the proposed housing unviable and take the total provision of dwellings significantly below 1,200, with the result that the first three basic conditions would not be met.

#### Recommended modification

75. I therefore recommend that policy GEN 4 be modified to read:

**Infrastructure as identified within the Cringleford Infrastructure Plan Programme (see Appendix) within the Parish Boundary and associated with the development of new sites must be provided directly by developers or be paid for or delivered by developers, either through the Community Infrastructure Levy (CIL), or through Section 106 agreements except to the extent (if any) that this would render needed development unviable.**

76. All participants at the hearing agreed that this modification would be appropriate. With that modification there is no need to modify the IPP.

## **9. Policies for the Environment**

### *The Landscape Protection Zone and the Gateway Zone*

77. Policy ENV 1 states:

*A defined, continuous green landscaped corridor of 250m depth from the edge of the carriageway of the A47 will be provided to maintain the landscape setting of the village, maintain the existing wildlife corridor, mitigate traffic noise (Landscaped Protection Zone) and retain a key strategic gap at the edge of new development. In most cases it is envisaged that this will be a protected strip planted with trees but with pedestrian access. No new built development will be allowed within the zone unless the proposers can demonstrate that it will enhance the landscape and not have an adverse impact on the Strategic Gap between Cringleford and Hethersett, wildlife and buffering traffic noise.*

*The visual impact of new development when viewed from approaching main roads and the surrounding countryside should be minimised by the use of site appropriate landscape bunding, screening and mature tree planting. New and existing protected areas will require an effective management regime to enhance biodiversity.*

78. Policy ENV2 states:

*Developers will be required to landscape a 30-50m tree belt, as indicated on the Proposals Map (50m Gateway Zone) on the A11 approach to Norwich from the Thickthorn roundabout. The width will secure adequate screening to both the road and the village and preserve the gradual transition from the countryside to the city*

79. Deloitte on behalf of Land Fund Limited criticised these policies for greatly restricting the development potential for housing between the edge of the current built-up area and the A47, pointing out that paragraph 7.3 of the draft NDP describes this as “*the only major area of land available in Cringleford for development*” and seeking a westward expansion of the HSAA. There is no general obligation to allocate all of an area that is potentially available for development. However, if the effect of policies ENV1 and ENV2 is to cause the draft NDP to be contrary to the basic conditions, that is a different matter.

80. Deloitte also argues that the land allocated needs to be expanded westwards in order to make development of it attractive to developers. It has provided no viability evidence in support of this. This is not a part of England where greenfield sites are unlikely to attract developers, even where they are as small as the triangles of land to the south of Cantley Lane. Nonetheless the 250-metre wide LPZ requires justification, especially since there is a need to allocate more land in order to ensure that approximately 1,200 dwellings are likely to be provided. I do not accept CPC’s argument that the third sentence of ENV1 is likely to make a significant difference. It might allow some building associated with open-space use, but would be unlikely to lead to dwellings on the LPZ.

81. In principle, there is nothing wrong with a fixed-width buffer zone close to a busy trunk road. Topography should be considered, especially where, as is the case here, the land

is not flat, or even approximately flat, and I therefore visited several parts the proposed land on my accompanied site visit and to a small extent on my unaccompanied site visit. Landscape features and landscape features should also be considered.

82. Deloitte argued that the LPZ should be reduced in size but did not specify an alternative distance or provide a map showing an alternative area. While Deloitte and Cgms objected to the extent of the LPZ, nobody argued that there should not be an LPZ.

83. Having visited the LPZ on a normal weekday and (to a limited extent) on a normal Sunday, I consider it appropriate to apply my judgment and experience to the matter, bearing in mind the noise levels, the fact that air pollution falls away rapidly in the vicinity of main roads and the need for more land for housing sites. I also consider it appropriate to bear in mind (with a degree of caution) the current proposals and indicative proposals from the landowners and developers. I consider that an LPZ as wide as 250 metres cannot be justified. No criteria-based proposed has been advanced and the alternative advanced on behalf of the landowners and developers lacks the “*high degree of predictability and efficiency*” that the Framework’s paragraph 17 requires. It may be that consideration of topography, landscape features, and inter-visibility could have led to a more sophisticated zone than one based solely on width; but I doubt that this would have been very different and I do not consider that these factors make the simpler solution of a fixed-width zone inappropriate. I have concluded that a 145-metre wide LPZ would be appropriate and recommend that policy ENV1 be modified accordingly.

84. I share SNC’s view that some open green space serving the HSAA can be provided within the LPZ. This does not require any modification of the policy. I do not share SNC’s view that an amendment of the development boundary is necessary to achieve this. Rather I see force in CPC’s concern that including the LPZ within a development boundary would create pressure for substantial development. Policy HOU2 does not require open green space that serves housing to be within that boundary and the limited scope for new development within policy ENV1 may allow modest buildings associated with open green space.

