

# Ryburgh Neighbourhood Plan (Submission Version)

## Regulation 16



### North Norfolk District Council Response

- 1.1 The submitted draft Ryburgh Neighbourhood Plan (RNP) demonstrates the considerable amount of work that the Ryburgh Neighbourhood Plan Working Group has carried out to create a plan which supports their vision for the Parish. The Council supports the submission of this document.
- 1.2 The Working Group have worked diligently and constructively with Council officers throughout the production of the Plan. Officers have provided detailed advice on the legislative process and compliance issues. Officer advice has been sought from the very beginning and continued throughout the process with the Working Group adopting a professional and appreciated approach to engagement with the Local Planning Authority. Officers are supportive of the approach taken in the Plan where, in the main, additional specific local evidence has been commissioned and prepared to inform it and published alongside the consultation documents.
- 1.3 In-line with the Vision Statement of the RNP the aim of the Plan is to promote sustainable development that will benefit the community whilst conserving and promoting the particular landscape and ecology that characterises the Neighbourhood Area. It is considered that the RNP includes policies that seek to add local distinctiveness and contribute to each of the three strands of sustainability, which cumulatively contribute to the achievement of sustainable development in the Neighbourhood Area. Policy 3 proposes small-scale growth in order to assist in the sustainability of the village in accordance with that envisaged for rural areas in the NPPF, and the clear expectation that Neighbourhood Plans should seek to meet their needs when aligned with the strategic approach of the overall development plan. Policies 4-11 provide a basis from which to consider the specific local dimensions of the environment, which, when read in conjunction with the adopted Core Strategy, ensure that the policies contribute to sustainable development and add further local considerations to any planning proposal.
- 1.4 Only a draft Neighbourhood Plan that meets each of the “**Basic Conditions**” can be put to a referendum and be “made”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 1.5 To aid the production of Neighbourhood Plans and their examination against the requirement of general conformity with the strategic policies contained in the Basic Conditions tests, the Council have published a detailed guidance document which identifies the strategic elements of the adopted Local Plan. The detailed document, NPG2:

Conformity Advice: Basic Conditions and Strategic Polices can be found on the Council's web site [here](#) and is attached as **Appendix 1** to this response.

- 1.6 In essence the 'SS' policies in the Core Strategy (Incorporating Development Management Policies) document form the majority of the strategic policies. However, the Council considers that other policies in the Development Management Policies section of this document also set out overarching direction and set objectives. The attached guidance, which details all such policies, is that which we issue to all Neighbourhood Plan groups in relation to the conformity basic condition. Table 6.7 provides a complete list of all strategic policies and the reasons why they are identified as such.
- 1.7 In addition to this conformity advice the Council has published a range of guidance for those undertaking Neighbourhood Planning. These include: useful links and resources, step by step guide, how to use evidence, housing, and local green space, along with check sheets for pre-submission and submission stages. All guidance notes are available under the advice and guidance section at [www.north-norfolk.gov.uk/neighbourhoodplans](http://www.north-norfolk.gov.uk/neighbourhoodplans)
- 1.8 On reviewing the submitted RNP it is not considered that there are any detailed matters or issues which are not consistent with government legislation and in particular the Basic Conditions set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) that run through the document. That said, there are a number of general comments that could assist in the examination. They are explained below for clarity:
- 1.9 The Development Plan consists of the adopted Core strategy (incorporating Development Management Policies) and Site Allocations Development Plan Documents (DPD). The emerging Local Plan, associated background documents and updated evidence underpinning them are also at an advanced stage and are a material consideration especially in the considerations of longevity of the emerging Neighbourhood Plan policies. In particular the most up to date landscape evidence can be found in the North Norfolk Landscape Character Assessment November 2018 produced by LUC. The adopted Local Plan, emerging Local Plan and all the supporting evidence that underpins these and informs Neighbourhood Plans can be found in the NNDC Document Library at [www.north-norfolk.gov.uk/documentlibrary](http://www.north-norfolk.gov.uk/documentlibrary). It can be noted that the emerging Local Plan timeline is the 20-year period 2016-2036 and the submitted Draft Neighbourhood Plan seeks to align to the same end-period.
- 1.10 The Council undertook screening exercises in relation to the required Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) in January 2020. The assessments, having been consulted on with the statutory agencies, led to the Council issuing the relevant Screening Determinations in March 2020 which confirmed that the authority was satisfied that the draft RNP was compatible with the relevant EU obligations.

- 1.11 The HRA screening assessment, carried out with regard to the conservation objectives of the European Sites (ES), deemed to be in close proximity to the Neighbourhood Plan Area, indicated that no European Sites would be significantly affected by the policies contained in the RNP. This was confirmed in a screening opinion provided by Natural England which was subsequently incorporated into the screening determination issued by NNDC.
- 1.12 Since the submission of the Draft RNP a trio of planning applications related to the expansion of the Crisp Maltings business, including the provision of additional residential development, have been submitted to the Council. Although these are undetermined at present it would be helpful for future readers of the Neighbourhood Plan if references to the Crisp Maltings are updated in the final version. It is noted that some of the commentary and opinions expressed in the early paragraphs, notably 2.1.3 – 2.1.7, are not supported by subsequent policy text, and, as per officers commentary at the pre-submission stage, there remains a notable gap in the Draft Neighbourhood Plan to explore further sustainable growth options and influence economic growth in the Neighbourhood Plan through adding further local dimension to the adopted Core Strategy policies in this area. It is however accepted that the subjects that the RNP addresses are at the Parish Council's discretion and have been informed through the development of the Neighbourhood Plan.
- 1.13 There is concern that Policy 1 could be considered as restrictive from this perspective and may impact on the operational requirements of the Crisp Maltings and as such will need to be considered carefully against the Basic Conditions tests at examination.
- 1.14 Ryburgh Parish is identified as open countryside in the existing and emerging Local Plan and as such sits outside the settlement hierarchy where residential development would normally be permitted. The distribution of growth and the housing target are seen as strategic policies that Neighbourhood Plans are required to conform with. The Government's overall premise for Neighbourhood Plans however is to bring forward additional growth and to seek to add local distinction providing it is justified, supported by appropriate evidence and in general conformity with the strategic priorities and strategic local planning policies, though regard should also be had to the draft policies in the emerging Local Plan which was recently consulted on<sup>1</sup>.
- 1.15 In doing so, for Neighbourhood Plans it is clear that the expectation is that:  
*'[Communities] are able to choose where they want new homes<sup>2</sup>, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provide... In order to ... 'meet their community's needs and where the ambition*

---

<sup>1</sup> The National Planning Policy Framework outlines in [paragraph 13](#) that a neighborhood plan should [support the delivery of strategic policies](#) set out in the Local Plan and should shape and direct development that is [outside](#) of those strategic policies.

