

## **South Norfolk Council**

### **Tivetshalls Neighbourhood Plan - Decision Statement**

#### **1. Summary**

Following an independent examination, South Norfolk Council has received the examiner's report relating to the Tivetshalls Neighbourhood Plan. The report makes a number of recommendations for making modifications to policies within the Neighbourhood Plan. South Norfolk Council has made a decision to approve each of the examiner's recommendations and to allow the Neighbourhood Plan to proceed to a referendum within the neighbourhood area.

#### **2. Background**

Following the submission of the Tivetshalls Neighbourhood Plan to South Norfolk Council in February 2022, the Neighbourhood Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place between 29<sup>th</sup> April and 15<sup>th</sup> June 2022.

The local planning authority, with the approval of Tivethsall Parish Council, subsequently appointed an independent examiner, Mr Nigel McGurk, to conduct an examination of the submitted Neighbourhood Plan and conclude as to whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making certain recommended modifications, the Neighbourhood Plan meets the basic conditions for neighbourhood planning and should proceed to a Neighbourhood Planning referendum within the adopted neighbourhood area.

#### **3. Decision**

Having considered each of the recommendations in the examiner's report and the reasons for them, South Norfolk Council has decided to approve each of the examiner's recommended modifications. This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990. The Council considers this decision will ensure that the Neighbourhood Plan meets the basic conditions.

The following table sets out the examiner's recommended modifications, the Council's consideration of those recommendations, and the Council's decision in relation to each recommendation.

Subject to the modifications approved by South Norfolk Council, as set out in the table below, the Council is satisfied that the Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in accordance with part 12(4) of Schedule 4B of the Town & Country Planning Act 1990.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
Various	<ul style="list-style-type: none"> <li>• Page 3, Para 1.1, change line 5 to: "... 'made,' it will form part of the development plan and South Norfolk..."</li> <li>• Page 4, Para 1.5, line 4, change to: "...document, as part of the development plan for the Neighbourhood Area (which will also include adopted Local Plan documents). The Neighbourhood Plan provides..."</li> <li>• Page 4, delete Para 1.6, which has been overtaken by events</li> <li>• Page 5, delete Paras 1.8 and 1.9, which have been overtaken by events</li> <li>• Page 6, change annotation under Figure 2 to: "...annotations). The black line denotes the Neighbourhood Area, which is the same as the Parish boundary."</li> <li>• Page 9, Para 2.10, delete last sentence ("The Local...")</li> <li>• Page 9, Para 2.11, delete last sentence ("The Tivetshalls...")</li> <li>• Page 10, Para 2.12, delete last sentence ("The Tivetshalls...")</li> <li>• Page 10, Para 2.14, line 1, change to: "...JCS and is anticipated to be adopted in 2022."</li> </ul>	The Council agrees with the list of corrections for clarity in the introductory section of the plan.	Accept examiner's recommended modifications.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
TIV1: Pattern and quantity of development	<ul style="list-style-type: none"> <li>• Policy TIV1 delete all of the Policy wording and replace with: “New residential development should respect the form, character and setting of the Neighbourhood Area’s established pattern of development, including the open nature and aspects, linear arrangements and style of adjacent housing (see Character Appraisal in the Design Guidance and Codes, for guidance).”</li> <li>• 5.1.14 delete last sentence which reads as though it is a Policy, which it is not</li> </ul>	The Council agrees with this modification as it will bring the policy in line with the NPPF and improve the clarity of the policy for developers and decision-makers.	Accept examiner’s recommended modification.
TIV2: Housing size, type and tenure	<ul style="list-style-type: none"> <li>• Policy TIV2, change first sentence to: “Major residential development proposals should provide for a housing mix (size, type and tenure) that meets housing needs, with a view to enabling a mixed community.”</li> <li>• Policy TIV2, change second sentence to: “...Assessment, major residential development proposals should provide a well-balanced mix of housing sizes, with a similar...”</li> <li>• Policy TIV2, change third sentence to: “In determining the housing mix, major residential development proposals should demonstrate how regard has been had to the provision of the following: (FIVE BULLET POINTS HERE)</li> <li>• Policy TIV2, change last sentence to: “...above, the following types of housing...”</li> </ul>	The Council agrees with this modification as it will help to improve the clarity and deliverability of the policy regarding housing mix on residential development.	Accept examiner’s recommended modification.