#### Recommended modifications

85. I recommend modifying policy ENV1 to read:

**A defined, continuous green landscaped corridor of 250–145m depth from the edge of the carriageway of the A47 will be provided to maintain the landscape setting of the village, maintain the existing wildlife corridor, mitigate traffic noise (Landscaped Protection Zone) and retain a key strategic gap at the edge of new development. In most cases it is envisaged that this will be a protected strip planted with trees but with pedestrian access. No new built development will be allowed within the zone unless the proposers can demonstrate that it will enhance the landscape and not have an adverse impact on the Strategic Gap between Cringleford and Hethersett, wildlife and buffering traffic noise.**

**The visual impact of new development when viewed from approaching main roads and the surrounding countryside should be minimised by the use of site-appropriate landscape bunding, screening and mature tree planting. New and existing protected areas will require an effective management regime to enhance biodiversity.**

And as a consequence

**The depth of the LPZ on the Proposals Map should also be reduced to 145 metres.**

And a sentence should be deleted from paragraph 7.3, together with its footnote:

**~~Of the remaining 121.16/121.29 ha\* around 74 ha will be needed for the green infrastructure envisaged in Section 7.2, leaving about 48 ha for mixed development, largely housing.~~**

86. Less time at the public hearing was occupied considering the 50-metre Gateway Zone proposed in policy ENV2. It was however apparent from my site visits that the noise from the A11 was much less than that from the A47. I am satisfied that a zone is appropriate, but a 50-metre zone is not justified. Having viewed the site, I consider that 35 metres would be sufficient to provide an adequate tree belt.

#### Recommended modifications

87. I recommend modifying policy ENV2 to read:

**Developers will be required to landscape a 30-50 35m tree belt, as indicated on the Proposals Map (50 35m Gateway Zone) on the A11 approach to Norwich from the Thickthorn roundabout. The width will secure adequate screening to both the road and the village and preserve the gradual transition from the countryside to the city.**

And

**The width of the Gateway Zone on the Proposals Map should also be reduced to 35 metres**

88. The HSAA and Development boundary shown on the Proposals Map should be modified to cover the area removed from the LPZ and the gateway Zone. This should not include any land shown as an Environmentally Sensitive Area on the Proposals Map, nor should it involve removal from the Proposals Map of any hedgerow its shows as to be retained or any woodland.

#### *Protected areas*

89. Policy ENV4 provides:

*“The Protected Areas will be excluded from residential or economic development because of their character and location (see Proposals Map). These sites form part of the environmental and landscape sensitive Yare Valley and sit adjacent to important County Wildlife Sites. The plots also lie within a recognised flood plain”*

90. The Environment Agency’s (“EA’s”) welcoming of the policy to prevent development within the floodplain of the River Yare and the Thickthorn Stream relates to this



policy. It helps to make the draft NDP as recommended to be modified contribute to the achievement of sustainable development.

91. Policy ENV5 provides:

*“Sustainable drainage schemes should be used to provide wildlife areas and link where possible with existing County Wildlife Sites i.e. in the area of the Thickthorn Stream. These may include features such as ponds, swales, and permeable paving and should be designed as an integral part of the green infrastructure.”*

92. The EA welcomes this policy. It contributes to the draft NDP as recommended to be modified meeting the second basic condition.

#### *Other policies for the Environment*

93. Policies ENV3, ENV6 and ENV7 each satisfy the first and third basic conditions and each helps the draft NDP as a whole contribute to the achievement of sustainable development.

### **10. Policies for the Local Economy**

94. Each of policies ECN1, ECN2, ECN3, ECN4 and ECN5 satisfies the first and third basic conditions. Together they make a modest contribution to helping the draft NDP as a whole contribute to the achievement of sustainable development. No modifications are necessary to section 7.5 and its policies.

### **11. Policies for Society, Community and Culture**

#### *School provision*

95. Policy SCC1 begins:

*“Provision must be made in the land allocated for new development for a single site of 2 hectares for a primary school including pre-school provision...”*

96. Cgms state that in its discussion with the local education authority indicate that a site of 1.6 hectares is required for a suitable primary school, including early years facility. CPC have not disputed this or given reasons for its area of 2 hectares. A requirement for a two-hectare site would therefore be unduly onerous and would unnecessarily remove land from an HSAA. Modification is therefore necessary. Cgms have also objected to the proposals map showing the location of the school. It is clear that this is intended to be indicative and I recommend modification of the proposals map to show this.

#### Recommended modification

97. Policy SCC1 should begin:

**Provision must be made in the land allocated for new development for a single site of 2 1.6 hectares for a primary school including pre-school provision...**

And

**The text “Proposed School” on the Map should be followed by the words “possible site”**

98. Policy SCC2 states, “*New developments should make appropriate provision for the increased demand for medical facilities including dentistry.*”

99. Cgms on behalf of Barrett object that there is no evidence to support such new facilities, stating that discussions with the local surgery and public health team have confirmed that there is sufficient potential for expansion on site. I have no doubt that some 1,200 dwellings in an expanding area – the JCS requires a minimum of 21,000 dwellings – will require new medical facilities, including dentistry. I also note support for such provision in the Framework’s paragraph 17’s twelfth principle and in the JCS’s policy 10 and spatial vision. A policy that provides for appropriate provision does not need detailed evidence as to the extent of that provision, nor does it mean that the provision cannot be met on an exiting site. Requiring provision that rendered development unviable would not be appropriate. Policy SCC2 accords with basic conditions.

100. Policy SCC3 satisfies the first and third basic conditions and helps the draft NDP as a whole contribute to the achievement of sustainable development.