<sup>2</sup> i.e in addition to the growth set out in the Local Plan

*of the neighbourhood is aligned with the strategic needs and priorities of the wider local area'... i.e. as set out in the [Planning Practice Guidance - paragraph 001](#)*

- 1.16 In recognising the small-scale nature of the village of Ryburgh and seeking to support a small but limited amount of growth through the establishment of a settlement boundary and an infill policy, the ambition of the community to plan for the sustainability of Ryburgh is supported by the Council in this regard. Though it should be noted that given the small scale of development that is likely to come forward through Policy 5 and the identified settlement boundary in Annex 5 it is unlikely in the main to provide for new affordable homes given the existing policy thresholds.
- 1.17 A substantial part of the Draft Plan covers the protection of the environment and the RNP is supported in part by specific Landscape Character Assessment and Ecological Reports. The Council has also recently published an updated Landscape Character Assessment (2019), a copy of which can be found in the [Document Library](#), also forms part of the evidence base for Plan-making. Detailed commentary on the emerging plan in this area and the evidence base have previously been given (attached **Appendix 2**) and in many areas this advice has largely been discussed and acted upon in the finalisation of the Neighbourhood Plan. As such it is not intended to reiterate previous commentary and officers do not have any particular detailed issues with the associated landscape chapters and environmental policies as drafted in this area. That said, from reviewing the ecological sections of the plan and the evidence document by Wild Frontier Ecology, it seems odd that the designated habitat areas in the RNP do not include the tributary of the River Wensum and the woodland (which is also a CWS) to the south of the village. This seems an omission when this part of the RNP area would meet with the objectives of policies 7, 8 and 9. It is noted that the land/tributary to the north of the village (and next to the Crisp Maltings site) is included within the Habitat areas.

Attached:

**Appendix 1: NPG2: Conformity Advice: Basic Conditions and Strategic Policies**

**Appendix 2: NNDC Pre-Submission Response**

# Appendix 1



## Neighbourhood Planning Guidance **NPG 2 - Conformity Advice:** **Basic Conditions & Strategic Policies**

---

November 2019

**North Norfolk District Council  
Planning Policy Team**

Telephone: 01263 516318

E-Mail: [planningpolicy@north-norfolk.gov.uk](mailto:planningpolicy@north-norfolk.gov.uk)

Write to: Planning Policy Manager,

North Norfolk District Council,

Holt Road, Cromer, NR27 9EN

[www.north-norfolk.gov.uk/neighbourhoodplans](http://www.north-norfolk.gov.uk/neighbourhoodplans)

**All documents can be made available in  
Braille, audio, large print or in other languages.  
Please contact 01263 516318 to discuss your requirements.**



## Table of Contents

<b>1</b>	<b>Purpose</b> .....	<b>1</b>
<b>2</b>	<b>Background Context</b> .....	<b>1</b>
<b>3</b>	<b>Process</b> .....	<b>2</b>
<b>4</b>	<b>Basic Conditions</b> .....	<b>3</b>
<b>5</b>	<b>North Norfolk Development Plan &amp; Emerging Local Plan</b> .....	<b>4</b>
<b>6</b>	<b>The Strategic Policies</b> .....	<b>5</b>
<b>7</b>	<b>Other Matters</b> .....	<b>11</b>

## 1 Purpose

- 1.1 This guidance note provides communities undertaking neighbourhood planning with advice around conformity with the strategic policies of the Local Plan and the required Basic Conditions tests which neighbourhood plans are examined against. In doing so the guidance draws on national policy and guidance through the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) and details the strategic considerations of the adopted Local Plan (and emerging new Local Plan) that neighbourhood planners need to be aware of.
  - 1.2 NNDC have produced a suite of additional guidance aimed at supporting local communities in North Norfolk who are undertaking neighbourhood planning. These are based around specific check sheets and frequent topics that Parish & Town Councils have sought to include in neighbourhood plans. They are designed to provide background information and guidance on how neighbourhood planning groups can reflect local circumstances and develop policies that are justified and evidence in a positive and realistic way which, if followed, will provide more certainty at the examination stage. These guides can be found on the Council's web site: [www.north-norfolk.gov.uk/neighbourhoodplans](http://www.north-norfolk.gov.uk/neighbourhoodplans)
  - 1.3 In addition, those producing neighbourhood plans should refer to the national Planning Practice Guidance which provides the government guidance and parameters around planning. <https://www.gov.uk/government/collections/planning-practice-guidance>
- 

## 2 Background Context

- 2.1 This note provides advice on conformity with the strategic policies and the required Basic Conditions tests in line with the **National Planning Policy Framework** and the **Planning Practice Guidance**<sup>1</sup>. Local planning authorities are required to set out clearly their strategic policies. This guidance note provides the strategic framework for neighbourhood planning, sets out the policy context for conformity tests by the local authority and that of the independent examiner. All neighbourhood plans must demonstrate this conformity in order to meet certain "Basic Conditions" at examination.

**Paragraph 29** of the National Planning Policy Framework (NPPF) states that:

*"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies."*

---

<sup>1</sup> National Planning Practice Guidance Paragraph: 077 Reference ID: 41-077-20140306

**Paragraph 30** of the NPPF goes on to say that:

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”.*

- 2.2 A neighbourhood plan can seek to add local distinction to reflect the specific Neighbourhood Area as long as the approach is justified and evidenced. Neighbourhood plans should address the issues in each defined area (i.e. they are locally distinctive) and add value to the existing policy framework. They should not repeat national policy or seek to duplicate existing non-strategic process and policies. Local Plan policies are part of the development plan and will be taken into consideration whether they are included in your neighbourhood plan or not. Neighbourhood plans can include policies that differ from non-strategic local planning policies and or introduce new policies - providing they are in general conformity with the strategic priorities and strategic local planning policies.
- 2.3 It is also important to remember that only policies dealing with land use can form part of a neighbourhood plan. The starting point should be to develop a good understanding of the District’s planning policies and how these relate to the Neighbourhood Plan Area and issues identified.

---

### 3 Process

- 3.1 The Council encourages neighbourhood plan groups to seek early and continuous engagement and dialogue with planning officers around emerging neighbourhood plan topic areas and policy wording. Groups should seek informal feedback during the development of the Plan and prior to the formal pre-submission consultation, which is required under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. It is at this stage that formal comments on the approach, structure, content and policies will be provided by the Council.
- 3.2 Following the pre-submission consultation, and once the Council has received a proposed plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Council is required to formally review the proposed plan and submission documents against the Legal Framework. Once satisfied that this has been followed we will then invoke Regulation 16 which consists of publishing the proposed neighbourhood plan, seeking representations on it from those who live, work or carry on business in the Neighbourhood Area, and appointing an independent examiner. The examiner will assess whether the plan meets the Basic Conditions and recommends whether or not the plan should proceed to referendum.

