

Tivetshall Neighbourhood Plan steering group response to ‘clarification note from the Examiner, 11th July 2022’

(1) Response to representation to the Submission Neighbourhood Plan made by South Norfolk Council

South Norfolk Council representation	Tivetshall Neighbourhood Plan steering group response <i>Please note, the policies reflect the views of residents as outlined in consultations undertaken for the Neighbourhood Plan. All comments below reflect the local views.</i>
<p>TIV1: South Norfolk Council notes that amendments have been made to this policy following its comments at the Reg. 14 consultation stage. The Council welcomes the explicit reference to the plan’s commitment to meeting the total allocation of housing identified in the Local Plan, including for Affordable Housing.</p> <p>The second paragraph of the policy sets out primary considerations for the location, design and layout of development, by reference to the Design Guidance and Codes produced to support the plan. South Norfolk Council cannot be certain that the Neighbourhood Plan has established (other than by simplistic reference to shortlisted sites and without consideration of their constraints and challenges) whether the requirements of this element of the policy could be achieved, whilst also fulfilling the policy’s commitment to meeting the Local Plan housing requirements. In this way the Council does not see how the plan is consistent with NPPF, in particular but not limited to paragraphs 16(b), 60, 68 and 79.</p>	<ul style="list-style-type: none"> • Noted • Second paragraph, references to NPPF paragraphs 16(b), 60, 68 and 79: the Plan has been prepared positively. The Neighbourhood Plan is not aiming to stop or hinder development and accepts the allocation of some 25 homes in the emerging Local Plan. The Steering Group did not do a separate ‘call for sites’ as this was undertaken relatively recently by the GNLP. The Parish Council made representation to South Norfolk Council regarding a preference for small sites (see Appendix 1 below). • Paragraph 16b requires plans to be prepared positively in a way that is aspirational but deliverable. The Neighbourhood Plan is accepting of the 25 dwelling requirement, but seeks to deliver it across smaller sites, linked to criteria around form, character and setting. Paragraph 5.1.12 refers to two previous developments in the village which are of 16 dwellings and have been successfully

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<p>The Council has similar concerns with the practical effects of the preference expressed for smaller sites in the third paragraph, where it is slightly unclear how the strong preference for smaller sites which reflect the overall scale, pattern and character of existing development can be realised in practical terms.</p> <p>In respect of the element of the policy that reads ‘Housing should be arranged to have open views or views of significant green space.’ South Norfolk Council identified previously that it is not always going to be practicable, viable or necessary to require all new dwellings to have an open view of the countryside or a view of significant green space, as set out in this policy. Moreover, a more concentrated form of development may have benefits in terms of other elements of the Design Guidance and Codes, e.g. Section 3 that seeks the promotion of walking and cycling. It is considered that a balanced reference within the policy</p>	<p>assimilated into the village. The most recent 16 dwelling development, Thwaites Oak Close, forms part of the centre of the village, close to the primary school, village hall and playing field, and enabled new pavements to be put in.</p> <ul style="list-style-type: none"> • Paragraph 60 refers to the need for a sufficient amount and variety of land to come forward. The Neighbourhood Plan is seeking to deliver its housing requirement across more than one site. • Paragraph 68 of the NPPF refers to strategic policy making authorities. This is not applicable to the Neighbourhood Plan. • Paragraph 79 of the NPPF promotes sustainable development in rural areas and indicates that housing should be located where it will enhance or maintain the vitality of rural communities. Policy TIV1 is entirely consistent with this paragraph. • The NP does not specifically indicate which sites it prefers but expresses a preference for smaller sites as these will be more in keeping with the character of the village. • The SNDC comments seem to infer that sites under 25 dwellings are not viable which does not seem to accord with the reality of the most recent significant site in the village of 16 dwellings (mixed development, including 6 Affordable Housing). • Reference to open views or views of significant green space is to continue the linear pattern of development and character of the village, as far as possible. South Norfolk Council’s preferred site, SN0319, Pear Tree Farm, is likely to be built out in a form that is not consistent with the character of the parish. Some 8 properties in the village do not have views of green space, all others do.