101. Policy SCC4 provides, “*The construction methods and furnishing of community buildings must minimise energy and water use, and promote the use of alternative energy sources.*” Cgms have objected that this is not a valid land-use policy. I see no basis for this and consider that there is no conflict with the basic conditions.

*Sports pitches, etc*

102. Policy SCC5 states, “*The developers should provide for a 3.8 hectare playing field to accommodate a cricket pitch, football pitches and Pavilion to include changing rooms. Play areas for children must be provided and in accordance with the guidelines in force at the time.*”

103. I am satisfied that provision of formal playing fields and changing facilities would be appropriate provided this does not render the provision of housing unviable. As it stands policy SCC5, unlike policy SCC2, is unqualified by any word that allows for viability. Without this the policy might reduce the number of new homes to significantly below 1,200. The policy therefore needs to be modified.

Recommended modification

**The developers should provide for a 3.8 hectare playing field to accommodate a cricket pitch, football pitches and Pavilion to include changing rooms. Play areas for children must be provided and in accordance with the guidelines in force at the time. This policy does not apply to the extent (if any) that it would render needed development unviable.**

*Broadband*

104. Policy SCC6 provides: *“New developments on the allocated sites for housing must ensure that broadband infrastructure can be provided to guarantee a minimum speed of 24Mbps (superfast) and thus assist both community integration and business activity.”*

105. Cgms object to this saying that it is not a valid land-use policy and that its objectives lie outside the control of developers and local planning authorities. I accept that Cgms’ argument to the extent that policy SCC6’s precise details lie outside such control, but reject the argument that such a policy could not be a valid land-use planning policy. I note that JCS policy 6 includes the following: *“Fast broadband connections will be promoted throughout the area”*, JCS policy 10 seeks to *“ensure high quality telecommunications”* and that the Framework’s paragraph 29 states that *“Smarter use of technologies can reduce the need to travel.”* Support for Broadband reduces the need to travel and would therefore contribute to achieving sustainable development. However policy SCC6, in going considerably beyond the JCS, without evidential support is overly prescriptive and could prevent the delivery of needed housing. It is necessary to modify it to ensure that it does not impose demands that would prevent needed housing. There is no reason why there should not be a less restrictive policy than the draft NDP’s SCC6 that broadly accords with the JCS

Recommended modification

**New developments on the allocated sites for housing must ensure that broadband connections that are at least fast infrastructure can be provided to guarantee a minimum speed of 24Mbps (superfast) and thus assist both community integration and business activity, except to the extent (if any) that this would render needed development unviable.**

*Libraries*

106. Policy SCC7 states, *“All developers will be required to make provision for additional library facilities for the library service which serves the development. This will be funded through either a Section 106 Agreement or the Community Infrastructure Levy.”*

107. Cgms consider that it is not necessary or appropriate for specific reference to be made to this in a locally focussed land-use planning policy. I can see no breach of the basic conditions in doing so, but recommend modification to ensure that this does not render needed development unviable.

Recommended modification

**All developers will be required to make provision for additional library facilities for the library service which serves the development. This will be funded through either a Section 106 Agreement or the Community Infrastructure Levy except to the extent (if any) that this would render needed development unviable.**

108. Policy SCC8 states:

*“Space should be set aside for provision of allotments and a community orchard in allocated development areas to meet the expressed local need. A possible site is indicated on the Proposals Map.”*

109. Mr Wilby objects to this saying that only 28% of responders to the March 2012 questionnaire strongly agreed that development should include spaces for allotments/community orchard and that the land involved is close to the large open space at the University of East Anglia and Earlham Park. ‘Close’ is of course a relative term. The possible allotments site is not particularly close to the University and even less close to the Park and is on the opposite side of the River Yare to these. Allotments and community orchards are a minority interest; but this does not mean that plans should not cater for them. 28% strongly agreeing with their provision is not a basis for rejecting them.

110. Cgms does not consider that it is necessary or appropriate for the Proposals Map to show the location of such facilities. I see no reason why the Proposals Map should not do so, but it should be consistent with the policy and make it clear that this is a possible site.

111. I am satisfied that policy SCC8 complies with the first and third basic conditions and helps the Plan as recommended to be modified to meet the second basic condition.

## **12. Policies for Transport**

112. Policy TRA1 states:

*“New major estate roads should be designed to allow free use as public transport routes and the circulation of traffic. Development proposals should show how they integrate with other roads and the existing community. The sites should be laid out to provide adequate car parking to avoid obstruction to the route by parked cars.*

*New link roads providing access to the main development sites west of Round House Way and Cantley Lane should be provided in the broad locations shown on the Proposals Map and shall provide for access by public transport.*

*Developers of land in the area will be expected to make an appropriate and proportional contribution or deliver improvement to the Thickthorn Interchange.”*

113. SNC, Norfolk County Council (as Highway Authority) and the Highways Agency propose an alternative wording.

*“New major estate roads should be designed to allow the use as public transport routes and facilitate the free flow of traffic. Development proposals should show how they integrate with other roads and the existing community. The sites should be laid out to provide adequate car parking to prevent obstruction of the main routes through development by inappropriate on street parking.*

*New link roads providing access to the main development sites west of Round House Way and Cantley Lane should be provided in the broad locations shown on the Proposals Map.*

*Developers of land in the area will be expected to make an appropriate and proportional contribution or deliver improvement to the Thickthorn Interchange. As applications come forward they will need to demonstrate that they do not prejudice the delivery of the options*