- 3.3 The examiner may recommend modifications that are necessary to ensure that the plan meets the Basic Conditions before it can proceed to referendum. Significant modifications may trigger a need to return the plan to an earlier stage.
- 3.4 The examiner’s report carries considerable weight, but it is not binding. As the Local Authority, NNDC has the final responsibility for determining whether the plan meets the Basic Conditions, whether any modifications are necessary and should be consulted on, and consequently whether to proceed to the referendum stage.
- 3.5 **It is therefore important that there is an understanding early on around conformity with the Basic Conditions and the existing and emerging development plan.**
- 

## 4 Basic Conditions

- 4.1 Only a draft Neighbourhood Plan that meets each of the “**Basic Conditions**” can be put to a referendum and be “made”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions for *Neighbourhood Development Plans* are:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
  - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
  - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
  - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
  - e. the making of the order (or neighbourhood 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).
  - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
  - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 4.2 The National Planning Practice Guidance (PPG) provides comprehensive online guidance for the planning system which all Plans should be in general conformity with. In many cases the guidance adds detail and interpretation of the NPPF which neighbourhood planners need to consider e.g. for those neighbourhood plans considering additional site allocations or designation of Local Green Space, the guidance provides criteria based methodologies that

should be followed. Failure to apply these will result in non-compliance and have serious implications for the emerging Neighbourhood Plan.

4.3 When considering if a policy is in general conformity the PPG at Reference ID: 41-074-20140306 advises both neighbourhood planning groups and any appointed examiner what is meant by general conformity with the strategic policies contained in the Local Plan and the following should be considered:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

---

## 5 North Norfolk Development Plan & Emerging Local Plan

5.1 Planning legislation<sup>2</sup> requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The Development Plan for North Norfolk currently comprises:

- The Core Strategy incorporating Development Control Policies (2008);
- The Site Allocations Development Plan Document (2011);
- The North Norfolk Design Guide, Supplementary Planning Document (2008);
- The North Norfolk Landscape Character Assessment, SPD (2009);
- The Norfolk Minerals and Waste Development Framework (2010 – 2026)

5.3 Further information on the Development Plan is available at:

[www.north-norfolk.gov.uk/planningpolicy](http://www.north-norfolk.gov.uk/planningpolicy)

### Emerging Local Plan

5.4 An emerging Local Plan does not constitute part of the statutory development plan. However, it still needs to be considered by neighbourhood planning groups as, not only does it show the direction of travel for strategic policies, it will provide the framework for future decisions to be based and can be used to identify areas where neighbourhood planners, subject to appropriate evidence, may wish to develop local policies to supplement and accord with the emerging Local Plan. A good neighbourhood plan will remain more up to date and relevant if it also considers conformity to an emerging Local Plan.

---

<sup>2</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

5.5 The following needs to be considered in relation to the emerging Local Plan:

- The more developed an emerging Local Plan is the more weight it carries in decision making;
- the evidence behind an emerging Local Plan remains relevant and is likely to form part of the evidence base for any neighbourhood plans e.g. in relation to any housing target requested by a neighbourhood plan group;
- where local and neighbourhood plans have conflicting policies, the later plan will carry more weight. To avoid the risk of policies in a neighbourhood plan being superseded by a later adopted Local Plan, it is necessary for the two plans to work in a complementary way;
- Neighbourhood plans should not seek to duplicate policies and approaches detailed in the Local Plan or emerging Local Plan but add local distinction and a further level of consideration to ensure locally evidenced issues are addressed

5.6 Government advice is clear and the Planning Practice Guidance states that:

*“Where a neighbourhood plan is brought forward before an up to date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging Neighbourhood Plan*
- *the emerging Local Plan*
- *the adopted Development Plan*

*with appropriate regard to national policy and advice.”*

5.7 The Council consulted on the First Draft Local Plan (Part 1) and Alternatives Considered documents from May - June 2019. These advanced documents included the emerging policies and the options considered along with the required Sustainability Appraisal, Interim Habitats Regulation Assessment and a number of background papers, all of which are relevant to emerging neighbourhood plans. These Plans, background papers and the evidence base supporting the emerging Plan can be found on the Council’s web site in the Local Plan Document library: [www.north-norfolk.gov.uk/documentlibrary](http://www.north-norfolk.gov.uk/documentlibrary)

5.8 The Council encourages all neighbourhood plan groups to seek early and consistent engagement with the Council throughout the process of writing a neighbourhood plan.

---

## 6 The Strategic Policies

6.1 Guidance is provided at national level for identifying strategic policies both within the NPPF and national Planning Practice Guidance (PPG) (Paragraph: 076 Reference ID: 41-076-20190509 revision date May 2019).

6.2 As above it is also worth noting that the Strategic Policies of the Council are changing and in order to future proof any emerging Neighbourhood Plan should have regard to and also be

in general conformity with the emerging Local Plan. Similarly, Local Plans should not seek to duplicate non-strategic approaches detailed in neighbourhood plans. It is recommended that close dialogue is maintained with the Council around emerging policy areas.

- 6.3 The Council has used Criteria 1 - 5 below, contained in the NPPF, and criteria a - f below, contained in the national PPG, to identify the Strategic Policies contained in the North Norfolk Development Plan.
- 6.4 The NPPF, para 20 & 21 advises that Local Plans set out the strategic priorities and that the strategic policies set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:
- 1) Housing (including affordable housing), employment;
  - 2) Retail, leisure and other commercial development;
  - 3) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - 4) Community facilities (such as health, education and cultural infrastructure); and,
  - 5) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation
- 6.5 When reaching a view on whether a policy is a strategic policy the national PPG states that the following are useful considerations:
- a. Whether the policy sets out an overarching direction or objective;
  - b. Whether the policy seeks to shape the broad characteristics of development; the scale at which the policy is intended to operate;
  - c. Whether the policy sets a framework for decisions on how competing priorities should be balanced;
  - d. Whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy;
  - e. In the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy;
  - f. Whether the Local Plan identifies the policy as being strategic
- 6.6 Where policy elements are identified as non-strategic, neighbourhood plans will be able to shape and direct sustainable development in their area as long as they do not seek to duplicate existing non-strategic process and policies at a local and national level and the approach is justified through supporting evidence. **Some policies of the Development Plan although not strategic in their entirety do contain elements that reflect and support the overarching strategic approach. In such cases neighbourhood plans could seek to add further elements of local distinctiveness. However, it is recommended that options and**

topic areas are discussed with the Planning Policy team during policy formation and that there is adequate justification and evidence to substantiate proposed approaches.