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<p>that refers applicants and decision makers to consider the Design Guidance and Codes, taken as a whole, would be more appropriate and reflective of wider policy consideration.</p> <p>In this vein, the Council is also unclear how establishing a primary consideration of design is consistent with the requirement of paragraph 8 to pursue the three objectives of sustainable development in mutually supportive ways as opposed to explicitly favouring one aspect above another. The Council would recommend that this is reworded to read that “In determining planning applications, significant weight should be given to the desirability of maintaining and enhancing form, character ... Codes) there otherwise consistent with meeting the overall need for development including the need for new homes and affordable housing”.</p>	<ul style="list-style-type: none"> • The policy does already do this to a degree. The policy as written already says that the primary consideration is form and character and then refers to the Character Appraisal and the Design Guidance. It then goes on to talk about the open views. • It is acknowledged that it might be unreasonable for every new dwelling to have these open views but that it is not unreasonable for this to be something that new development should aim to do. • Amend wording to SNDC’s suggestion but remove ‘the desirability of’.
<p>TIV4: South Norfolk Council previously commented at Reg.14 that the wording implies that all development proposals (irrespective of their proximity to any of the listed heritage assets) would need to demonstrate that consideration has been given to these factors, even where there is not likely to be any harm. No changes were made following this comment. The Council still feels that the wording should be amended to ensure the requirement is proportionate and that the policy is deliverable, as per the NPPF.</p> <p>The Council also commented previously that the Boudicca Way is not a heritage asset, but a relatively modern path. However, this is still listed as a Non-designated Heritage Asset. A heritage asset is defined in the NPPF as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.” The Council suggests that in order to be a heritage asset it does need to have some heritage value/age. Having only been created in 2000 the Council would not classify the trail as part of the county’s “heritage”. The PPG states</p>	<ul style="list-style-type: none"> • Amend wording to state ‘Development proposals in close proximity...’ • The historic paths were established in Anglo Saxon times and continued in use. The path in the Tivetshalls runs parallel to a buried Roman villa. It’s heritage significance is as an ‘area’ in the parish, following the path of a minor Roman Road between the Roman settlement in Scole and Caister St. Edmund. In 2000 these were formalised as a recognised walking trail between Norwich and Diss as the ‘Boudicca Way’. If the walking trail had not been formally established, it would still have heritage value within the Tivetshalls.

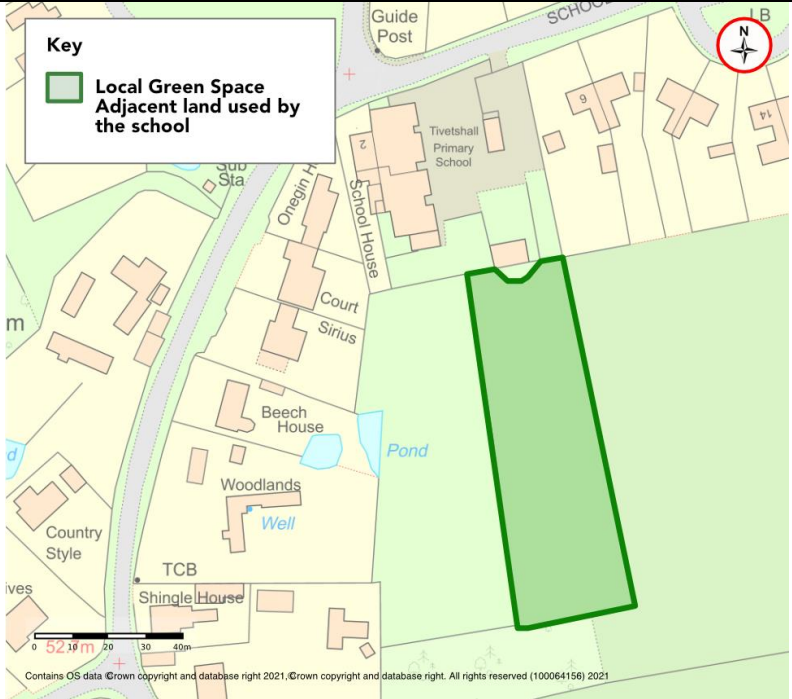
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<p>“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration“ and that “it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.” The Council therefore considers that this specific listing is not in accord with the NPPF or relevant PPG definitions, and therefore does not meet the Basic Conditions.</p>	
<p>TIV5: South Norfolk Council commented at Reg.14 with regards to proposals for home working / incorporation of home office space (final sentence) and whether this purely relates to enabling home-office working, or whether it also incorporates live-work style development, which might require a building extension or out-building relating to a particular type of employment. This has not been clarified and the Council feels this clarity would help to bring the policy in line with the requirements of the NPPF para. 16(d).</p>	<ul style="list-style-type: none"> • First paragraph, add in after respect the immediate rural...‘residential and’ • Second paragraph, add in ‘live-work style development’. Suitable definition to be supplied by the SNDC and added as a footnote if appropriate.
<p>TIV6: As the Council has stated previously, it is felt that the sentiment of TIV6 is already adequately covered in TIV5. TIV 6 is therefore duplicating TIV5 meaning there is no need to include this policy. NPPF para. 16 (f) states that plans and policies should serve a clear purpose and avoid unnecessary duplication of policies.</p>	<ul style="list-style-type: none"> • The Steering Group felt it was important to identify the site. The policy wording could be incorporated into TIV5 as long as the detail is not lost.
<p>TIV10: South Norfolk Council previously stated at Reg.14 that many of the photos illustrate views that have seen the loss of hedgerows and trees, and so it could be argued that adding such features (as expressed elsewhere within this chapter) would not conserve the view, indeed could block it. This would mean there is potential conflict with what is said elsewhere in the Neighbourhood Plan. We would suggest that a statement is added, explaining that whilst restored/new vegetation is encouraged, it should not interrupt identified views</p>	<ul style="list-style-type: none"> • Could add an amendment to the policy stating ‘Restored/new vegetation is encouraged in the Tivetshalls (see TIV11), this should not interrupt identified views’.
<p>TIV12: With reference to Site 9, and despite the inclusion of the final paragraph in the policy, the Council would raise again that school playing fields are not considered to be suitable for listing as proposed Local Green Space. The site’s</p>	<ul style="list-style-type: none"> • The Steering Group accepts that School Playing field land is not to be included as a Local Green Space. However, further work has been done to establish the ownership of the adjacent land to

