

## **Stoke Ferry Neighbourhood Plan**

### **(Submission Plan dated August 2022)**

As you are aware I have been appointed to conduct the Examination of the Stoke Ferry Neighbourhood Plan. In order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments.

My purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan meets the obligation to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" (NPPF para 16). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

My initial view, subject to the responses to this request and a brief site visit, is that the Examination can be concluded on the basis of written representations alone since the matters for further consideration have been expressed clearly by all parties.

In order to ensure transparency with the conduct of the Examination, a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation and your initial comments on those. Where relevant, I have included below matters raised during that formal consultation.

The NPPF was last updated in 2021 and it is against that version of the NPPF that I must conduct my Examination.

#### **General Drafting Points**

I note that the end date on the cover of the Plan is 2036 – selected as a date to coincide with the end date for the Local Plan Review. However, at a number of points within the document 2037 is referenced. I presume it is the latter entries that need to be amended. It would also help if the document could be put through an English (as opposed to an American) spell check.

The NPPF (para 16f) says that Plans should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)." A significant number of comments below – addressing the Plan page-by-page – query the extent to which Policies are particular to the Neighbourhood Area as opposed to partial or reworded repetitions of national or local policy. For the benefit of clarity, wording should not seek to reinterpret other policies because the NPPF and the Local Plan policies will apply as written, unless evidence justifies a variation applicable to the particular conditions in the Parish.

I am unclear as the expected status of (and correct title for) the "supporting" document "Stoke Ferry Design Codes" which, within the Plan, is primarily referenced as "Stoke Ferry Design Guidelines and Codes". Within the "Codes" document it is said that it should be used by developers "As a guide to community and Local Planning Authority expectations on design, allowing a degree of certainty –

they will be expected to follow the Guidelines as planning consent is sought.” This suggests to me that the Code document is in fact a ‘Guide’ that is integral to the application of Policy SP5, rather than merely evidence in support of the way the Policy has been framed – which is more clearly the case with the other two “Supporting Documents”. Similarly, other Policies include a passing reference to the Guide document but none-the-less their authors seem to have felt obliged to add duplicate content to the policy statements rather than rely on the content of the Guide; this could give rise to confusion. Normally, a Plan document would be expected to encompass all the content to which a prospective developer must have access to apply its policies. Would that not apply to the Design Guide (by whatever title is appropriate)?

### **1. Introduction**

I note that in paragraph 1.5 it is suggested that the Neighbourhood Plan content “Identifies and provides evidence for the use of developer contributions for the future”. Not only is this not the case but I am doubtful that this would be appropriate in a land-use document.

### **2. The parish of Stoke Ferry**

Primarily because the critical content – the Conservation Boundary - is not in colour, Figure 9 is very difficult to read. Since the map is evidently provided by others, providing the source reference would at least allow the original to be accessed. I note that you have committed to identifying and using a better map.

On Figure 10 it is puzzling what purpose is served by the identification and mapping of a “500m buffer area of the parish boundary”? It is a requirement that the Plan can only relate to the Neighbourhood Area, which is the Parish.

### **3. How the Plan was Prepared**

Whilst this section is descriptive of the process it does not appear to details the ways in which community consultation has influenced/impacted on the drafting and redrafting of the Plan. Whilst I appreciate that a Consultation Statement accompanies the Plan, the Plan document might helpfully reflect on the way it has been developed?

### **4. National and local planning policy context**

I note that you have agreed to accept the local authority updates to paragraphs 4.5 and 4.7.

### **5. Vision and Objectives**

I note that the Vision references 2037. I am uncertain as to why the words “in the future” are included at the end of the statement.

### **6. Policies & projects**

I note that you have agreed to amend, under “Community projects: action plan”, the reference to a possible review of the Conservation Area.

### **7. Community and services**

It is appropriate for Policy SF1 to identify the community facilities in the Neighbourhood Area; I note that the Core Strategy Policy CS13 seems to refer to these as “cultural assets”, but I think that there is no likelihood of confusion. In relation to the Policy wording, I have a few queries:

- The first bullet point resists detriment to the facility's "current function" – but could/should not a community facility adapt so that it might be performing a different but equally important community function, perhaps combining more than one function?
- The list of facilities duplicates the list of Local Green Spaces but there seems no value in double listing? If the Local Green Spaces are accepted, should they then be deleted from the Policy SF1 list?
- There seems no obvious merit in including the telephone kiosk – the phone apparatus could be stripped out without the need for a planning consent? The same argument might be made for the bus shelter.
- Permitted development rights now allow, in certain circumstances, the loss of shops to residences or another commercial use and the loss of takeaways in like manner. Commercial premises are a different category of 'community facility' the viability of which will vary significantly over time and this type of policy constraint could lead to empty premises rather than the policy outcome desired? I note that you have agreed to amend the Policy to exclude the takeaway outlets, but the issue may be considered more broadly.
- Might the inclusion of all the land attached to the Pub be unnecessarily restrictive on its ability to achieve viability? The community ownership now achieved should provide some reassurance?
- Probably the map should be referenced within the Policy and the numbering be made compatible between the two.