### List of Strategic Policies

6.7 The Council will use the following table to assess emerging neighbourhood plans in its assessment of conformity:

Policy In Core Strategy & Development Management Policies DPD		Comments	NPPF Guidance	PPG Guidance
SS1	Spatial Strategy for North Norfolk	Strategic policy	1	A,B,C,D,F
SS2	Development in the Countryside	Strategic policy	1	A,B,C,F
SS3	Housing Distribution	Strategic policy	1	A,B,C,D,F
SS4	Environment	Strategic policy	5	A, C, D,F
SS5	Economy	Strategic policy	1	A,C,D,F
SS6	Access and Infrastructure	Strategic policy	3	A, B, F
SS7 - 14	Town Strategies	Strategic policy	2,3,4	A,B,D,F
HO1	Dwelling Mix &Type	Part strategic Policy setting overarching objective.  Policy that local community could, <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements.		A,B,D
HO2	Affordable Housing	Strategic Policy	1	A,C,D,E
H03	Affordable Housing In the countryside	Part Strategic Policy setting overarching objective which should be met as a minimum  Policy that local community could, <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements		B, D

HO4	Sites for Gypsies & Travellers and Travelling Showpeople	Strategic Policy	1	A,B,C
HO5	Agricultural, Forestry and other Occupational Dwellings in the Countryside	Policy that local community could add local distinctiveness subject to appropriate evidence and alignment to national policies		
HO6	Removal of Agricultural, Forestry and other occupancy conditions	Policy that local community could add local distinctiveness subject to appropriate evidence and alignment to national policies.		
HO7	Making the most efficient use of Land (Density)	Strategic policy	1	A,B,C
HO8	House extensions and replacement dwellings in the countryside	Policy that local community could add local distinctiveness subject to appropriate evidence		
HO9	Conversion and re use of rural buildings as dwellings Updated December 2012	Strategic policy		A, B, C
EN1	Norfolk Coast Area of Outstanding Natural Beauty and the Broads	Strategic policy	5	A,B,C,D
EN2	Protection and Enhancement of Landscape and Settlement Character	Strategic policy	5	A,B
EN3	Undeveloped Coast	Strategic policy		A,B,C
EN4	Design	Part strategic policy seeking to shape broad characteristics of development.  Policy that local community could, <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements		B,D
EN5	Public Realm	Policy that local community could add local distinctiveness subject to		

		appropriate evidence		
EN6	Sustainable Construction and Energy Efficiency	Policy that local community could add local distinctiveness subject to appropriate evidence and alignment to national policies <sup>3</sup>		
EN7	Renewable Energy	Policy that local community could add local distinctiveness subject to appropriate evidence		
EN8	Protecting and Enhancing the Historic Environment	Strategic policy	5	A,B
EN9	Biodiversity & Geology	Strategic policy	5	A
EN10	Development and Flood Risk	Strategic policy	3,5	A,C
EN11	Coastal Erosion	Strategic policy	3	C
EN12	Relocation and replacement of development affected by Coastal Erosion Risk	Strategic policy	3,5	A, B,C
EN13	Pollution and Hazard Prevention and Minimisation	Strategic policy	5	A,B,C
EC1	Farm Diversification	Policy that local community could add local distinctiveness subject to appropriate evidence		
EC2	The Re use of Buildings in the Countryside	Strategic Policy		A, B, C
EC3	Extensions to Existing Businesses in the Countryside	Policy sets in part an overarching direction.  Policy that local community could <b>in part</b> add local distinctiveness subject to appropriate evidence	1	A,B

<sup>3</sup> Note: National policy allows only prescribed standards through the new technical standards applied through Building Regulation to be enacted through Local Plans and Neighbourhood Plans.

EC4	Redundant Defense Establishments	Policy sets in part an overarching direction.  Policy that local community could <b>in part</b> add local distinctiveness subject to appropriate evidence & subject to adherence to strategic policies on location of sustainable development		A,B,C
EC5	Location of Retail and Commercial Leisure Development	Strategic Policy	2	A,C
EC6	Public Car Parking Provision	Strategic Policy	4	A
EC7	The Location of New Tourism Development	Strategic Policy	2	A, B
EC8	Retaining an Adequate Supply and Mix of Tourist Accommodation	Strategic Policy	2	C
EC9	Holiday and Seasonal Occupancy Conditions	Policy that local community could add local distinctiveness subject to appropriate evidence		
EC10	Static and Touring caravan and Camping Sites	Strategic Policy	2	B,D
CT1	Open Space Designations	Policy sets in part an overarching direction.  Policy that local community <b>could in part</b> add local distinctiveness subject to appropriate evidence and general conformity with overarching policies <sup>4</sup>	5	A,C
CT2	Developer Contributions	Strategic Policy	1,2,3,	A, B,D
CT3	Provision and Retention of Local Facilities and Services	Policy that local community could review adding local distinctiveness subject to appropriate evidence		
CT4	Telecommunications	Strategic Policy	3	A,C

<sup>4</sup> Neighbourhood plans can seek to designate Local Green Space through an assessment in compliance with guidelines issued in national policy and guidance

CT5	The Transport impact of New Development	Strategic Policy	5	A,C
CT6	Parking Provision (Standards)	Policy that local community could add local distinctiveness subject to appropriate evidence		
CT7	Safeguarding Land for Sustainable Transport Uses	Policy setting overarching objective around sustainable transport links  Policy that local community could <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements	3,4,5	C
<b>Policy in Site Allocations DPD</b>				
C01-WEY09	Site allocations	Strategic policies and allocations <sup>5</sup>	1,2,3,4,5	A,B,C,& or E,F
Tattersett Business Park	Employment land at Tattersett Business Park	Strategic for the delivery of jobs and employment uses that may otherwise be difficult to accommodate elsewhere.	1	A,B,

## 7 Other Matters

7.1 By law Neighbourhood Plans cannot deal with minerals or waste issues.

7.2 Neighbourhood planning has its own set of Regulations which set out the legal matters relating to the neighbourhood planning process. These are:

- [The Neighbourhood Planning \(General\) Regulations 2012;](#)
- [The Neighbourhood Planning \(General\) \(Amendment\) Regulations, 2015;](#)
- [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations, 2016;](#)
- [The Neighbourhood Planning Act, 2017;](#)
- [The Neighbourhood Plan \(Referendums\) Regulations, 2012;](#)
- [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013](#)

<sup>5</sup> Neighbourhood plans can seek to plan positively for growth and allocate additional growth subject to general conformity with the strategic policies. Particular attention should be given to the overall spatial strategy.

- [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#)
- [The Neighbourhood Plan \(Referendums\) \(Amendment\) Regulations, 2016;](#)
- [The Neighbourhood Planning \(Prescribed Dates\) Regulations, 2012.](#)

7.3 Legislation can be obtained at <http://www.legislation.gov.uk>

**Ryburgh Neighbourhood Plan**  
**North Norfolk District Council Response**



Thank you for consulting NNDC on the pre submission neighbourhood plan. NNDC is the statutory Local Planning Authority, LPA for the area and is a specific consultee.