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<p>inclusion would be inconsistent with the NPPF and the related requirements of section 8(2)(a) of Schedule 4B of the Town & Country Planning Act 1990.</p> <p>As stated previously, in his report of April 2020 into the proposed Taverham Neighbourhood Plan (adopted May 2021), the independent examiner appointed made the following comments regarding school playing fields that were proposed as Local Green Spaces:</p> <p>'(...) Site Nos. 14, 26, 30 and 32 are all school playing fields (...).Paragraph 94 (now Para. 95) of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans, and the designation of the respective playing fields as Local Green Spaces could place limitations on the possible future expansion of the schools concerned (...). I therefore recommend modification PM7(a) to delete (these) proposed Local Green Spaces (...) from the Policy and accompanying material in the draft Plan.'</p> <p>For the same reasons, we would recommend that this site is removed from the list.</p>	<p>the school (which is used by the school). The adjacent land is NOT owned by the school, but rented by a local landowner to the school. The map has therefore been amended to include only that not owned by the school, as below. Please note, the name of the Local Green Space has been amended and will need doing so elsewhere in the NP. The landowner has been consulted.</p>

South Norfolk Council representation

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TIV14: At Reg 14. the Council made comments regarding the enhancement of this policy. Whilst the policy content has been swapped around, in line with the Council’s previous suggestion, it is still felt that a statement should be added to the first part of the policy, explaining that such measures should take account of all relevant evidence of flooding.

It would also be useful to have some clarity within supporting text over how the main policy text adds to existing South Norfolk Development Management

- Start policy by stating ‘All development proposals should take account of all relevant evidence of flooding’.
- The list of surface water drainage issues is compiled from local knowledge. Suggested the following is added to paragraph 5.4.17 ‘The list generated in policy TIV14 is compiled from local knowledge and should be considered alongside risk of flooding from rivers (figure 28)’.

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Policies and is therefore in conformity with NPPF Para 16(f), which states that when plan making, a policy should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.	<ul style="list-style-type: none"> • Additional text could be added to the supporting text that states that this policy adds a local dimension above and beyond that of the South Norfolk DMP policies and identifies some specific areas that are known to suffer from localised flooding issues and that these should be taken into account by the proposers of development.

(2) Response to representation to the Submission Neighbourhood Plan made by Norfolk County Council

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<p>TIV15: Concerns were raised during the Reg 14 stage regarding contradictory text. These concerns have not been addressed in the Reg 16 version.</p> <p>Community infrastructure (TIV15) identifies a list of community facilities (including the school) and states '<i>Improvements to existing community infrastructure will be supported</i>'. Whereas the neighbourhood plan seeks to designate a Local Green Space (LGS) site at Tivetshall Primary School and playing field, which could restrict future development. The LGS designation for the school and playing field could impede future growth of the school, if ever required.</p> <p>To not hinder any development on this site for education provision, it is suggested that the following statement is added to TIV12: Local Green Space (pg.57) "<i>there is an exception to allow development on school sites to enhance education provision</i>".</p>	<ul style="list-style-type: none"> • Suggest adding to the last paragraph of TIV12: 'in particular, there is an exception to allow development on the school site to enhance education provision'.