*for improvement under consideration by the local authorities (as published on the GNDP website). If a development proposal would prevent delivery of an emerging preferred or identified improvement scheme, then the proposal will need to be supported by appropriately detailed evidence to show that an acceptable alternative junction improvement proposal is deliverable and achievable that meets the requirements of the local authorities and the Highways Agency.”*

114. CPC supports this proposed modification.

115. Cgms objects to the requirement that “*New link roads... should be provided in the broad locations shown on the Proposals Map.*” Apart from the link road south of Cantley Lane where detailed arguments have been given and which I consider in paragraphs 119-120 below. I do not consider that showing broad locations involve any conflict with the basic conditions. However it is clear that these are intended to be indicative and that the adjective ‘broad’ should be given weight. If the proposals map key is modified by adding “indicative” after “Proposed line of roads” and “Proposed line of cycleway/footpath”, that will suffice.

#### Recommendation

**The Proposals Map key should be modified by adding “indicative” after “Proposed line of roads” and “Proposed line of cycleway/footpath”.**

116. At the public hearing representative of Land Fund Limited objected to the proposed additional two sentences. I share their concern about the uncertainties as to works to possible work the Thickthorn Interchange. Nonetheless I have concluded that the substantive alteration to the final paragraph is necessary to ensure general conformity with JCS policy in respect of the A11/A47 Thickthorn junction. I therefore recommend the modification that has been proposed by two councils and the Highways Agency.

117. The alteration to the first paragraph is a modest improvement that is acceptable.

118. I agree with CPC that the final paragraph should become policy TRA2 and that there should be consequential renumbering.

#### Recommended modification

##### **TRA1**

**New major estate roads should be designed to allow free the use as public transport routes and the circulation facilitate the free flow of traffic. Development proposals should show how they integrate with other roads and the existing community. The sites should be laid out to provide adequate car parking to avoid prevent obstruction to of the main routes through development by parked cars inappropriate on-street parking.**

**New link roads providing access to the main development sites west of Round House Way and Cantley Lane should be provided in the broad locations shown on the Proposals Map and shall provide for access by public transport.**

##### **TRA2**

**Developers of land in the area will be expected to make an appropriate and proportional contribution or deliver improvement to the Thickthorn Interchange. As applications come forward they will need to demonstrate that they do not prejudice the delivery of the options for improvement under consideration by the local authorities (as published on the GNDP website). If a development proposal would prevent delivery of an emerging preferred or identified improvement scheme, then the proposal will need to be supported by appropriately detailed evidence to show that an acceptable alternative junction improvement proposal is deliverable and achievable that meets the requirements of the local authorities and the Highways Agency.**

119. Mr Terry opposes the provision of a vehicular link between the A11/Roundhouse Way roundabout and Cantley Lane/Brettingham Avenue with the possible exception of a link for buses on the grounds that this would create a ‘rat-run’ that would be used as a short cut through to Keswick, Ipswich Road with its Tesco and further afield, and that this would have an adverse impact on residents. Such a link is shown as a “*proposed line of road*” on the Proposals Map. Mr Wilby also objects to the link and is concerned about congestion at Cringleford Bridge. He considers that these will bring more traffic into the historic village of Cringleford, add to congestion at Cringleford Bridge, bring more traffic onto Brettingham Avenue (currently an estate road used by, among others, children on their way between home and school and elderly people), cause Brettingham Avenue to become a ‘rat-run’ and increase noise pollution. He suggests that the new road should only go into the new housing and not provide a vehicular connection to Brettingham Avenue. Mr Lloyd is also concerned that the link would make Brettingham Avenue a ‘rat-run’.

120. There seems to be merit in these objections. There are potential problems from the link that the Proposals Map appears to support. It may perhaps be that the benefits of such a link will outweigh those problems. However, as matters stand, a case for the link has not been made out. While a detailed assessment may indicate otherwise, on the limited evidence that I have seen on this matter, I consider it to be more likely than not that there would be unjustified harm to residential amenity of sufficient substance to cause a conflict with the JCS and the Framework. At the public hearing CPC stated that it did not intend the arrow to imply a definite vehicular link to Brettingham Avenue. I therefore recommend that the Proposals Map should be modified so that the arrow from the A11/Roundhouse Way roundabout does not extend across the whole width of the HSAA to the south of the A11. That would leave the question whether there should be a link with Cantley Lane/Brettingham Avenue to be determined in the future.

121. Mr Wilby has also objected to the cycleway/footpath that the Proposals Map shows going close to the A47 on the grounds that it does not provide a short route to anywhere, so would not reduce the use of vehicles, he doubts that women would consider using it safe and

it would be noisy. Since these arguments do not show non-compliance with the basic conditions, I do not recommend modifying the Proposal Map to meet them.

#### Recommended Modification

**The arrow from the A11/Roundhouse Way roundabout should not extend across the whole (or substantially the whole) width of the HSAA to the south of the A11.**

122. It is clear that there is a longstanding concern about the safety of pedestrian crossing of the A11. Mr Lloyd considers that a footbridge or underpass must form part of the developers' submission and budget. Mrs Nock also mentions the problems of pedestrians crossing the A11. I used the crossing over the A11 in both directions on each site visit. Nothing that I experienced or perceived would be the likely experience of others gave rise to any issue in respect of the basic conditions. Nobody has adduced accident statistics in respect of it. In the circumstances it would not be appropriate for me to express any opinion on the crossing.