The pre submission document demonstrates a significant amount of work has been undertaken by the neighbourhood plan steering group in order to create a plan that supports their vision for the neighbourhood area. The Council supports the emerging document and the consultation being carried out upon it. The comments below form officers' advice on the emerging neighbourhood plan from across the Council's departments at regulation 14 stage of the Neighbourhood Planning (General) Regulations 2012 as amended. The comments are designed to be helpful and supportive in the production ahead of the final submission and prior to independent examination. Comments are mainly restricted to general advice and matters around compliance with government legislation and in particular the basic conditions as set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). It will be up to the neighbourhood plan steering Group and Parish Council as the Qualifying Body to review these and other comments received and decided how they are taken forward and used to finalise the Draft Plan ahead of submission for independent examination. Officers will continue to assist and provide objective guidance in both the overall approach, statutory requirements, policy wording and around how to reconcile any competing issues raised (if any) in order for the Draft Plan to be prepared ahead of independent examination.

### **National Policy**

Overall neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs, develop a shared vision for their neighbourhood and shape the development and growth of their local area where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area, set out through the Local Plan.

NNDC have produced a suit of additional guidance aimed at supporting local communities in North Norfolk undertaking neighbourhood planning. These are based around specific check sheets including one to guide any submission of a Draft Plan for examination and frequent topics that town and parish councils have sought to include in neighbourhood plans. They are designed to provide background information, and guidance on how neighbourhood planning groups can reflect local circumstances and develop policies that are justified and evidence in a positive and realistic way, which if followed will provide more certainty at examination. These guides are updated from time to time and can be found on the Council's web site: <https://www.north-norfolk.gov.uk/section/planning/planning-policy/neighbourhood-planning/>

In addition, those producing neighbourhood plans should refer to the national Planning Practice Guidance which provides the government guidance and parameters around planning. <https://www.gov.uk/government/collections/planning-practice-guidance>

Only a draft Neighbourhood Plan that meets each of the set of "Basic Conditions" can be put to a referendum and be "made". The basic conditions for *Neighbourhood Development Plans* are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

- the making of the plan contributes to sustainable development;
- **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);**
- the making of the plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the Order (or neighbourhood plan) and prescribed matters have been complied with in connection with the proposal for the Order (or neighbourhood plan).
- In addition, neighbourhood plans must be compatible with Human Rights requirements.

The national Planning Practice Guidance (PPG) provides comprehensive web based guidance for the planning system which all Plans and Programmes should be in general conformity with. In many cases the guidance adds detail and interpretation of the National planning policy Framework, NPPF, which neighbourhood planners need to be familiar with.

The PPG at [Reference ID: 41-074-20140306](#) advises that the basic condition relating to 'general conformity' with strategic policies contained in the Local Plan should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

Key to the development of a sound neighbourhood plan is the evidence base, which should be fully transparent, referenced and verifiable. Evidence, rather than views, should be used to inform and justify the development of any plans options and emerging proposed policies. Building a strong evidence base, to support and inform the production of a neighbourhood plan is vital to the immediate and longer term success of a neighbourhood plan. The evidence can be both quantitative (facts and figures such as census data) as well as qualitative (e.g. opinions given in consultation responses, as long as backed by facts and justified) and should be used to support the decisions made and the policies developed to be included in your neighbourhood plan.

Officers are supportive of the approach taken in the emerging plan where in the main additional specific local evidence has been commissioned and prepared to inform the emerging plan and published alongside the consultation document.

### **The Development Plan**

The Development Plan consists of: the adopted Core Strategy, the Site Allocations Development Plan Document (DPD). Of material consideration are the Design Guide Supplementary Planning Document, SPD and the Landscape Character Assessment SPD. The emerging Local Plan, associated background documents and updated evidence underpinning them are also at an advanced stage and are a material consideration especially in the considerations of longevity of the emerging Neighbourhood Plan policies.

## **Time Frame of the Neighbourhood Plan**

Consideration could be given to aligning the end date of the emerging neighbourhood plan with that of the emerging Local Plan. i.e 2036.

## **Subjects of the Neighbourhood Plan**

It is recognised that the subjects covered in a neighbourhood plan are down to the steering group and community as supported and justified by evidence. Neighbourhood plans are not obliged to contain policies addressing all types of development, nor should they repeat or duplicate existing policy approaches in the wider Development Plan. However, it remains notable the neighbourhood plan remains silent on the Malting's development aspirations, especially given the overarching vision. The Great Ryburgh Maltings site is located in the village and forms a substantial part of the built up area. The site forms the headquarters of a multi-million-pound international business with a turnover of approximately £200 million pounds and has a supply chain of over 280 local farmers. The site has recently expanded through the construction of a specialty malt plant, steep house and warehouse (Planning application reference PF/15/0837, June 2015). The permission granted was subject to a specific condition that limited future output tonnage from the Maltings site at Great Ryburgh did not exceed 115,000 tonnes in one calendar year. The reason given was *"to ensure that vehicular movements to and from the site, are not increased through increased output and associated traffic movements in the interests of highway safety in accordance with policy CT5 of the adopted North Norfolk Core Strategy"* There is also a further permission which is understood to have been commenced but not yet completed for the construction of a further two silos and lorry park on adjacent grounds, (planning application reference PF/09/0966 (April 2010).

In July 2017 a public exhibition was held outlining initial proposals for a further expansion of the site incorporating the previous permission but to include between 50 - 75 residential units, new access road bypassing the west of the village, further industrial expansion and provision of community facilities. The proposals included the aspirations to handle an increased tonnage, up to 175,000 annually but with a decrease in traffic movements through the village.

The Maltings is an integral part of the village and although the absence of specific reference to guiding future development at the Maltings may be deliberate and as such is accepted as the authors prerogative, it is however thought that through the neighborhood plan there remains an opportunity to explore further sustainable growth options and influence economic growth, proposals and decisions including those of the Maltings if it was thought appropriate.

Further commentary is provided on this by the Economic Growth manager at the Council towards the end of this response.

## **General comments - policy wording**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless there are material considerations suggesting otherwise. Officers find the suggestion that proposals will be refused if they do not accord to various policies in the neighbourhood plan misleading and incorrect. It is not the Neighbourhood Plan which will determine decisions but the policies contained in the overall Development Plan and material considerations which will inform the decision maker. There are several policies in the plan where this issues can be raised and as such all policies should be reviewed and should be rephrased. E.g. policies such as policy 1 could be amended to not supported. policy 5 could be amended to be supported rather than *only be permitted ...*

National policy states that Plans should be prepared positively to support local development, be in a way that is aspirational but deliverable and which supports the strategic policies of the Local Plan. Any approach must be positively worded to facilitate sustainable growth rather be restrictive or negative.

As such policies should generally be positively worded and consideration could be given to rephrasing some of the current wording throughout the neighbourhood plan i.e where policies stipulate what would not be supported the wording could be changed placing a more positive emphasis which indicated where proposals would be supported. For example, policy 1 could be altered to *..Proposals for development within the Neighbourhood Area that would NOT result in sustained additional HGV movements in Bridge Road, Station Road and/or Fakenham Road shall BE SUPPORTED .....six months*

Government guidance also states that,

*“a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications”*

Some policies in the Plan would benefit from amended wording and or amalgamation to ensure clarity for application and implementation purposes. Where this is the case, officers have raised concerns, suggested policy deletions and or amended wording where they consider the policy cannot be achieved through the planning system or greater clarity could be achieved.