Policy SF2 appears to be more a plea for funding than a land use policy. Although it is required that "New facilities should have safe and easy access to the village centre", no assessment is apparent as to the capacity of such sites (if any) to accommodate this range of facilities. No specific locational guidance is given for each – and the meaning of "School outreach facilities" is obscure to me; would such a service not be run from the existing school? Combining Policy SF2 with SF1 could show that gaps in the provision of facilities have been identified without suggesting that new sites/buildings are necessarily required? Your comments are invited.

Policy SF3 – as noted above, the referencing of the related map within the Policy would be appropriate.

## **8. Housing, design and the historic environment**

Is there any evidence supporting the assertion at paragraph 8.5 that permissions relating to allocations made in 2016 "are more than sufficient to meet Stoke Ferry's needs over the Local Plan period to 2036"? I note that you have agreed with the local authority that this paragraph needs updating as they have suggested.

In relation to Policy SF4 I have the following queries:

- Over time the 2020 HNA will become out of step with changing needs; the Policy needs therefore to allow for more current assessments to replace the 2020 version.
- I am unsure what the words "all qualifying sites" are intending to reference?
- I am unsure why the Policy says that 70 per cent of affordable housing should be affordable rented "as maximum"?
- I am unsure why there is reference to "adaptation to meet the needs of families" – what adaptation is that?
- I am unsure why only "smaller schemes" should "include housing options that would be suitable for purchase by first time buyers"?

- I am unsure where in the NPPF it says that affordable housing “should be ‘pepper-potted’ around the site” but, in any event, there is no expectation that NPPF content, which may alter over time, will be referenced in Neighbourhood Plan policies.

Your comments on the above issues are invited.

Policy SF5 references the Design Guide (the nature of which I have queried above) but then appears to attempt a summary of the Guide in very few words: “The design of all proposals should be based on an understanding of the context of Stoke Ferry. All proposals for new development should respect the scale, materials, form, function and character of the existing and surrounding buildings in the area.” Cannot the Guide speak more helpfully for itself?

I note that it is stated that Policy SF6 “is not intended to allocate sites but to instead encourage the implementation of relevant extant planning permissions and to encourage others to come forward for development”. But the Policy does not, and I would suggest cannot, do anything practical to effect the implementation of existing permissions; as the local authority has noted “The NP can’t influence planning permission that has already been granted”. Presumably there are issues of demand and/or finance that are in play but it would not appear that these have been explored with the site owners? It would have been open to the Qualifying Body to seek Neighbourhood Development Orders for more appropriate site developments, if analysis indicated that the existing permissions fall short of what is required for the sites to progress. But no such analysis is presented. A Community Action rather than a land use policy may be the more appropriate way to proceed here? As things stand, it would appear that proposals already exist “that would result in the visual enhancement of the character and appearance of current underused/derelict sites through their appropriate redevelopment/regeneration or renewal will be supported”.

In relation to Policy SF7 I note that a Conservation Area Appraisal already exists. There is an evident danger that a Policy that doesn’t evidently reference this and which restates national and local policy in different words could lead to confusion. Does this Policy say anything particular about local matters? Highways and directional signage are not the subject of planning consents and therefore the Design Guide would be a more appropriate place to pursue guidance rather than within a land use policy. Your comments are invited.

I note that Policy SF8 draws heavily on the content of the Conservation Area Appraisal. A question arises as to how the additions to the listing from the Appraisal are considered comparable in importance if they were not included in the original Appraisal. Clearly some buildings are beyond the Conservation Area boundary where their setting may be of less significance?

## **9. Transport and access**

Apart from the content about “droves” does Policy SF9 say anything that is not already said in the Local Plan? I am unclear whether the droves are already public rights of way? There is no legal power for a Neighbourhood Plan to designate new rights of way – other legislation is engaged for that. Does the Policy do anything more than seek to distinguish “droves” from any other public rights of way? The evidence for this distinction is said to be “through local knowledge and historical records” but no detail of the research/source is provided? I note that it has been agreed to correct the reference to the “adopted Site Allocations Development Management Plan 2016”.

Policy SF10 appears to restate what is already in the “Design Guide”; the latter would appear to be the most appropriate place for guidance since it would help to ensure the integrated design that is required?