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TIV3: Design guideline and codes	<ul style="list-style-type: none"> <li>• Policy TIV3, delete the first sentence and change the second paragraph to create a new opening sentence, presented as a paragraph: "All new development in the Neighbourhood Area must demonstrate high quality design, reinforce local character and respect the pattern of development, the rural character and the appearance of the Tivetshalls."</li> <li>• Delete the last two sentences and change the rest of the Policy to create the following two new sentences, separated into two paragraphs: "To achieve this, development should demonstrate how it has taken account of the Tivetshalls Design Guidance and Codes.</li> </ul> <p>Development which does not have regard to local context, or which does not respond positively to the character and aesthetic qualities of the Tivetshalls will not be supported."</p>	The Council agrees with the recommendation to provide clarity to the policy with reference to the design guide, ensuring that the policy meets the requirements of the NPPF.	Accept examiner's recommended modification.

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TIV4: Non-designated Heritage Assets	<ul style="list-style-type: none"> <li>• Policy TIV4, delete Boudicca Way from the list of non designated assets</li> <li>• Policy TIV4, change the second part of the Policy to:  “Development proposals should conserve these heritage assets in a manner appropriate to their significance. Proposals affecting a non-designated heritage asset should give consideration to: <ul style="list-style-type: none"> <li>- the character, distinctiveness and important features of the heritage asset;</li> <li>- the setting of the heritage asset and its relationship to its immediate surroundings;</li> <li>- the contribution that the heritage asset makes to the character of the area.”</li> </ul> </li> </ul>	The Council agrees with the recommendations to the policy in order that it has regard to the NPPF.	Accept examiner's recommended modification.
TIV5: Employment	<ul style="list-style-type: none"> <li>• Policy TIV5, change to: “New or expanded business and employment uses will be supported where development proposals have taken account of the Tivetshall Design Guidance and Codes and demonstrated respect for the character of the rural area, residential amenity and highway safety.</li> </ul> <p>New dwellings should provide for high-speed digital connectivity. Development providing space for home-working, including home offices, will be supported where it has been demonstrated to respect residential amenity and local character.”</p>	The Council agrees with the examiner's recommended modification to add clarity in respect of home-working within the policy.	Accept examiner's recommended modification.

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TIV6: Potential employment sites	<ul style="list-style-type: none"> <li>• Policy TIV6, delete wording and replace with: "The redevelopment of the old waste site off the A140 (identified in Figure 19) for business or employment use will be supported."</li> </ul>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers and reduce duplication.	Accept examiner's recommended modification.
TIV7: Walking, cycling and horse riding	<ul style="list-style-type: none"> <li>• Policy TIV7, delete wording and replace with: "The provision of new and/or the enhancement of existing footpaths, cycle-ways and bridleways will be supported."</li> <li>• Page 72, table of Community action projects, add: "Enhance the parish's public rights of way network"</li> </ul>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers and allow the policy to have regard to the NPPF.	Accept examiner's recommended modification.
TIV8: Traffic and road safety	Policy TIV8, delete text and replace with: "All development proposals must ensure that they do not result in any unacceptable impact on highway safety."	The Council agrees with this modification as it will help to improve strengthen and improve the clarity of the policy for developers and decision-makers.	Accept examiner's recommended modification.
TIV9: Parking	<ul style="list-style-type: none"> <li>• Policy TIV9, change to: "Development proposals for on-street parking will not be supported. New development should provide off-road parking through parking bays, drives or garages (large enough for modern cars), and incorporate electric car charging points.</li> </ul> <p>Spaces for visitors and parking or manoeuvring space for service vehicles should be designed into new developments.</p> <p>Development proposals should have regard to the Tivetshall Design Guidance and Codes."</p>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers.	Accept examiner's recommended modification.