Overall, the plan presents an opportunity to define and refine development proposals in the parish of Ryburgh and its production is welcomed and supported.

## **Section 4 Planning Policies**

### **Section 4.1 Traffic Safety**

This section of the Plan mainly talks about HGV movements to and from the identified industrial area, i.e the Crisp Malting site as identified in annex 4 and the concern of local residents. The site remains a significant employer in the district and a world leader in the production of barley, wheat and rye for the brewing industry. However, it should be noted that not all traffic will be generated by this works and it is thought that the policy will be ineffective in controlling through traffic or that generated from other means outside the neighbourhood plan area. Evidence could be collated through a traffic survey to establish the level of traffic movements, direction of travel and the proportion of through traffic – any survey should account for variations of days of the week and seasonal variations. Further advice from the Norfolk County Council Highways should be sought in finalising this policy. In relation to the Maltings to what extent is the business movements of the Malting’s seasonal and will this approach be effective, seen as reasonable and or defensible?

As explained above it is not the Neighbourhood Plan which will determine decisions but the policies contained in the overall Development Plan and material considerations which will inform the decision maker. Wording in policies such as *shall be refused* should be amended to not supported or re worded to say where development will be supported.

### **Safeguard Land for Public Access**

The policy approach and retention of the railway beds for public access is supported. Future iterations of the plan could provide a map of the former railway bed. The policy could also be

enhanced by requiring all development to incorporate green infrastructure principles into proposals and also by adding further wording along the lines of *development proposals will fully incorporate green infrastructure principles into proposals, and provide detailed scheme for the provision of new green infrastructure, mitigation and enhancement of existing green infrastructure contribute to enhancements and opportunities for the enhanced public access to the railway bed.....*and or any other identified opportunities you may care to list in an annex or mini GI strategy to be contained in the plan.

### Section 4.3 New Housing

The parish is currently identified as open countryside and as such sits outside the settlement hierarchy where residential development would normally be permitted. The distribution of growth and the housing target are seen as strategic policies that neighbourhood plans are required to confirm with. The Government's overall premise for neighbourhood plans is to bring forward additional growth and seek to add local distinction providing it is justified, supported by appropriate evidence and in general conformity with the strategic priorities and strategic local planning policies i.e the adopted Local Plan , though regard should also be had to the emerging policies in the emerging local plan which was recently consulted on <sup>1</sup>.

In doing so, for neighbourhood plans it is clear that the expectation is that *neighbourhood plans allow communities to choose where they want new growth<sup>2</sup> to be and have a say on what they look like and what infrastructure should be provided..... in order to meet their communities needs and where the ambition of the neighbourhood is aligned with the strategic needs of the wider local area* i.e as set out in the Planning Practice Guidance - paragraph 001

Paragraph 003 goes on to say that neighbourhood planning provides the opportunity for communities to *set out a positive vision on how they want their communities to develop.... In ways that meet identified local need and make sense for local people.*

Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan in agreement with the local planning authority, as a basis for their housing policies and any allocations that they wish to make. In order to meet need neighbourhood plans are encouraged by the Government to plan to meet their housing requirement and where possible exceed it<sup>3</sup> and should set out in the plan additional housing allocations.

In recognising the small scale nature of the village of Ryburgh and seeking to support a small but limited amount of growth through the establishment of a settlement boundary and an infill policy Officers are supportive of the ambition of the Plan to help ensure the sustainability of Ryburgh.

It is however considered that the boundary as currently drawn may not provide the opportunities for infill development in accordance with the aims of the Plan. Further consideration could be given to the inclusion of the built up area to the east along Bridge Road and Mill Road which although forms part of the existing conservation area still remains part of the built up area (and could be

---

<sup>1</sup> The National Planning Policy Framework outlines in [paragraph 13](#) that a neighborhood plan should [support the delivery of strategic policies set out in the Local Plan and should shape and direct development that is outside of those strategic policies.](#)

<sup>2</sup> i.e in addition to that set out in the Local Plan

<sup>3</sup> PPG para 103 Ref ID 41-103-20190509 09 05 2019

considered the heart of the village) and whether it remains appropriate to draw the boundary as tightly to the residential curtilage.

Please also refer to separate comments by the conservation officer on this matter which can be found under section 4.7 Protection of the Historic Environment.

### **Policy 3**

- Bullet 4 could refer to consideration of the wider matter of amenity rather than un-neighbourly development.
- The references to Local policy guidance should be clarified.

## **Section 4.4 Protection of the Environment**

### **Comments from Landscape officer**

#### **Evidence base**

Section 2.1.1 of the Ryburgh Landscape Character Assessment that forms part of the Evidence Pack (p.11) states that the primary aim of the Ryburgh Landscape Character Assessment (LCA) is to inform the development of the Core Strategy policies on landscape protection, in particular EN2: Protection and Enhancement of Landscape and Settlement Character. This is NOT the case of this evidence base. The Ryburgh LCA is an evidence base to support the relevant landscape policies in the Ryburgh Neighbourhood Plan. All reference to the now adopted North Norfolk Core Strategy and its policies should be removed from this document in this regard, as previously advised.

The Ryburgh LCA should complement the draft Supplementary Planning Document the North Norfolk LCA, dated Nov 2018 which has been out to public consultation and is planned for adoption in accordance with the emerging Local Plan work programme and reference to the Councils updated LCA in the text of the Ryburgh LCA and Np would be encouraged.

The purpose of the Ryburgh LCA is to expand on the classifications contained within the North Norfolk LCA in the Ryburgh Neighbourhood Area (Ryburgh NA) and to identify in more detail the special landscape characteristics of the Ryburgh NA in order to inform the proposed policies. Both LCA's should then be used to inform and support policy within the Ryburgh NP.

In addition, officers have concerns that the language in places is overly prescriptive (e.g. not accounting for permitted development rights) and is in places negative towards development, as such caution is advised in quoting directly from the evidence in certain circumstances and a wider perspective taken in order to justify the approaches taken.

### **Policy 4: Landscape Character**

The wording of this policy implies that the Ryburgh LCA by Chris Yardley is the policy and this is misleading. Officers would advise that the wording should be re-phrased and consideration given to that as set out below

#### *Policy 4 Protection and Enhancement of Landscape and Settlement Character*

- *Proposals for development within the Ryburgh NA should be informed by, and sympathetic to, the key characteristics and landscape guidelines of the defined Landscape Character Areas identified in the **Landscape Character Assessment – Ryburgh Neighbourhood Plan December 2018.** (CJ Yardley)*

- *Proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance, the local distinctiveness of the area, the settlement character, and key landscape features and characteristics.*

#### **Policy 5: Protection and Enhancement of Local Habitats, Landscape and Amenity**

This policy seems to be duplicated in Policy 4 and Policy 7,8 & 9. Suggest consideration is given to the amalgamation of one concise policy which would strengthen the approach.