I note that Policy SF11 relates to an allocated site that “has not yet come forward and is linked to a specific planning permission on an adjacent site where construction has begun but has not been

completed". My understanding from the description is that the car park will be provided before the new construction is complete, further suggesting that the car park may by now be in place? As with the eyesore sites, allocating a site for a second time does nothing practical to bring forward the development, whereas conversations with the developers might? Is this also more of a Community Action than a needed land use policy which duplicates the higher level plan/existing permission? I note that the County Council has made a detailed comment that "Subject to confirmation of achievable levels of visibility, access directly onto Lynn Road looks also to be acceptable, however this would obviously result in significant lengths of the existing boundary wall being removed and the possible relocation of the bus stop."

## **10. Natural environment**

### **Development boundary and strategic gap**

It is unclear to me why policies on defining the boundary of the built form of Stoke Ferry and a built-form gap between settlements appear under the "Natural Environment" heading?

Policy SF12 – as with all Policy statements – needs to be self-contained so that it can readily be quoted in Officer reports, etc.; the cross-reference to supporting text is inappropriate. There is no need for the Neighbourhood Plan to define what is already defined elsewhere in the Development Plan, but if it is felt likely that the development boundary will be lost with the Local Plan Review then the Plan can rely on the original methodology for defining the boundary, but this should be referenced. I note that a footnote says: "there are several large extant planning permissions *within the development boundary*" [*my emphasis*], so is it correct that there are no extant consents *adjacent to or outside* the current boundary?

Paragraph 79 of the NPPF does not make reference to development boundaries, and there is no value in partial referencing of the NPPF. The relevant cross-reference in the supporting text could be to the related Local Plan policy?

The delineation of the "strategic gap" is, I presume, intended to be indicative as to location, but instead it appears as an unlikely, narrow collar. No detail is provided as to how the 'gap' has been delineated. Such gaps would normally be indicated with hatching which has no hard edge, but since Wretton is not actually indicated on the map it is difficult to see that coalescence is a real prospect. Your comments are invited.

### **Important views**

Whilst it is legitimate for the Plan to identify valued views, it is unrealistic for Policy SF13 to suggest that a decision on the acceptability of development proposals pivots around how they "adversely affect" an identified public view. Quite apart from the difficulty of judging a positive from a negative impact, views change naturally over time and impacts can be mitigated. I note that there is no evaluation of views which might allow a prospective developer to identify what is valued about any individual view. What is therefore probably more realistic is to require that development proposals within the ambit of a valued view, assess and address their impacts with mitigation as appropriate. This allows proposers to explain their approach to addressing the views issue and the planning judgement is then about the adequacy of the approach.

### **River Wissey corridor**

In relation to Policy SF14 it seems that "development" pressure on the spaces identified is unlikely, whereas the value that is being protected is the linear and connected nature of the spaces? The second part of the Policy seems ambiguous when it encourages "Proposals that would provide opportunities to increase public access" – a car park, a café, a visitor centre could all increase public use but would probably be seen as a poor use of the open ground identified? The text references two bridleways but these are not identified in the key to Figure 27. Your comments are invited.

## **Drainage and flood risk**

The source reference for Figure 28 needs to be the data source (rather than the map source) so that, as the data is updated, Plan readers can access the most recent version. The County Council as LLFA also recommend the inclusion of surface water flooding maps representative of the entire Neighbourhood Area but, given the duplication involved and the rate at which such documents are reviewed, I feel that the County Council advised reference to “Norfolk County Council (NCC) – Lead Local Flood Authority (LLFA) Statutory Consultee for Planning: Guidance Document” should be sufficient and more appropriate.

I can see that efforts have been made to reflect local conditions within Policy SF15. However:

- How is it envisaged that local developments might achieve “*lower than* greenfield runoff rates” [*my emphasis*]?
- It is unclear how “Bridleway 8 and 9, land adjacent to the railway station and land between the bridge and Little Man’s Way” and “the New Drain (Dutch Drain)” have been selected for specific highlighting and where they are located (since there is no related map).
- It is unclear how the “areas of localised flooding” have been identified and, bearing in mind these are said to be a surface water issue, how are they relevant to development proposals that “mitigate [their] own flooding and drainage impacts”? I must compare this content with the County Council comment: “According to LLFA datasets (extending from 2011 to April 2022), we have 1 record of internal flooding (July 2021) and 1 record of external/anecdotal flooding (September 2017) in the Parish of Stoke Ferry.”

The fourth paragraph of the Policy seems to be a significant oversimplification of the issues highlighted?

## **Light pollution and dark skies**

It seems to me that each paragraph of Policy SF16 says broadly the same thing with different words and a shifting emphasis. Whilst it should not be suggested that a development proposal will be “supported” solely on the basis of its lighting proposals, the sentiment of the first paragraph is surely the clearest all-encompassing statement of what is being sought? Arguably this topic is adequately or more appropriately addressed within Policy SF19?