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TIV10: Landscape setting and views of community importance	<ul style="list-style-type: none"> <li>• Policy TIV10, delete the first sentence and replace with: "Development proposals must respect their landscape setting including any identified important public views within which they are located, or which they affect."</li> <li>• Policy TIV10, change the final paragraph to: "Development proposals within or affecting an important view must demonstrate how they have taken account of the view concerned."</li> </ul>	The Council agrees that the examiner's recommended modifications will help to make the policy succinct, allowing the Plan to contribute to sustainable development in accordance with the NPPF.	Accept examiner's recommended modification.
TIV11: Natural Assets	<ul style="list-style-type: none"> <li>• Policy TIV11, change second sentence to: "The conservation and/or enhancement of the landscape and biodiversity value of these assets will be supported."</li> <li>• Policy TIV11, delete: "(in line with the Environment Bill)"</li> <li>• Policy TIV11, change last sentence to: "Development proposals should have regard to the Tivetshall Design Guidance and Codes"</li> </ul>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers, as required by the NPPF.	Accept examiner's recommended modification.

Section	Examiner's recommendation	Council consideration of recommendation	Council decision
TIV12: Local Green Space	<ul style="list-style-type: none"> <li>• Policy TIV12, add to first sentence: "... (Figure 26 and related plans)"</li> <li>• Policy TIV12, change last sentence to: "The management of development within areas of Local Green Space will be consistent with that for development within Green Belts as set out in national policy."</li> <li>• Delete Site 9 "School playing field and adjacent land" from the list of Local Green Space designations and from Figure 26 and from Appendix C</li> <li>• Add plans below Figure 26 showing the precise boundaries of each designated area of Local Green Space. These can be taken from the plans provided in Appendix C</li> </ul>	The Council agrees with the modifications proposed in order to ensure the LGS listed meet the requirements for designation as set out in the NPPF.	Accept examiner's recommended modification.
TIV13: Dark Skies	<ul style="list-style-type: none"> <li>• Policy TIV13, change to: "Development proposals must take account of the area's dark skies. New street lighting should not be located at the edge of the settlement. In new developments, lighting necessary for security or safety should be designed to minimise the impact on dark skies by, for example, minimal light spillage, use of downlighting and restricting hours of lighting.</li> </ul> <p>Proposals including prominent lighting visible from the surrounding landscape will not be supported, unless it can be demonstrated that such lighting is required in the interests of safety and security. Proposals including lighting likely to cause disturbance or risk to wildlife should seek to mitigate such disturbance or risk."</p>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers.	Accept examiner's recommended modification.



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TIV14: Surface water drainage	<ul style="list-style-type: none"> <li>• Policy TIV14, add new sentence at the beginning of the Policy and change Policy to: "Development proposals within the immediate locality of the areas identified below as having surface water drainage issues, should take account of all relevant evidence of flooding. Development must not cause or contribute to new flooding or drainage issues and should mitigate its own flooding and drainage impacts.</li> </ul> <p>There are... Station Road."</p>	The Council agrees with this modification as it will help to improve the clarity of the policy for developers and decision-makers and will ensure that all relevant evidence is taken into account.	Accept examiner's recommended modification.
Other Matters	<ul style="list-style-type: none"> <li>• Page 73, Para 7.5, change to: "...stand. Tivetshalls Parish Council will promote and monitor the use of the Neighbourhood Plan for planning applications."</li> <li>• Update the Contents page and paragraph numbering; and add the Local Green Space plans, taking into account the recommendations contained in this Report</li> </ul>	The Council agrees with this modifications as it will help to improve the clarity to the document.	Accept examiner's recommended modification.

#### 4. Next Steps

This Decision Statement and the examiner's report into the Tivetshalls Neighbourhood Plan will be made available at:

- [www.southnorfolkandbroadland.gov.uk/neighbourhood-plans](http://www.southnorfolkandbroadland.gov.uk/neighbourhood-plans)
- **Long Stratton Library** – The Street, Long Stratton, NR15 2XJ (Open Mon 11am-7pm, Tues & Thurs 1pm-7pm and Sat 11am-4pm)
- **South Norfolk Council – The Octagon** – 40 Mere Street, Diss, Norfolk IP22 2AH (normal opening times: 9am to 5pm Monday to Friday. Closed weekends and Bank Holidays)

South Norfolk Council is satisfied that with the modifications it has approved, as detailed above, the Tivetshalls Neighbourhood Plan should proceed to a referendum within the neighbourhood area, in which the following question will be posed:

**'Do you want South Norfolk Council to use the Neighbourhood Plan for Tivetshall to help it decide planning applications in the neighbourhood area?'**

Further information relating to the referendum will be published by South Norfolk Council in due course.