123. Policy TRA2 (which will become policy TRA3) includes the following: *“The concept of ‘Walking Neighbourhoods’ (10 minutes walking distance or about 800m) must be used in locating new community facilities, including a school, medical centre and playing fields, and in the provision of public transport.”*

124. Cgms object to the mention of a medical centre on the ground that new centre is not needed and facilities can be provided in the existing centre. No evidence has been adduced to contradict this. On the other hand I cannot be sure that there will not be a new medical centre. I therefore recommend the addition of the words *“(if any)”* after the reference to a medical centre.

125. Cgms also object to the final sentence of policy TRA2: *“A controlled pedestrian crossing of Round House Way will be required.”* Having viewed Round House Way and noted the level of traffic using it even now, I am satisfied that this is indeed the case. I can see no way in which it would be appropriate to provide new housing on the far side of Round House Way from the retail/shopping areas, school and community centre without at least one controlled pedestrian crossing.

#### Recommended modification

#### **TRA23**

**Integration of the village will be improved by the construction of new and enhanced walking and cycling routes between and within neighbourhoods, as required by the Joint Core Strategy. These should be incorporated in the major new development sites allocated and connect to the employment areas of the University of East Anglia, Norwich Research Park and Norfolk & Norwich University Hospital.**

**A footway/cycleway route must be incorporated into layout designs for land west of Round House Way to connect with the community facilities planned for Round House Park and those located in newer developments (see Proposals Map). The concept of ‘Walking Neighbourhoods’ (10 minutes walking distance or about 800m) must be used in locating new community facilities, including a school, medical centre (if any) and playing fields, and in the provision of public transport.**

**A controlled pedestrian crossing of Round House Way will be required.**

126. Policies TRA3 (which will become TRA4) satisfies the first and third basic conditions and helps the draft NDP as a whole contribute to the achievement of sustainable development.

127. Mr Piggin would like to see a 20 mph speed limit through the village. That, however, is not a matter for an examination considering whether a neighbourhood development plan has met the basic conditions and I express no opinion on it.

### **13. The Proposals Map**

128. The proposals map shows a 50-metre zone either side of power lines as unsuitable for residential or commercial development. Cgms object to the extent of this arguing that a 15-metre zone on either side is sufficient. Deloitte argue for a maximum of 15 metres on either side, stating that this accords with conversations with National Grid. SNC said it had no objection to the exclusion zone being reduced to 15 metres on either side of the lines. There is no evidence to contradict the 15-metre figure and I have no reason to doubt it. Also, CPC have explained that their figure of 50 metres was selected arbitrarily. I therefore recommend that the Proposals map should be modified to show a 15-metre zone either side of power lines and that 15m should be substituted for 50m in the relevant part of its key.

129. Mr King has written objecting to the green infrastructure link shown going through his property, Cringleford Hall, Intwood Road. He points out that there is no reference to a Green Infrastructure Link in the text of the draft NDP and is concerned that its being shown on the proposals map might lead to people wrongly assuming that there was public access to his land. He is right that there is no mention of a green infrastructure link in the text. Section 7.2 does include a paragraph that say: *“The Plan envisages protecting and retaining specific open areas and identifies new Green Infrastructure corridors to form a landscaped area adjacent to the Norwich Southern Bypass (A47) and a green tree lined entry to Norwich (A11).”* Similarly section 8 refers to *“the enhancement of green infrastructure alongside the Norwich Southern Bypass (A47) and the creation of a green gateway on the A11”*. I do not consider that not using the word ‘link’ in the text is significant; although consistency of terminology is desirable. I bear in mind the EA’s support for green infrastructure links.



However, nothing in the text justifies such a corridor or link to the east of Intwood Road. I therefore recommend deletion of this part of the link from the proposals map.

#### Recommended modifications

130. From the above I recommend that the proposals map be modified as follows:

**(1) The depth of the LPZ should be reduced to 145 metres from the north-eastern side of the A47 and 145m should be substituted for 250m in the corresponding part of the key;**

**(2) The width of the Gateway Zone should be reduced to 35 metres from each outer side of the A11 and 35m should be substituted for 50m in the corresponding part of the key;**

**(3) The HSAA and the Development Boundary should be extended to cover the land removed from LPZ and the Gateway Zone (other than the Environmentally Sensitive Area);**

**(4) The zone on either side of power lines should be reduced to 15 metres and 15m should be substituted for 50m in the corresponding part of the key;**

**(5) The arrow from the A11/Roundhouse Way roundabout should not extend across the whole (or substantially the whole) width of the HSAA to the south of the A11;**

**(6) The replacement in the proposal map's key of the phrase '*Green Infrastructure Links*' with '*Green Infrastructure Corridors*';**

**(7) The removal from the proposals map of the Green Infrastructure Link shown to the east of Intwood Road;**

**(8) The proposals map key should be modified by adding "indicative" after "Proposed line of roads" and "Proposed line of cycleway/footpath";**

**(9) The text "proposed Allotments" on the Map should be followed by the words "possible site"; and**

**(10) The text "Proposed School" on the Map should be followed by the words "possible site".**

#### **14. The Referendum Area**

131. Nobody has asked for the referendum area to be extended beyond the parish of Cringleford and I see no reason why it should be. I therefore recommend that the referendum area be limited to the parish of Cringleford.