(3) Response to questions from the Examiner

Questions from the Examiner	Tivetshall Neighbourhood Plan steering group response
<p>Policy TIV3 – Please can you point me to information in respect of what “<i>the best</i>” environmental standards are, who is the judge of this and how the Policy will deliver the “<i>encouragement</i>” of such?</p>	<ul style="list-style-type: none"> • Recognising that environmental standards are ever changing, the Steering Group did not want to specify existing standards, in order that the Plan has a long life span. • A note/footnote could be added to clarify that ‘best environmental standards’ should be those that are included in the most up to date adopted national guidance or building regulation.
<p>Policy TIV4 – National policy sets out a carefully worded approach to the conservation of heritage assets, providing for the appropriate balancing of harm and benefits. Policy TIV4 sets out a completely different approach, whereby all harm should be avoided. Please can you point me to the justification for this contrary approach?</p>	<ul style="list-style-type: none"> • As above, amend wording to state ‘Development proposals in close proximity...’ • Almost identical wording has been used in the Redenhall with Harleston NDP which has just been examined.
<p>Policy TIV7 – Please can you point me to information in respect of when it would be appropriate for development to meet the requirements of the first paragraph of Policy TIV7, as the Policy appears vague in this regard (in conflict with national policy and guidance)?</p> <p>Please can you point me to evidence demonstrating that it is deliverable and relevant for all development to meet the requirements of Policy TIV7?</p> <p>Is the overall aim of Policy TIV7 to protect and enhance the right of way network?</p>	<ul style="list-style-type: none"> • First para of policy does say ‘where appropriate’ which recognises that there may be some forms or scales of development where it may not be possible, desirable or necessary to apply this policy requirement. Could change to ‘Where appropriate, large developments (over 10 dwellings)...’ • Overall aim of TIV7 is to protect and enhance rights of way, but also take opportunities to create new connections.
<p>Policy TIV8 – Please can you point me to information demonstrating that the obligations set out in Policy TIV8 are deliverable by and relevant to, all commercial development and for all residential applications for two or more homes?</p> <p>Is the overall aim of Policy TIV8 to provide for safe access and egress and to ensure highway safety?</p>	<ul style="list-style-type: none"> • Add ‘Where appropriate...’ to the beginning of the first sentence. Add ‘Where there is demonstratable evidence of impact...’ to the beginning of the second sentence. • Overall aim of TIV8 is to ensure safe pedestrian and vehicle movement in the village and reduce the impact of any additional traffic.

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<p>Policy TIV9 – The opening sentence of the Policy does not make sense. Is it the aim of this part of the Policy to seek to prevent development resulting in additional on- street parking?</p> <p>Please can you point me to evidence demonstrating how it would be deliverable for all development to provide a parking bay, drive, garage and electric car parking points and why such obligations are relevant to all development?</p> <p>Please can you point me to information in respect of when it would be appropriate for parking spaces for visitors and deliveries to be designed into new developments ?</p>	<ul style="list-style-type: none"> • Amend first sentence of TIV9 to read ‘All new development should avoid the necessity for on-street parking’. • Replace ‘and’ with ‘and/or’. • Amend last sentence of paragraph 2 to read ‘Parking spaces for visitors and deliveries should be designed into new large developments and other developments where appropriate’. Reference Design Code. • Recognition that the parish is made up of narrow rural roads. Deliveries can block the road.
<p>Policy TIV11 – Please can you explain how a decision maker should treat the phrase <i>“all avenues should be explored to promote positive conservation of the assets, where possible”</i> and evidence of how such an approach is relevant and deliverable, in respect of what types of development proposals?</p> <p>Please can you point me to that part of the Environment Bill which BNG should be in line with?</p>	<ul style="list-style-type: none"> • Amend ‘All avenues should be explored to promote positive conservation of the assets, where possible’ to ‘Proposals should seek to conserve and enhance these natural assets where possible’ • Remove reference to Environment Bill, and instead reference NPPF paragraph 179 or ‘national policy’
<p>Policy TIV14</p> <p>Please can you point me to information in respect of what a <i>“surface water drainage area”</i> is?</p>	<ul style="list-style-type: none"> • Amend policy title to ‘Surface water drainage issues’. Add into supporting text, ‘A surface water drainage issue is a list of areas identified by local people that flood during excessive precipitation and should be considered alongside risk of flooding from rivers’. Suggest that the first sentence of the policy should be amended to say ‘Development proposals within the immediate locality of any of the areas identified below as having surface water drainage issues...’ • The dots on figure 29 are accurate for the locations. All experience surface water drainage issues during excessive precipitation.