## **Biodiversity**

Given the existence of a Design Guide to inform local design choices, does Policy SF17 add anything that is not already in national or local planning policy?

## **Local Green Spaces**

I will need to make site visits to properly assess the spaces identified in Policy SF18 against the NPPF criteria. The appraisal of these spaces is often quite perfunctory (is “The Common” formally designated as such?) and Plan paragraph 10.38 suggests that criteria wider than those required by the NPPF may have been included. There may be some confusion between spaces that have a “particular” significance and those that have a general role as an incidental open space. There may actually be two policies within Policy SF18 – Local Green Space and incidental open space; your comments are invited before my visit.

Some confusion is evident about space 6. The list in the Policy says: “Four areas of land/woodland within the Parish Boundary that are owned by Charity. Two within the village and one north and one south of Littleman’s Way”. But the map and the appraisal show a single space, justified because its “preservation probably dates back to the early C19th when poor lands were preserved at the time of

Enclosures in and around the village”, but no reference is provided as evidence. Does a Charity Deed already protect the area?

There are also matters of accuracy; the appraisal of the spaces numbered 8 refers to buildings to become “designated heritage assets” but these are actually to be non-designated heritage assets. And spaces need to have a “particular” significance in their own right, not because they are adjacent to something which holds the significance. I note that you have agreed, at the owner’s request, that “Footnote 26 should apply to both 5 and 6 in the list in Policy SF18 and Church of All Saints should be qualified as ‘Former’ Church of All Saints”. I further note that the County Council has added factual detail in relation to space 9: “it should be noted that local green space “The Common” is 9.9 hectares and is underlain by sand and gravel resource ..... Since the allocation is for local green space, it does not sterilise the mineral resource underlain.”

### **Energy efficiency and sustainability**

Policy SF19 seems to be nebulous, unrelated to the Neighbourhood Area and often poorly detailed: “reduce carbon”, “UK energy - 15 per cent overall electricity generation by 2020; 10 per cent for transport”? Paragraph one relates to “all development” but paragraph two says it relates to “a domestic scale”, including solar panels “on domestic dwellings”, without explaining why other types of development are excluded. The Policy (as does Policy SF16) says it wishes to “minimise light pollution” but then appears to encourage “Low energy/down lighting (for safety and security)”? No mention is made of improved insulation? Given the, generally better expressed, local and national framework within which this Policy exists, is the Design Guide not sufficient to provide practical guidance as to how the measures identified there can successfully be incorporated within new and existing dwellings? Your comments are invited.

### **11. Business and Employment**

Sentences such as “Anecdotal evidence suggests the number of people employed at 2Agriculture who live in Stoke Ferry is low” (para 11.2) will not help to give the appropriate level of authority to the Plan that it needs.

Taking out some of the subclauses in paragraph two of Policy SF20, it reads: “Proposals that would result in the provision of new [business] accommodation ..... which would be suitable for ..... adaptation for homeworking will be supported.” Is this intended to encourage garden outbuildings beyond the present scope of permitted development, and if the accommodation is “new” would it need “adaptation”?

### **12. Social and cultural**

Policy SF21 is explicitly about “the change of use or conversion of existing buildings” but this might entail the loss of or compromising of existing facilities whereas new buildings or extensions might add to existing facilities, if there is site capacity to achieve this. Was there a reasoning behind limiting the scope of this Policy? In wording terms, I believe that the latter part of the sentence is intended to read: ‘uses including digital, artisanal, or creative facilities, school outreach, or rehearsal spaces’? It would appear that these uses have been identified as potentially attractive to the earlier mentioned “13-19-year age range” – but “Extra sports facilities and a youth club” do not get a specific mention, perhaps because no potential site/location has been identified?

### **13. Implementation**

Paragraph 13.3 says “Some of the policies included within the Stoke Ferry Neighbourhood Plan have a delivery element, often a requirement of development or ‘planning obligation’. It is not evident that this is the case - or that this would be appropriate without specific evidence.

#### **Appendices**

The content of the Appendices generally seems appropriate, subject to earlier comments including about the value of including the Design Guide.

#### **Stoke Ferry Design Codes**

I note that it has been agreed that references to Anglian Water need correction. Whilst it is clear that the Design Codes document is to be used in conjunction with the Neighbourhood Plan, it is perhaps unfortunate that the Codes document doesn't show the Parish boundary, perhaps suggesting a wider application than is in fact the case. As a generously illustrated document I assess the Codes document as very useful, subject to my comments above about the clarity/accuracy of its title and its integration with the Plan Policies.