#### **15. Conclusions**

132. As a result of the combination of some overly prescriptive policies the draft NDP would have been likely to deliver significantly fewer than 1,200 new homes and as a result

would have failed to meet the first and third basic conditions and probably have failed to meet the second basic condition. I have therefore recommended modifications to policies to increase that number of new homes that the NDP would be likely to deliver. With these modifications I am satisfied that approximately 1,200 new homes are likely to be provided within the plan period.

133. I recommend that the draft NDP be modified in the terms specified in Appendix A in order to meet basic conditions.

134. With those modifications the NDP will meet all the basic conditions. Specifically

§ Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;

§ The making of the Plan contributes to the achievement of sustainable development – indeed it makes a substantial contribution to this;

§ The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the CPC (or any part of that area); and

§ The making of the Plan does not breach, and be otherwise compatible with, EU obligations.

135. The modified NDP is in all respects fully compatible with Convention rights contained in the Human Rights Act 1998.

136. I recommend that the modified NDP proceeds to a referendum, the referendum area being the parish of Cringleford.

Timothy Jones, Barrister,

Independent Examiner,

No 5 Chambers

15<sup>th</sup> November 2013.

## **Appendix A: Recommended Modifications**

### **The Vision**

Modify the second sentence of paragraph 5.3 to read:

... However, this there is the ~~maximum~~ a limit to the number that is compatible with the environmental, economic and social objectives of the Plan...

### **General Policies**

#### **GEN4**

Infrastructure as identified within the Cringleford Infrastructure Plan Programme (see Appendix) within the Parish Boundary and associated with the development of new sites must be provided directly by developers or be paid for or delivered by developers, either through the Community Infrastructure Levy (CIL), or through Section 106 agreements except to the extent (if any) that this would render needed development unviable.

### **Policies for the Environment**

#### **ENV1**

A defined, continuous green landscaped corridor of 250-145m depth from the edge of the carriageway of the A47 will be provided to maintain the landscape setting of the village, maintain the existing wildlife corridor, mitigate traffic noise (Landscaped Protection Zone) and retain a key strategic gap at the edge of new development. In most cases it is envisaged that this will be a protected strip planted with trees but with pedestrian access. No new built development will be allowed within the zone unless the proposers can demonstrate that it will enhance the landscape and not have an adverse impact on the Strategic Gap between Cringleford and Hethersett, wildlife and buffering traffic noise.

The visual impact of new development when viewed from approaching main roads and the surrounding countryside should be minimised by the use of site-appropriate landscape bunding, screening and mature tree planting. New and existing protected areas will require an effective management regime to enhance biodiversity.

#### **ENV2**

Developers will be required to landscape a 30-50 35m tree belt, as indicated on the Proposals Map (50 35m Gateway Zone) on the A11 approach to Norwich from the Thickthorn roundabout. The width will secure adequate screening to both the road and the village and preserve the gradual transition from the countryside to the city.

## **Policies for Housing**

paragraph 7.3, page 17 last two lines and page 18, lines 1 - 4

Delete: “Of the remaining 121.16/121.29 ha\* around 74 ha will be needed for the green infrastructure envisaged in Section 7.2, leaving about 48 ha for mixed development, largely housing. A low density was selected for housing on this land (20-25 dwellings per ha) in order to maintain and enhance the open, green and ‘semi-rural’ character’ of the village (5.2 and 5.3). Using the upper figure of 25 dwellings per ha, a simple calculation using the net dwelling density, provides for the construction of a total of 1,200 dwellings.”

The footnote on page 17 should be deleted.

### **HOU1**

~~The maximum of~~ Approximately 1,200 new homes should be dispersed across the Housing Site Allocation Area as shown on the Proposals Map.

### **HOU3**

To preserve the open and green character of the village and its role in the urban/rural transition zone, net building densities should ~~not exceed a maximum of~~ average approximately 25 dwellings per hectare (gross) across the Housing Site Allocation Area.

### **HOU8**

Unless impracticable, garages must be built in direct association with the houses whose inhabitants may be expected to use them. They must be spacious enough to accommodate modern cars and bicycles. Proposals for rear or separate parking courts will not be permitted, unless alternative provision is impracticable.

## **Policies for the Local Economy**

No modification should be made to section 7.4.

## **Policies for Society, Community and Culture**

### **SCC1**

Provision must be made in the land allocated for new development for a single site of  $\geq$  1.6 hectares for a primary school including pre-school provision, with the site to be transferred by the applicant/developer free of charge to Norfolk County Council. The primary school and pre-school provision and future improvement of the catchment high school will be funded by the developers either through a Section 106 Agreement or the Community Infrastructure Levy or possibly a combination of both. Land transfer will be dealt with separately through a

Section 106 Agreement in the event that the Community Infrastructure Levy is used to fund any building works for the schools.

#### **SCC5**

The developers should provide for a 3.8 hectare playing field to accommodate a cricket pitch, football pitches and Pavilion to include changing rooms. Play areas for children must be provided and in accordance with the guidelines in force at the time. This policy does not apply to the extent (if any) that it would render needed development unviable.