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<p>Figure 29 shows dots on a plan. Please can you point me to precise information in respect of the exact areas affected by surface water drainage issues and what each of these issues are?</p> <p>Please can you point me to information in respect of when it will be appropriate for development to “<i>alleviate</i>” issues and precisely what the issues in need of “<i>alleviation</i>” are?</p>	<ul style="list-style-type: none"> • Alleviate – make less severe by making improvements to the source of the problem, where possible. • The policy could be reworded to say ‘Development proposals within the immediate locality of any of the areas identified below as having surface water drainage issues should use appropriate sustainable drainage systems.’

APPENDIX 1

Tivetshall St Margaret and Tivetshall St Mary Clusters Response

Question 143. **Do you agree with the extent of the Settlement Limit and any changes proposed? If not, please explain what further changes should be made.**

Tivetshall Parish Council have discussed the proposals at length at a recent parish council meeting. Although they agree in principle with the proposals they are also in agreement with the sentiments of CPRE response to the Village Clusters. The Parish Council would like to see all new development kept within the linear layout of the village with open space at the front and behind properties. The Parish Council would want to follow the recommendations of the Housing Needs Assessment of starter homes and affordable family housing incorporated in any new developments. The Parish Council is also worried that unless extra development in keeping with our village is provided they would lose many of their local services including our pre-school, primary school and the mobile library that is welcomed by so many parishioners.

QUESTION 144: Do you support or object to the allocation of the preferred site? Please add additional comments to explain your response and please specify which site(s) you are referring to. If the site is allocated do you think there are any specific requirements that should be set out in the allocation policy?

Site: SN0319, Pear Tree Farm, West of The Street, Tivetshall St Margaret

Tivetshall Parish Council objects to the proposed 25 dwellings on this site. It would support the building of 12 properties. The site will back on to homes on The Street which are all single storey bungalows. When surveyed in relation to our emerging Neighbourhood Plan all parish residents have expressed a strong desire that new properties should be in keeping with adjacent homes in terms of height and distance thus protecting privacy and in keeping with the existing format of the village. A development of 12 properties would provide for affordable homes to be included.

Roads within the Tivetshall are narrow. A number requiring passing places. There is no through-village bus service and residents have to rely on private vehicles. The Street is a two lane road with no pavements except a very short distance near the Green. It is lined by existing homes with driveways. The Parish Council is very concerned that the safety of residents could be seriously compromised by the addition of vehicles from a further 25 properties accessed directly onto The Street. They believe that dispersing the village cluster allocation onto several smaller sites would provide less risk to other road users, pedestrians, cyclists and horse riders which use our village roads. When the last development of 16 properties (Thwaites Oak Close) was built its roadway was designed to be a significant distance away from any other accesses with open space views to through routes of The Street or Green Lane.

QUESTION 145: Do you support or object to the proposed use of the site? Please explain your reasons

Site: SN3002SL, Land south of Green Pastures, west of The Street, Tivetshall St Margaret.

Tivetshall Parish Council also supports the building of properties on this site but as above if at all possible they should provide starter homes and affordable housing for local parishioners and be in keeping with the layout of the village. This site is in the midst of two storey dwellings and the Parish Council is in support of similar height buildings on this site.

Shortlisted Sites

Location and Reasons not preferred for allocation:

SN3018. Pear Tree Farm, west of The Street

Shortlisted for up to 10 dwellings on a site of 0.6 hectares.

It should be noted that this is not an additional site, it is a smaller part of site SN0319 with the same proposed access point from The Street and, if allocated, it would be instead of SN0319. The Parish Council represents the residents of the Tivetshalls, in line with a larger than average response to the consultations to-date on the emerging Neighbourhood Plan where strong opinions were expressed of the need to protect the linear style of the village with homes facing or backing on to open land and not detracting from the same conditions for existing homes.

SN2103. Land north of School Road

Shortlisted for up to 15 dwellings on a site of 0.9 hectares.

The site is located close to the school and village hall and adjacent to the settlement limits. Development in this location would read??? as part of the existing village and is visually contained with limited open space to the north. There would be some impact on Elm Farm and its approved planning permissions to the east which would be mitigated if the eastern hedgerow and trees were retained and enhanced.

Highways officers have confirmed that all/most of the frontage hedge/trees would need to be removed to achieve an access into the site. School Road narrows to the east at this point and there are potential access constraints which it is may be possible to overcome through a reconfiguration of the local road layout but this would need to be agreed with NCC Highways

NCC highways to confirm if could turn road into site making this the primary road and make remainder of School Road to the east into a side road.