#### **Policy 6: Dark Skies**

Officers welcome the inclusion of this policy and the recognition of the significance of dark skies in the character of the North Norfolk landscape

### **Section 4.5 Protection of the Environment**

#### **Comments from landscape officer**

##### **Evidence Base**

Section 4.5.1 states that the Ecological Report (by Wild Frontier Ecology) was “commissioned to demonstrate the ecological importance of the river Wensum valley” and tributaries. This is quite a *leading* statement, the purpose of the report was to provide an ecological report on Ryburgh Parish to inform the preparation of the NP, i.e. assess the baseline ecological features/assets of the whole parish. It is the conclusion of the report that demonstrates the ecological importance of the River Wensum valley. Is recommended that consideration is given to altering the text accordingly.

The report identified ecological assets outside of River Wensum corridor and tributaries such as West Wood CWS (an ancient woodland), hedgerows and a network of ponds. The NP and its policies (Habitat Areas Map) focuses on the River Wensum and tributaries and therefore misses out on the other important ecological assets of the Parish. Whilst it is recognised that the river Wensum is an important asset, and should be protected as such, the NP fails to go that step further to identify and protect the other ecological assets in the Parish as identified in Section 8.3 ‘Suggested Policy Input for Biodiversity’ of the Ecological Report.

As such further consideration should be given to policy inputs in accordance with section 8 of the evidence report.

#### **Policy 7: Protection and Enhancement of Local Habitats (1)**

This policy relies on the habitat areas that are set out on the map in Annexe 6. There appears to be little justification for the delineation of these areas set out in either in the Ecology Report or the LCA, meaning that the policy and area delineated may not be robustly identified or justified. As such officers would advise caution.

Officers agree that the physical area of designation of the River Wensum SAC/SSSI is limited to just the river and that the adjacent river valley sides, tributaries and associated pasture are important supporting habitats. Natural England recognise this and have established clearly defined Impact Risk Zones. These are defined zones around each SSSI which reflect the particular sensitivities of the feature for which it is notified and indicate the type of development that could have adverse impacts. Officers would suggest that incorporating these geographical zones into the delineation of

the proposed habitat Area is a more evidence-based methodology that would withstand scrutiny. (please note that they do not however consider the tributaries or ancient woodland nearby).

Natural England mapping can be found at <https://magic.defra.gov.uk/MagicMap.aspx>

Suggested policy wording...

*Policy 7 Protection and Enhancement of Local Habitat Zones*

*Development proposals within or adjacent to the defined Local Habitat Zones should aim to protect and enhance the local conservation features and habitats.*

*Where adverse impacts are identified, proportionate and relevant mitigation measures should form part of the proposals.*

The second section of the above suggested policy is based around the requirement that any approach must be positively worded to facilitate sustainable growth rather be restrictive or negative as detailed in the general comments at the start of this response.

**Policy 8: Protection and Enhancement of Local Habitats (2)**

See comments relating to policy 5

**Policy 9: Ecology Network**

Officers support the inclusion of this policy. The Plan could however go further and identify potential restoration projects and or policy requirements such as development to incorporate biodiversity friendly landscaping, nest boxes and other suggested policy consideration as set out in the Ecology evidence section 8.

**Section 4.6 Open Land Areas**

**Comments from landscape officer**

Policy 10: Open land

The justification for the Open Land Areas Map at Annexe 7 is set out in 4.6.2 as the Landscape Character Assessment and the Ecological Report. The geographical area of the Open Land designation is largely contained within the Habitat Areas Map/Impact Risk Zones Areas.

The significance of the 'openness' of the landscape within the Open Land designation is clearly set out within each of the defined Landscape Character Areas and is highlighted as a valued characteristic of these particular landscapes. It therefore seems superfluous to reiterate the Open Land characteristic in a separate policy

Officers would advise that this important aspect of the landscape is therefore accounted for within Policy 4: Protection and Enhancement of Landscape and Settlement Character and also supported through Policy 7: Protection and Enhancement of Local Habitat Zones. Policy 10 Open Land is therefore a repetition which could be avoided through the amalgamation of the above policies.

**Section 4.7 Protection of the Historic Environment**

**Comments from Conservation Design & Landscape Officer (CD&L)**

The historic environment chapter is rather brief and could benefit for further expansion into referencing design if thought appropriate.

Locality have published a new guidance note on Design – Achieving well- designed places through neighbourhood planning – which may be of interest. <https://neighbourhoodplanning.org/toolkits-and-guidance/>

### **Policy 11: Archaeology**

The first para of this policy seems quite onerous if they are genuinely talking about *all* planning applications within 250m of *all* Historic Environment Records – potentially this could encompass most of the village. Particularly as; i) not all development would affect below ground archaeology, and ii) not all records relate to archaeology – some are just listings and building reports, I wonder if this is actually reasonable/defensible.

As a potential solution the policy could be redrafted to include a more selective or targeted approach based around specific criteria or historical assets rather than all historical records.

*Further advice should be obtained from Norfolk Historic Environmental Services as part of Norfolk County Council*

### **Settlement Boundary – Annex 5**

It is also not clear why the settlement boundary has been drawn to exclude the Great Ryburgh Conservation Area, CA, (with the exception of a small section of the old railway line). After all CAs should be about positively managing rather than preventing development. To have a settlement boundary which excludes the historic core of the village seems questionable at best.

Officers would normally expect the conservation area to be part of the settlement boundary and it is recommended that as part of finalising the plan and any wider review of the settlement boundary consideration is given to the inclusion of the historic core of the village.

### **Comments Economic Growth Manger**

Thank you for the opportunity to make representation to the Ryburgh Neighbourhood Plan.

The proposed Neighbourhood Plan for Ryburgh argues that the high street and adjoining pavements are inadequate in terms of their present and future capacity to support future development from the existing industrial presence. Whilst it is appreciated that this may be a matter of some local concern, the Economic Growth team would suggest that the plan should be cautious in its approach to imposing policies that could later prejudice growth on this site. The predominant business owner in Ryburgh, Crisp Malt, are a significant employer locally and are a very important business on a national scale, forming an integral part of the supply chain across a number of business sectors. Preferably it would be welcomed to instead see detail (presently lacking) that better describes how the village can explore sustainable growth and development. This would seem an appropriate and healthy approach to welcoming growth that supports rather than hinders commercial opportunity and local employment opportunities.

### **Comments from the Housing Strategy & Delivery Manager**

Here are the comments of the Strategic Housing Team on the aims and policy of the Housing Section of the Draft Ryburgh Neighbourhood Development Plan (NDP).