#### **SCC6**

New developments on the allocated sites for housing must ensure that broadband connections that are at least fast infrastructure can be provided to guarantee a minimum speed of 24Mbps (superfast) and thus assist both community integration and business activity, except to the extent (if any) that this would render needed development unviable.

#### **SCC7**

All developers will be required to make provision for additional library facilities for the library service which serves the development. This will be funded through either a Section 106 Agreement or the Community Infrastructure Levy except to the extent (if any) that this would render needed development unviable.

### **Policies for Transport**

#### **TRA1**

New major estate roads should be designed to allow free the use as public transport routes and ~~the circulation~~ facilitate the free flow of traffic. Development proposals should show how they integrate with other roads and the existing community. The sites should be laid out to provide adequate car parking to ~~avoid prevent~~ obstruction to of the main routes through development by parked cars inappropriate on-street parking.

New link roads providing access to the main development sites west of Round House Way and Cantley Lane should be provided in the broad locations shown on the Proposals Map and ~~shall provide for access by public transport.~~

#### **TRA2**

Developers of land in the area will be expected to make an appropriate and proportional contribution or deliver improvement to the Thickthorn Interchange. As applications come forward they will need to demonstrate that they do not prejudice the delivery of the options for improvement under consideration by the local authorities (as published on the GNDP website). If a development proposal would prevent delivery of an emerging preferred or identified improvement scheme, then the proposal will need to be supported by appropriately detailed evidence to show that an acceptable alternative junction improvement proposal is

deliverable and achievable that meets the requirements of the local authorities and the Highways Agency.

### **TRA23**

Integration of the village will be improved by the construction of new and enhanced walking and cycling routes between and within neighbourhoods, as required by the Joint Core Strategy. These should be incorporated in the major new development sites allocated and connect to the employment areas of the University of East Anglia, Norwich Research Park and Norfolk & Norwich University Hospital.

A footway/cycleway route must be incorporated into layout designs for land west of Round House Way to connect with the community facilities planned for Round House Park and those located in newer developments (see Proposals Map). The concept of 'Walking Neighbourhoods' (10 minutes walking distance or about 800m) must be used in locating new community facilities, including a school, medical centre (if any) and playing fields, and in the provision of public transport.

A controlled pedestrian crossing of Round House Way will be required.

### **TRA3**

This should be renumbered as TRA4.

### **The Proposals Map**

should be modified as follows:

- (1) The depth of the LPZ should be reduced to 145 metres from the north-eastern side of the A47 and 145m should be substituted for 250m in the corresponding part of the key;
- (2) The width of the Gateway Zone should be reduced to 35 metres from each outer side of the A11 and 35m should be substituted for 50m in the corresponding part of the key;
- (3) The HSAA and the Development Boundary should be extended to cover the land removed from LPZ and the Gateway Zone (other than the Environmentally Sensitive Area);
- (4) The zone on either side of power lines should be reduced to 15 metres and 15m should be substituted for 50m in the corresponding part of the key;
- (5) The arrow from the A11/Roundhouse Way roundabout should not extend across the whole (or substantially the whole) width of the HSAA to the south of the A11;
- (6) The replacement in the proposal map's key of the phrase '*Green Infrastructure Links*' with '*Green Infrastructure Corridors*';
- (7) The removal from the proposals map of the Green Infrastructure Link shown to the east of Intwood Road;

- (8) The proposals map key should be modified by adding “indicative” after “Proposed line of roads” and “Proposed line of cycleway/footpath”;
- (9) The text “proposed Allotments” on the Map should be followed by the words “possible site”; and
- (10) The text “Proposed School” on the Map should be followed by the words “possible site”.

## Appendix B: Documents

In examining the Draft NDP I have considered and borne in mind what I consider to be the relevant parts of, the following documents:

- (1) The draft Cringleford Neighbourhood Development Plan 2013-2026 (Examination Version July 2013);
- (2) The following written representations from individuals:
  - a. Mr Edward King (e-mail 25<sup>th</sup> September 2013),
  - b. Mr Neil Lloyd (e-mail 16<sup>th</sup> August 2013),
  - c. Mr and Mrs Perry (e-mail 18<sup>th</sup> October 2013)
  - d. Mr Jon Piggan (web enquiry 15<sup>th</sup> August 2013),
  - e. Ms Gail Stanley (e-mail 17<sup>th</sup> September 2013),
  - f. Mr Ian C Terry (letter 27<sup>th</sup> September 2013), and
  - g. Mr M Wilby (e-mail 11<sup>th</sup> August 2013);
- (3) The following written representations from prospective developers:
  - a. Cgms on behalf of Barratt Homes Eastern Counties (letter 25<sup>th</sup> July 2013),
  - b. Deloitte LLP on behalf of Land Fund Ltd (letter 27<sup>th</sup> September 2013 with two appendices; letter of 17<sup>th</sup> October 2013 with 4 appended documents);
- (4) The following written representations from public bodies:
  - a. Anglian Water (letter 13<sup>th</sup> August 2013),
  - b. Colney Parish Meeting (letter 1<sup>st</sup> August 2013),
  - c. Environment Agency (letter 12<sup>th</sup> February 2013 as read with their e-mail of 18<sup>th</sup> July 2013),
  - d. Highways Agency (e-mail 23<sup>rd</sup> September 2013),
  - e. Norfolk County Council (e-mail 16<sup>th</sup> July 2013, Stephen Faulkner),
  - f. Norfolk County Council (response document, Richard Dolman),
  - g. Norwich City Council (letter 27<sup>th</sup> September 2013), and
  - h. South Norfolk Council (response document 27<sup>th</sup> September 2013);
- (5) CPC's response to representations (17<sup>th</sup> October 2013);
- (6) Correspondence from and to CPC
  - a. The letter 31<sup>st</sup> August 2012 from CPC's parish clerk to SNC and its accompanying map,
  - b. Letter from SNC to CPC 3<sup>rd</sup> January 2013 confirming the designation of Cringleford as a neighbourhood area,
- (7) File from CPC relating to Site Specific allocations, comprising:
  - a. Satellite image of Cringleford 2011,
  - b. Sites suggested by landowners,
  - c. Site analysis,



- d. Decisions on land use,
  - e. Proposals map;
- (8) Summary of the responses from the Public Open days on 25<sup>th</sup>-26<sup>th</sup> November 2011;
  - (9) CPC Newsletter (October 2011 and March 2013);
  - (10) Cringleford NDP Statement of Community Involvement (January 2012);
  - (11) Cringleford NDP Plan Programme;
  - (12) Cringleford NDP Questionnaire;
  - (13) Analysis of Responses to Cringleford NDP Questionnaire;
  - (14) Sustainability Appraisal;
  - (15) Cringleford Neighbourhood Development Plan 2013-2026 (Consultation draft December 2012);
  - (16) Analysis of responses to the consultation draft;
  - (17) Cringleford Neighbourhood Development Plan 2013-2026 (Revised Version June 2013);
  - (18) Analysis of responses to the Revised Version;
  - (19) The Consultation Statement (June 2013);
  - (20) The Strategic Environmental Assessment (June 2013);
  - (21) The Infrastructure Delivery Programme 2013-2026 (June 2013);
  - (22) The Basic Conditions Statement (July 2013);
  - (23) The Consultation Statement (July 2013);
  - (24) Dates and Minutes of meetings of the NDP team (September 2011 to August 2013);
  - (25) The Joint Core Strategy for Broadland, Norwich and South Norfolk (submission document February 2013);
  - (26) The judgment and order of Ouseley J in Heard v Broadland District Council;<sup>12</sup>
  - (27) The National Planning Policy Framework (March 2012);
  - (28) The versions currently in force of the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (2012 SI No. 637); and
  - (29) Miscellaneous supporting documents namely:
    - a. National Census Population totals 1801 to 2011,
    - b. Map of historic development,
    - c. English Heritage List of Listed Buildings in Cringleford,
    - d. Significant buildings not listed and not included in the Norfolk Historic Environment Record,
    - e. South Norfolk age and sex structure,

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<sup>12</sup> [2012] EWHC 344 (Admin), [2012] Env LR 23.

- f. South Norfolk journey to work percentages,
- g. Cringleford Household income percentages,
- h. Cringleford Council tax bands,
- i. Businesses in Cringleford,
- j. Cringleford Clubs and Societies,
- k. Norfolk Historic Environment Record monument list report, monuments,
- l. South Norfolk Council Local Landscape Designations Review (June 2013).
- (30) Cringleford Extension Indicated Proposed Layout (Illustrative Master Plan);
- (31) An aerial photograph showing Land Fund Limited's site boundary;
- (32) RUA Vision Framework: Contextual Master Plan;
- (33) Land at Cringleford Potential Development Parcel sites;
- (34) A plan submitted by Norfolk CC showing land that might be needed for highway works connected with the Thickthorn Interchange;
- (35) SNC's supplementary planning guidance "*Recreational Open Space Requirements for Residential Areas (December 1994)*";
- (36) SNC CIL draft Charging Schedule;
- (37) Report to GNDP on the examination of the draft CIL charging schedules 4.12.2012;
- (38) Attendance lists for each day of the public hearing; and
- (39) Letter from Natural England of 11<sup>th</sup> November 2013.

A draft of this list was circulated at the start of the public hearing. Nobody suggested any addition to it. Additional documents (30 – 38) were submitted during the course of the public hearing. The letter from Natural England of 11<sup>th</sup> November 2013 was the only response to a consultation after the public hearing in respect of consultation on screening for the Habitat Regulations Assessment.

### **Appendix C: Abbreviations**

The following abbreviations are used in this report

CIL	Community Infrastructure Levy
CPC	Cringleford Parish Council
DPD	development plan document
Draft NDP	draft Cringleford Neighbourhood Development Plan 2013-2026 (Examination Version July 2013)
EA	Environment Agency
EU	European Union
Framework	National Planning Policy Framework (March 2012)
GNDP	Greater Norwich Development Partnership
ha	hectare
HSAA	Housing Site Allocation area
IPP	Infrastructure Plan Programme
JCS	Joint Core Strategy for Broadland, Norwich and South Norfolk (submission document February 2013)
m	metre
NEGT	North East Growth Triangle
original JCS	the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011)
p	page
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
s	section
Sch	Schedule
SEA	Strategic Environmental Assessment
SNC	South Norfolk District Council
TCPA	Town and Country Planning Act 1990 (as amended)