The NDP sets out the following vision:

**VISION:** Ryburgh will be a place where people want to live that has a stimulating environment with access to all the facilities and amenities to enable someone to live a happy and fulfilling life from cradle to grave within a thriving village community.

In terms of housing, to deliver this vision Ryburgh will need housing which meets a diverse range of needs including:

- Family homes for the children of current residents who wish to remain in Ryburgh and bring up families of their own.
- Small homes for households who wish to 'downsize'.
- Homes suitable to meet the needs of people with limited mobility including homes suitable for households which include a wheelchair user.
- A proportion of affordable homes in all of the above categories for households who cannot afford to rent or buy a market home.

The existing housing stock will meet much of this need as properties change ownership/change tenant over time. The NDP plans for some infill housing which will allow for some population growth and/or some demographic changes.

Some specific observations on the Housing Policy within the NDP

### **Policy 3 Infill Housing in Great Ryburgh**

Proposals for new dwellings representing small-scale growth within the settlement of Great Ryburgh will be supported provided that:

1. The development consists of infilling (the filling of a small gap with one to five dwellings) of a small undeveloped plot or on a brownfield site; and,
2. the proposed development is similar in scale and height to existing neighbouring dwellings; and,
3. will not involve the outward extension of the village of Great Ryburgh; and,
4. is not considered to consist of un-neighbourly development that requires unsuitable access, reduces the privacy of adjoining properties or is inconsistent with the character of the locality; and,
5. where more than one new home is proposed on the same site, then at least one small home with two or fewer bedrooms is provided for every one larger dwelling with four or more bedrooms.

Proposals for the extension of existing buildings within the RNA will be supported provided that they comply with local policy guidance.

Proposals for the replacement of existing buildings for housing within the RNA will be supported provided that they comply with local policy guidance.

### **Strategic Housing observations:**

1. The Settlement Boundary (Annex 5 of the NDP) is very tightly drawn and may not provide enough sites to deliver the required new/redeveloped housing.
  - a. Possible remedy – loosen the settlement boundary.
2. Infill development is unlikely to provide any new affordable housing. Possible remedies:
  - a. Allocate a housing development site – the developer would provide some affordable housing as part of the s106 process (subject to viability).
  - b. Support the development of affordable housing on exceptions housing sites as and when there is evidence of local need for a development. (Great Ryburgh has two exceptions housing

schemes and any relets on these sites will provide a limited supply of affordable homes for local allocation).

3. Infill development is unlikely to provide homes suitable for people with limited mobility/wheelchair users.
  - a. Possible remedy – amend the requirement for infill sites of two or more homes to include the provision of a home built to Category 2: Accessible and adaptable dwellings M4(2) standard (as an alternative to a home of two-bedrooms or fewer).

*(please note further information on this can be obtained from the emerging Local Plan policy HOU8 pages 129 – 134 and or from planning policy team).*

### **General comments re requirement for Strategic Environmental Assessment, SEA and Habitat Assessment HA screening opinion.**

At this stage no Screening Assessment or Screening Opinion has been undertaken / issued and it is recommended that once consideration of representations from this consultation have been undertaken and well before the finalisation of policies that a screening request is submitted to the Council in relation to SEA and HRA regulations along with any updated policies.

To be 'made', a neighbourhood plan must meet certain Basic Conditions. These include that the making of the plan *"does not breach, and is otherwise compatible with, EU obligations"* as incorporated into UK law. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant.

As such a neighbourhood plan may require a Strategic Environmental Assessment, SEA and a separate assessment in relation to the Habitats Regulations 2017, HRA. Guidance strongly advises neighbourhood planning groups to consider the environmental implications at an appropriate stage following the finalisation of the draft policies and prior to any submission for examination. In doing so it is **essential to seek** the advice of the local planning authority on whether an SEA and a HRA is required. As the responsible and competent authority in law the Council must be satisfied that a neighbourhood plan has adhered to these regulations and as such offers to undertake the required initial screening review in the first instance.

For the purposes of a fuller explanation. Strategic Environmental Assessment (SEA) is the process by which environmental considerations are required to be fully integrated into the preparation of Plans and Programmes prior to their final adoption. SEA is a tool used internationally to improve the environmental performance of plans so that they can better contribute to sustainable development.

Habitat Regulation Assessment, (HRA) is the process undertaken to identify if a Plan would have a likely significant impact on nature conservation sites /habitat site that are of European importance, also referred to as Natura 2000 sites.

Establishing whether a Neighbourhood Plan takes into account SEA and HRA legislation are important legal requirements. Establishing this can only be done when the Plan is sufficiently advanced but should be undertaken at the earliest opportunity so as to allow refinement through further iterations of the Plan. Undertaking it too early may however result in the exercise being required to be undertaken again and further changes made to a *"finished"* Plan. At assessment stage a neighbourhood plan proposal must be deemed to provide sufficient information to enable a competent authority (in Law), to undertake a screening exercise to determine whether there are to

be likely significant effects. If it is concluded that there are likely to be significant effects than a full sustainability appraisal which include the requirements of the SEA legislation would need to be produced i.e one which includes a robust exploration of the effects of alternative approaches to the policies in the Plan. Similarly, in terms of HRA legislation then an Appropriate Assessment would need to be carried out to identify the potential risks to European sites posed by the emerging policies, and seek to find solutions that enable sustainable development to meet the needs of an area whilst protecting the European sites. Guidance stipulates that if an appropriate assessment is required, then it will engage the need for a full strategic environmental assessment.

Following on from screening, if such documents are required, the production of them will be the responsibility of the Qualifying Body (Parish Council). These are considered to be of a specialist and technical nature and further specific grant support and technical assistance can be obtained from Locality. Officers can provide further advice based on the outcome of any screening exercise. If it is concluded that no further reports are required, the Council will be asked at independent examination to confirm this formally and provide the necessary evidence, it is therefore in the interests of everyone concerned to ensure this important legal process conducted to the legislative requirements.

In meeting these obligations, the national PPG sets out that an initial screening stage is required to establish whether the Plan is to have a likely significant environmental effects and or likely significant impacts on nature conservation sites that are of European importance. As part of this process the Council will need to consult separately with the Environment Agency, Historic England and Natural England as the statutory consultees in this process on its screening opinion.

As a general rule of thumb, SEA is more likely to be necessary if:

- a neighbourhood plan allocates sites for development (for housing, employment etc.) that haven't already been appraised through the sustainability appraisal (SA) of the relevant Local Plan)
- the neighbourhood plan area contains sensitive environmental assets that may be affected by the policies and proposals in the neighbourhood plan
- the neighbourhood plan is likely to have significant environmental effects not already addressed through the sustainability appraisal of the relevant Local Plan.

In terms of habitat regulations, a neighbourhood plan or any plan cannot proceed if a risk of significant effects on a European site cannot be excluded. i.e through mitigation or policy amendment.

.....

18/08/2019